

U. S. Congress.  
in

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 76<sup>th</sup> CONGRESS  
FIRST SESSION

VOLUME 84—PART 8

JUNE 28, 1939, TO JULY 13, 1939

(PAGES 8033 TO 9072)



UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1939





OFFICE OF THE CLERK

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(PART 3 OF 3)



27662

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PROCEEDINGS AND DEBATES OF THE 76<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE

WEDNESDAY, JUNE 28, 1939

(Legislative day of Thursday, June 22, 1939)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Arthur E. Paterson, of Middletown, Conn., chaplain of the Senate of the General Assembly of the State of Connecticut, offered the following prayer:

O Thou, who art the source of all that is good, at this, the beginning of another day, again we seek Thy blessing.

Bless the President of these United States, the Presiding Officer, and the Members of this House, and all those in this and other lands in places of public responsibility.

Especially in these days of peculiar stress in many lands, give us patience, wisdom, and a courageous faith; and increasingly move our people to know, love, and honor Thy law.

This we ask to the end that the children of our homes, and that generations to come in all the world, may praise Thee tomorrow because of what we are and do today. Through Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 27, 1939, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5610) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 20, 21, 34, 50, 57, 58, 117, 129, and 133 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate Nos. 15, 39, 41, 55, 75, 122, and 127 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendments of the Senate Nos. 1, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 101 to the bill.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.  
The VICE PRESIDENT. The clerk will call the roll.

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The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Reynolds
Andrews	Ellender	La Follette	Russell
Ashurst	Frazier	Lee	Schwellenbach
Austin	George	Lodge	Shipstead
Bailey	Gerry	Logan	Slattery
Bankhead	Gibson	Lucas	Smathers
Barkley	Gillette	McCarran	Stewart
Bilbo	Glass	McKellar	Taft
Bone	Green	Maloney	Thomas, Okla.
Borah	Guffey	Mead	Tobey
Bridges	Gurney	Miller	Townsend
Bulow	Hale	Minton	Truman
Burke	Harrison	Murray	Tydings
Byrd	Hatch	Neely	Vandenberg
Byrnes	Hayden	Norris	Van Nuys
Capper	Herring	Nye	Wagner
Clark, Idaho	Hill	O'Mahoney	Walsh
Clark, Mo.	Holman	Overton	Wheeler
Connally	Holt	Pepper	White
Danaher	Hughes	Pittman	White
Davis	Johnson, Calif.	Radcliffe	Wiley
Donahey	Johnson, Colo.	Reed	

Mr. MINTON. I announce that the Senator from Wyoming [Mr. SCHWARTZ] is detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from Michigan [Mr. BROWN] are necessarily detained.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from New Jersey [Mr. BARBOUR] is necessarily absent because of his participation of the dedication exercises of the New Jersey Pavilion at the New York World's Fair.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of California, which was referred to the Committee on Commerce:

#### Senate Joint Resolution 28

Relative to Eel River flood control and channel rectification  
Whereas frequent serious floods of the Eel River, in Humboldt County, constitute a serious menace to the health, safety, and general welfare of the people of this State, in that they cause soil erosion, debris obstruction, frequent river-bed shallowing and changing, constant increase in the course, winding and spreading of the river, gradual washing away of thousands of acres in Eel River Valley and the destruction and damage to farm structures, livestock, and crops in the Eel River delta; and

Whereas as a result of the foregoing, destruction occurs which runs into millions of dollars; and



Whereas the control of the waters of the Eel River by revetment, channel straightening, rectification and deepening, and debris removal would assist in the prevention of such destruction and aid in the reclaiming of thousands of acres of Eel River delta lands, the controlling of the floodwaters of the Eel River, and in reducing the height of floodwaters, so as to, within a few years, effect sufficient property saving to repay the cost of such work; and

Whereas United States engineers in the twelfth district will within a short time complete a survey of the Eel River directed to be made in connection with a congressionally approved Federal project in relation to the Eel River: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President and Congress of the United States be memorialized to include revetment, channel straightening, deepening, and rectification within said Eel River project and to appropriate Federal moneys in sums sufficient to complete said works at the earliest possible moment; and be it further

*Resolved,* That the Senators and Representatives from California be hereby respectfully requested to urge such action; and be it further

*Resolved,* That the secretary of the senate be directed to send copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and to each Member of the House of Representatives from California in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate a letter in the nature of a petition from Local No. 432, Farmers Union, of Chester, Mont., praying for the enactment of the bill (S. 2395) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in wheat, providing for the orderly marketing of wheat at fair prices in interstate and foreign commerce, insuring to wheat producers a parity income from wheat based upon parity price or cost of production, whichever is the higher, and for other purposes, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a letter in the nature of a petition from Robert Boeracher, of Findlay, Ohio, praying that the United States keep clear of foreign entanglements, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from Angelo Perillo, of New York City, N. Y., praying for the enactment of the so-called Murray-Casey bill, being the bill (S. 2507) to provide a program for the relief of unemployment by affording opportunities for employment upon a public-works program to persons unable to secure private employment, which was referred to the Special Committee to Investigate Unemployment and Relief.

He also laid before the Senate a petition of several citizens of San Francisco, Calif., praying that the Federal theater, arts, and music projects be retained in pending legislation making appropriations for work relief, relief, etc., which was ordered to lie on the table.

He also laid before the Senate a petition of sundry citizens of Detroit, Mich., praying for amendment of the pending joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940, so as to exempt handicapped persons who have been employed by the W. P. A. for 18 months from being laid off for a period of 60 days, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Common Council of Milwaukee, Wis., protesting against the enactment in its present form of the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940, and favoring the enactment of such a relief measure as proposed by the President, which was ordered to lie on the table.

He also laid before the Senate a petition of several citizens of Brooklyn, N. Y., praying that a provision to the effect that workers under the W. P. A. for 18 months or more shall be laid off for a period of 60 days be retained in pending relief legislation, which was ordered to lie on the table.

Mr. PEPPER presented the following memorial of the Legislature of the State of Florida, which was referred to the Committee on Education and Labor:

#### House Memorial 14

Memorial to the Congress of the United States requesting the continuation of the present system of operating camps of the Civilian Conservation Corps in the State of Florida

Whereas it has been reported that Federal authorities, who are in charge of determining the policy followed in the operation of camps of the Civilian Conservation Corps in the State of Florida, are contemplating a change in the method of operating said camps, such proposed change to substitute civilians for Reserve officers of the United States Army, as the persons in charge of said camps; and

Whereas it would appear that the type of training and discipline afforded by the present system, which places such camps under the direction of Reserve officers of the United States Army, is beneficial to the persons enrolled in such camps and is advantageous to the welfare of the people of the United States from a military viewpoint: Now, therefore, be it

*Resolved by the Legislature of the State of Florida,* That the Congress of the United States of America is hereby respectfully petitioned and requested to enact laws preserving the present system of operating camps of the Civilian Conservation Corps, under the direction of Reserve officers of the United States Army; and be it further

*Resolved,* That certified copies of this memorial be transmitted by the Secretary of State to the two United States Senators and the five Members of the House of Representatives in the Congress of the United States from the State of Florida.

#### REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Appropriations, to which was referred the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, reported it with amendments and submitted a report (No. 687) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 324) for the relief of S. A. Rourke, reported it with amendments and submitted a report (No. 688) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 119) for the relief of Helen M. Crowley, reported it with an amendment and submitted a report (No. 689) thereon.

He also, from the same committee, to which was referred the bill (S. 2491) for the relief of Edward J. Gebhart, reported it with amendments and submitted a report (No. 690) thereon.

Mr. TOBEY, from the Committee on Claims, to which was referred the bill (S. 1953) for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and Mrs. Vern A. Needles, reported it without amendment and submitted a report (No. 691) thereon.

Mr. WILEY, from the Committee on Claims, to which was referred the bill (S. 1289) for the relief of the city of Leavenworth, Kans., reported it with amendments and submitted a report (No. 692) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2083. A bill conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee (Rept. No. 693); and

H. R. 3541. A bill for the relief of John Chastain and Mollie Chastain, his wife (Rept. No. 694).

Mr. TYDINGS, from the Committee on Appropriations, to which was referred the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, reported it with amendments and submitted a report (No. 695) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Appropriations, to which was referred the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, reported it with amendments and submitted a report (No. 696) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (S. 2663) to amend the act entitled "An act for the grading and classification of

clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended, reported it without amendment and submitted a report (No. 697) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the resolution (S. Res. 153) authorizing the printing of the Executive Journals of the Senate (submitted by Mr. PITTMAN on the 27th instant), reported it without amendment.

#### ENROLLED BILL PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on June 22, 1939, that committee presented to the President of the United States the enrolled bill (S. 1117) to provide for the reimbursement of certain enlisted men or former enlisted men of the United States Navy for the value of personal effects lost in the hurricane at the submarine base, New London, Conn., on September 21, 1938.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

S. 2712. A bill to amend section 2803 (c) of the Internal Revenue Code; to the Committee on Finance.

By Mr. LODGE:

S. 2713. A bill requiring reductions in Government expenditures, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. REYNOLDS:

S. 2714. A bill to amend title III, veterans' provisions, section 27, of Public Law No. 141, Seventy-third Congress, by adding to section 27; to the Committee on Finance.

S. 2715. A bill granting an increase of pension to Benjamin F. Shelton; to the Committee on Pensions.

By Mr. AUSTIN (for Mr. BARBOUR):

S. 2716. A bill to create a National Tax Commission, and for other purposes; to the Committee on Finance.

By Mr. GIBSON:

S. 2717. A bill for the relief of Edward J. Broggi; to the Committee on Claims.

S. 2718. A bill granting an increase in pension to Fannie J. Savery; to the Committee on Pensions.

By Mr. O'MAHONEY:

S. 2719. A bill to provide additional civil remedies against violations of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE:

S. 2720. A bill authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.; to the Committee on Commerce.

By Mr. AUSTIN (for Mr. BARBOUR):

S. J. Res. 161. Joint resolution authorizing the President to present to Nicholas Casale an appropriate certificate in recognition of his military service during the World War; to the Committee on Military Affairs.

(Mr. MALONEY introduced Senate Joint Resolution 162, which was referred to the Committee on Appropriations, and appears under a separate heading.)

#### THIRD DEFICIENCY APPROPRIATIONS—AMENDMENT

Mr. REYNOLDS (for Mr. LUNDEEN) submitted an amendment proposing to appropriate \$100,000 for the relief of victims of the tornado which occurred in Hennepin and Anoka Counties, Minn., on June 18, 1939, intended to be proposed by Mr. LUNDEEN to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, which was ordered to lie on the table and to be printed.

#### THIRD TERM FOR PRESIDENT ROOSEVELT

Mr. LEE. Mr. President, I wish to place some newspaper items in the RECORD, but before making the request I shall make a short statement.

On Monday of this week I received a telegram from Mr. Walter Harrison, editor of the Daily Oklahoman. The telegram contained the question, "Are you for Roosevelt for a third term?" I wired back in four words, "As strong as horseradish."

This morning I noticed the following headline in the Washington Post:

Senator LEE climbs on third-term band wagon.

They would be closer to the truth if they said I helped to make it. I am surprised to have that appear in this newspaper, giving the impression that I am just now advocating a third term, when in the same newspaper—the Washington Post—of Friday, May 12, 1939, appeared an article under the headline "Democratic Women hear Senator LEE," in which it is stated:

Senator LEE launched his speech with the third term as the keynote and followed it through, diverging only long enough to discuss the three measures for which he urged support.

On March 1 of this year I addressed the Cosmos Luncheon Club here in Washington, D. C., advocating a continuation of the Roosevelt policies and a third term, if necessary, to carry them out. Then at Lancaster, Pa., at a Jefferson Day dinner on April 13, of this year, I made a speech in which I advocated a continuation of the liberal program of Roosevelt and a third term, if necessary, in order to accomplish that. The news services likewise carried the statement in which I was committed to a third term.

In fact, Mr. President, publicly and privately for over a year I have been giving expression to similar declarations, and I do not like to be pictured as climbing on a third-term band wagon which I have been helping to make from the very beginning.

I ask that the two articles to which I have referred be printed in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post of June 28, 1939]

#### SENATOR LEE CLIMBS ON THIRD TERM BAND WAGON

Senator LEE (Democrat), of Oklahoma, joined his colleague, Senator ELMER THOMAS, yesterday in support of a third term for President Roosevelt. LEE said he was "strong as horseradish" for the idea.

[From the Washington Post of May 12, 1939]

#### DEMOCRATIC WOMEN HEAR SENATOR LEE—THIRD TERM, FARM RELIEF, JOBS, AND OLD-AGE PENSIONS ARE HELD MAJOR OBJECTIVES

(By Jessie Ash Arndt)

A third term for President Roosevelt and championship of farm relief, old-age pensions, and jobs for the unemployed were advanced by Senator JOSH LEE, of Oklahoma, last night as objectives for the Democratic Party in 1940. Addressing the Woman's National Democratic Club, he declared that, in the Democratic National Convention, "Roosevelt will either carry the ball or call the signals."

"The play will hit the left side of the line, just left of center," Senator LEE added. "There may be some on our team who will try to make the play go to the right, but I am sorry to say that I fear they will be knocked down and run over. \* \* \* The best answer to radicalism is liberalism. Franklin D. Roosevelt is today saving the country from a dangerous left turn."

"If the opposition were able to destroy Roosevelt's leadership today, this country would not swing back to the right, but it would go further to the left."

Senator LEE launched his speech with the third term as the keynote and followed it through, diverging only long enough to discuss the three measures for which he urged support.

"In my opinion, there is but one argument that might cause President Roosevelt to consider a third term," he said, "which is that his work is not finished."

#### SEES BUT ONE ARGUMENT AGAINST

Declaring that the only argument against third term was that it had never been done, Senator LEE cited the fact that a similar argument would have kept Columbus from discovering America and Lindbergh from flying the Atlantic. George Washington's retirement after a second term he assigned to Washington's advancing years.



He met the argument that the President might become a dictator by saying that he had not abused his power during his two terms, which gave assurance that he would not do so. The country would take a chance on a new man's doing so, he said.

"Last week," said Senator LEE, "the national Republican Party, under the guise of the national chamber of commerce, held its annual session here in Washington and the spokesmen of that organization did their best to make it appear that everything is against the policies of this administration."

He said of the November elections, that they brought into office Republicans who "in their campaign pledges were more liberal than the Democrats they replaced."

#### BIG TAX PROGRAM HELD ESSENTIAL

Hand in hand with championship of the measures he advocated, Senator LEE declared "our party must have courage to champion a tax program that will make it possible to carry out these three important measures. . . . The program will yield enough increased national income to reward our efforts. By such a program, the Government can take money from the mountain tops of wealth in this country and level up the valleys of despair."

#### SERMON BY DR. HARRY EMERSON FOSDICK

[Mr. BYRD asked and obtained leave to have printed in the RECORD a sermon delivered by Dr. Harry Emerson Fosdick on February 19, 1939, at Riverside Church, New York City, the text being Dare We Break the Vicious Circle of Fighting Evil With Evil, which appears in the Appendix.]

#### ECONOMIC RELATIONS WITH PHILIPPINES—STATEMENT BY SAMUEL F. GACHES

[Mr. GIBSON asked and obtained leave to have printed in the Appendix of the RECORD a statement by Samuel F. Gaches, relative to the economic relations between the Philippines and the United States, which appears in the Appendix.]

#### DECLARATION ON NEUTRALITY BY AMERICAN INDEPENDENCE ASSOCIATION

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a declaration by a group of American citizens of Akron, Ohio, regarding neutrality, which appears in the Appendix.]

#### ROOSEVELT HELD RIGHT AND BIG BUSINESS WRONG ON ECONOMY APPRAISAL—ARTICLE BY JAY FRANKLIN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article by Jay Franklin, published in the Washington Evening Star of May 31, 1939, entitled "Roosevelt Held Right and Big Business Wrong on Economy Appraisal," which appears in the Appendix.]

#### WORK-RELIEF AND RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on page 21, beginning in line 14, as amended.

Mr. DANAHER. Mr. President, as I understood the situation last night, the committee amendment on page 21 was allowed to go over on the understanding that it was to be reworded. I inquire if any effort has been made to reword that section?

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that there was talk about it but no agreement.

Mr. BARKLEY. I suggest that the amendment be passed over temporarily in order to try to work out some language.

The VICE PRESIDENT. Is there objection to passing over the amendment temporarily? The Chair hears none.

Mr. DANAHER. Mr. President, we then are in such a position, I take it, that I may ask the Senator from Colorado to explain to us line 10, on page 22. In that connection I ask the Senator to observe that certification of work-relief clients may be made by "a local public certifying agency" or "the Work Projects Administration where no such agency exists"; and then we come to the nub of the import of this matter—

Or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

Will the Senator, for our benefit, please explain what possibilities are open to the Work Projects Administration by virtue of the last alternative?

Mr. ADAMS. Mr. President, this is a provision which came from the House. I do not know that I can offer any suggestions other than such as are open to the Senator from Connecticut.

It is no answer to say to the Senator that the committee has been driven to act under great pressure as to time. We have not given the time that we would have liked to give to the different sections. It is not our fault. The House, exercising its own prerogative, considered the joint resolution, and it only came into our hands about 6 or 8 days before final enactment was imperative.

The purpose of this provision, as I gather, is to provide that the first agency charged with responsibility of certification shall be the local agency, which is the case now in all but a few States, or, in the absence of a local certifying agency, the W. P. A. I may say to the Senator that there are four States in which the W. P. A. have found the local certifying agencies to be either neglecting or not properly performing their functions, and they have taken over all the burdens of certification. I do not want to put in the RECORD the names of the States, but there were four States in which the Works Progress Administration, for the purpose of efficiency, felt compelled, according to their statement, to take over the burdens of certification.

If the matter were left to me, I would have all certifications made by the W. P. A. As the money is being provided by the Federal Government, I would have the Federal Government do the certifying; but that is not the wish of the Congress.

Mr. DANAHER. I thank the Senator from Colorado.

Mr. President, I point out, then, that as the matter now stands, and as the language appears here, first, persons may be removed from the rolls; second, nobody may get on the rolls unless first a local certifying agency shall certify, or, in the alternative, the W. P. A. shall certify; and in the last connection it obviously has the right, has it not, to reject local certifications?

Mr. ADAMS. Yes; which it has always exercised. Local certification has never been final or binding. It has always been a preliminary certification. In many places where the W. P. A. felt that the certifying officers were very careful, the local certifications have been accepted, not as a matter of law but as a matter of administration. Elsewhere the W. P. A. have reinvestigated.

We know that in the past year the W. P. A. was perhaps unduly lenient, because when the Congress directed the W. P. A. to make an investigation and eliminate those who did not belong on the rolls, some 60,000 persons were taken off who had gotten through the various certification agencies and on the rolls, but were not entitled to be there; also, an additional number of aliens who had been kept on the rolls in violation of law. But we are dealing with more than 3,000,000 persons, and it is inevitable that there shall be some errors. We thought the errors were perhaps larger than they should be.

Mr. DANAHER. Mr. President, the press reports that the administrative heads of the W. P. A. in a certain State have recently been transferred to another State because of their interjection of politics into their administration. If ever there was a clause that makes it possible for such politically minded persons to reject local certifications, and thereafter, by refusing to accept the local certifications, to put on persons of their own choice, it is this clause. Is not that so?

Mr. ADAMS. If the Senator had the list of States in which local certification has been refused, I think he would see that it was not a political action on the part of W. P. A.

Mr. HATCH. Mr. President, at this time I desire to make a very brief statement about a situation which concerns another bill, but about which I have heretofore made some comments on the floor.

Sensors may recall that I stated on the floor the other day that if it became necessary I should offer as an amendment to the now pending relief bill the substance of what has come to be known as section 9 of Senate bill 1871. I made the statement, I think repeatedly, that such action would be taken if necessary. In doing so, I impute no bad

faith against anyone, against any committee of either body of the Congress; but it seemed that Senate bill 1871, having passed the Senate in April, should receive attention in the other branch of the Congress.

Generally, I do not believe in the practice of legislation on an appropriation bill. I dislike and did not want to take that course unless it should be necessary. Since that time—in fact, on yesterday—I conferred with Members of the House Committee on the Judiciary, which is considering Senate bill 1871. Specifically, I conferred with the acting chairman of that committee, Mr. CELLER, and with the Representative from Pennsylvania [Mr. WALTER]. They spoke not only for themselves but also for Representative HEALEY, of Massachusetts, chairman of the subcommittee which considered the bill. They informed me that on Tuesday of this week the House committee had considered the first five sections of Senate bill 1871, and had passed on those sections of the bill practically without change, except that section 5, in my opinion, was considerably strengthened by the House action. The understanding was that the House committee will act on Senate bill 1871 on Thursday of this week, and report it to the House of Representatives.

In addition to that, the gentlemen whom I have mentioned assure me that they personally will appear before the Rules Committee of the House and request a rule to obtain a vote on this Senate bill. The Representative from my State [Mr. DEMPSEY], a member of the Rules Committee, was also present, and gave me as definite assurance as a man can give under the circumstances that the Rules Committee would provide for a rule to have a vote in the House of Representatives. In addition to that, Mr. WALTER, of Pennsylvania, authorized me to say that the Democratic leadership in the House of Representatives would also request the Rules Committee to grant the rule.

I make this statement deliberately for the RECORD at this time in order that there may be a clear understanding in the Senate and in the House. If I have misunderstood the agreement in any way, I shall be glad to be corrected. I am sure I did not misunderstand it, and that it is just exactly as I have stated it.

In view of the situation that pends on the present relief measure, the fact that time is limited, and perhaps it would not be fair to the Senate or the conferees of the Senate to insist on a controversial matter such as section 9 may be, and further and expressly in view of the representations made to me as I have outlined by the Members of the House of Representatives, I shall not now offer that amendment to the pending joint resolution.

But I wish to state, Mr. President, that I know these understandings are not ironclad; occasionally they go astray; and if, for any reason, the understanding to which I have referred should not be carried out, and if the House of Representatives should not have an opportunity within a reasonable time to vote on Senate bill 1871, I think I would be perfectly justified in asking the Senate to suspend the rule and permit me to offer the amendment to any measure which may be coming over to the Senate and which will require a vote by the House of Representatives, and that is exactly what I propose to do.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, on page 22, to strike out lines 14 to 19, inclusive, as follows:

(e) After April 1, 1940, no person eligible to receive benefits provided for by the Social Security Act shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this title for any period for which there are available sufficient funds to enable the payment of such benefits to him.

The amendment was agreed to.

The next amendment was, on page 22, line 20, to strike out "(f)" and insert "(e)."

The amendment was agreed to.

The next amendment was, on page 23, line 3, before the word "The", to strike out "(g)" and insert "(f)", and in the same line, before the word "shall", to strike out "Board" and insert "Commissioner", so as to read:

(f) The Commissioner shall cause a periodic investigation to be made of the rolls of relief employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated not less frequently than once every 6 months.

The amendment was agreed to.

The next amendment was, on page 23, line 21, after the word "own", to insert a comma and "and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment", so as to read:

(b) Any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status with the Work Projects Administration if he is still in need and if he has lost the private employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment.

Mr. SCHWELLENBACH. Mr. President, I should like to ask the Senator from Colorado whether or not he would be willing to accept an amendment to this amendment by adding at the conclusion thereof the words "and which are available to him"? My reason for suggesting the amendment is that, as the committee amendment stands, the mere fact that an individual might have unemployment compensation money accruing to him would make him ineligible for assistance under the act. We know that there are many instances, and as time goes on I think there will be more, of persons being entitled to this money but, because of difficulties of accounting, and so forth, they are not able to get it. All I propose is that a man must actually have the money available as well as accrued.

Mr. ADAMS. Of course, Mr. President, I have no right to accept the amendment; but I will say that, so far as I am individually concerned, and as a member of the committee, I will accept the amendment. I think its purpose is sound.

Mr. SCHWELLENBACH. I move, then, that the amendment of the committee beginning in line 21, page 23, be amended by inserting before the period at the end of the proposed amendment, after the word "employment", the words "and which are available to him."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 24, line 19, before the word "No", to insert "(a)"; in line 20, before the word "employment", to strike out "for" and insert "in"; and in line 22, after the word "this", to strike out "title" and insert "joint resolution", so as to read:

SEC. 18 (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person before engaging in such employment (or prior to August 1, 1939, in the case of any person employed before such date who has not taken an oath of office) subscribes to the following oath:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

The head of the agency shall designate administrative and supervisory employees to administer such oath, but no fee shall be charged therefor.

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "No", to insert "(b)"; in line 15, before the word "resolution", to insert "joint", and in the same line, after the word "pay", to strike out "the salary of" and insert "any compensation to", so as to read:

(b) No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

The amendment was agreed to.



The next amendment was, on page 26, line 19, after the word "expenses", to strike out "(not to exceed \$500 for any one agency) of attendance at meetings when specifically authorized" and insert "of attendance at meetings of officials and employees of the agency on official business", so as to read:

SEC. 21. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, newspapers and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

Mr. HATCH. Mr. President, an amendment on page 25 has already been agreed to, but my attention has just been attracted to it, and I desire to propound a question to the Senator having the joint resolution in charge, because the amendment concerns me somewhat, not its purpose, for I am in thorough accord with the purpose of the amendment, but how will it be construed by the General Accounting Office? Will the salary of everyone be held up until it is determined whether he has been advocating the overthrow of the Government? It struck me, on reading the amendment yesterday, that that might present some complications in administration. Has the Senator from Colorado any ideas on that subject?

Mr. ADAMS. Mr. President, I have assumed that the burden would be the other way around, that those who are on the relief rolls and who draw salaries would be presumed to be loyal citizens, and that the obligation of denying compensation by reason of their advocacy of overthrow of the Government would rest upon the employing agencies.

Mr. HATCH. That interpretation would suit me very well. If I thought the General Accounting Office would adopt the interpretation, there would be no confusion and no harmful results from it. I wonder whether the committee report interprets the language.

Mr. ADAMS. It does not.

Mr. HATCH. I do not know how to get at what I have in mind, but I suggest for the RECORD that the officials of the General Accounting Office read the remarks of the Senator having the joint resolution in charge, the Senator from Colorado [Mr. ADAMS], and adopt the interpretation which the Senator from Colorado has placed on this section.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The next amendment was, on page 27, line 22, after the word "tenure", to insert a comma and "and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed", so as to read:

SEC. 22. (a) The provisions of Executive Order No. 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from appropriations contained in this joint resolution, and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations herein or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

The amendment was agreed to.

The next amendment was, at the top of page 28, to strike out:

(c) Under the appropriations in this title, no increase in compensation shall be granted to any administrative officer or employee, but this prohibition shall not be applicable in case of a change in office or position which increases the responsibilities or duties, or both, of any such officer or employee.

Mr. HOLT. Mr. President, I should like to ask the Senator from Colorado the reason for striking out lines 1 to 6, which include salary increases.

Mr. ADAMS. The junior Senator from South Carolina [Mr. BYRNES] in the committee, as I recollect, explained that in the Reorganization Act there were provisions which covered this situation, and that this would conflict. I am not clear in my own mind, but the Senator from South Carolina is the expert on reorganization, so I ask him to answer the Senator's question.

Mr. BYRNES. Mr. President, in the Reorganization Act there is a provision to the effect that employees transferred to any other department by reason of any order of the President shall not be transferred to a higher grade. The exact language I cannot recite, but the object was to prevent something which has quite often occurred when there was a merger. When an employee was transferred to a new department he would often be transferred to a higher grade. There was a proviso that nothing contained in the act should be construed to prevent promotions after the end of the fiscal year.

A number of the departments have called my attention to the fact that because the Reorganization Act went into effect on July 1 it froze in the positions they held a number of persons who they think would be entitled to promotions, and it has been said they would be frozen for a whole year.

Of course, I do not cry about that. I think that if for 12 months there were no increases in salaries the world would not come to an end. However, I believe that in such matters we should try to do that which is just and fair to all employees. Therefore I suggested that this language be stricken out, because it would give to W. P. A. employees what was denied to the employees of all other organizations transferred. After the first of the year, immediately afterward, I intend, because of the interest I have taken in the Reorganization Act, to make an investigation to determine whether or not this does work a hardship; and if the Congress has to act on it, I think it should act as to all agencies and not only as to the W. P. A. It may be we will determine that the language should be modified in some way. I am disposed to think so.

Mr. HOLT. The Senator feels, then, that striking out the language in question really will prevent increases in salaries?

Mr. BYRNES. Yes. The provision as it stands would give to the W. P. A. employees immediately after July 1, though they are transferred to the public-works agency, the right to an increase in salary, whereas other employees transferred to the same division would be denied that right. I think all should be treated alike. I think it may be wise to modify the language, but I think that ought to be done after we make an investigation, and it should apply not only to one agency.

Mr. HOLT. The reason I asked the question is that I have made a study of W. P. A. salary increases in the State of West Virginia. It was said that there were 538 administrative employees on W. P. A. in that State. I investigated the salaries paid when they first began to work in W. P. A. and the reason for the increases, and I found that 210 of those individuals had received salary increases varying from \$60 to \$120 a year.

Mr. BYRNES. I will say to the Senator from West Virginia that one thing that causes me to believe that it is wise to follow the course I have suggested is that I am advised that, because of the provisions in the W. P. A. Act, some employees in the Department anticipate that after July 1 increases in salary could be made, and that prior to July 1 they would be as busy as a one-arm paperhanger.

Mr. HOLT. The sickening thing to me is to see applicants for relief told that they cannot get jobs because there is no money with which to pay them. They are told, "We cannot

put you on W. P. A. today because we are out of funds." Then we can look back and see the salary increases which have been given. That process is going on continually. One man in my State was receiving \$3,200 per year, which was more than he ever before received in his life, but his salary was increased to \$6,000.

I shall not make a long statement, but simply for the information of the Senate I wish to say that I found in the State of West Virginia—and again I say it is a small State—107 individuals who received salary increases of from \$60 to \$240 a year, 70 who received salary increases of from \$300 to \$600 a year, 20 who received salary increases of from \$660 to \$960 a year, and 11 who received salary increases of over a thousand dollars a year. Of the 538 administrative employees the W. P. A. claim they have, I found 210 salary increases. At the same time it is said that there is no money at all to be used for relief.

Mr. President, at this point I ask that the list to which I have referred may be included in the RECORD. It shows the number of persons whose salaries were increased in the State of West Virginia and the amount of the increases.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The list referred to is as follows:

One at \$2,800; 1 at \$1,960; 1 at \$1,500; 1 at \$1,440; 2 at \$1,200; 1 at \$1,100; 1 at \$1,080; 1 at \$1,020; 1 at \$1,000; 6 at \$900; 1 at \$840; 1 at \$800; 2 at \$780; 1 at \$720; 2 at \$700; 7 at \$660; 12 at \$600; 4 at \$540; 6 at \$480; 6 at \$420; 1 at \$400; 11 at \$360; 20 at \$300; 45 at \$240; 2 at \$200; 22 at \$180; 19 at \$120; 2 at \$100; 17 at \$60.

Mr. HOLT. Let me be specific with respect to just five salary increases. I wish to show the Senate that at the same time W. P. A. is telling the relief worker that there is no money for him they are increasing the salaries of some of their personnel. One man on a project received \$85 a month. They boosted his salary to \$210 a month, or an increase of \$1,500 a year. Another man in the same county who was getting \$75 a month had his salary boosted to \$200 a month, or \$1,500 increase per year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. VANDENBERG. Will the Senator identify the time when these things happened?

Mr. HOLT. Between 1936 and 1938; in 2 years' time. Another man in the same county who was paid \$75 a month received an increase in salary to \$200 a month, or \$1,500 a year, which is three times more than the project worker would receive if he worked every week in the year in West Virginia.

I find that one man who was getting \$85 a month had his salary increased to \$225 a month, or an increase of \$1,680 a year.

Another man's salary was increased from \$95 to \$225 a month, or \$1,560 a year.

All this occurred in one county in my State.

I found over 25 salary increases there, but every one of the 5 increases in that 1 county to which I have specifically referred amounted to more than \$1,500 a year. That represents not total salary but simply the increase. At the same time people are told that there is no money for relief.

In the State and district offices I myself found that salary increases totaled \$78,000. My opinion is that the total salary increases in the State of West Virginia will amount to more than \$100,000 a year. Yet it is said there is no money with which to employ needy persons.

Mr. President, I feel very strongly that we should not raise salaries in the W. P. A. so long as people are applying for relief. If we have money that can be used to raise salaries, why not take that money and use it to put needy persons to work?

I am glad the amendment was accepted. However, I did wish to call the attention of the Senate to the large salary increases. In my opinion they will amount to millions of dollars throughout the United States.

Mr. President, one reason those in charge get away with it is because they keep the pay roll secret, and feel that people will not find out what has occurred. If we have sufficient

money to enable such salaries to be increased, then we have money with which to employ needy people.

Yesterday the Senator from Washington [Mr. BONE] spoke of "career men." It is not a question of those who are employed on W. P. A. being "career men." It is the bosses who are career men.

Mr. VANDENBERG. Mr. President, is the information the Senator has just referred to generally available in any form?

Mr. HOLT. Mr. President, it is not available, because the W. P. A. officials specifically say it is not. I have before me a letter written last fall by Mr. Aubrey Williams, who at that time was acting for Mr. Harry Hopkins. I wrote to him and asked him for a statement of the pay rolls in West Virginia. He replied:

DEAR SENATOR HOLT: I have your letter of the 19th, requesting a list of the persons on the W. P. A. administrative pay roll in West Virginia. If there is any particular information that you want about any particular person I shall be glad to furnish you with it, but I am not approving the sending of the whole personnel list to you.

In other words, a Member of the Senate cannot find out who is on the administrative pay roll in his own State, according to Mr. Williams. The letter from which I read is dated October 20.

Mr. VANDENBERG. Does that represent general practice, or is that merely a personal compliment to the Senator from West Virginia?

Mr. HOLT. I think it is a general practice, because I notice that a letter was placed in the RECORD in the other House recently, in which the administrative pay-roll list requested was denied a Member of the House.

Mr. VANDENBERG. How did the Senator get his information finally?

Mr. HOLT. I received my information through the General Accounting Office, and not through the W. P. A. The W. P. A. has never given me the pay-roll list of the W. P. A. in the State of West Virginia.

Mr. VANDENBERG. Does the Senator think the information would be available through the General Accounting Office to any Senator who might apply for it?

Mr. HOLT. I am not sure about that. It takes a great amount of work to obtain the information. I had to delegate some individuals in my office to help the General Accounting Office go through the list of the personnel. I cannot say whether or not the information would be available in the way the Senator mentioned. I know it should be.

Mr. VANDENBERG. I know of no reason on earth why this particular information should not be available to Members of the Senate. As a matter of fact the furnishing of such information should be required.

Mr. HOLT. I intend to offer an amendment to the joint resolution later today which will provide that the Administrator shall be required to submit to the Congress a list of the nonsecurity employees who make more than \$1,000 per year, which will allow every Congressman to find out who are on the pay rolls and how much they get, because certainly it is the duty of Congress to know who are on the pay rolls. I hope there will be no objection to such an amendment, for we make all other agencies furnish a list of those on their pay rolls. Why should the W. P. A. keep secret its pay roll?

Mr. VANDENBERG. I think if that information were made public in every State, it would have a tremendous impression on the people, and would result in the reduction of overhead expense in connection with relief.

Mr. HOLT. I can assure the Senator that since I made public in West Virginia the information I mentioned there has been a tremendous reduction in the administrative pay roll.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WALSH. Has it not occurred to the Senator that if information is not available to him when he makes request for it, it can be obtained through the adoption of a Senate resolution requesting such information? I have never known a request for such information to be rejected.

Mr. HOLT. I think that would be a wise procedure, but, on the other hand, I believe such information should be made



available with respect to the different States. I may wish to have information concerning West Virginia. The Senator from Massachusetts may wish to have information with respect to Massachusetts.

Mr. WALSH. There should be separate pay-roll lists containing the names of those who are on relief and the names of those who are nonrelief employees. I think we ought to know how much we are paying to nonrelief persons to take care of people who need relief employment. I understand from what the Senator has been saying there is now no available information of that nature.

Mr. HOLT. Not at all, Mr. President. No one realizes more than I do how difficult it has been to get such information. That is not because of the fact that the General Accounting Office was unwilling to furnish it, but because we had to go over a pay roll containing thousands of names of persons in West Virginia in order to get the information desired.

Mr. WALSH. Is not every person who is employed as a foreman, or superintendent, or whatever job he may have, so employed in order to provide employment for those who are on relief?

Mr. HOLT. He should be.

Mr. WALSH. And is that not the basic principle of the legislation under consideration?

Mr. HOLT. That is correct.

Mr. WALSH. Therefore we should know how many persons it is necessary to employ in order to take care of the relief cases. To aid those on relief is our object in appropriating funds and setting up the necessary organizations to accomplish this purpose.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HOLT. I shall be glad to yield to the Senator from Florida.

Mr. PEPPER. I wish to ask the Senator if he has by any chance made any comparison between the salaries received by the administrative personnel on W. P. A. in his State with the salaries received by the administrative personnel on P. W. A. in his State?

Mr. HOLT. No, I have not; because I found the P. W. A. to have a very clean record, I may say, in the State of West Virginia, and, of course, its set-up is entirely different. However, I know of men who were working for \$45 a month in private employment and who were put on W. P. A. at \$225 a month, and they received increases in their salaries of \$180 a month thereby. They were also given a Federal job.

Mr. PEPPER. I was very much interested as to what the comparison might show, in case we were to make a comparison between the two groups.

Mr. HOLT. There is a distinct difference between the P. W. A. and the W. P. A. The administrative force of the P. W. A. is decidedly smaller in numbers. One supervisor under the P. W. A. would take the place of perhaps half a dozen under the W. P. A. With regard to West Virginia, I know that the average relief foreman in West Virginia makes between \$15 and \$20 a month more than a school teacher with a college degree. We pay our school teachers far more than the average received by school teachers in the United States.

It is said that such information is not available and that we cannot obtain it. The only way we can find out the difference between the compensation paid relief and nonrelief workers is to obtain such information. That is the reason why I want it.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. VANDENBERG. What is the amendment which the Senator proposes to offer?

Mr. HOLT. The amendment I intend to offer reads:

The Administrator shall submit to Congress a list of all non-certified employees whose wage scale is more than \$1,000 annually. This list shall include the names, legal addresses, positions, and salaries of such employees.

Mr. VANDENBERG. I do not see why any reasonable person should object to such a requirement.

Mr. HOLT. Of course, this is not the time to offer the amendment. I was discussing salary increases and digressed to the other subject. However, it is time Congress knew

where the hundreds of millions of dollars it appropriates are going.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 29, line 12, before the word "None", to insert "(a)"; in line 13, after the word "be", to strike out "available"; after line 13, to strike out "(a) After June 30, 1939, for the operation of any theater project; or"; in line 16, before the word "for", to strike out "(b) After August 31, 1939" and insert "available after October 31, 1939"; and in line 19, before the word "This", to insert "(b)", so as to make the section read:

SEC. 25. (a) None of the funds made available by this title shall be available after October 31, 1939, for the operation of any project sponsored solely by the Work Projects Administration.

(b) This section shall not prohibit the payment of wages or salaries accrued, or of nonlabor obligations incurred, in connection with any such project if the wages or salaries accrued or the obligation was incurred prior to July 1, 1939, or September 1, 1939, as the case may be.

Mr. WAGNER. Mr. President, I ask the Senator from Colorado if he will not permit consideration of this amendment to go over until we have disposed of the amendment on page 5, to which we are to return later, and which provides for a contribution of 25 percent by a State toward sponsored projects.

Mr. ADAMS. That is agreeable to me.

Mr. WAGNER. I thank the Senator.

The PRESIDENT pro tempore. Without objection, the amendment on page 29, in section 25, will be passed over.

The next amendment was, on page 29, line 24, after the word "The", to strike out "Board" and insert "Commissioner", so as to make the section read:

SEC. 26. The Commissioner and the National Youth Administrator are authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 or section 2 hereof any claim arising out of operations thereunder accruing after the effective date of this joint resolution on account of damage to or loss of privately owned property caused by the negligence of any employee of the Work Projects Administration or the National Youth Administration, as the case may be, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within 1 year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

The amendment was agreed to.

The next amendment was, on page 30, line 15, after the word "The", to strike out "Board" and insert "Commissioner", so as to make the section read:

SEC. 27. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

The amendment was agreed to.

The next amendment was, on page 31, line 16, before the word "not", to insert "and", and in the same line, after the word "other", to strike out "sections" and insert "provisions", so as to make the section read:

SEC. 28. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this title, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this title or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, and 1938, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than 2 years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this title.

The amendment was agreed to.

The next amendment was, on page 31, line 22, after the word "person", to strike out "entitled to or", so as to read:

SEC. 29. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this title.

The amendment was agreed to.

The next amendment was, on page 32, line 5, before the word "not", to insert "and"; and in line 6, after the word "other", to strike out "section" and insert "provisions", so as to read:

(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this title.

The amendment was agreed to.

The next amendment was, on page 32, line 14, after the word "election" and the period, to strike out "That no recommendations of any person who shall apply for office or place under the provisions of this act, which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any appointment under this act", so as to read:

SEC. 30. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this title, or any other act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

The amendment was agreed to.

The next amendment was, on page 33, line 10, before the word "not", to insert "and"; and in line 11, after the word "other", to strike out "sections" and insert "provisions", so as to read:

(c) Any person who knowingly violates any provision of this section shall be guilty of a felony, and upon conviction shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this title.

The amendment was agreed to.

The next amendment was, on page 34, line 4, before the word "not", to insert "and", and in the same line, after the word "other", to strike out "sections" and insert "provisions", so as to make the section read:

SEC. 31. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this title, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this title shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this title.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to strike out the following title:

#### TITLE II—PUBLIC WORKS ADMINISTRATION PROJECTS

SEC. 201. (a) In order to increase employment by providing for useful non-Federal public-works projects of the kind and character which the Federal Emergency Administrator of Public Works has heretofore financed or aided in financing, pursuant to title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, the Public Works Administration Extension Act of 1937, or the Public Works Administration Appropriation Act of 1938, the sum of \$125,000,000 transferred from section 1, together with the unexpended balance of the appropriation made under section 201 of such act of 1938, shall be available until June 30, 1941, and may be expended by the Commissioner of Public Works (hereinafter referred to as the "Commissioner"), subject to the approval of the President, for (1) the making of loans or grants, or both, to States, Territories, possessions, political subdivisions, or

other public bodies (herein called public agencies), or (2) the construction and leasing of projects, with or without the privilege of purchase, to any such public agencies.

(b) No amount available under this title shall be allotted for any project which, in the determination of the Commissioner, cannot be commenced prior to March 1, 1940, or the completion of which cannot be substantially accomplished prior to July 1, 1941: *Provided*, That this limitation upon time shall not apply to any project enjoined in any Federal or State court.

(c) Under the funds available in this title, no grant shall be made in excess of \$225,000 or in excess of 45 percent of the cost of any project, and no project shall be constructed for lease to any public agency unless the Commissioner shall determine that the nonrecoverable portion of the cost of such project shall not exceed \$225,000 and shall not exceed 45 percent of the cost thereof.

(d) No moneys for a non-Federal project shall be paid from the funds made available by this title to any public agency unless such agency will require that at least 25 percent of the labor employed on such project will come from relief rolls if such labor in the opinion of the Commissioner of Public Works is available and qualified, and will not unreasonably interfere with the construction of such project, and unless and until adequate provision has been made, or in the opinion of the Commissioner is assured, for financing such part of the entire cost thereof as is not to be supplied from Federal funds.

(e) Not more than \$2,875,000 of the amount available under this title may be used for administrative expenses of the Administration during the fiscal year ending June 30, 1940, in connection with this title; such amount shall be available for administrative expenses thereof during such fiscal year for the purposes set forth for such Administration in the Independent Offices Appropriation Act, 1940. The Commissioner shall reserve from the amount available under this title an adequate sum for administrative expenses of the Administration in connection with this title for the fiscal year ending June 30, 1941, subject to authorization hereafter by annual appropriation acts for the utilization thereof.

SEC. 202. Moneys realized from the sale of securities acquired by the Federal Emergency Administration of Public Works or the Public Works Administration, or the proceeds of such securities, may be used by the Commissioner for the making of loans in connection with projects under this title, notwithstanding any previous limitation on the total amount of such securities or proceeds thereof that may be used for loan purposes.

SEC. 203. The Public Works Administration is hereby continued to the close of the fiscal year ending June 30, 1942, and is hereby authorized to continue to perform all functions which it is authorized to perform on July 1, 1939.

SEC. 204. Section 206 of the Public Works Administration Extension Act of 1937, as amended by the Public Works Administration Appropriation Act of 1938, is hereby amended to read as follows:

"SEC. 206. No new applications for loans or grants for non-Federal projects shall be received by the Administration after September 30, 1939: *Provided*, That this section shall not apply to applications amendatory of applications for projects received prior to October 1, 1939, and such amendatory applications shall be confined to projects, which, in the determination of the Commissioner, can be started and completed within the time limits specified in section 201 (b) of the Public Works Administration Appropriation Act of 1939."

SEC. 205. This title may be cited as the "Public Works Administration Appropriation Act of 1939."

MR. HAYDEN. Mr. President, is this the public-works title? The PRESIDENT pro tempore. This is the public-works title.

MR. HAYDEN. Mr. President, the Senator from New York [Mr. MEAD] intends to offer a substitute for title II. I should like to discuss the matter for a moment until he comes into the Chamber and offers his amendment.

As the House passed the joint resolution it provided that \$125,000,000 of the amount estimated for the Works Progress Administration should be earmarked for public works. The committee determined that the entire amount asked for by the President for the Works Progress Administration should be allowed, and then declined to provide any money out of the Treasury for a public-works program. It will, therefore, be necessary to adopt a substitute for the stricken title if there is to be any public-works program next year.

The Secretary of the Interior, who is ex officio Public Works Administrator, appeared before our committee and said, first, that he did not believe in the principle of robbing Peter to pay Paul, and therefore that the Works Progress Administration should have the full amount estimated in the Budget. We then questioned him as to the desirability of carrying on some kind of a public-works program during the next fiscal year, and asked him for the status of the present program. He stated that at the previous session of Congress \$965,000,000 was appropriated for such a program, of which \$200,000,000 was for Federal projects, the remainder being for loans and grants on the basis of



a 45-percent grant and a 55-percent contribution by the local community; that that program, translated into terms of work, meant that there was now proceeding in the United States nearly \$2,000,000,000 worth of work of all kinds in all sections of the United States; that that program would arrive at its peak in another 60 days; that the amount of employment would then begin to decline and by next winter it would be very substantially reduced, and that by next spring the program would be completed. It was his suggestion that if the Congress, as a matter of policy, determined that there should be a public-works program, its size should be about half the amount of money that we appropriated for the current fiscal year. Carrying out that idea, he suggested a program of \$500,000,000, \$400,000,000 to be for loans and grants, and \$100,000,000 to be for Federal projects.

The proposal which the Senator from New York [Mr. MEAD] intends to offer would carry out that suggestion. I am in favor of such a program. There is bound to be a period of transition between what we are now doing and what may be undertaken under the new suggestion recently submitted to the Congress by the President. The proposal of the President is that communities desiring to undertake public works of one kind or another, such as sewer systems, electric-light plants, street paving, erection of new buildings, city halls, jails, or whatever they desire, may come to the Federal Government with a proposal that the Federal Government guarantee their bonds at a very low rate of interest. That is what the suggestion amounts to. If the current rate of interest for the commercial use of money were 4 percent and the Federal Government enabled communities to obtain money at 2 percent, it would mean, in effect, a subsidy of the difference in interest they would have to pay if the Government did not guarantee their obligations. It is estimated that the subsidy over the period required would amount to between 12 and 15 percent. The idea is entirely new. It may have much merit. We do not know how it will work out until it is tried. Secretary Ickes testified that he had on hand about \$1,000,000,000 worth of projects which had been studied by the finance division and by the legal division and had gone through every process of examination, and that if he had the money he could undertake the work immediately.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. HAYDEN. I will yield in just a moment.

It has been suggested by those who are advocating the plan of guaranteeing bonds 100 percent that projects which have already been investigated and have gone "through the mill" might be taken up in that way. If there is any merit in the suggestion, I can see no harm in opening up the public-works program to receive new applications between now and next fall, as the House has proposed in the joint resolution; and then if the new scheme works, such projects can be picked up just as well as those that have already been approved.

I think there should be a cushion between the existing program and the new one; and I think the Secretary of the Interior, as Public Works Administrator, was wise in recommending a program of that kind.

I now yield to the Senator from Illinois.

Mr. LUCAS. As I understand, the Administrator does not think that \$125,000,000 is sufficient to carry out the program.

Mr. HAYDEN. Oh, no; there is no question about that. He has applications on hand for a much larger sum.

Mr. LUCAS. Yesterday when the debate on the joint resolution was commenced I briefly interrogated the Senator from Colorado [Mr. ADAMS] relative to the \$125,000,000 which was stricken out of the joint resolution as it came from the House. I made the statement at that time that there were certain communities where applications had been made for certain Public Works Administration projects, which applications have been approved by the Administrator.

Mr. HAYDEN. What is true in Illinois is true in every other State in the Union.

Mr. LUCAS. I should like to add this further information, which I think may be rather interesting to the Senator. In a certain community in Illinois a waterworks project application has been approved by the P. W. A. It is admitted by

those who know that the sanitary conditions in that city are very bad. Realizing the seriousness of the situation, the W. P. A. authorities, so I am informed, agreed to carry through this project providing the city authorities could get the P. W. A. to release jurisdiction over the project. An attempt was made to get P. W. A. to release jurisdiction, but the Administrator refused, and the conditions in that community are the same as they were last October when the application was approved. Certainly something should be done either to complete that project or to obtain the relinquishment of the authority of the Administrator of the P. W. A. and give the people in that community what they have been promised. Mr. President, there is apparently a conflict of authority between P. W. A. and W. P. A. upon that application.

Let me ask the Senator, Why should P. W. A., when there are no funds available for the completion of a project, withhold jurisdiction of the application when the W. P. A. in that community want to complete the project?

Mr. HAYDEN. I was just going to answer the question. Looking at it broadly, taking the country over, while it may work a hardship in some instances, it is a good rule, because if we do not have a rule of that kind, if a community elects to follow one course and then finds out that it cannot get it that way it can follow some other course, we are simply jumping from one agency to the other and having one agency compete against the other as to which will render the service. That situation has arisen in a great many places.

For that reason it is my understanding that the President issued the general order under which if a community elected in the beginning to take a project under W. P. A., then it could not change it over to a project under the Public Works Administration, or, if they elected to take a public-works project and found they could not get their money immediately that way, they could not change over to a W. P. A. project. There is reason in that idea.

There are exceptional circumstances, no doubt, such as the Senator has in mind, when there is a critical situation in the community, and it might be that the Administrator did not exercise the discretion that he had. He can release the project if it is necessary to do so, and perhaps he should have done it in the instance referred to. But will not the Senator concede that we do not need to set up two agencies, one competing against the other for projects?

Mr. LUCAS. I will concede that, providing there is money available to carry on any project from either one of the administrative agencies; but in the instance referred to the application was made last October. P. W. A. accepted that application immediately, but after they accepted the application, as I understand, they advised the community that they had no funds to carry it through. They have withheld it all this time and done nothing because they have no money, but, immediately after that, the W. P. A. came along and said, "If we can get the Administrator to relinquish jurisdiction, we will go ahead with the project."

Mr. HAYDEN. In that case the Senator presents an argument that, to my mind, if I were administrator, would be conclusive.

There is no question at all, so far as the local contribution is concerned, that the local community has to put up less money on a W. P. A. project than it does on a public-works project, on which the contribution is 55 percent. For that reason, taking the country over, the public-works projects have been of a higher standard and of a more substantial character. There is no doubt about that at all. What I am trying to say to the Senator is that we have been traveling these two roads, and we have accomplished great good on both of them. I think it would be a mistake totally and completely to cut off any hope of any kind of public-works projects, to allow no further applications to be received, and end it now, in the absence of some certainty as to how the new plan is to work. For that reason I am inclined to support an amendment to the committee amendment.

Mr. LUCAS. That is exactly what the committee proposes to do, as I understand, under the joint resolution as reported. Mr. MEAD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The amendment will be stated.

Mr. ADAMS. Mr. President, we have not finished the consideration of the committee amendments. Is the amendment now offered an amendment to a committee amendment?

Mr. HAYDEN. It is an amendment in the nature of a substitute for the committee amendment.

Mr. MEAD. It is a substitute for the committee amendment.

The PRESIDING OFFICER. The Senator from New York offers an amendment in the nature of a substitute for the committee amendment, which the clerk will state.

The LEGISLATIVE CLERK. In lieu of the matter in title II, beginning on page 35, proposed to be stricken out by the committee, it is proposed to insert the following:

#### TITLE II—PUBLIC WORKS ADMINISTRATION PROJECTS

SEC. 201. (a) In order to increase employment by providing for useful non-Federal public works projects of the kind and character which the Federal Emergency Administrator of Public Works has heretofore financed or aided in financing, pursuant to title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, the Public Works Administration Extension Act of 1937, or the Public Works Administration Appropriation Act of 1938, there is hereby appropriated to the Public Works Administration (herein called the "Administration") in the Federal Works Agency, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000,000, together with the balance of the appropriation made under section 201 of such act of 1938, not reserved for administrative expenses of the Administration and not now or hereafter expended pursuant to allotments heretofore made, which amounts shall be available until June 30, 1941, and may be expended by the Commissioner of Public Works (hereinafter referred to as the "Commissioner"), subject to the approval of the President, for (1) the making of loans or grants, or both, to States, Territories, possessions, political subdivisions, or other public bodies (herein called public agencies), or (2) the construction and leasing of projects, with or without the privilege of purchase, to any such public agencies.

(b) No amount available under this title shall be allotted for any project which, in the determination of the Commissioner, cannot be commenced prior to March 1, 1940, or the completion of which cannot be substantially accomplished prior to July 1, 1941: *Provided*, That this limitation upon time shall not apply to any project enjoined in any Federal or State court.

(c) Under the funds available in this title, no grant shall be made in excess of 45 percent of the cost of any project.

(d) No moneys for a non-Federal project shall be paid from the funds made available by this title to any public agency unless and until adequate provision has been made, or in the opinion of the Commissioner is assured, for financing such part of the entire cost thereof as is not to be supplied from Federal funds.

(e) Not more than \$9,750,000 of the amount available under this title may be used for administrative expenses of the Administration during the fiscal year ending June 30, 1940, in connection with this title; such amount shall be available for administrative expenses thereof during such fiscal year for the purposes set forth for such Administration in the Independent Offices Appropriation Act, 1940. The Commissioner shall reserve from the amount available under this title an adequate sum for administrative expenses of the Administration in connection with this title for the fiscal year ending June 30, 1941, subject to authorization hereafter by annual appropriation acts for the utilization thereof.

SEC. 202. Moneys realized from the sale of securities acquired by the Federal Emergency Administration of Public Works or the Public Works Administration, or the proceeds of such securities, may be used by the Commissioner for the making of loans in connection with projects under this title, notwithstanding any previous limitation on the total amount of such securities or proceeds thereof that may be used for loan purposes.

SEC. 203. The Public Works Administration is hereby continued to the close of the fiscal year ending June 30, 1942, and is hereby authorized to continue to perform all functions which it is authorized to perform on July 1, 1939. On and after the effective date of reorganization plan No. 1 transmitted to the Congress by the President of the United States pursuant to the authority granted by the Reorganization Act of 1939, all laws, Executive orders, and other documents referring to the Federal Emergency Administration of Public Works shall be deemed to refer to the Public Works Administration, and all laws, Executive orders, and other documents referring to the Federal Emergency Administrator of Public Works shall be deemed to refer to the Federal Works Administrator.

SEC. 204. Section 206 of the Public Works Administration Extension Act of 1937, as amended by the Public Works Administration Appropriation Act of 1938, is hereby amended to read as follows:

"Sec. 206. No new applications for loans or grants for non-Federal projects shall be received by the Administration after September 30, 1939: *Provided*, That this section shall not apply to applications

amendatory of applications for projects received prior to October 1, 1939, and such amendatory applications shall be confined to projects, which, in the determination of the Commissioner, can be started and completed within the time limits specified in section 201 (b) of the Public Works Administration Appropriation Act of 1939. That portion of section 201 (f) of the Public Works Administration Appropriation Act of 1938 which reads 'for the completion (except liquidation) of the activities of such Administration,' is hereby repealed."

SEC. 205. (a) There is hereby appropriated to the Administration, out of any money in the Treasury not otherwise appropriated, to remain available until expended, the sum of \$100,000,000, to be expended at the direction of the Administrator, for the making of allotments to Federal agencies for the financing of Federal construction projects (including projects for making surveys and maps) in continental United States outside of the District of Columbia, and the acquisition of land for sites therefor, such projects to be selected from (1) projects authorized by law and (2) projects for the enlargement, extension, or remodeling of existing Federal plants, institutions, or facilities.

(b) No Federal construction project, except flood control and water conservation or utilization projects now under actual construction, shall be undertaken or prosecuted with funds made available by this section unless and until moneys sufficient for the completion thereof shall have been irrevocably allocated or appropriated therefor.

SEC. 206. This title may be cited as the "Public Works Administration Appropriation Act of 1939."

Mr. ADAMS. Mr. President, I desire to make an inquiry as to the legislative status.

The committee amendment which is before the Senate is simply an amendment to strike out certain sections of the bill. This is a substitute for the motion to strike out. In other words, it would take the place of it, and apparently would still leave in the bill the subject matter which the committee seeks to strike out, and would add to it other matter which is a duplication of much of that which is proposed to be stricken out.

Mr. HAYDEN. Mr. President, certainly a motion to perfect a section would have precedence over one to strike it out entirely; and that is all this motion is.

Mr. ADAMS. Mr. President, the committee amendment is merely a motion to strike out. I do not know just how a motion to strike out can be perfected. That is, if a substitute for it is proposed, and the substitute carries, the motion to strike out falls.

Mr. HAYDEN. That is correct.

Mr. ADAMS. And the words which were to be stricken out remain.

Mr. HAYDEN. No; parts of them do.

Mr. ADAMS. They will all remain; and then we shall have added what is practically a duplication, except in the figures. All I want to do is to get the parliamentary situation straight.

The PRESIDENT pro tempore. The Senator from Colorado makes a parliamentary inquiry. A motion to strike out and insert has preference over a motion simply to strike out.

Mr. ADAMS. That is correct.

The PRESIDENT pro tempore. The motion now submitted, in the opinion of the Chair, is a motion to strike out and insert. If that motion is lost, then the committee amendment to strike out will come up; but, under the rules of the Senate, when a motion is made to strike out, and a second motion is made to strike out and insert, the latter has precedence. If that motion is lost, then the original motion of the committee to strike out is in order.

Mr. ADAMS. Mr. President, I desire to make a suggestion to the Senators who are proposing the amendment.

This amendment is the most important amendment we have. There are five or six pages of it, and I think those of us who have just come from the committee ought to have a little time to study the amendment. Therefore, I suggest that we go back to the committee amendments which have been passed over, and dispose of those, which will afford us an opportunity to give some thought to this amendment.

Mr. MEAD. I will say to the Senator from Colorado that that course is agreeable to me.

Mr. ADAMS. I ask, then, that we return to the amendments which were temporarily passed over.

The PRESIDENT pro tempore. Is there objection to laying aside temporarily this amendment, and returning to



those passed over? The Chair hears none, and it is so ordered. The clerk will state the amendments passed over.

The CHIEF CLERK. The first amendment passed over is on page 1, changing the title of the act.

Mr. ADAMS. Mr. President, the first amendment is allied to the amendment that we passed over. I think it should go over until the Senate acts upon the amendment of the Senator from New York [Mr. MEAD].

The PRESIDENT pro tempore. Without objection, the amendment will be again passed over. The clerk will state the next amendment passed over.

The CHIEF CLERK. The next amendment passed over is on page 5, beginning in line 15, to insert the following:

(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all projects hereafter undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be.

Mr. SCHWELLENBACH. Mr. President, this amendment is the one which makes a requirement of a 25-percent con-

tribution by the sponsors, upon the basis that the sponsors within a State must average a 25-percent contribution.

Members of the Senate who were here in 1937 will remember that that was a subject of great controversy when the relief appropriation was made at that time. My recollection is that at that time the sponsors' contributions, as made during the previous year, amounted to about 15 or 16 percent. As a result of the arguments presented at that time, the Works Progress Administration has made a very definite effort and has achieved a certain amount of success in increasing the amount of the contributions.

For the fiscal year, ending on April 30 of this year, the amount was increased to 18.9 percent. For the 3 months ending April 30—that is, the last 3 months of that fiscal year—it was up to 20 percent. It is my understanding now that the contributions of the various States have amounted to 22.4 percent during the past 3-month period.

I should like, if I may, to insert in the RECORD at this point a statement of the contributions which have been made by the various States.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

*Expenditures on Works Progress Administration operated work projects, by regions and States and by sources of funds*  
[Subject to revision]

Administrative region and State	July 1, 1938, through Apr. 30, 1939				Feb. 1, 1939, through Apr. 30, 1939			
	Total	Federal funds	Sponsors' funds		Total	Federal funds	Sponsors' funds	
			Amount	Percent of total funds			Amount	Percent of total funds
Grand total.....	\$2,168,046,403	\$1,758,641,331	\$409,405,072	18.9	\$616,599,376	\$493,493,305	\$123,106,071	20.0
Region I.....	154,475,043	129,594,227	24,880,816	16.1	42,782,565	35,506,894	7,275,671	17.0
Connecticut.....	23,918,402	19,716,674	4,201,728	17.6	6,282,281	5,272,215	1,010,066	16.1
Maine.....	6,424,872	5,041,470	1,383,402	21.5	1,861,431	1,518,431	343,000	18.4
Massachusetts.....	98,387,823	83,446,047	14,941,776	15.2	28,105,132	23,263,885	4,841,247	17.2
New Hampshire.....	7,242,820	5,868,228	1,374,592	19.0	1,894,959	1,565,088	329,871	17.4
Rhode Island.....	13,691,433	11,762,037	1,929,396	14.1	3,429,787	2,895,260	534,527	15.6
Vermont.....	4,809,693	3,759,771	1,049,922	21.8	1,208,975	992,015	216,960	17.9
Region II.....	522,573,808	428,947,857	93,625,951	17.9	149,542,431	117,869,996	31,672,435	21.2
New Jersey.....	86,176,657	67,060,776	19,115,881	22.2	23,289,316	18,169,959	5,119,357	22.0
New York.....	233,054,143	188,428,628	44,625,515	19.1	71,532,298	54,046,977	17,485,321	24.4
New York City.....	176,729,989	148,312,709	28,417,280	16.1	54,983,792	42,837,255	12,146,537	22.1
New York (excluding New York City).....	56,324,154	40,115,919	16,208,235	28.8	16,548,506	11,209,722	5,338,784	32.3
Pennsylvania.....	203,343,008	173,458,453	29,884,555	14.7	54,720,817	45,653,060	9,067,757	16.6
Region III.....	60,372,925	51,931,269	14,441,656	21.8	19,581,693	15,220,296	4,361,397	22.3
Delaware.....	2,361,019	1,870,455	490,564	20.8	642,311	491,496	150,815	23.5
District of Columbia.....	8,893,471	7,212,301	1,681,170	18.9	2,783,150	2,174,548	608,602	21.9
Maryland.....	10,739,572	8,103,460	2,636,052	24.5	3,026,219	2,295,710	730,509	24.1
Virginia.....	15,514,460	11,388,795	4,125,665	26.6	4,997,593	3,596,729	1,400,864	28.0
West Virginia.....	28,864,463	23,356,258	5,508,205	19.1	8,132,420	6,661,813	1,470,607	18.1
Region IV.....	632,930,457	535,283,909	97,646,488	15.4	167,186,451	141,921,330	25,265,121	15.1
Illinois.....	181,946,574	149,764,918	32,181,656	17.7	49,401,914	41,337,549	8,064,365	16.3
Indiana.....	69,161,749	56,165,410	12,996,339	18.8	18,539,037	15,173,742	3,365,295	18.2
Michigan.....	121,648,261	103,565,263	18,082,998	14.9	30,254,062	25,259,609	4,994,453	16.5
Missouri.....	66,143,600	55,086,776	10,456,824	15.8	18,073,863	15,078,218	2,995,645	16.6
Ohio.....	194,030,273	170,101,602	23,928,671	12.3	50,917,575	45,072,212	5,845,363	11.5
Region V.....	197,087,758	154,223,531	42,864,227	21.7	60,586,976	46,463,098	14,123,878	23.3
Alabama.....	29,187,469	22,744,926	6,442,543	22.1	9,245,738	6,996,570	2,249,168	24.3
Florida.....	28,079,876	22,504,907	5,574,969	19.9	9,358,720	7,003,993	2,354,727	25.2
Georgia.....	30,309,678	23,845,201	6,464,477	21.3	9,443,827	7,359,018	2,084,809	22.1
Kentucky.....	38,025,912	30,873,922	7,151,990	18.8	10,225,091	8,390,396	1,834,695	17.9
North Carolina.....	23,446,252	17,882,332	5,563,920	23.7	7,351,438	5,564,642	1,786,796	24.3
South Carolina.....	22,495,775	17,591,284	4,904,491	21.8	7,125,903	5,398,266	1,727,637	24.3
Tennessee.....	25,542,796	18,780,959	6,761,837	26.5	7,836,259	5,750,213	2,086,046	26.6
Region VI.....	162,802,130	125,907,354	36,894,776	22.7	51,031,769	39,068,942	11,972,827	23.5
Arkansas.....	23,109,796	19,642,638	3,467,158	15.0	7,264,223	6,288,773	975,450	13.4
Louisiana.....	27,957,374	21,699,823	6,257,551	22.4	9,357,630	6,769,562	2,588,068	27.7
Mississippi.....	23,287,841	16,835,317	6,452,524	27.7	7,423,117	5,160,997	2,262,120	30.5
Oklahoma.....	35,608,778	28,672,394	6,935,884	19.5	10,157,990	8,279,656	1,878,334	18.5
Texas.....	52,838,841	39,057,182	13,781,659	26.1	16,828,809	12,559,954	4,268,855	25.4
Region VII.....	208,127,996	160,984,976	47,143,020	22.7	57,996,956	45,453,882	12,543,074	21.6
Iowa.....	25,232,265	17,837,856	7,394,409	29.3	7,006,540	4,841,661	2,164,879	30.9
Kansas.....	22,991,078	17,537,156	5,453,922	23.7	6,464,431	4,942,235	1,522,195	23.5
Minnesota.....	55,454,646	43,581,552	11,873,094	21.4	15,167,193	12,413,144	2,754,049	18.2
Nebraska.....	21,380,867	16,884,505	4,496,362	22.4	6,010,353	4,782,467	1,227,886	20.4
North Dakota.....	10,466,339	7,855,089	2,611,250	24.9	2,800,874	2,257,035	543,839	19.4
South Dakota.....	11,396,406	8,235,827	3,160,579	27.7	3,542,066	2,458,204	1,083,862	30.6
Wisconsin.....	61,206,405	49,352,991	11,853,414	19.4	17,005,559	13,759,136	3,246,423	19.1

<sup>1</sup> Data for April are estimated.

## Expenditures on Works Progress Administration operated work projects, by regions and States and by sources of funds—Continued

Administrative region and State	July 1, 1938, through Apr. 30, 1939				Feb. 1, 1939, through Apr. 30, 1939			
	Total	Federal funds	Sponsors' funds		Total	Federal funds	Sponsors' funds	
			Amount	Percent of total funds			Amount	Percent of total funds
Region VIII.....	\$68, 148, 117	\$52, 073, 077	\$16, 075, 040	23. 6	\$19, 565, 485	\$14, 851, 775	\$4, 713, 710	24. 1
Colorado.....	22, 592, 866	17, 626, 844	4, 966, 022	22. 0	6, 751, 581	5, 087, 962	1, 663, 619	24. 6
Idaho.....	7, 723, 217	5, 619, 001	2, 104, 216	27. 2	2, 411, 510	1, 777, 424	634, 086	26. 3
Montana.....	16, 200, 665	12, 772, 171	3, 428, 494	21. 2	4, 030, 581	3, 288, 239	742, 342	18. 4
New Mexico.....	8, 230, 851	6, 571, 538	1, 659, 313	20. 2	2, 479, 768	1, 856, 454	623, 314	25. 1
Utah.....	9, 846, 815	7, 094, 414	2, 752, 401	28. 0	2, 951, 529	2, 140, 063	811, 466	27. 5
Wyoming.....	3, 553, 703	2, 389, 109	1, 164, 594	32. 8	940, 516	701, 603	238, 913	25. 4
Region IX.....	157, 540, 626	122, 793, 150	34, 747, 476	22. 1	47, 215, 022	36, 362, 202	10, 852, 820	23. 0
Arizona.....	8, 885, 161	6, 351, 796	2, 533, 365	28. 5	2, 772, 650	1, 797, 180	975, 470	35. 2
California.....	93, 629, 084	74, 446, 751	19, 182, 333	20. 5	28, 474, 853	22, 504, 929	5, 969, 924	21. 0
Northern California.....	52, 700, 643	39, 833, 563	12, 867, 080	24. 4	16, 287, 842	11, 997, 441	4, 290, 401	26. 3
Southern California.....	40, 928, 441	34, 613, 188	6, 315, 253	15. 4	12, 187, 011	10, 507, 488	1, 679, 523	13. 8
Nevada.....	2, 187, 133	1, 361, 366	825, 767	37. 8	590, 581	387, 971	202, 610	34. 3
Oregon.....	14, 366, 755	11, 139, 732	3, 227, 023	22. 5	4, 395, 444	3, 374, 339	1, 021, 105	23. 2
Washington.....	38, 472, 493	29, 493, 505	8, 978, 988	23. 3	10, 981, 494	8, 297, 783	2, 683, 711	24. 4
Hawaii.....	2, 799, 448	1, 713, 826	1, 085, 622	38. 8	811, 763	486, 625	325, 138	40. 1
Not distributed by States <sup>1</sup> .....	—4, 811, 905	—4, 811, 905	—	—	298, 265	298, 265	—	—

<sup>1</sup> Includes data for central office projects, textile adjustment account, and Works Progress Administration supply fund account.

Source: Federal funds represent voucher payments reported by the Treasury Department; sponsors' funds based on reports of sponsors' certifications.

Mr. SCHWELLENBACH. Mr. President, to adopt this amendment and place upon the Commissioner of Work Projects the very arbitrary provision that he must require a 25-percent contribution averaged over the State and place in the hands of the General Accounting Office, as would naturally follow, the amendment which is proposed, the determination as to whether or not that rule had been complied with would make almost impossible the administration of the act.

There are some States in which, in a part of the State, the contribution is very low, and in other parts of the State it is high. It seems to me this amendment, which would simply bind the Commissioner without giving him any discretion, without giving him any right to determine as between the various projects, should be rejected by the Senate.

Mr. BYRNES. Mr. President, when this matter was discussed yesterday, at the suggestion of the Senator from Kentucky [Mr. BARKLEY], I stated that it was entirely agreeable to me to amend it so as to provide that the determination of compliance with the section should be left with the Commissioner to avoid the fear that the General Accounting Office might make the section difficult to administer. I therefore ask to have considered at this time an amendment to the committee amendment, which I send to the desk to be read.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 5, line 15, it is proposed to strike out "In" and in lieu thereof to insert "On and after November 1, 1939, in."

Mr. BYRNES. Mr. President, that is a perfecting amendment; and after discussing the matter with the Commissioner I think it is right that this section should not become operative until November 1. At this time the average contributions are 22½ percent. It is the statement of the Commissioner that by December he is convinced that the average contribution will be 25 percent. This amendment, therefore, would only incorporate in the law that which the Commissioner says he expects to be able to comply with by December 1.

The Commissioner, however, was interested in the matter suggested by the Senator from Kentucky.

Before discussing the matter further, I ask for a vote upon my amendment perfecting the committee amendment.

Mr. TAFT and Mr. JOHNSON of Colorado addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. GREEN. Mr. President, I should like to ask the Senator from South Carolina a question.

Mr. TAFT. I yield to the Senator from Rhode Island.

Mr. GREEN. In addition to the change suggested by the Senator from South Carolina, should there not be a change in line 17, substituting "thereafter" for "hereafter"?

Mr. BYRNES. The Senator from Rhode Island is correct. I ask to modify the amendment by changing "hereafter" to "thereafter."

The PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Mr. TAFT. Mr. President—

Mr. BYRNES. Mr. President, I ask the Senator from Ohio if he will not permit me to perfect the amendment and then discuss it.

Mr. TAFT. Yes. I want to suggest, however, that the date be made January 1, 1940, instead of November 1939; and I desire to state my reasons.

Mr. BYRNES. The Commissioner states that in December he will have arrived at the 75-25 basis. I will agree to accept the Senator's amendment, and make the effective date January 1 instead of November 1.

Mr. TAFT. That is all I desire.

Mr. JOHNSON of Colorado. Mr. President, I should like to ask the Senator from South Carolina a question regarding the effective date. Does the amendment include projects which have been approved, or projects to be approved after this date?

Mr. BYRNES. "Thereafter," as the Senator from Rhode Island [Mr. GREEN] suggested.

Mr. JOHNSON of Colorado. So that a project approved the day before the effective date, even though it might not be finished, would be included?

Mr. BYRNES. I will say to the Senator that the amendment does not affect individual projects at all. The amendment simply says that the total average contributions from a State after January 1 shall be, under the regulations adopted by the Commissioner, 25 percent—that is all—but not the individual projects.

Mr. JOHNSON of Colorado. What is to be done with all the projects within a State if they do not measure up to that requirement? Are they to be abandoned?

Mr. BYRNES. Oh, no. The amendment merely says that in the case of all projects which are thereafter undertaken there shall be required from the State an amount which will make the average contribution 25 percent.

For instance, the contributions in the State of Colorado now are above 25 percent. This amendment would provide that they must be at least 25 percent; not that the authorities would demand less, but that the total contributions from Colorado should be at least 25 percent. As far back as April the contributions from Colorado were 24.6 percent. It does



not mean an individual project. In the case of one project the Administrator can make it 30; in the case of another, 20.

Mr. JOHNSON of Colorado. It means all the projects in the State.

Mr. BYRNES. The total; yes.

Mr. JOHNSON of Colorado. After all the projects in the State have been approved and accepted and are under way on January 1, or the effective date, whenever the amendment goes into effect, they all must be changed, and proceed on a different base altogether.

Mr. BYRNES. No; they would not. After January 1, in administering the fund under rules and regulations—which language is contained in an amendment I wish to offer, and which will be read in a few minutes—the Administrator would make the determination as to the total contributions on all projects in the State undertaken after January 1.

Mr. JOHNSON of Colorado. Projects undertaken after that date?

Mr. BYRNES. Yes.

Mr. JOHNSON of Colorado. On projects under way after that date?

Mr. BYRNES. No projects undertaken thereafter.

Mr. JOHNSON of Colorado. That is the answer to my question.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. MURRAY. In my State, where it is found impossible to make an average sponsoring contribution of 25 percent, what would happen?

Mr. BYRNES. The amendment merely provides that thereafter the State administrator would be instructed to require of the State such contributions on all projects as would make 25 percent. That does not mean money. For the information of the Senator I will state that less than 5 percent of the sponsors' contributions are money. It represents equipment, rental of equipment, the furnishing of supervisory services. After that it would require the total in any State to be 25 percent.

Mr. MURRAY. Is it not true that the Administration has constantly raised the amount of sponsoring contributions throughout the country?

Mr. BYRNES. Not exactly. What has occurred is this: It was up as high as 27 percent, and last year it was down somewhat. Now, as I have stated, it is 22½ percent. It varies in the different States. In Idaho it is about the highest.

Mr. MURRAY. It varies according to the economic conditions in each State?

Mr. BYRNES. Yes. In Ohio it is 11 percent; in Idaho it is about 30 percent; in Mississippi it is 30 percent; in Pennsylvania it is about 10 percent. It depends on conditions. The Administrator does not require States such as Pennsylvania and Ohio to put up as much as States such as Idaho and Mississippi. Instead of having it left to discretion, in the haphazard manner as it is at present, it would be provided for in the law. What would happen would be that the Administrator would be saved much trouble. The Administrator would have the opportunity to say "It is the law, and therefore I must try to secure the required percentage."

Mr. MURRAY. Inasmuch as the communities have advanced their contributions, and raised them up to the figure of 22½ percent, does not the Senator think it would work a great hardship on the country suddenly to advance the figure to 25 percent, especially in view of the continuance of the economic conditions which have been prevailing?

Mr. BYRNES. The best answer, in the first place, is that it is not going to be done suddenly. In the second place, the Commissioner says he is going to have it done by December, and this would not require it before January.

Mr. MURRAY. My information is that in many of the communities it is going to be absolutely impossible for them to make further contributions to the sponsoring funds, that is to say, increase them any further; that they have reached the point where they cannot possibly go any further.

Mr. BYRNES. Mr. President, it comes to this: It depends on the voice of the Administrator and his persuasiveness. In some States, where there are high-powered salesmen with affidavit faces, they can, with tears in their voices, picture conditions so terrible that they can "get by" by putting up 10 percent. When they get to the Senator's State, where they have no man selected for the purpose working on this particular subject, and who does not present the case in so tearful a manner, they make it put up 30 percent.

The Commissioner will now have the advantage of saying, "The policy has been stated, and I think for the State at large you ought to put up this amount." It does not affect every community. If there is a poor community, it can put up 10 percent.

Mr. MURRAY. I am not speaking of my own State. In my State we have constantly increased the sponsoring contribution, and have succeeded in getting it up to a very high figure.

Mr. BYRNES. The Senator is speaking of the low-percent-age States, such as Pennsylvania and Ohio.

Mr. MURRAY. Yes; some of the large States, or the conditions reflected in the testimony submitted by the mayors of New York and Cleveland and Boston.

Mr. BYRNES. The Senator overlooks entirely the provisions of the amendment, because the condition in one city does not affect the situation. There was a time when New York City did not want to put up more than one-half of 1 percent. Fortunately that time has passed, and, by reason, I think, in great measure, of the action of the Senate committee, it is now putting up more than 25 percent, so that it does not affect New York City at all.

Mr. MURRAY. My information is that the administration of the W. P. A. is going to find it impossible, as the result of this amendment, if it is put into operation, to carry out the program.

Mr. BYRNES. I discussed the matter with the Commissioner this morning, and that is not his view of what would happen if the amendment I am about to submit should be adopted. The amendment reads:

The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determination, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

That is the language used in one or two agricultural acts where the question of fact is to be determined, and to avoid conflicts between the General Accounting Office and the Department. If this amendment shall be adopted—and I hope it will be—the Commissioner says he will have no trouble in administering the act. Without it, he would have.

Mr. HATCH. Mr. President, the Senator knows I am entirely in sympathy with his efforts, which have extended over a long period of time, in an attempt to work out some definite rule. As I listened to the Senator discussing what we know to be a fact—that people come from various towns and States and municipalities, high-powered salesmen, with the affidavit face, as the Senator said—that is true, and that is happening all over the country—I was just wondering whether we might be shifting responsibility within the State to the communities in the State, where the high-powered salesman with the affidavit face in the community able to put up the money does his work, while in a poorer community there is no one to represent them, and they will be imposed on for a higher sponsorship contribution. Has the Senator thought of that?

Mr. BYRNES. Yes, because in every State necessarily there is a different sponsoring contribution. The bill provides that the Commissioner shall endeavor to act equitably as between communities, and the determination in the State must be left, of course, to the State Administrator. There can be no way of avoiding that. The small community, having no one to represent the sponsor, is not as effective as is the representative of a large city. But the best we can do is to provide for the effect as to States. I know it will be a step forward.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. McKELLAR. Has the Senator's perfecting amendment to do only with the effective date of the act, or does it affect its provisions?

Mr. BYRNES. Not only that, but it gives to the Commissioner, under rules and regulations to be prescribed by him, the power to determine compliance, in order to avoid any question which the General Accounting Office might raise.

Mr. McCARRAN. Mr. President, following the remarks of the Senator from New Mexico, and in keeping with his inquiry, is it not true that the 25 percent applies to the State?

Mr. BYRNES. That is correct.

Mr. McCARRAN. Following that thought, the Administrator may reduce the percentage of contribution in one community within a State, but that would necessarily entail raising the contribution to other communities, because the general average over the whole State must be 25 percent?

Mr. BYRNES. Yes. Let me show how it would work in the Senator's State. As far back as April they were demanding of Nevada 34 percent.

Mr. McCARRAN. That is correct.

Mr. BYRNES. For the Nation they were demanding 22 percent. Nevada was asked to pay 12 percent more than the general average, and I think more than any other State in the Union.

Mr. McCARRAN. That is correct.

Mr. BYRNES. The amendment would not disturb that situation anyway, because in the State of Nevada the Administrator, of course, would have the determination as between the communities in Nevada. It would not affect that situation.

Mr. McCARRAN. It would not reduce the contribution we have been making.

Mr. BYRNES. No.

Mr. McCARRAN. In other words, the minimum must be 25 percent.

Mr. BYRNES. Yes; but the law does not say how high it can be made.

Mr. McCARRAN. With reference to the other matter raised by the question of the Senator from New Mexico, suppose, we will say, one community in Nevada, by its persuasiveness, was able to get away with a 10-percent contribution. Then the Administrator could raise the contributions of other communities as they applied for projects so as to make a level of 25 percent at least. Is not that true?

Mr. BYRNES. Yes. Of course, in the State of Nevada it would not affect the matter at all, because the contribution of that State is put so high.

Mr. McCARRAN. It is too high now.

Mr. BYRNES. The highest in the Union. I suppose that is a tribute to the wealth of Nevada.

Mr. McCARRAN. Yes; and it is a tribute to the patriotism of Nevada. We do not want to drain the Federal Treasury any more than we have to.

Mr. BYRNES. I think that is the best illustration that could be given. It is too high. They ask 34 percent from Nevada, and 10 percent from another State.

Mr. McCARRAN. I am very glad to have the Senator from South Carolina say it is too high, and I hope his statement will be observed.

Mr. BYRNES. Mr. President, I offer the amendment which I have sent to the desk, and which I ask to have stated.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert on page 5, line 23, after the words "may be" and the period, the following:

The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner and his determination made in conformity with rules and regulations prescribed by him shall be final and conclusive.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. PEPPER. I wish to address myself to the pending amendment. It seems to me there will be two or three inevitable effects, even when the amendment is perfected as the Senator from South Carolina proposes to perfect it. In the first place the amendment would make it impossible in the future to have any Federal projects. Every project would have to be a State project, because every State would have to put up at least 25 percent of the cost of the project constructed within the State.

Mr. BYRNES. Mr. President, there was no such intent, and because it has been suggested that such a construction might be placed upon it as the Senator from Florida has placed upon it, I intend to amend by inserting "non-Federal." It was suggested to me to make it specifically "non-Federal." The word "non" should be inserted in the language.

Mr. PEPPER. That would be a very helpful amendment. I am glad the Senator from South Carolina proposes to make that change, so that it will be possible hereafter to continue Federal projects.

Mr. BYRNES. Mr. President, the provision would have no effect whatever upon Federal projects.

Mr. PEPPER. Mr. President, I will say that the next vice which I think the amendment in any form has is that it lays down a rule of rigidity rather than a flexible rule. Heretofore the Administrator has been working toward a satisfactory relationship between the Federal and the State contributions, and the figures which have just been presented show that he has done a good job, and constantly has been requiring a larger contribution from the States and the sponsors of the several projects. Therefore, I feel that to lay down a rigid requirement—that is to say, that every State must contribute a minimum of 25 percent—would impair the quality of flexibility which I believe a program of this sort must have to be effective.

In my State, in spite of the fact that, according to the figures presented, we paid 25 percent, so that on the face of it we would suffer no detriment by the adoption of the amendment, yet I am told from reliable sources in the administration in my State that four-fifths of our projects, which have already been approved by the President and which are ready for execution, would be handicapped or would be retarded if the provision in question were in effect.

I know that the Senator from South Carolina proposes to change the language so that it will not restrict individual projects; but it restricts the whole State. If four-fifths of the projects are below the 25-percent minimum, the other one-fifth will have to be high enough to bring the whole contribution of the State up to the level of 25 percent.

Mr. BYRNES. If I understood the Senator correctly, he said the provision would apply to projects now under construction. That would not be so, by reason of the change of the word "hereafter" to "thereafter."

Mr. PEPPER. I mean to say that the rule would apply to four-fifths of the projects that have already been approved by the President but upon which construction has not yet begun.

Mr. President, the determination of the amount of a State's contribution should be based on the nature of the project. In my State the State university is getting some very fine dormitories and university buildings under the W. P. A. program. It is a permanent construction, which will be worth something next year, 10 years, and 25 years from now. That kind of construction should be encouraged and not discouraged. On such projects an average of 50 percent has to be put up in my State. Of course, that makes the contribution high. So the effect of the amendment would be to encourage the cheaper projects and the less-permanent projects at the expense of the permanent and the valuable projects which would stand year after year as monuments to the value of the program.

I hope, therefore, that the amendment in any form will not be agreed to, because experience does not show necessity for it.



Mr. TAFT. Mr. President, I should like to read into the Record two telegrams, one from the mayor of Cleveland and another from the mayor of Toledo, regarding the proposed amendment. I read first the telegram from Mayor Burton, of Cleveland:

Understand proposed Senate amendment to W. P. A. appropriation bill provides for 25-percent contribution from local subdivisions to cost of projects. Respectfully submit that provision requiring flat or arbitrary percentage contribution from local governments is extremely unwise because of various types of projects now in operation in different sections of country. No subdivision in Greater Cleveland is able to meet this proposed requirement.

I now read a telegram from the city manager of Toledo:

Regarding 25-percent local contribution W. P. A. projects, inability to raise funds thus required would mean reduction of available man-months work from present 120,000 to 40,000 for Government fiscal year 1940. This would mean lay-off 6,666 men immediately, most of whom would go on relief, for which our funds are entirely inadequate.

Mr. President, it happens that Ohio is one of the States in which the W. P. A. needs are the largest, and in which the State contribution is the smallest on a percentage basis. If Senators will examine the figures submitted by the Senator from Washington, they will see that in Ohio the contribution was 12.3 percent last year, and, instead of improving this year under the Administrator's assistance, it is lower. It is now 11½ percent. That is not because Ohio does not contribute a very substantial sum. I think if Senators will consider the total sum contributed, over twenty-three million, for sponsors' shares of these projects they will find that, in proportion to population, that is as large a percentage as any State puts up, or substantially the same as any State puts up. The difficulty is that the unemployment in Ohio is greater. That is why it seems to me that a 25-percent flat percentage is not a fair percentage to require.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BARKLEY. The telegrams read by the Senator indicate that the mayors of those two cities are under the impression that the 25-percent limitation applies to local projects. Of course, it does not. It is the average for the State. A local project may not have more than 10 percent or 15 percent local contribution, but some other project would have to go above 25 percent in order to make the average 25 percent.

Mr. TAFT. How is the State going to apportion the 25 percent to one city and not to another city? How will the authorities determine what the percentage shall be? Or must we call the legislature together before the 1st of January in order to provide a new allotment of State funds to municipalities and counties in Ohio?

Mr. BARKLEY. That is up to the administrator of the W. P. A. in the State, and not up to the legislature. The legislature does not as a rule appropriate moneys to match Federal funds. They are put up largely by local communities.

Mr. TAFT. Our legislature, however, is attempting to work out that problem and contribute some part of the money from the State. Other parts come from localities.

Mr. BARKLEY. I do not wish to draw any invidious comparison, because there may be some States whose percentage is lower than that of Ohio. I understand the average in Ohio is about 11 percent.

Mr. TAFT. Eleven and one-half percent.

Mr. BARKLEY. Whereas the average in the whole country is 23 percent.

Mr. TAFT. The only reason I can see why we have a larger percentage of W. P. A. in Ohio is because there is more unemployment in Ohio. The reason the percentage is low is not because the contribution of the State is small, but it is because of the tremendous need for W. P. A. work in the State of Ohio.

Mr. BARKLEY. That would be determined on the basis of the aggregate of the contributions made by the local communities.

Mr. TAFT. I said before the Senator came into the Senate Chamber that Ohio contributed \$24,000,000 during the last fiscal year. Compared to Illinois, for instance, which contributed \$32,000,000, it is approximately the same on the basis of population. Compared to \$44,000,000 contributed by New York it is almost exactly the same percentage.

Our contribution has been approximately as large as that of any other State in the United States. The difficulty is that the unemployment is so great. I do not know why that is. I have not been able to discover why we should be the prize unemployment State, but apparently we are. Apparently the city of Cleveland has the highest percentage of unemployment of any city in the United States.

Mr. President, I can think of no reason why every State should be treated the same, why every State should be required to put up 25 percent. Let one State put up 25 percent and another State put up 10 percent because of different needs. But now there must be a flat 25 percent. What reason is there to suppose that every State is in the same position from the standpoint of unemployment? In addition to W. P. A., the actual money spent on direct relief in Ohio is in percentage as high or higher than in any other State.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. TAFT. I yield.

Mr. BARKLEY. The Senator has mentioned the aggregate amount contributed by Illinois and New York. What is the percentage of contribution locally to the projects?

Mr. TAFT. In Illinois it is 17.7 percent and in New York it is about 19 percent. But there are more people on W. P. A. today and more people unemployed in the State of Ohio than in the State of New York or in the State of Illinois or in the State of Pennsylvania, any one of which has a great deal larger population than has the State of Ohio.

Mr. BARKLEY. What is the contribution locally in Pennsylvania?

Mr. TAFT. Fourteen and seven-tenths percent.

Mr. BARKLEY. With States such as Illinois, Ohio, New York, and Pennsylvania contributing from 11 to 19 percent locally, it must be true that many other States are contributing a great deal more than 23 percent in order to make the average for the whole country 23 percent.

Mr. TAFT. That is true. It is also true, as was pointed out by the Senator from Florida [Mr. PEPPER], that where unemployment is very heavy and there is the necessity of providing people with sufficient money to live on the money must be made to go further. There must be fewer permanent projects and more digging and other work which provides employment for more persons. Consequently, it is undoubtedly true that the type of projects in the States where unemployment is heavy is not so permanent as in States which contribute more money. The more permanent the project, I think, the more reason there is to ask the State to contribute something to the project; but the justification for relief is to prevent starvation. Relief is an absolute necessity. It is not fundamentally a Federal project at all. It is a necessity; and if the necessity is greater in one place than in another, I do not see why we should require any arbitrary percentage.

Mr. LA FOLLETTE. Mr. President, I think the pending amendments to the amendment are an improvement upon the report of the committee. As I understood the Senator from South Carolina [Mr. BYRNES], he stated that the Administrator had advised him that under the provisions of the committee amendment as amended—in case his pending amendment is adopted—the Administrator could administer these provisions. However, I assume that his statement relates primarily to the question of whether or not it is feasible and practicable from the Administrator's standpoint for him to enforce the requirement. I take it he did not intend by that statement to indicate that the Administrator felt that the provision suggested would be workable so far as the over-all picture of W. P. A. operation is concerned.

Mr. President, I cannot conceive how the 25-percent average sponsor's contribution per State can operate in any way except to impede the program. I think we must bear in mind that the employment of millions of persons is a going operation, scattered all over the United States in practically every community. It is an operation which requires the employment of individuals upon projects if they are to receive the wages which stand between them and destitution.

Mr. President, I am not an expert on the administration of the W. P. A. so far as its technical details are concerned, but it seems to me perfectly clear from the standpoint of a layman that if we lay down an arbitrary requirement of a 25-percent average it will inevitably result in delay in the approval of projects, because the Administration would have to keep a weekly or monthly average—perhaps a daily average—of sponsors' contributions within a State. When a large municipality, for example, puts forward a project and needs that project approved in order that the people who are certified for employment may be transferred to the new project from a project which is coming to completion, it will be necessary, as I see it, for the Administrator to weigh the contribution for the new project as against the State average. Often there may be a situation in which it will be necessary to delay the approval of a project which falls below the 25-percent requirement in order that some community remote from the particular project under consideration may be induced to sponsor a project which will be sufficiently above the 25-percent average so that the project in the first community may be approved and the average maintained.

Furthermore, Mr. President, I think the point made by the Senator from Ohio [Mr. TAFT] is a sound one. We must remember that urban and industrial communities, as well as the Federal Government, have been carrying a very heavy financial burden over the long economic crisis. I know that in my own State there are industrial communities which are reaching the end of their financial ability, either through taxation or by borrowing, to provide sponsorship in any such proportion as 25 percent. The average of my own State in the average table happens to be 19.1, but that does not mean that some industrial communities where unemployment has been a terrific burden ever since 1929 are not below the 19.1 percentage in providing their share of sponsorship.

It seems to me, Mr. President, that from any aspect we consider the amendment in its entirety, if it shall be adopted we shall impose a very difficult administrative problem. We shall be endangering the continuity of employment, which is so essential for those who need work; and all we shall gain, according to the sponsors of the amendment, is an increase of 3 percent in sponsors' contributions over the present national average.

I submit, Mr. President, that under those circumstances, and in view of the varying incidence of unemployment among industrial communities, we should not fix an arbitrary standard of this kind. I think all will agree that the Works Progress Administration has been bringing all possible pressure upon the communities to increase their percentage of sponsorship; and the record will show, if Senators will take the trouble to examine it, that so far as the Nation as a whole is concerned there has been a constant increase in the contributions of sponsors of W. P. A. programs.

In addition, Mr. President, we must take into consideration the fact that so far as the problem of direct relief is concerned the Federal Government has withdrawn any assistance to the localities, counties, and States. So, in addition to what the localities are putting up in the way of sponsor contributions for W. P. A. projects, they are carrying a tremendous financial burden in the way of meeting, without Federal assistance, the staggering burden of direct relief for unemployables and for those employables who have never been taken on by the W. P. A., although many of them have been certified for months and months as being eligible for such employment.

So I plead with the Senate to reject this amendment and not to impose the difficult administrative problem which I

venture to predict, if the amendment is adopted, will slow up the approval of projects in large urban communities to the point where the entire functioning of the W. P. A. program may be endangered, with the result that an increasing load will be dumped upon the communities for the local taxpayers to carry largely through property taxes.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment offered by the Senator from South Carolina [Mr. BYRNES].

Mr. WAGNER. Mr. President, I feel obligated to read a telegram which was not sent directly to me, but was sent to the majority leader, a copy of which was transmitted to me by Mayor LaGuardia, in reference to the same question which is now under consideration. I read the telegram:

NEW YORK, N. Y., June 27, 1939.

HON. ROBERT F. WAGNER,

*United States Senate, Washington, D. C.:*

I have sent the following telegram to Senator BARKLEY:

"W. P. A. appropriation bill as reported will practically make all worth-while projects in cities impossible. Many municipalities simply cannot comply with sponsorship requirements as now provided in committee bill. Art and theater projects cannot be locally sponsored for many reasons well known to committee. Purpose of W. P. A. is to provide work. The pending bill will not do it in its present form. I am speaking for all cities. Do not forsake unemployed now."

F. H. LA GUARDIA, Mayor.

The telegram carries out the thought which has been so ably expressed by the Senator from Wisconsin [Mr. LA FOLLETTE]. I wish to join with those who are urging the rejection of the amendment, because I think the basis of requiring a State to pay an inflexible sum of 25 percent, irrespective of the needs of the particular State, is not in accordance with the philosophy of the W. P. A.

Mr. WALSH. Mr. President, confirming what the Senator from New York [Mr. WAGNER] says, I have received several similar messages from the mayor of Boston. I find that the general sentiment of officials of the larger cities in the country is that the suggested provision would prove very burdensome. A table which was called to my attention yesterday indicates that the percentage of contributions made in the State of Massachusetts last year was 13 percent. A jump to 25 percent would be extremely burdensome to municipalities which are already overburdened with taxes and which already have a very heavy relief load.

Mr. WAGNER. I will say, Mr. President, that I happened to be present in the Appropriations Committee when the mayor of Boston testified and explained to the committee the difficulties under which he is now laboring. I am not pleading especially for New York, for New York may be able to carry the burden; I do not know; but in some of the other communities such as Boston, in view of the evidence the mayors gave to the committee, how they can possibly contribute 25 percent I do not know. I think that statement will apply to many other communities.

If this inflexible imposition is to be written into the bill, it will be exceedingly burdensome, and will simply mean that many of those now employed will be absolutely uncared for.

I was one of those who were originally associated with the legislation to provide relief, together with the Senator from Wisconsin [Mr. LA FOLLETTE] and the late Senator Costigan, of Colorado. That was during the Hoover administration when relief legislation was first proposed. Then we did not divide the money so much for each State and provide that each State should contribute so much. We insisted, as the Congress insisted, that the money should be provided where it was needed.

Now, unfortunately, some States are suffering more than others. The Senator from Ohio [Mr. TAFT] asserted a few moments ago that his State is suffering from unemployment to a greater extent perhaps according to population than is any other State in the Union. It would be unfortunate if that State, because of the tremendous unemployment there, and the need that exists there, was not able to make the contribution of 25 percent throughout the State. It would simply mean that they could not sponsor projects. What



the outcome would be, I cannot foresee, unless they should put all the unemployed upon relief, and that would be a burden the State could not carry, for it is necessary to have the cooperation of the Federal Government.

Mr. VANDENBERG. Mr. President, will the Senator permit me to sustain what he is saying to the extent of observing that the mayor of Detroit—and I think the mayor of every other industrial city in Michigan—testified precisely as the Senator from New York has stated? I therefore want to join with him in the statement he is making.

Mr. WAGNER. I thank the Senator very much. What I am attempting to urge is that we should not attempt to change the philosophy of the law. It was contemplated that aid should be given according to need. Now it is proposed, irrespective of need, that the States shall be compelled to contribute 25 percent, and if they do not do so they cannot get any aid from the Government at all. I think it would be a very risky proposition, and I hope it will be rejected.

#### OBLIGATIONS OF THE UNITED STATES AS SECURITY FOR FEDERAL RESERVE NOTES

Mr. GLASS. Mr. President, I ask unanimous consent to take from the calendar and to have considered at this time a bill reported by the Banking and Currency Committee at the request of the Federal Reserve Board. The bill permits for 2 years longer the use of United States bonds as security for rediscount at the Federal Reserve banks. It has to pass before Friday night; otherwise, the rediscounting of the banks will be greatly retarded.

The PRESIDENT pro tempore. The clerk will state by title the bill referred to by the Senator from Virginia.

The LEGISLATIVE CLERK. A bill (S. 2618) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the second paragraph of section 16 of the Federal Reserve Act, as amended, is hereby amended by striking therefrom the words "until June 30, 1939," and by inserting in lieu thereof the words "until June 30, 1941."

#### REGULATION OF COMMERCE IN PETROLEUM AND ITS PRODUCTS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1302) to make permanently effective the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended, and for other purposes, which were, on page 1, to strike out line 8 and insert:

amended by the act approved June 14, 1937 (50 Stat. 257), is further amended so as to read:

"Sec. 13. This act shall cease to be in effect on June 30, 1942."

On page 2, to strike out lines 1 to 18, inclusive; and to amend the title so as to read: "An act to continue in effect until June 30, 1942, the act entitled 'An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes,' approved February 22, 1935, as amended."

Mr. CONNALLY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### WORK RELIEF AND RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

Mr. MALONEY. Mr. President, I will take a moment of the time of the Senate, if I may, to call attention to a possibility that the pending legislation may not be passed in time to have the President sign it before the expiration of the present law. That situation is causing great worry to millions of W. P. A. workers throughout the country. In addition there are some further worries. In the Works Progress Administration there are a great many employees who have accumulated leave, which, technically, will expire and be wiped out if the pending bill shall not be enacted before Friday night.

So, if it is in order, and if it is not out of order, I ask unanimous consent that I may now introduce a joint resolution which, if adopted, would continue the functions of these agencies in the event that the pending measure should not be passed. I ask that the joint resolution be referred to the Committee on Appropriations.

Mr. BARKLEY. Mr. President, in that connection I will say to the Senator, if he will yield, that I have conferred with the leaders of the other branch of Congress in respect to the matter to which he refers. In the event that it becomes apparent that the pending bill cannot be enacted and signed by the President by Friday night, a joint resolution has already been drawn and is ready to be introduced and passed, if it becomes necessary. However, we are all hoping it will not become necessary, because if we pass a joint resolution continuing these agencies for another month or 2 months or 6 weeks or even 2 weeks, the Senator realizes that then we may relax our efforts to secure the passage of the pending measure. It is not desirable to pass a continuing resolution unless it is absolutely necessary in order that there may be no lapse of time after midnight on Friday. I think the chances are probably 99 to 1 that we will be able to have the pending measure enacted and signed by the President before Friday night.

Mr. MALONEY. I am very hopeful that the majority leader is correct in his view, and I am quite in accord with what he says. My only interest in the matter was in having a resolution before the Appropriations Committee in the event it was necessary. I shall be guided entirely by the suggestion of the majority leader.

Mr. ADAMS. Mr. President, may I make an inquiry as to legislative procedure? Can the Senate initiate such a resolution or should it not come from the other House?

Mr. MALONEY. I think we can initiate it, I will say to the Senator.

Mr. BARKLEY. There is no question that the Senate can initiate such a resolution if the law in question is not a tax measure, in which event the other House must initiate it.

Mr. ADAMS. Legally, of course, the Senator is correct.

Mr. BARKLEY. But customarily the House does originate resolutions of this kind, and I will say to both Senators it is already understood that, if it becomes necessary, a resolution will be thus originated in the other House.

Mr. MALONEY. I should like to ask the majority leader now what he would prefer I do? Does he desire that I withdraw the resolution?

Mr. BARKLEY. No; it is all right. Of course the Senator may introduce it and have it referred to the Committee on Appropriations if he so desires.

The PRESIDENT pro tempore. Without objection, the joint resolution will be received and referred to the Committee on Appropriations.

The joint resolution (S. J. Res. 162) continuing the functions of the Works Progress Administration and certain other agencies beyond June 30, 1939, was read twice by its title and referred to the Committee on Appropriations.

Mr. WALSH. Mr. President, I desire, in connection with the statement I made a few moments ago, to invite the attention of the Senate to page 26 of the hearings before the subcommittee of the Committee on Appropriations of the House of Representatives on House Joint Resolution 83. A table appears on that page which is designated as table 8,

which purports to set forth, by States and by sources of funds, the expenditures on Works Progress Administration operated projects through November 30, 1938.

As I scan through this table, I note that approximately 38 States, 2 or 3 of them being very close to a 25-percent contribution, will have an increase in their contributions, and about 10 States will probably have a reduction.

The contributions made by the States vary from 11, 12, and 13 percent to as high as 30 percent. It would seem to indicate that some of the States will have a very substantial increase in their contributions.

I ask that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 8.—Expenditures on Works Progress Administration operated projects, by States and by sources of funds through Nov. 30, 1938

State	Cumulative through Nov. 30, 1938				5 months ending Nov. 30, 1938			
	Total expenditures	Federal funds	Sponsors' funds		Total expenditures	Federal funds	Sponsors' funds	
			Amount	Percent of total expenditures			Amount	Percent of total expenditures
Total.....	\$6,195,050,364	\$5,206,312,670	\$988,737,694	16.0	\$1,093,521,558	\$897,892,694	\$195,628,864	17.9
Alabama.....	67,946,931	53,744,645	14,202,286	20.9	13,496,711	10,725,337	2,771,374	20.5
Arizona.....	26,006,875	19,243,186	6,763,689	26.0	4,457,965	3,374,784	1,083,181	24.3
Arkansas.....	54,032,946	44,622,390	9,410,556	17.4	10,543,625	8,963,121	1,580,504	15.0
California.....	319,970,376	268,857,632	51,112,744	16.0	45,114,675	36,372,125	8,742,550	19.4
Colorado.....	71,885,189	58,672,590	13,212,599	18.4	10,989,501	8,886,189	2,103,312	19.1
Connecticut.....	69,334,885	56,732,834	12,602,051	18.2	12,493,553	10,237,698	2,255,855	18.1
Delaware.....	5,968,386	5,184,750	783,636	13.1	1,216,288	976,775	239,513	19.7
District of Columbia.....	20,139,667	17,370,617	2,769,050	13.7	4,112,805	3,541,446	571,359	13.9
Florida.....	62,751,844	50,555,122	12,196,722	19.4	13,096,345	10,642,366	2,453,979	18.7
Georgia.....	69,684,688	56,327,417	13,357,271	19.2	14,288,818	11,281,609	3,007,209	21.0
Idaho.....	22,899,371	16,411,498	6,487,873	28.3	3,696,446	2,640,731	1,055,715	28.0
Illinois.....	462,489,908	384,307,671	78,182,237	16.9	94,675,647	78,500,384	16,175,263	17.1
Indiana.....	191,693,147	162,740,041	28,953,106	15.1	36,657,738	29,853,039	6,804,699	18.6
Iowa.....	68,984,079	51,953,223	17,030,856	24.7	13,157,554	9,292,076	3,865,478	29.4
Kansas.....	83,391,354	65,065,008	17,326,346	21.0	11,492,568	8,871,517	2,621,051	22.8
Kentucky.....	89,426,684	71,022,357	18,404,327	20.6	19,750,483	15,851,358	3,899,125	19.7
Louisiana.....	74,443,999	60,989,887	13,454,112	18.1	12,532,421	10,199,240	2,333,181	18.6
Maine.....	18,706,403	14,948,800	3,757,603	20.1	3,233,604	2,445,232	788,372	24.4
Maryland.....	26,183,300	30,598,393	5,584,907	15.4	5,415,841	4,129,872	1,285,969	23.7
Massachusetts.....	266,762,260	249,006,370	17,755,890	13.2	49,278,572	42,928,371	6,350,201	12.9
Michigan.....	257,036,733	214,437,947	42,598,786	16.6	68,002,613	59,562,953	8,439,660	12.4
Minnesota.....	151,872,055	125,146,242	26,725,813	17.6	28,494,091	22,213,379	6,280,712	22.0
Mississippi.....	63,421,627	40,104,091	23,317,536	24.9	10,261,383	7,837,087	2,424,296	23.6
Missouri.....	172,604,112	148,643,807	23,960,305	13.9	33,878,768	29,145,682	4,733,086	14.0
Montana.....	41,277,536	34,411,245	6,866,291	16.6	8,944,195	7,019,248	1,924,947	21.5
Nebraska.....	69,681,807	46,272,250	23,409,557	22.5	10,690,754	8,356,795	2,333,959	21.8
Nevada.....	6,501,457	4,534,309	1,967,148	30.3	1,171,959	700,961	470,998	40.2
New Hampshire.....	19,805,649	16,044,870	3,760,779	19.0	3,770,713	3,075,370	695,343	18.4
New Jersey.....	249,746,408	208,701,496	41,044,912	16.4	44,458,161	34,677,580	9,780,601	22.0
New Mexico.....	24,036,235	19,863,932	4,172,303	17.4	4,248,708	3,425,695	823,013	19.4
New York.....	957,897,170	846,489,627	111,407,543	11.6	114,695,270	95,112,278	19,582,992	17.1
North Carolina.....	62,730,411	40,347,484	22,382,927	23.5	11,112,574	8,431,837	2,680,737	24.1
North Dakota.....	37,914,201	30,428,436	7,485,765	19.7	5,353,859	3,839,543	1,514,316	28.3
Ohio.....	452,033,485	393,923,650	58,109,835	12.9	104,386,777	91,316,129	13,070,648	12.5
Oklahoma.....	108,321,802	84,719,322	23,602,480	21.8	17,391,551	14,095,880	3,295,671	18.9
Oregon.....	44,858,092	36,363,621	8,494,471	18.9	7,066,557	5,476,325	1,590,232	22.5
Pennsylvania.....	628,514,369	565,058,086	63,456,283	10.1	104,375,269	90,737,611	13,637,658	13.1
Rhode Island.....	35,248,891	29,181,329	6,067,562	17.2	7,731,210	6,716,131	1,015,079	13.1
South Carolina.....	47,172,123	37,345,357	9,826,766	20.8	10,340,452	8,437,514	1,902,938	18.4
South Dakota.....	42,263,313	35,141,026	7,122,287	16.9	5,236,147	3,908,201	1,327,946	25.4
Tennessee.....	70,026,648	46,791,125	23,235,523	33.2	11,941,851	8,683,521	3,258,330	27.3
Texas.....	140,242,552	105,513,240	34,729,312	24.8	24,329,529	17,726,908	6,602,621	27.1
Utah.....	29,573,286	22,034,972	7,538,314	25.5	4,768,460	3,429,423	1,339,037	28.1
Vermont.....	10,579,012	8,018,757	2,560,255	24.2	2,280,305	1,779,897	500,408	21.9
Virginia.....	44,610,890	34,930,027	9,680,863	21.7	7,310,169	5,360,028	1,950,141	26.7
Washington.....	92,253,260	77,044,955	15,208,305	16.5	19,593,237	15,145,860	4,447,377	22.7
West Virginia.....	88,011,258	74,520,200	13,491,058	15.3	14,760,250	11,813,994	2,946,256	20.0
Wisconsin.....	160,317,091	132,811,632	27,505,459	17.2	31,276,989	25,348,247	5,928,742	19.0
Wyoming.....	11,709,374	8,283,691	3,425,683	29.3	1,815,088	1,201,318	613,770	33.8
Alaska.....	20,743	20,743	—	—	—	—	—	—
Hawaii.....	7,349,554	5,115,752	2,233,802	30.4	1,436,765	867,305	569,460	39.6
Virgin Islands.....	4,015	4,015	—	—	—	—	—	—
Central office.....	4,944,808	4,944,808	—	—	200,845	200,845	—	—
Central textile account.....	-9,231,805	-9,231,805	—	—	-7,473,983	-7,473,983	—	—

Source: Federal funds represent voucher payments reported by the Treasury Department, sponsors' funds based on Works Progress Administration State office reports of sponsors' certifications.

Mr. DAVIS. Mr. President, I have received telegrams from the mayors of the largest cities in the State of Pennsylvania with reference to the pending amendment. The cities include Philadelphia, Reading, Erie, and Pittsburgh. I desire to read to the Senate a telegram I received this morning from the mayor of the city of Pittsburgh. It is addressed to me, and reads as follows:

PITTSBURGH, PA., June 27, 1939.

HON. JAMES J. DAVIS,  
United States Senate, Washington, D. C.:

The new W. P. A. bill as reported by your Senate subcommittee is a great improvement over the House bill, but one feature is included which I hope you will use your best efforts to remove from the final enactment. That is the arbitrary setting up of a 25-percent sponsor's contribution on all projects, which the conference of mayors informs me is provided for in the committee's report. There are a great many very useful W. P. A. projects which require a sponsor's contribution of much less than this amount, particularly grading and drainage jobs on streets and playgrounds which con-

stitute the bulk of the city of Pittsburgh's W. P. A. program. I think I can fairly say that if the 25-percent year-round average is included in the bill, that the city of Pittsburgh will be forced to cut very sharply the number of W. P. A. projects which it sponsors and thus the total number of employees on W. P. A. here will be much reduced.

Our financial condition is such that we cannot afford to spend more than \$100,000 a month for the sponsorship of W. P. A. projects. We have averaged, roughly, 10 to 12 percent of Federal W. P. A. expenditures and so it is easy to see that if the figure is moved up to 25 percent that the W. P. A. employment on city-sponsored projects will be cut in half or more.

I sincerely hope that in view of this condition confronting your home city that you will do everything within your power to remove this crippling restriction.

CORNELIUS D. SCULLY,  
Mayor, City of Pittsburgh.

The PRESIDENT pro tempore. The question is on the first amendment offered by the Senator from South Carolina [Mr. BYRNES] to the committee amendment.



Mr. BYRNES. As I understand, that is the amendment postponing the time when the provision is to take effect?

The PRESIDENT pro tempore. The Senator's statement is correct. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the second amendment offered by the Senator from South Carolina [Mr. BYRNES], which will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 5, line 17, after the word "projects", it is proposed to strike out the word "hereafter" and insert "thereafter."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

The LEGISLATIVE CLERK. On page 5, line 23, after the period, it is also proposed to insert the following new sentence:

The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determination, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. PEPPER. Mr. President, I desire to be sure that I understand this matter. I think perhaps there is a little confusion on the subject in the minds of other Senators also.

On page 16, in section 11, provision is made for the Commissioner to allocate not to exceed \$50,000,000 to other Federal agencies for certain purposes there prescribed. That is not dissimilar from the provisions which have been made in all the other relief measures, is it? I address my question to the Senator from South Carolina?

Mr. BYRNES. No; it is practically the same.

Mr. PEPPER. That is the usual provision?

Mr. BYRNES. Yes.

Mr. PEPPER. The next question is, under the existing law it has been possible to have a category of projects to be called Federal projects; that is to say, projects which might be sponsored by the Works Progress Administration alone, without any cosponsor or joint sponsor. That is correct, is it not?

Mr. BYRNES. Yes.

Mr. PEPPER. If the Senator should amend the amendment he has been discussing and let the 25-percent provision apply only to non-Federal projects, I wish to know whether it would be possible in the future for the W. P. A. to sponsor a project which perhaps would require a cosponsor, but with respect to which the amount to be contributed by the cosponsor should not be prescribed by law or regulation. Would that be possible?

Mr. BYRNES. Mr. President, if I understand what the Senator has in mind, it has reference, of course, to section 25 of the joint resolution.

Mr. PEPPER. That is correct.

Mr. BYRNES. I think the specific prohibition in that section, if it remains, would prevent the operation of any project sponsored solely by the Works Progress Administration.

Mr. PEPPER. But the thing I am interested to know is this: Suppose the W. P. A. says, "We will sponsor an arts program. That is to say, we are willing to sponsor it if there will be a cosponsor with us." May not the two or the three, or whatever number may be involved, sponsor that project without its being subject to the 25-percent provision on the previous page?

Mr. BYRNES. Mr. President, I do not think so. I think the art projects the Senator has in mind would be on the same basis as all other projects, and that if such a project were desired by the city of Jacksonville, say, Jacksonville would have to sponsor it. It is true that the representative

of the Mayors' Conference apparently does not understand this amendment, and he speaks of the individual contributions. The city of Jacksonville could sponsor an art project, and, if the Administrator approved it, could put up 5 percent, or could put up the equivalent of 5 percent—because, in the history of these things, less than 5 percent is now put up—and as long as the State of Florida was putting up 25 percent, as it is now putting up 25 percent, it could go ahead.

Mr. PEPPER. But there is a difference between the city of Jacksonville, Fla., on the one hand, initiating an arts project or any other kind of a project, enlisting the approval of the W. P. A., getting the W. P. A. contribution to be applied and having the project constructed, and on the other hand, the W. P. A. initiating a program or project of broad application, and, before it can operate in any State, requiring that the State shall cooperate in a certain degree with the program.

Mr. BYRNES. There certainly is; but I submit to the Senator that the only way in which he will remedy the situation to which he refers is by striking out the three lines on page 29. So long as those three lines remain in the joint resolution, providing that no funds are available for any project sponsored by W. P. A., it could not be done.

Mr. PEPPER. I desire to suggest a technical disagreement with the Senator from South Carolina as to that interpretation of the language. If the project were sponsored solely by the Works Progress Administration, without any cosponsor, that would be true; but the language which the joint resolution already carries says that none of these funds shall be available for projects which are sponsored solely by the W. P. A.

Mr. BYRNES. Let us see if the Senator and I cannot agree. If a project is not sponsored solely by the W. P. A., then the funds in this joint resolution are made available—there is not any question about that—regardless of whether the sponsor is the city, the county, or the State. There is no question about that.

Mr. PEPPER. That is my interpretation. I am very much interested in this subject, and I want to be sure that that interpretation is the one which is understood by the Senate when this amendment is adopted, if it is adopted.

Mr. BYRNES. I do not think there is any question about that; but whenever we reach that stage in the consideration of the joint resolution I shall be glad to express my view about the matter. Apparently some Members are opposing the provision who are opposed to any art project or theater project, and some Members are in favor of Federal projects without any contribution or sponsorship at all; and that is a very controversial matter. As I see it, however, it would not be affected by the pending amendment.

Mr. PEPPER. I think if the Senator should perfect his amendment by putting in the words "non-Federal," it would make the matter clear.

Mr. BYRNES. As I have stated heretofore, and stated to the Senator from Florida, that was my interpretation of the amendment, and I thought I asked to modify the amendment some time ago by inserting the word "non-Federal." Certainly I intended to do so.

Mr. PEPPER. On page 5?

Mr. BYRNES. On Page 5, line 16, after the word "all," to insert "non-Federal."

The PRESIDENT pro tempore. Without objection, the amendment is modified as requested by the Senator from South Carolina.

Mr. PEPPER. The word "Federal" there is construed to mean a project sponsored solely by the Federal Government?

Mr. BYRNES. That is the way it always has been construed.

Mr. WAGNER. Mr. President, may I ask a question at that point? I am very much interested in this matter, and I should not want to have any confusion afterward. Providing the requirement for a 25-percent contribution remains in the legislation as it now stands, may a project be sponsored by the W. P. A. jointly with some local authority?

Mr. BYRNES. Yes; there would be no change in that respect. When the Senator refers to a project being spon-

sored jointly, I assume that he means in the same manner in which those matters are now conducted.

Mr. WAGNER. There are certain projects which the W. P. A. may itself conduct without any sponsorship from any locality.

Mr. BYRNES. That is correct. That is prohibited by the language on page 25.

Mr. WAGNER. That cannot be done if the joint resolution is passed as it now stands. Is that correct?

Mr. BYRNES. If it is passed with the section on page 25, it could not be done.

Mr. WAGNER. So if a sponsorship should come from a locality, assuming it to be an art project, would it nevertheless be in the classification of non-Federal projects?

Mr. BYRNES. Yes; it would have to be.

Mr. WAGNER. I hope the Senator from Florida [Mr. PEPPER] is listening to this discussion, because I do not want him to be confused.

Mr. BYRNES. The Senator from Florida, as I understand, is not confused about it. Any project that is sponsored by a State or any subdivision of a State is not a Federal project.

Mr. WAGNER. It is not a Federal project?

Mr. BYRNES. It is a non-Federal project.

Mr. WAGNER. Under this legislation as it now stands, can we have a purely Federal project?

Mr. BYRNES. Yes; of the character described in the \$50,000,000 section, limited to Federal agencies.

Mr. WAGNER. That is limited to certain Federal agencies?

Mr. BYRNES. That is correct, and that is all.

Mr. WAGNER. That could not include art projects?

Mr. BYRNES. It could not as I interpret it. I talked to the Senator from Florida [Mr. PEPPER] about the matter a moment ago. It could not be done unless the President allotted to some agency of the Government some department's money for that purpose.

Mr. WAGNER. Some other agency than W. P. A.?

Mr. BYRNES. Yes.

Mr. WAGNER. So that unless section 25 is amended that would be the construction?

Mr. BYRNES. I do not think there is any doubt at all about it, as long as that specific proposition remains in the joint resolution.

Mr. WAGNER. Then such a project would come within the 25-percent requirement?

Mr. BYRNES. It would be on the same footing as all other projects.

Mr. President, I regret very much that I cannot get some features of this matter over to the Mayors' Conference, and, I fear, to some of my colleagues. The Senator from Ohio [Mr. TAFT] read a telegram from the mayor of Cleveland which clearly indicates that the mayor has read some newspaper statement misleading in character. He says the provision in question will require a municipality to put up 25 percent of the cost of a project; and from two or three telegrams read by the Senator from Pennsylvania [Mr. DAVIS] from mayors of cities in that State, I am sure there is a misunderstanding. We know how such a misunderstanding occurs. The Mayors' Conference now have offices here, and they have a representative. This is not the first time I have found that the representative sends out a telegram, and the mayor of my town telegraphs me, and the mayor of another Senator's town telegraphs him, and if a mistake appears in one telegram it appears in all. It is just a question of whether the gentleman who now represents the mayors for the purpose of getting money out of the Federal Treasury understands the matter. If he does, all right, well and good. If he does not understand it, then we receive the telegrams, and they are all wrong.

This provision does not apply to the municipality. Insofar as the State of Pennsylvania or any other State is concerned, proceeding as the Administrator now does, he may show to Cleveland, as he has shown to Cleveland ever since these programs have been in effect, the favor of not requiring them to put up as large a contribution as is required of other cities in the State of Ohio and as is required of small

communities. That is true of Massachusetts, Pennsylvania, and the Carolinas.

Insofar as this provision goes, the Administrator would proceed as he now does. How does he proceed? He has a sewing-machine project, for instance. He requires a contribution of not more than 10 percent. How is that 10 percent provided? By the rental of a building, or at most by material; not by cash, and because he thinks that project should not be required to put up a large contribution, he does not require it.

Then there may be a schoolhouse to be built, and, because of the ability of the school district, having issued bonds, to put up more, the Administrator will require them—as I know he does in my State—to put up 45 or 50 percent. They put up the 45 or 50 percent in material and in supervision of men. They can take one project and require 50 percent; they can take a white-collar project and require 5 percent; but so long as they provide the total from the State of 25 percent, which is going to be required anyway, according to the Administrator, by December, this provision could be administered.

It is said that the Administrator would have trouble in administering the provision. I discussed that matter with the Administrator this morning. I would not want to misquote him, but I am satisfied he would prefer to have no restraint upon the exercise of discretion by him. He would prefer not to have any amendment at all; which is not unusual. I never have seen the official in the executive department who would not prefer that we hand him an appropriation without requiring that he comply with any restraint directed by the Congress. But when I asked him about the administration, he said that if he had had the language which I have added, he would have had no difficulty in administering the law. The only thing he requested was that I make the effective date 3 months from now, and at the suggestion of the Senator from Ohio I extended it even to the first of the year, because I believe it is important to the Administrator, after all, to put this principle into effect.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. WALSH. I desire to commend the Senator for the amendment he has offered, which I think will be most helpful in the administration of the law. I understood the Senator to say yesterday that the average contribution by the States is now 22 percent.

Mr. BYRNES. Twenty-two and a fraction percent.

Mr. WALSH. And that the Administrator says after December it will be 25 or more, under the present law.

Mr. BYRNES. That is correct.

Mr. WALSH. But the pending joint resolution fixes the amount of the contribution at 25 percent. In several States would not that be an increase over present contributions?

Mr. BYRNES. I did not understand the Senator's question clearly, but the present contribution is twenty-two and a fraction percent, and the Administrator says that by December he is going to require a contribution of 25 percent.

Mr. WALSH. Can he do that under existing law?

Mr. BYRNES. Yes; or he can lower it, or he can require one State to put up 10 percent and require of another State 35 percent or 50 percent. In the case of Nevada he requires 34 percent. In the case of Ohio—and I did not bring this out, but the Senator from Ohio and the Senator from Kentucky did—he requires 10 percent. It is only a question whether or not, in order to attain some degree of uniformity, we should require that a State shall put up a minimum of 25 percent. Then the State regulates the contributions within the State, as the State administrator sees fit, in order to secure the 25 percent.

Mr. WALSH. The Senator has clarified the situation by his statement, but I still am convinced that the amendment would mean to many States an increase over the present contribution.

Mr. BYRNES. Mr. President, that it would mean to some States an increase there can be no question, and my contention is that it should mean that. Let us see what occurs. Today we have something we have never had before; we have



an organization of mayors. I do not blame the mayors for their activities. The mayor of any municipality knows that he is going to stand for reelection, and when he stands for reelection, the mayor wants to cite his accomplishments. He tells his people something to this effect: "I put up this building, this stadium. I put up this recreation park. Look at the waterworks I put in this city; and, my fellow citizens, I want to tell you that I got it for nothing. Not one dollar did it cost you. It did not come out of your city taxes. I got it without raising your city taxes. I went down to the city of Washington and put up an argument there to the Administrator, and, with the help of the State administrator, I got them to let me put up only 10 percent. How did we put up the 10 percent? By putting some people on the job to exercise supervisory direction, and we charged up the services of the supervisors at so much a day. That did not cost you any money, because you had the supervisors, anyway."

"What else did I do to put up the 10 percent? I provided the use of some of the city's equipment. I took the concrete mixer and got a credit of \$50 a day. Over here in the other city, how did they come out? The mayor did not stand in as I did, and he got but \$25 a day for their concrete mixer. I put a tractor on the job. Reelect me, and I will go down to Washington and get something for the city."

Now we are confronted with the situation that when they cannot come in person, telegrams pour in, and they are going to be received from my city and from every other city, saying "Don't hamstring me. Still leave me an opportunity to get this money. I don't want to put up any."

Is that right? Consider the case of the P. W. A. today. They submit us a statement that they have a billion and a half dollars of applications from the municipalities of this country, asking for the privilege of putting up money in order to get a billion and a half dollars out of the United States Treasury, and they say, "If you will give it to us today, if you will write into this measure this P. W. A. provision and let us get the money, we will put up 55 percent in order to get a 45-percent grant." Let them get into a taxicab and ride across this town from one Government office to another, and they get poor on the way, and by the time they reach the Administrator's office they are crying that they cannot put up 10 or 15 percent because of the terrible conditions which exist at home. As a result they get a favor from one Department of the Government, when they are crying for the opportunity to put up 55 percent in order to get 45 percent out of the Treasury.

I want the Senate to decide whether or not we shall endeavor to say how little they must put up. Some of them are not willing to put up equipment and are not willing to provide supervision, and today they are not putting up more than 5 percent, and they do not want to do that.

This provision would result in some uniformity, and make the people of this country more satisfied with the P. W. A., which has done and can do much good. We should write some such provision into the law, instead of leaving it to the Administrator to say, "I like the State of Arizona, and because I like the State of Arizona and like the Senator from Arizona, it has to put up but 11 percent. But I do not like this other State, and that State will have to put up 30 percent."

Mr. HOLT. Mr. President, does not the Federal money come from the same place where the cities and towns get their money?

Mr. BYRNES. If the Senator could convince the people of that, our difficulties would be greatly lessened, but the people do not believe it. The people believe that when they get money from Washington, it comes from Santa Claus, that they are will never have to do anything about it, and therefore that it is merely a question of saying, "So long as it is going to be spent, I might as well get mine." If I were the mayor of Kalamazoo I would say that I would get more of it, that I knew it was going to be spent, and if I did not get it, the Senator from Massachusetts would be getting it, and therefore I would get as much as the other fellow, or

more. No mayor will run for office in a municipality hereafter without bragging about the good bargain he obtained.

In the early days we thought the brake on expenditures was in the Congress of the United States, and that the spending department was in the executive branch. By the high-powered methods now resorted to, that has been changed, so that the only brake to be exercised will be exercised by the executive department, and Congress will be running away with itself to see how much it can give to other people.

Mr. TAFT. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield.

Mr. TAFT. I was interested in the Senator's picture of the lobbying mayors. I have been in legislatures, and know something about it myself.

In the case of the city of Cleveland, I do not think his story is a fair statement of what happened. I talked with the mayor of Cleveland this morning for over half an hour, and discussed the whole situation with him. I was familiar all last year with the situation in Cleveland. I know how much they can put up. This is a question of figures, and I say that if we require them today to put up 25 percent, they will have to cut their works projects in half, and that is not because they are not putting up money. The people of the city of Cleveland voted an extra levy of seven mills, which makes their tax rate today the highest in the State of Ohio. The need exists. It is all very well to say that these are general conditions, but I say that here is a specific condition, a condition under which they cannot afford, by any method I can discover today, at least, or the Administrator can discover, so far as that is concerned, to put up 25 percent.

We have introduced a bill on the relief proposition requiring a contribution of one-third. If they have to put up 25 percent on W. P. A. projects, and they pay the whole cost of their relief, which is very considerable, in addition to the W. P. A., they are going to pay nearly half the cost of relief under this plan.

I say that under present conditions of unemployment, under the tremendous expense they are put to in order to take care of unemployment they cannot afford to do it. If we are going to leave it wide open to an administrator to say, "In Cincinnati you have to put up 30 percent and in Cleveland 10 percent," we will have the same conditions existing inside of the States that we are trying to get away from by having uniformity throughout the Nation. The provisions are not carried far enough. If 25 percent is what is wanted, make it 25 percent for everyone.

I think the principle is an unsound one. I think the administrator should go into a case of need and determine what is the actual need in the particular case.

Mr. BYRNES. Mr. President, the Senator's question is a long one. First of all I wish to say that the Senator from Ohio has said that the administrator ought to have the right to go into each case. That is what is provided for. I think the Senator still believes that the provision would require the city of Cleveland to put up 25 percent. I have been trying to tell the Senate that the provision applies to the State, and if the administrator of the State of Ohio, who knows more about the condition in the city of Cleveland than anyone in Washington could possibly know, believes its story, then he can permit projects to be undertaken in the city of Cleveland without raising the percentage. If that were done it would lessen the pressure that is brought to bear. Without wishing to say anything about any one city, I will say that that city has been the most active of any that I know of with respect to the general proposal. But the other cities of Ohio make no such complaint, and the other cities of Ohio could pay a little more to make up the 25 percent, pay it in the way I suggest they should pay, by services and by equipment. I know a little about the city of Cleveland. I dislike to go back to

it. The Senator, however, will admit that when they had an election there on the question of changing the constitution so as to permit the city to raise more taxes for relief, the people of Cleveland voted it down.

Mr. TAFT. There is a constitutional limitation, but a city may vote to impose a tax in excess of the constitutional limitation. While we have a 10-mill limitation, Cleveland has voted, and today has a tax rate of 30 mills.

Mr. BYRNES. When was that election?

Mr. TAFT. In 1932, I believe.

Mr. BYRNES. And has not the city of Cleveland voted on it since then and voted against the increase?

Mr. TAFT. Cleveland has nearly always voted for the additional levy. I cannot speak of what has happened since 1932, because I do not know.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. MEAD. First of all I agree that, through the efforts of the Senator who has the floor, the legislation before us has been considerably liberalized.

Mr. BYRNES. Yes, it has.

Mr. MEAD. I am very much interested in a character of project which would fit into a category which would make it wholly a Federal project. I recognize the fact that the inhibition contained in the joint resolution prevents 100-percent-sponsored P. W. A. projects. But it does not prevent a Federal project if the project can secure Federal sponsorship. For instance, I am speaking of projects on Indian reservations, national parks and reserves, game refuges, emergency airports and projects that have to do with the Army and the Navy. For the RECORD I will say that I recognize the fact that, while we prevent W. P. A. 100-percent-sponsored projects, there is a possibility of some agencies joining in sponsorships, but I am wondering if there are any funds available, and, also for the RECORD, I should like to know how these projects will be prosecuted.

Mr. BYRNES. Mr. President, I can only say that the language in the House measure covering the \$50,000,000 for Federal projects is the same as has heretofore been used. I think the Senator from New York is interested in the same question about which the Senator from Florida has been interrogating me.

Whether the House language on page 25, which definitely prohibits the projects referred to, or the language now proposed be adopted, I do not see how any part of that \$50,000,000 could be appropriated for the arts projects in which the Senator is interested, unless some agency of the Federal Government had the authority to undertake them and could secure approval of the President. That would have to be done, just as it has always been done. There is no change in that respect.

Mr. MEAD. For the RECORD, again I will ask whether the Senator knows of any authorization which would permit an agency of government other than the W. P. A. to sponsor a Federal project?

Mr. BYRNES. I do not believe any such authorization exists. When I was discussing the question with the Senator from Florida this morning I wondered what the effect of the language would be. Even if the President allotted money to the Department, I do not see how the Department could undertake to sponsor the project unless it was authorized by law to do the particular thing.

Mr. MEAD. Would the Senator favor the insertion in the measure of a sum of money earmarked and authorized under specific language for certain Federal projects, limiting it to a reasonable amount?

Mr. BYRNES. Mr. President, that has nothing to do with the amendment I have suggested. I have always opposed the absolute prohibition carried in the House provision. I do not believe that the arts projects could be placed on the same footing with all other projects. That is my position with respect to the matter. I find, as I said a while ago, that some Members of the Senate are in favor of Federal art projects and some are opposed to them. I want the language to be

more specific. I think they should be treated as all other projects are treated.

Mr. MEAD. If the Senator will yield further, I will say that section 25 (a) on page 29 states that—

None of the funds made available by this joint resolution shall be available after October 31, 1939, for the operation of any project sponsored solely by the Work Projects Administration.

I have in mind the possible earmarking of a reasonable sum of money that would permit W. P. A. to act as a co-sponsor of certain projects, and I have in mind accepting from the Federal arts projects, as a contributing share, the revenues derived from the operations of such projects or receipts taken in at the box office.

Mr. BYRNES. Mr. President, while discussing the provision on page 5, a number of questions were asked me about the theater project. I wish to say to the Senator that the Senate will have to vote on that question. The interest displayed by the Senate makes certain that a vote will be taken. The Senate will have an opportunity to vote its convictions one way or the other. The Senate can vote to strike it out, and then it will proceed just as it is now proceeding, or it can amend by inserting a provision such as the Senator indicates.

I do not like to make a suggestion about a matter in which the Senator from New York is interested, but it seems to me the thing to do is to meet the issue and have a vote on it. I can advise the Senator that I have been told by Members who object to the language proposed by the Senate committee that they want to restore the House language, with the positive prohibition against any art project of any kind, and that a vote will be had on that question. The Senator from New York, the Senator from Florida, and others are in favor of it, and they will doubtless present their views, and we will have a vote on the question in a short time.

Mr. MEAD. Mr. President, will the Senator again yield?

Mr. BYRNES. I yield.

Mr. MEAD. I recognize the fact that the proposed legislation which has been sponsored by the Senator is far more liberal than the measure that came to the Senate. But I have in mind the jeopardy that not only the Federal art projects will be in but all Federal projects, such as those affecting Indian reservations, national parks, and game refuges.

Mr. BYRNES. No, Mr. President, they are in a different category. I should not want my statement to be misconstrued. The national-park projects are authorized by law. If it is seen fit to appropriate a certain sum out of the Federal \$50,000,000 appropriation, to the Interior Department for national parks or anything else, it is made a Federal project. Such projects, I repeat, are authorized by law. If the Senator could find some department which is authorized by law to operate a theater project, it could do so. I do not know of any. The \$50,000,000 is available to the departments.

Mr. MEAD. I should like to have that \$50,000,000 which is available to the departments, dealt with by language which would make the provision sufficiently liberal to include Federal projects similar to the Federal Arts Project and others in the category that I mentioned, such as emergency airports, which may be covered by existing law.

Mr. BYRNES. Airports are not affected. They are covered by law. I suggest to the Senator from New York that he ought to meet that issue directly. If he wants to meet it, let him offer an amendment to suggest it directly, because I am afraid he will not get at it in any other way. I do not know of any specific law authorizing the other departments to do this thing.

Mr. MEAD. I appreciate the suggestion, and I really believe we ought to meet it as the Senator suggests, and that we ought to appreciate the fact that the Senator from South Carolina has already liberalized existing law, but that we have in mind a further liberalization of the law.

Mr. BYRNES. The provision does not go as far as the views of the Senator from New York.



Mr. MEAD. We ought to have in mind the acceptance of sponsorship by W. P. A., which is now prohibited by law, and that sponsorship might come as the result of receipts which accrue in the prosecution of a project. I think it would cover such a situation as we might find upon investigation that State law or municipal ordinances would not permit sponsorship of the type of project we have in mind. Therefore, to get around that difficulty it occurs to me that we ought to have in the law some validation of that particular type of project.

Mr. BYRNES. We have to do that or knock out the whole of section 25.

Mr. TAFT. Mr. President, I wish to correct the statement of the Senator that the other cities in Ohio are not in the same situation as Cleveland. Akron, Youngstown, and Toledo are in exactly the same situation as is Cleveland. While Cincinnati, Columbus, and Dayton are better off, they are hardly in a position to assume their share of sponsorship.

Mr. PEPPER. Mr. President, I have listened with peculiar interest to the colloquy which has been carried on between the Senator from South Carolina [Mr. BYRNES] and the Senator from New York [Mr. MEAD]. I believe that what the President and all of us have in mind; that is, permission to the W. P. A. to be cosponsor of projects of greater than local significance, may be preserved by an amendment to the committee amendment on page 5, as amended, adding the following proviso at the end of line 23:

*Provided, That the limitations of this subsection shall not apply to projects on which the Works Progress Administration is a cosponsor.*

Mr. President, that proviso would make it possible for the Works Progress Administration to sponsor projects which have a significance broader than State lines or any particular locality; but at the same time there would be imposed a limitation upon the authority of the W. P. A. by requiring, as section 25 does, that no project could be sponsored solely by the W. P. A. That is to say, the W. P. A. would have to obtain some competent cosponsor for every project it initiated, but the amount of the contribution to be made by the cosponsor would be determined by the Works Progress Administration.

Mr. President, I believe that all of us recognize that certain projects have a national significance, and that they could with propriety be initiated and sponsored by the Works Progress Administration, the national agency. I am perfectly willing to concede, as the joint resolution indicates, that there should be some limitations upon that authority, and that in every case the W. P. A. should be required to enlist the cooperation and the aid of some other competent sponsor.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BYRNES. I ask the Senator if he will not offer his amendment to section 25, which he could just as well do.

Mr. PEPPER. No, Mr. President. I do not wish to do that, because that would leave the impression that the only thing to which the amendment would be applicable would be the arts program. There are many projects which are truly national in their scope, or certainly regional in their significance, and which as a practical matter could only be initiated with propriety by the W. P. A. I am perfectly willing to agree to any reasonable limitation in amount, if the Senator would care to suggest such a limitation.

Mr. BYRNES. No, Mr. President; I am not interested in it at all.

Mr. PEPPER. We have the safeguard of the President's approval; we have the safeguard of the Administrator's approval, which is required before such projects can be initiated; and we have our past experience to show that the authority to initiate projects has not been abused. Even more important than that, we have the debate which has occurred on the floor of the Senate, which will certainly be a moral admonition, if not a legal suggestion to the Administrator to be limited in the initiation of projects to those

which would meet the common approval of the people of the country. Therefore I offer the amendment which I have suggested to the amendment reported by the committee, as amended.

I ask unanimous consent that the vote by which the committee amendment, on page 5, beginning in line 15, as amended, was agreed to, be reconsidered.

The PRESIDING OFFICER (Mr. STEWART in the chair). Without objection, the vote by which the committee amendment, on page 5, beginning in line 15, as amended, was agreed to, is reconsidered. The amendment offered by the Senator from Florida to the committee amendment, as amended, will be stated.

The LEGISLATIVE CLERK. On page 5, at the end of line 23, in the committee amendment as amended, it is proposed to add the following proviso:

*Provided, That the limitation of this subsection shall not apply to projects on which the Works Progress Administration is a cosponsor.*

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the committee amendment on page 5, beginning in line 15.

Mr. BYRNES. Mr. President, I express the hope that the amendment to the amendment will be rejected. The matter of the theater project can be met, and should be met, in the consideration of section 25. It can be considered and determined by the action upon that section. Having the Administrator of the Works Progress Administration pass upon cosponsorship of the Works Progress Administration and some local government would present an entirely new proposal, which really has no relevancy to the committee amendment.

Mr. ADAMS. Mr. President, will the Senator aid me in the matter of language? Can one be a cosponsor for himself? Can he be a partner of himself? Can he be his own father?

Mr. BYRNES. Mr. President, that is the point that is bothering me. The amendment of the Senator from Florida [Mr. PEPPER] is not necessary. In a few minutes we shall reach the section under which this thing can be discussed, and Members can vote their convictions on it one way or the other and settle it in a very short time. I hope the amendment offered by the Senator from Florida [Mr. PEPPER] to the committee amendment, as amended, will not be agreed to. I hope the committee amendment will not be confused by the adoption of the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the committee amendment on page 5, beginning in line 15.

The amendment to the amendment was rejected.

Mr. JOHNSON of Colorado. Mr. President, I desire to offer an amendment on page 5, line 17, in the committee amendment, after the word "thereafter" to add the words "approved to be", so that the line would read, "projects thereafter approved to be undertaken within any State, Territory", and so forth.

Mr. BYRNES. Mr. President, I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Colorado to the committee amendment is agreed to.

The question now is on agreeing to the committee amendment as amended.

Mr. DANAHER. Mr. President, may we have the committee amendment, as amended, stated in its entirety?

The PRESIDING OFFICER. The committee amendment, as amended, will be stated.

The CHIEF CLERK. The committee amendment, as amended, reads as follows:

(d) On and after January 1, 1940, in administering the funds appropriated in this section not to exceed three-fourths of the total cost of all non-Federal projects thereafter approved to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political

subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determination, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

**The PRESIDING OFFICER.** The question is on agreeing to the committee amendment, as amended.

**Mr. AUSTIN.** Mr. President, we are about to vote on the question whether or not we will agree to the committee amendment as amended. Some Senators who have expressed views about this amendment are absent from the Chamber. I therefore suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Frazier	Lee	Russell
Austin	Gerry	Lodge	Schwellenbach
Bailey	Gibson	Logan	Shipstead
Bankhead	Gillette	Lucas	Slattery
Barkley	Green	McCarran	Smathers
Bilbo	Guffey	McKellar	Stewart
Bone	Gurney	Maloney	Taft
Borah	Hale	Mead	Thomas, Okla.
Bridges	Harrison	Miller	Tobey
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Murray	Truman
Byrd	Herring	Neely	Tydings
Byrnes	Hill	Norris	Wagner
Capper	Holman	O'Mahoney	Walsh
Clark, Idaho	Holt	Overton	Wheeler
Connally	Hughes	Pepper	White
Danaher	Johnson, Calif.	Pittman	
Davis	Johnson, Colo.	Radcliffe	

**The PRESIDING OFFICER.** Seventy-eight Senators having answered to their names, a quorum is present.

The question is on the committee amendment as amended.

**Mr. BYRNES.** Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

**Mr. REED.** Mr. President, for the benefit of those who have just come into the Chamber, may we have the amendment as amended stated?

**The PRESIDING OFFICER.** The clerk will state the amendment as amended.

**The CHIEF CLERK.** On page 5, line 15, it is proposed to insert:

On and after January 1, 1940, in administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects thereafter approved to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia as the case may be. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determination, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

**Mr. BARKLEY.** Mr. President, may I ask the Senator from South Carolina if I am correct in interpreting that amendment to mean that if all the projects which are possible under this appropriation should be approved by the 1st day of next January, the 25-percent limitation would not apply?

**Mr. BYRNES.** It would not apply except as to projects approved after January 1.

**Mr. BARKLEY.** So that, if the approvals prior to that date represented the entire sum available, this amendment would not apply to any of them.

**Mr. BYRNES.** Yes; assuming the premises to be true.

**SEVERAL SENATORS.** Question!

**The PRESIDING OFFICER.** The question is on agreeing to the committee amendment, as amended, on which the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

**Mr. BRIDGES** (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS].

I understand, if he were present he would vote as I intend to vote. For that reason I feel at liberty to vote, and vote "yea."

**Mr. O'MAHONEY** (when the name of Mr. SCHWARTZ was called). I announce that my colleague [Mr. SCHWARTZ] is detained from the Senate by reason of illness.

The roll call was concluded.

**Mr. HARRISON.** I have a general pair with the senior Senator from Oregon [Mr. McNARY], who is absent on account of illness. I understand he would vote as I intend to vote. So I am at liberty to vote, and vote "yea."

**Mr. LOGAN.** I have a special pair with the junior Senator from New Jersey [Mr. BARBOUR]. I am advised that if he were present he would vote "nay." If I were permitted to vote, I should vote "yea."

**Mr. MINTON.** I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Minnesota [Mr. LUNDEEN] are necessarily detained.

The Senator from Mississippi [Mr. BILBO], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Georgia [Mr. GEORGE], and the Senator from Indiana [Mr. VAN NUYS] are detained in various committee meetings.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Michigan [Mr. BROWN] has a general pair with the Senator from North Dakota [Mr. NYE]. I am advised that the Senator from North Dakota is temporarily detained on departmental business.

**Mr. LODGE.** I have a general pair with the Senator from Texas [Mr. SHEPPARD]. I am advised that he would vote as I intend to vote on this amendment. I, therefore, feel at liberty to vote, and vote "yea."

**Mr. SHIPSTEAD.** I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present he would vote "yea." If I were permitted to vote, I should vote "nay."

**Mr. AUSTIN.** The Senator from Michigan [Mr. VANDENBERG] is necessarily absent. On this vote he is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present, the Senator from Michigan would vote "nay," and the Senator from New Mexico would vote "yea."

The result was announced—yeas 51, nays 24, as follows:

#### YEAS—51

Adams	Connally	Holman	Radcliffe
Ashurst	Donahey	Holt	Reed
Austin	Gerry	Johnson, Calif.	Reynolds
Bailey	Gibson	King	Russell
Bankhead	Gillette	Lee	Smathers
Barkley	Green	Lodge	Stewart
Borah	Gurney	McCarran	Thomas, Okla.
Bridges	Hale	McKellar	Tobey
Bulow	Harrison	Miller	Townsend
Burke	Hatch	Norris	Tydings
Byrd	Hayden	O'Mahoney	Wheeler
Byrnes	Herring	Overton	White
Capper	Hill	Pittman	

#### NAYS—24

Andrews	Frazier	Maloney	Schwellenbach
Bone	Guffey	Mead	Slattery
Clark, Idaho	Hughes	Minton	Taft
Danaher	Johnson, Colo.	Murray	Truman
Davis	La Follette	Neely	Wagner
Downey	Lucas	Pepper	Walsh

#### NOT VOTING—21

Barbour	Ellender	Nye	Vandenberg
Bilbo	George	Schwartz	Van Nuys
Brown	Glass	Sheppard	Wiley
Caraway	Logan	Shipstead	
Chavez	Lundeen	Smith	
Clark, Mo.	McNary	Thomas, Utah	

So the committee amendment, as amended, was agreed to.



APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA—CONFERENCE  
REPORT

Mr. OVERTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5610) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District, for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, 12, 13, 19, 23, 24, 25, 26, 27, 28, 29, 33, 35, 36, 38, 40, 42, 51, 55, 72, 73, 85, 86, 97, 98, 99, 100, 107, 114, 115, 119, 128, and 137.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 7, 8, 9, 10, 14, 16, 22, 37, 43, 44, 45, 47, 48, 52, 53, 79, 82, 83, 84, 91, 92, 103, 104, 105, 106, 108, 109, 112, 113, 116, 118, 120, 121, 123, 124, 125, 126, 130, 131, 132, 134, 135, and 136, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$249,960"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "purchase (including exchange) of passenger-carrying automobiles, \$10,000; and for purchase (including exchange) of three passenger-carrying automobiles for the executive office, \$5,400"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$78,860"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$689,803"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$189,160"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$7,191,930"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: Restore the language stricken out by said amendment amended to read as follows: "\$312,500: *Provided*, That this appropriation shall be so apportioned and distributed over the fiscal year ending June 30, 1940, and shall be so administered, during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "\$3,824; in all, \$9,724"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$490,525"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$2,186,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$21,750"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$37,500"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$21,750"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$226,850"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$154,340"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$144,530"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$5,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$290,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$511,340"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows: Restore the language stricken out by said amendment amended to read as follows:

"For the acquisition by the Commissioners of the District of Columbia of approximately one hundred acres of land in Prince Georges County, Maryland, as a site for the National Training School for Girls, \$10,000: *Provided*, That the title to said property shall be taken directly to and in the name of the United States, and in case a satisfactory price cannot be agreed upon for the purchase of said land the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected in accordance with the laws of the State of Maryland, and expenses of procuring evidences of title or of condemnation, or both, shall be paid out of the appropriation made for the purchase of said land."

And the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$40,205"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$40,705"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$29,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$25,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "In expending appropriations contained in this Act under the caption 'Public Assistance', not more than the following monthly amounts shall be paid therefrom: Emergency Relief of Residents: Single persons, not more than \$24; family of two persons, not more than \$30, and for each person in excess of such number under 16 years of age not more than \$6; and not to exceed a total of \$60 to any one family; Home Care for Dependent Children: Family of two persons, not more than \$30, and for each person in excess of such number under 16 years of age not more than \$6; and not to exceed a total of \$60 to any one family; Assistance Against Old Age Want, and Aid for Needy Blind Persons: Not more than \$30 per month shall be paid therefrom to any one person."

And the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"SPONSOR'S CONTRIBUTIONS TO WORK PROJECTS ADMINISTRATION  
"For amount required by the District of Columbia as sponsor's contributions toward Work Projects Administration nonconstruction projects for free lunches for necessitous school children, sewing, household service, housekeeping aides, adult education, and recreation, including the purchase of food, supplies, materials, streetcar and bus fares, rent, equipment, rental of equipment, personal services, and other necessary expenses, \$177,500, together with not to exceed \$12,000 of the unexpended balance of the appropriation for the same purposes for the fiscal year 1939 contained in the Second Deficiency Appropriation Act, fiscal year 1938."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 15, 20, 21, 34, 39, 41, 50, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 75, 101, 117, 122, 127, 129, and 133.

JOHN H. OVERTON,  
CARTER GLASS,  
ELMER THOMAS,  
EDWARD R. BURKE,  
WILLIAM H. KING,  
GERALD P. NYE,  
STYLES BRIDGES,

*Managers on the part of the Senate.*

ROSS A. COLLINS,  
GEORGE MAHON,  
KARL STEFAN,  
FRANCIS CASE,

*Managers on the part of the House.*

Mr. OVERTON. Mr. President, I ask for the immediate consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the conference report.

Mr. OVERTON. I move the adoption of the report.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana.

Mr. O'MAHONEY. Mr. President, I desire to ask the Senator from Louisiana what disposition was made in the conference report of the provisions dealing with old-age assistance.

Mr. OVERTON. In the case of old-age assistance the Senate increased the appropriation over the bill as it came from the House, and in conference the Senate receded.

Mr. O'MAHONEY. Will the Senator be good enough to describe the two provisions? What was the Senate provision and what was the provision of the House which caused the disagreement?

Mr. OVERTON. There was an increase of the appropriation by the Senate. I do not recall the exact amount. The House refused to yield, and the Senate receded.

Mr. O'MAHONEY. It is my understanding that the provision insisted upon by the House, and to which the Senate conferees have yielded, is such as to make it impossible for aged persons who receive only \$30 per month assistance and have no other income of any kind to derive any benefit from the distribution of foodstuffs by the Surplus Commodities Corporation. Is that correct?

Mr. OVERTON. No; I do not so understand the provision of the conference report. There is a limitation, inserted by the House, of \$48 per family; and the agreement reached in conference was that there should be a certain limitation on each one of these appropriations—namely, for old-age assistance, dependent children, and the blind.

Mr. O'MAHONEY. Was that limitation a personal limitation or was it a limitation on the total amount?

Mr. OVERTON. It is a personal limitation, beginning with a certain amount set forth in the report, and increasing it.

Mr. LA FOLLETTE. Mr. President, will the Senator state what the amounts are?

Mr. OVERTON. I should have to get the conference report to give the Senator that information.

Mr. LA FOLLETTE. I think it is worth while knowing. There are a number of persons on the receiving end of this proposition, and the way it is being administered in the District of Columbia is a national disgrace.

Mr. O'MAHONEY. May we have that portion of the conference report read?

Mr. OVERTON. I will give the information to the Senator.

The provision as agreed to in the conference is as follows:

In expending appropriations contained in this act under the caption "Public assistance," not more than the following monthly amounts shall be paid therefrom: Emergency Relief of Residents: Single persons, not more than \$24; family of 2 persons, not more than \$30; and for each person in excess of such number under 16 years of age, not more than \$6; and not to exceed a total of \$60 to any one family; Home Care for Dependent Children: Family of 2 persons, not more than \$30, and for each person in excess of such number under 16 years of age, not more than \$6; and not to exceed a total of \$60 to any one family; Assistance Against Old Age Want, and Aid for Needy Blind Persons: Not more than \$30 per month shall be paid therefrom to any one person.

Mr. O'MAHONEY. Mr. President, is it not a fact that the provision of law—perhaps in this conference report, I am not sure; perhaps by some other provision—is to the effect that surplus commodity provisions may not be granted to persons who have the sort of assistance now provided by this report?

Mr. OVERTON. That is not my understanding.

Mr. O'MAHONEY. Then the Senator is of opinion that the conference report does not shut out the beneficiaries of this assistance from the distribution of surplus commodities?

Mr. OVERTON. No; my understanding is that it does not.

Mr. O'MAHONEY. Has the Senator before him the provision of the bill itself, as it passed the Senate, which was altered by this arrangement?

Mr. OVERTON. The Senator means as to the limitation?

Mr. O'MAHONEY. What did the bill as passed by the Senate provide?

Mr. OVERTON. The House had provided a limitation of \$48 to any one family. The Senate had provided as a ceiling that not to exceed \$48 per month in the aggregate should be paid to any one family of five or less persons from appropriations contained in the act under the caption "Public Assistance," and not to exceed \$6 per month to each beneficiary in excess of such number. Consequently, the House had a ceiling of \$48 on any one family. The Senate amendment provided for a ceiling of \$48 on any one family of five persons or less, and not to exceed \$6 for each additional person, with a ceiling of \$60 in all.

Mr. O'MAHONEY. What is paid to aged persons under the present law?

Mr. OVERTON. Under the present law the average is \$26.52 per month.

Mr. O'MAHONEY. What is the maximum? If the average is \$26.52, it is probably true that the maximum is more than the \$30 which is the maximum limit now provided by the conference report.

Mr. OVERTON. The average is what is usually paid out; but occasionally some of the old persons need a new set of false teeth, and an additional allocation will be made for that purpose, and that brings up the allowance for that particular month or particular time. There are not more than two or three grants in the District of Columbia in excess of \$48.

Mr. O'MAHONEY. Does the Senator believe there would be any opportunity of revising the report in this particular if the bill went back to conference?

Mr. OVERTON. We had quite a long discussion about it, and finally we came to the agreement which is now represented in the conference report. We spent some time in discussing it, and this was the best formula we could evolve after thorough consideration.

Mr. O'MAHONEY. Does the Senator believe it would be useless to attempt to send the bill back to conference?

Mr. OVERTON. I think so, on this particular item. There are some items on which I hope we can reach an agreement. There are three main items on which we are still in disagreement.

Mr. O'MAHONEY. If the conferees are in disagreement on some items, and therefore the bill must go back to conference, why would it not be a good plan also to take this item back to conference?

Mr. OVERTON. Before we finally agreed on the formula to which I have referred, and which I read just a moment ago, we called into consultation some of those in charge of the relief agencies, and also the Commissioners, and it was their view, as I understand, that this formula would work out.

Mr. O'MAHONEY. Mr. President, numerous representations have been made to me with respect to this provision of the conference report, and it is alleged that it will work a hardship on needy, aged persons in the District of Columbia. As the Senator from Wisconsin has said, the administration of public assistance in the District is not a credit to the Federal Government.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LA FOLLETTE. I did not wish to be understood as referring to the technical administration. What I meant was that Congress, by fixing these arbitrary ceilings without regard to the size of a family, has produced a situation which, in the Nation's Capital, is a national disgrace.

Mr. O'MAHONEY. I understand the Senator to mean exactly that, that the responsibility for lack of proper care lies at the door of Congress and not at the door of those who are charged with the technical administration of the provision.



Inasmuch as it will be necessary to take the bill back to conference, I ask the Senator if he will not agree that this provision shall also be taken back to conference. I should like to make a motion to that effect.

Mr. OVERTON. We had better take all the items on relief back, if we take anything, because this formula applies to all the items with respect to public assistance. We fought very strongly to get an increase. In the Senate we inserted an increase in the bill of \$600,000 for relief, and the House would not yield. They are not willing to increase the amount over the \$900,000 provided, and we are still in disagreement on that provision.

The Senate undertook to increase the appropriation for old-age relief, and the House would not yield. Finally the Senate conferees yielded on the increase.

Mr. O'MAHONEY. That is exactly the point. I feel that the Senator did a good day's work.

Mr. OVERTON. Let me interrupt to say that we have worked for many days.

Mr. O'MAHONEY. I mean when this provision with respect to old-age assistance was adopted. I am hopeful, therefore, that inasmuch as the whole item in disagreement must go back, the Senator will agree to take back also the provision I have been discussing, particularly in order that some of us who are very much interested in it may have the opportunity of learning exactly what the facts are.

Mr. President, I hope the Senator will agree to my suggestion, and I wish to make a parliamentary inquiry. What would be the proper motion to make in order to eliminate this particular item from the motion of the Senator to agree to a portion of the conference report?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the conference report cannot be amended; that the only way to correct it would be to disagree to the entire report, which would send it back to conference again.

Mr. O'MAHONEY. I move that the whole report be sent back to conference.

Mr. OVERTON. Mr. President, I trust the motion will not prevail. We have spent hours and hours and days on the report. There were 137 items in dispute, and we have come to an agreement on the overwhelming majority of them. Only three issues are now in dispute, and I hope the whole report will not be sent back.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that a motion to recommit would not be in order because the House has already agreed to the report.

Mr. O'MAHONEY. Is there any motion which may now be made from the floor of the Senate by which the Senate may insist upon the position it has taken heretofore?

The PRESIDING OFFICER. A vote rejecting the report would send it back.

Mr. O'MAHONEY. So the question arises merely upon the report. Those who want the report to go back to conference should vote to reject the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MILLER. Mr. President, the amount of the Federal contribution to the District is not involved in the report, is it?

Mr. OVERTON. That is in disagreement.

Mr. MILLER. What is the purpose of the Senator from Louisiana in reference to that? Is he going to ask for a conference?

Mr. OVERTON. I intend to ask for another conference.

Mr. MILLER. Of course submitting the matter to the Senate for a vote as to whether or not we will sustain our former position?

Mr. OVERTON. Yes; that is my purpose.

The PRESIDING OFFICER. The question is on agreeing to the conference report submitted by the Senator from Louisiana.

Mr. LA FOLLETTE. I ask for a division.

On a division, the report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its

action on certain amendments of the Senate to House bill 5610, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
June 27, 1939.

*Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 34, 50, 57, 58, 117, 129, and 133 to the bill (H. R. 5610) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 15 to said bill and concur therein with an amendment, as follows: Restore the matter stricken out by said amendment, and at the end thereof, before the period, insert a colon and "Provided, That the foregoing appropriation shall be for payment in full for all services heretofore or hereafter rendered in connection with the study for the revision of the organization of the District of Columbia."

That the House recede from its disagreement to the amendment of the Senate numbered 39 to said bill and concur therein with an amendment, as follows: Restore the sum stricken out by said amendment, and following such sum insert a colon and "Provided, That the activities provided for under this appropriation shall be operated under the joint control, supervision, and direction of the Commissioners of the District of Columbia and the Board of Education."

That the House recede from its disagreement to the amendment of the Senate numbered 41 to said bill and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert a colon and "Provided, That such playgrounds shall be kept open for play purposes in accordance with the schedule heretofore maintained for playgrounds while under the jurisdiction of the playground department."

That the House recede from its disagreement to the amendment of the Senate numbered 55 to said bill and concur therein with an amendment, as follows:

At the end of said amendment insert a comma and "and a report of expenditures for such repairs and improvements to other municipal buildings shall be submitted to Congress in the annual Budget."

That the House recede from its disagreement to the amendment of the Senate numbered 75 to said bill and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert: "That no appointment shall be made during the fiscal year 1940 in the grade of private until 16 vacancies exist in such grade, and 15 of such vacancies shall not be filled during such fiscal year: *Provided further*, That the Commissioners of the District of Columbia are hereby directed to cause a survey to be made for the purpose of determining what consolidations of present fire department stations can be effected and as a result thereof what, if any, economies may be made in the cost of operating the fire department, and what additional amount would be needed for new construction, a report of such survey to be made and submitted to Congress on the first day of the next regular session of Congress."

That the House recede from its disagreement to the amendment of the Senate numbered 122 to said bill and concur therein with an amendment, as follows: Restore the sum stricken out by said amendment and preceding such sum insert "and including an administrative assistant at \$4,000 per annum, to be appointed without reference to civil-service requirements."

That the House recede from its disagreement to the amendment of the Senate numbered 127 to said bill and concur therein with an amendment, as follows: Restore the matter stricken out by said amendment and at the end thereof insert a comma and "except that a permanent type of platform may be constructed from appropriations contained in this act for street improvements when such work is undertaken in connection with roadway paving, repaving or resurfacing, and plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic: *Provided further*, That the street railway company shall pay the cost of maintenance, marking, and lighting after construction."

That the House insist upon its disagreement to the amendments of the Senate numbered 1, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 101 to said bill.

Mr. OVERTON. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 15, 39, 41, 55, 75, 122, and 127.

The motion was agreed to.

Mr. OVERTON. Mr. President, I now move that the Senate further insist on its amendments numbered 1, 59 to 71, inclusive, and 101, and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate at the further conference.

Before the motion is acted upon I wish to say that the amendments in disagreement are, first, the amendment in reference to the Federal payment. The House placed the Federal payment at \$5,000,000, the Senate at \$7,750,000. The second is the amendment in reference to school-building con-

struction and consolidation. The third amendment is in reference to the public-assistance provision.

The PRESIDING OFFICER [Mr. LA FOLLETTE in the chair]. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Presiding Officer appointed Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. BURKE, Mr. KING, Mr. NYE, and Mr. BRIDGES conferees on the part of the Senate at the further conference.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SOMERS of New York, Mr. COCHRAN, Mr. REED of Illinois, Mr. LARRABEE, and Mr. ANDRESEN of Minnesota were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RANDOLPH, Mr. NICHOLS, Mr. DIRKSEN, Mr. KENNEDY of Maryland, and Mr. BATES of Massachusetts were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 32 and 142 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 141 and 158 to the bill and concurred therein, each with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted upon its amendment to the amendment of the Senate numbered 33 to the bill.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1302. An act to continue in effect until June 30, 1942, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended;

S. 1805. An act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens;

H. R. 5427. An act making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 6392. An act making appropriations for the Departments of State and Justice, and for the judiciary, and for the Department of Commerce, for the fiscal year ending June 30, 1940, and for other purposes.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

The PRESIDING OFFICER. The clerk will state the next amendment of the Committee on Appropriations.

Mr. ADAMS. Mr. President, in the matter of the order of procedure, the Senator from Florida has asked that we take up some amendments ahead of those immediately pending. I request that we take up the public-works amendment, which will give time for the Senator to conclude his address.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Colorado that the Senate now recur to the amendment on page 35? The pending amendment is the amendment offered by the junior Senator from New York [Mr. MEAD] to strike out and insert.

Mr. O'MAHONEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Reynolds
Andrews	Ellender	La Follette	Russell
Ashurst	Frazier	Lee	Schwellenbach
Austin	George	Lodge	Shipstead
Bailey	Gerry	Lucas	Slattery
Bankhead	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Stewart
Bilbo	Glass	Maloney	Taft
Bone	Green	Mead	Thomas, Okla.
Borah	Guffey	Miller	Tobey
Bridges	Gurney	Minton	Townsend
Bulow	Hale	Murray	Truman
Burke	Harrison	Neely	Tydings
Byrd	Hatch	Norris	Vandenberg
Byrnes	Hayden	Nye	Van Nuys
Capper	Herring	O'Mahoney	Wagner
Clark, Idaho	Hill	Overton	Walsh
Clark, Mo.	Holman	Pepper	Wheeler
Connally	Holt	Pittman	White
Danaher	Hughes	Radcliffe	Wiley
Davis	Johnson, Calif.	Reed	
Donahay	Johnson, Colo.		

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AUSTIN. Is a vote about to be taken?

The PRESIDING OFFICER. No. An endeavor is being made to develop a quorum of the Senate.

Eighty-six Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the junior Senator from New York [Mr. MEAD] to the amendment reported by the committee.

Mr. BYRNES. Mr. President, I wish to make only a very short statement with reference to the position of the Senate committee. The President of the United States did not submit to the Congress any Budget estimates for an appropriation for P. W. A. With his knowledge of the unemployment situation and of the possibilities of furnishing additional jobs through making appropriation, after taking the whole situation into consideration, he did not ask of the Congress that it appropriate any money for Public Works Administration. The House of Representatives provided that of the total amount asked for W. P. A. there should be diverted to P. W. A. \$125,000,000. The President has opposed that diversion. The Senate committee thought he was right and struck from the joint resolution, first, the provision diverting \$125,000,000 to P. W. A. This the President has announced publicly would mean giving jobs to 165,000 more people through the agency of W. P. A.

The pending amendment seeks to add to the Budget estimate \$400,000,000 to carry on P. W. A. The money that has heretofore been appropriated for P. W. A. is still available. It was said 2 months ago that the peak of employment under P. W. A. would not be reached until October. Certainly for months thereafter there will be employment furnished as a result of the appropriation last year of \$900,000,000.

The question is whether or not the Congress shall, without regard to the Budget, add \$400,000,000 additional at this time for the purpose of carrying on the program of P. W. A.

The Senate committee was of the opinion that the time had come for the Congress to say what should be done with reference to P. W. A. By the action taken by the committee the Works Progress Administration will have more money, by the action taken by the Senate on the amendment that



I introduced certainly more material will be made available, and when more material is made available by the sponsor, more jobs should be available.

In determining whether or not we should add \$400,000,000, I wish the Senate to take into consideration the request of the President submitted within the last 2 weeks. In a letter the President said that he believed the time had come for the Congress and the Government to make loans instead of gifts to the States, counties, and municipalities seeking public improvements. He urged that the Congress authorize the lending of as much as \$870,000,000 to the States, counties, and cities for various purposes.

One of the purposes is that a loan made by the Government should be to take care of the projects which have been approved by P. W. A. and which are listed in the document with which Members of the Senate are familiar, including projects amounting in all to one and a half billion dollars. Those projects include all kinds of municipal improvements, such as waterworks, sewerage, incinerators, and every imaginable thing for which municipalities expend money. It is the purpose, if the Congress passes the bill which I understand is to be introduced by the Senator from Kentucky, that the rate of interest should not exceed 2 percent.

The making of a loan at 2 percent or less over a period of years is equivalent to a grant of approximately 12½ to 15 percent. The loans now made by W. P. A. are made on the basis of 4 percent, and the difference in interest over a period of years would mean a grant of from 12 to 15 percent.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. The amount of the grant in effect by a reduced rate of interest would depend upon the length of time covered by the loan.

Mr. BYRNES. Yes.

Mr. BARKLEY. It is entirely possible that in many cases it would figure out between 15 and 20 percent.

Mr. BYRNES. It would depend upon the period of the loan. However, there is this great difference, which appeals to me: The question is whether or not we shall say to the people of the country that from this day on we are engaged in a permanent program, and that we shall give 45 percent of the cost of municipal improvements through a P. W. A. program; or, on the other hand, that by lending the credit of the Government we shall lend money to the State of Kansas, or to the State of South Carolina, and say to the States, "When we lend you the money we will accept your securities for its repayment. You will then not be looking for something from the Christmas tree, but will be pledging yourselves to repay to the Government the amount of money borrowed from the Federal Government."

I think that point is all-important. It is the most significant change effected by the committee. The question is whether hereafter we shall indulge in gifts or whether we shall merely lend money and cause the local governments of the country to realize that they must pay back what they borrow.

If \$500,000,000, and no more, were loaned to the States, counties, and municipalities by P. W. A. or by the new lending agency, when the securities of the local governments came into the possession of the Government, the head of the lending agency could do what he has heretofore been doing. He could sell those securities and place the money in the Treasury. Only last week or the week before the securities given by the State of California to cover the cost of the Oakland Bridge were disposed of by Mr. Jones at a net profit to the Government. That is a business transaction. The question is whether we shall follow the course suggested by the President or whether we shall determine that from now on we shall continue a gift program which will make every local government look to the Federal Government for one-half the cost of its local improvements.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. WALSH. I infer from what the Senator said that the committee, in making its recommendation, believed it was

carrying out the intent and purpose and policy of the President in this matter.

Mr. BYRNES. Absolutely.

Mr. WALSH. How does the Senator explain the Secretary of the Interior taking another position, as he was quoted as having done by one of the Senators on the floor of the Senate earlier in the day?

Mr. BYRNES. I am very glad the Senator asked me that question. The Secretary of the Interior took that position before the President submitted his views to the Congress and to the country. The President believes that we should have a lending program instead of a gift program.

Mr. WALSH. Many other Senators besides myself feel that if the relief program is generally too complicated and involved, and too difficult for individual Senators to know all the ramifications, we should follow the President in his requests and suggestions of the needs of the country and give him considerable latitude in determining how and where the money shall be spent. I wish to ask the Senator again if in his opinion the action of his committee meets with the approval and favor of the President?

Mr. BYRNES. Mr. President, I say "yes" as emphatically as I can say it.

Mr. WALSH. The only reason I pressed the question was not that I doubted the answer, but that only this morning a Senator quoted the Secretary of the Interior as though the quotation were a recent expression on the part of the Secretary.

Mr. BYRNES. Mr. President, the statement of the Senator from Arizona was absolutely justified. My friend from Arizona never makes a statement which is not justified. The Secretary of the Interior made the statement referred to to the committee several days before the Chief Executive took the position he did. In my experience I have never quoted anything the Chief Executive has said about any matter. However, in this matter he saw fit to express his views in writing. His views were expressed solely because of my request, I having the same desire as has the Senator from Massachusetts to know the attitude of the President as to this program for the future, in view of the fact that no estimate had been submitted by the administration to the Congress asking for any money.

The statement has been publicly made that so far as the administration is concerned it is not asking for funds for a P. W. A. program. That fact, of course, is not controlling. The Congress may do whatever it pleases about the matter, without regard to the views of the Chief Executive.

I submit to the Senate that the time has come for us to determine whether or not we shall permanently embark upon the program of giving 45 percent of the cost of projects to municipalities.

I admit that there is always something to the suggestions of the Senator from Arizona. The thing which impressed him and actuated him in his attitude, as I gathered in the committee, is that he believes there should be a tapering off in public expenditures. I agree. However, in this case the President asked for the total amount for W. P. A. We know that regardless of the views of men as to the administration, W. P. A. does furnish more jobs than P. W. A. to men on the scene of the job. It can take quick action in relieving unemployment. According to the President 165,000 more jobs would be provided by the action of the committee.

On the other hand, it is said that while P. W. A. does not furnish as many jobs on the project, because it involves contract work and more machinery is used, it does furnish jobs back in the factories. That may be true, but there is one difficulty. Any program of that character cannot get under way for more than 5 or 6 months. If we wish to relieve a condition which now exists, we can relieve it by an appropriation for W. P. A. In addition, we know that only a comparatively small percentage of the total amount available under the P. W. A. program has been spent, and from this day on the amount of money actually going out of the Treasury on account of P. W. A. work will increase until October, when it will reach its peak. It will then gradually be re-

duced. Under W. P. A. we can furnish a sufficient amount of money to take care of unemployment, in the opinion of those who are immediately charged with responsibility for its administration.

I hope the Senate will not, without any Budget estimate, and without any request from those whose responsibility it is in the executive department—not only without any request but with positive opposition to the proposal—add \$400,000,000 over and above the Budget by adopting this amendment.

Mr. MEAD. Mr. President, in the first place I disclaim the statement which was made that my amendment involves a gift program. In reality it is a participation program, in which we ask the Federal Government to put up \$400,000,000. We likewise ask the participating governments to match that sum by putting up their share, which would be 45 percent of the cost of each of the projects approved by P. W. A. In other words, Mr. President, we are asking the Federal Government to join in a cooperative effort with all the subdivisions of government in the prosecution of a works program involving \$1,000,000,000.

Another matter which I desire to develop, Mr. President, is the fact that the Secretary of the Interior has not changed his views. It is my understanding that he presented his views at the solicitation or invitation of the committee. His views are identical with the recommendations contained in my amendment, which is now before the Senate.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. WALSH. While the Senator was absent from the Chamber a few minutes ago the Senator from South Carolina [Mr. BYRNES] stated, in reply to a direct question from me, that it was his opinion that the views of the Secretary of the Interior to which reference has been made were views entertained by him prior to the message sent to the Congress by the President. The Senator led me, and, I think, others, to believe that the Secretary of the Interior does not now entertain those views.

Mr. BYRNES. If I did that, I would not want to do so. I have not talked to the Secretary of the Interior, but when the Senator asked what was the explanation, I answered specifically that it was a fact that the Secretary of the Interior testified before the President submitted his proposals to the Secretary of the Interior. I wanted it known that he made that statement.

Mr. WALSH. Perhaps I derived an incorrect impression, but what are some of us going to do when we receive from the head of the Nation a recommendation in relation to relief of one character and receive from the head of a department another directly opposite view as to what should be the policy of the Congress? It is confusing.

Mr. BYRNES. If the Senator will permit me, I would say that I have never known the head of a department who was very efficient who was not also very enthusiastic about the particular work entrusted to him. I can understand that situation. But the President of the United States is charged with the duty of considering and appraising the value of all projects, and after considering the views of the Secretary of the Interior, with which certainly he was familiar, he submitted his views as the President to the Congress.

Mr. WALSH. To a degree, a member of the Cabinet is an agent of the Chief Executive, and may have all the enthusiasm in the world for his work and for spending money, but it seems to me it is a primary obligation of loyalty when it comes to spending \$400,000,000 that he should follow the judgment of the Chief Executive.

Mr. BYRNES. I am not going to dispute that, but I do not know that the Secretary of the Interior has not now changed his position. I have no information about it. I agree with the Senator.

Mr. HAYDEN. Mr. President—

Mr. MEAD. I yield to the Senator from Arizona.

Mr. HAYDEN. If I may explain to the Senator from Massachusetts, the situation is that the Committee on Appropriations called the Secretary of the Interior before it and

asked him what, in his opinion, should be done. I quote his own words:

I am not speaking for the administration. I think we ought to have \$500,000,000, of which \$100,000,000 should be for Federal projects.

That statement was made 2 days before the President sent his message to the Congress.

Mr. WALSH. Has he made any statement since that time?

Mr. HAYDEN. The only information I have, while not directly from him, is that he is still of the same opinion.

Mr. WALSH. Of course that statement seems to me to amount to saying, "It is my wish; I can spend this money if you give it to me and it is desirable."

Mr. HAYDEN. Let me point out one other consideration to the Senator which may influence his opinion in this matter; in either provision, the one the President has recommended or the other, after all it depends upon his discretion as to how many projects shall be adopted or whether any projects shall be adopted. That is an executive matter. The amendment offered by the Senator from New York provides exactly the same discretion. Not a single project ever has been approved under the Public Works Administration unless the President himself has approved it. If he desires, we give him a choice. In this case he can follow either rule, but he is not compelled to follow either one of them.

Mr. WALSH. Does not the Senator agree that the policy the President has proposed to the Congress in his recent message is diametrically opposed to the continuation of P. W. A.?

Mr. HAYDEN. On the contrary, I think that the two are entirely supplementary. I argued to the Senate this morning that I thought there should be a cushion between the two, because we do not know when the new program will get under way. The pending amendment would allow something to be assured in the meantime.

Mr. WALSH. Does the Senator think that any municipality would abandon the opportunity of obtaining a substantial percentage in the way of a gift for a public building for the sake of a loan bearing, say, 2 percent interest?

Mr. HAYDEN. The Senator from South Carolina explained very clearly that the applications under any plan we may adopt will always be much greater than the amount of money available. There are today on file, I dare say, applications for a billion dollars' worth of work. If we appropriated half a billion dollars, they could do half of it; if we appropriated less than that, they could do less. The Senator from South Carolina pointed out that where they cannot get it from one source that a new avenue will be opened, and that all the preliminary work, such as investigating projects, will have been done, and they will be in shape to go ahead. I think that is an entirely sound conclusion.

Mr. WALSH. I thank the Senator for the explanation, but the Senator from South Carolina has with emphasis undertaken to state that, in his opinion, the recommendation of the committee is the President's wish and desire.

Mr. HAYDEN. I have no desire to dispute that.

Mr. WALSH. The problem of relief is so involved, I repeat, and so complicated and so extensive, that I and other Senators cannot give the time to study every detail of it and determine how the money should be spent. In the first place, I place the responsibility in the President of the United States above all others. He has the whole picture before him; he has the various relief agencies working under him, and when he asks for relief purposes a certain sum of money, I propose to vote it to him unless there is some sound reason why I should not do so. I do not propose, however, to provide him more than the amount for which he has asked. So if he does not want this money, if he does not desire the money, and prefers another method, I feel obligated to follow that method.

Mr. HAYDEN. Let me suggest, as a matter of history, that twice before the President made no recommendation with respect to public works, and 2 years ago as the bill came over from the other House it contained no provision for public works. The Senate, in considering the problem,



established a public-works program without a Budget estimate, without any recommendation of the President, and without any action by the other House.

Mr. WALSH. That is very interesting. Apparently the President was not very strenuous in his objection. I take the position that there is only one human being who can pursue effective leadership in establishing a policy of economy or who can control in the last analysis the expenditures of the Government. In a municipality it is the mayor; in a State it is the Governor; in the Federal Government it is the President of the United States; and whenever he voices—being able to command to an extensive degree the public opinion of the country, to register his veto—any protest against extravagance or waste or excessive appropriations, he will have the support of the Congress of the United States.

Mr. HAYDEN. The Senator from Massachusetts, having been a great mayor, a great Governor—and some day he may be a great President—I can understand his point of view; but there are legislative bodies in cities, there are legislative bodies in States, and we have a legislative body here that is a part of the Government.

Mr. WALSH. The compliment of the Senator is appreciated, and I would be very happy to accept the nomination, if I had any ambitions to hold that most burdensome office, which commands almost superhuman qualities from its occupant.

Let me say to the Senator that I have been in public life for 25 years, and I know that in my State of Massachusetts the one man who can largely control the finances of the State is the Governor of the State. The legislature may protest now and then, but the Governor has the power of veto; he is the voice of the people, especially the taxpayers, at this time of excessive taxes. We may say all we want about extravagance and waste on the part of Congress, and about Congress spending too much money, but, in the last analysis—and I do not say this in criticism, as I hope my Republican friends will note when they undertake their campaign—the responsibility is on the Chief Executive, and, if not almost unanimously, then to a very large degree, the people will follow him, as I am now following him, on matters of relief expenditures.

I wish to say that in this relief measure I cannot determine for myself what limitations should be put upon the expenditure of relief money. The President has his agents, he has his employees, he has officials in the departments who are studying the relief question, who know the figures, who know the situation in my State, and in Arizona, and in South Carolina, and in California. Relief is such a human factor, and it is so important and essential that one official, elected by the people, namely the Chief Executive, has control of it, that I want, so far as possible, to follow him in his recommendations; and I regret to see any conflict between a Cabinet officer and the President on the subject.

I thank the Senator from New York for indulging me to such an extent.

Mr. BYRNES. Mr. President, will the Senator from New York yield to me?

Mr. MEAD. I yield.

Mr. BYRNES. It is true, as the Senator from Arizona pointed out, that if the Congress adopted an amendment providing \$400,000,000 for grants, after all, the allotments would have to be approved by the President, and he could reject them all. But, Mr. President, I do not think the Congress wants to do that, because, as has been said, there are a billion and a half dollars worth of applications, and I believe the Congress would not care to say, "We are going to approve these projects so that we can say at home, 'The President does not want this plan; he is opposed to it, but we will approve it'; and the projects will be submitted to the President and he can disapprove." Daily the President could be disapproving projects if the Congress wanted to take that position. But our responsibility, first, must be to determine whether or not when the Chief Executive, charged with this responsibility, says the time has come to abandon making gifts of 45 percent for projects, the Congress shall say, "We are going to adopt legis-

lation to force you to make grants; we are going to put it up to you, and, holding the views that you announce in advance, you will have to disapprove each individual project." I do not think the Congress would want to do that.

Mr. MEAD. Mr. President, of course, I appreciate the very favorable attitude that has been shown in support of the responsibilities, the leadership, and the recommendations of the President. To a very large degree I agree with the philosophy which has just been enunciated on the Senate floor.

Of course, talking about financial leadership and responsibility being placed in the Chief Executive is one thing, and the prerogatives of the legislative body, as indicated in the attitude of the Senate during the last few days with regard to the financial recommendations of the President, is another matter.

The attitude of the Senate with regard to farm parity appropriations is an indication of the assumption of responsibility to a great degree by the legislator. It is true that we look to the President and to the agencies of government under the executive department for guidance in matters of this character; but I do not believe there is a conflict of any major degree between the President of the United States, the suggestions made to the committee by the Secretary of the Interior, and the recommendations contained in the amendment now before the Senate.

The President of the United States, in a letter to the Senator from South Carolina [Mr. BYRNES], proposed a new plan whereby the Government intends eventually to take up the slack and make its contribution to the reemployment of our unemployed. Neither the President nor anyone else intimated that that program could be made effective on July 1. Everybody recognizes the fact that the peak of P. W. A.'s activity will be reached this month, and that it will rapidly and progressively be reduced until July of next year, when there will be only \$9,000,000 left, and 500,000 tradesmen and mechanics and workers will be laid off. Everybody recognizes the fact that to conform with the recommendations contained in the letter directed by the President to the Senator from South Carolina it will be necessary for these projects to be, to a degree, self-liquidating. Everybody recognizes the fact that no doubt the Secretary of the Interior had that fact in mind, and had in mind the category of projects that would fit in that scheme; and he also had in mind, when he appeared before the committee, the fact that there are 5,000 projects pending now, at this minute, before the Public Works Administration, many of which could not under any circumstances or by any stretch of the imagination come within the purview of the new agency when it is set up. Not only are 5,000 projects pending, but projects to the extent of \$1,600,000,000 are already perfected and awaiting action by the Public Works Administration. The Secretary of the Interior, recognizing the fact that this great reservoir of projects could not be considered under the restrictions and limitations of the new program outlined by the President to the Senator from South Carolina, in order that we might continue this program and select projects that could not conform, in his statement to the committee said that at least \$400,000,000 could be allocated at this time for projects in which the Government has a right to participate under the terms of the present P. W. A. program.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. MEAD. Yes; I shall be glad to yield.

Mr. SCHWELLENBACH. I should like to inquire of the Senator from New York whether or not the situation in his State is in any way similar to the situation in my State. Last fall, after the appropriation of last year was made, representatives from the Public Works Administration visited various communities in the State, met with committees in those communities, outlined to them the program of the Public Works Administration, and discussed with them possible projects which might be presented by the communities. They actually induced the communities to expend money in the form of engineering expense, architectural expense, or, in many instances, in the form of calling special

elections in order to make it possible to issue bonds for the other 55 percent. A very large percentage of those approved projects, which were really instigated by the Public Works Administration, on which considerable sums of money were spent by the communities, are now standing, and the communities simply have spent the money, and so far as the communities are concerned that money is wasted.

Mr. MEAD. Mr. President, I am very glad my distinguished colleague from Washington has developed that point, because, to my knowledge, a great number of the projects contained in this vast list rest in the category he has just described. There are a great many projects which are not only urgent and needed and pressing, but projects which we are to a degree morally, if not legally, bound to consider. There are projects all over the United States in which bond elections have already been held, engineering expenses and costs have already been paid, and in a number of cases contracts contingent upon further action by the Federal Government have already been let. These projects, I believe, come within the category outlined by my distinguished colleague. No doubt the Secretary of the Interior had in mind that minimum program when he appeared before the committee only a few days ago and told them that we were at least in a position to make progress on 25 percent of the vast reservoir of projects, and to leave the other 75 percent for the development of the new agency outlined by the President.

Mr. President, I do not believe it is proper or fitting, or economically justifiable, for the Senate abruptly to end this program at this time. I recognize the fact that it will take time and legislative effort on our part to perfect the new program outlined by the President of the United States. I believe in that program. In my judgment, it is economically sound, and there are many good reasons why it ought to be expedited. I can see, however, how wise and prudent it will be for the Senate of the United States, recognizing the fact that we have this large volume of projects, and appreciating the fact that municipalities have already gone so far as to let contracts and to adjust their budgets, to agree with the suggestion advanced by the Secretary that it is a minimum program that will allow for a continuation of this vast and most successful venture of the Government to the perfection of a privately constructed works program, and that it will avoid, prevent, and obviate the set-back and the peril that will result if the Senate shall immediately discard this program. It is the continuity of the program that this amendment will permit, so that we shall advance from the present status to the new status outlined by the President in proposing his new agency.

Therefore, recognizing the fact that every city in the United States, that every county in America almost without exception, that surely every State in the Union has projects in this advanced and preferential category, in view of the fact that it is only a small effort in comparison with the large number of projects available, and in view also of the fact that it will permit a logical, reasonable transition from the system now in vogue to that outlined by the President, it occurs to me that the Senate would be legislating in a proper and sensible manner, recognizing the condition the country is in and the need for these projects, and the fact that it is not a gift program but is a participation program, if it should adopt the amendment which is at the desk.

Mr. President, what is the situation?

The House, as we all know, earmarked for P. W. A. projects a sum of W. P. A. money amounting to \$125,000,000. The Secretary of the Interior very properly explained to the Senate committee that this money ought to be turned back to the W. P. A., and the President of the United States indicated that the Senate ought to take action of that character; and, very wisely, the Senate committee returned the amount of money earmarked by the House for the prosecution of the W. P. A. program.

My amendment will not take any of the moneys allocated to the W. P. A. It leaves the W. P. A. the amount of money allocated to it by the Senate committee, requested for

it by the President. It merely sets up a minimum W. P. A. program authorizing the expenditure of \$400,000,000 for public-sponsored projects and \$100,000,000 for wholly Federal projects. It permits of the continuity of the Public Works program until it can fittingly be absorbed in the new program that was recommended by the President of the United States.

Mr. President, it is not only an aid to the municipalities but it will not increase the taxes of the country in the aggregate. Where it levies a burden upon the Federal Government, it relieves a local government of the full amount of that burden.

It creates work opportunities for labor, gives to contractors and professional men an opportunity to participate in the fruits of the program, and enriches the country by the building of permanent, enduring, wealth-producing projects. It will allow the local taxpayers to enjoy a reduction in taxes by reason of the participation of the Federal Government with the local government in this particular program.

At this point I desire to present the following letter favoring my amendment from Mr. William Green, president of the American Federation of Labor:

WASHINGTON, D. C., June 27, 1939.

HON. JAMES M. MEAD,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I am writing to express the approval of the American Federation of Labor of the amendments which you offered to the joint resolution (H. J. Res. 326) making appropriations for work relief and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940.

In my opinion, the adoption of the amendments you proposed is urgently necessary in order to meet the economic and social needs of the Nation. The Public Works Administration has rendered excellent service and has provided employment for thousands of building-trades workers and others. Its services should be continued. Such an amount of money as you have provided for in your amendments ought to be made available for the use of the Public Works Administration.

I appeal to the Members of Congress, through you, to give a full measure of support to House Joint Resolution 326, which you have offered.

Sincerely yours,

WM. GREEN,

President, American Federation of Labor.

Mr. DAVIS. Mr. President—

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. MEAD. I yield.

Mr. DAVIS. Does the Senator's amendment make provision for funds to be used to give employment to those on the relief rolls?

Mr. MEAD. Obviously the effect of the operation of my amendment would be to reduce the relief rolls.

Mr. President, I stated a moment ago that elections have been held—bond elections—in support of these programs. Engineering costs have already been appropriated and expended, contracts have been let, and many of these projects are in a classification which would prevent them from participating in the new program which will be launched eventually, and which, when it is launched, will give ample reason to the Senate for a further curtailment, if not for the elimination entirely, of the P. W. A. program.

The P. W. A. program is 6 years old, and for the fifth continuous year building construction, according to Dodge reports, are on the upgrade. This particular industry, shocked as the result of the destructive influences of the depression, is on the way back. That is another reason why this is not the time to suspend this program and to await the coming and development of a program which is not ready at this moment.

Mr. President, the program represented in the amendment which I have at the desk, covering only 25 percent of the entire P. W. A. program, will permit of the orderly development of the new program. It will prevent a drastic let-down in the construction industry; it will continue the upturn, the favorable condition which exists now as a result of P. W. A. in the durable-goods industry.



For these reasons I hope this amendment, which will permit of the development of projects which make contributions to the health, the education, and the safety of our country, will be agreed to and the Administration permitted to carry on until such time as it will no longer be necessary for us to make appropriations in this manner.

Mr. President, it would be inappropriate for the Senate of the United States to turn its back now on the communities of the United States that, with the advice and consent of Federal agencies, perfected and developed and submitted for the approval of the Federal Government this vast program, which now depends upon the action taken by the Senate in connection with the amendment which I have sent to the desk.

The President of the United States and the Secretary of the Interior have under no circumstances which recommend themselves to me taken issue one with the other. The Secretary of the Interior, recognizing the fact that he was called upon by a Senate committee for information based upon his experience and his knowledge of conditions, recommended this amendment as the minimum effort to be taken by the Senate at this time.

The President of the United States outlined in a communication to the Senator from South Carolina the plan of action which will be taken, perfected, and refined by the Senate of the United States at a later date, which, when in operation, will permit of the drastic reduction of appropriations of this character.

Mr. President, I am opposed to the reduction of the appropriation recommended for the Works Progress Administration. I congratulate the Senate committee, that very wisely restored the \$125,000,000 taken from the W. P. A. by the action of the other body.

I feel that all that is necessary now to make the joint resolution all inclusive, to give opportunity to every agency of the Federal Government which has joined with us in this struggle against unemployment, and opportunity to continue this work, is approval of the amendment I have at the desk.

Subsequent efforts on the part of the Senate and on the part of the Congress in the approval of legislation outlined by the President of the United States may, and I hope will, enable us at some future date to reduce drastically the appropriations contained in the pending joint resolution for all the existing agencies of government; but until that time has come, and in recognition of the comfortable progress we are making, and in consideration of those who are being fully employed on this program, and for the further reason that there are still millions of our people who are looking for work, let us not stop this program in its tracks; let us continue it in this modest, moderate manner, so that we will not deny to the municipalities, to the communities, to the counties, and to the States, which are looking to us for positive action today, that justice which their cooperation in the past in the perfection of these projects, it seems to me is their just due. Let us not make the mistake of throwing out of work some 500,000 tradesmen and artisans now gainfully employed in the prosecution of this program. Let us not bring about hardship to the contractors, the materialmen, the technicians, and the professional men who have found opportunity for employment as the result of this venture of the Government into this most successful private construction program.

Mr. President, I say that in consideration of all the facts and all the circumstances this amendment should receive Senate approval at this time.

Mr. President, I ask unanimously consent to have inserted in the RECORD at this point an article by myself entitled "The P. W. A. in New York State."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

THE P. W. A. IN NEW YORK STATE  
(By Senator JAMES M. MEAD, of New York)

There are now pending before the Public Works Administration applications from municipalities in the State of New York for 429 projects with an estimated total cost of slightly more than \$257,000,000. Cities and towns in almost every county in

the State have drawn up plans for permanent and useful public works, and are only awaiting P. W. A. assistance before undertaking this necessary construction.

I am not saying that every single one of these projects is imminently essential to the welfare of the people of my State. There are a few that could possibly be undertaken with funds other than those of P. W. A.; there are a few others that could possibly wait over a year or 2 years; but, after eliminating all these, about 85 percent of all the pending applications are in need of immediate aid if these worth-while works are to be undertaken at all and if thousands of families whose heads work in the construction trades are to remain off the relief rolls.

On the basis of a \$125,000,000 appropriation the State of New York could hope to undertake the construction of no more than 5 percent of the projects for which it has applications pending. While this amount would be very helpful, by no means could it be considered sufficient to take care of even a decent proportion of the great need. To take up any reasonable amount of the slack in employment that will be created when the public works now under construction begin to taper off, the Congress must provide a minimum of \$400,000,000 to take care of the most worth while of the non-Federal applications pending. Unless such a provision is made there will be under construction on July 1 of next year only \$9,000,000 worth of public-works projects. About one-half million men now engaged in the construction of public works financed by P. W. A. will have to look elsewhere for their sustenance. We can provide for them through normal employment on P. W. A. projects or add them to the relief rolls—that is our choice.

P. W. A. projects have the endorsement of communities in almost every county in the United States. In the last P. W. A. program more than 6,000 projects were submitted to voters who were asked to pass on bond issues. About 82 percent of these propositions were approved.

Let me point out the nature of these works for which communities in my State of New York have applied to P. W. A. Applications for school projects lead the list. There are 129 of them. New York State has made great strides in the last several years in modernizing its school curriculum and in bringing its educational facilities up to date. Centralization of school districts and consolidation of schools has been undertaken on a vast scale, not only because such methods bring the children better and fuller opportunities for broader education but also because the method is economical. This is especially true in the rural districts of up-State New York. And this economical and worth-while advance in the educational system of my State has been made largely in the last few years as a result of P. W. A. aid.

Take the case of the school at Corfu, in Genesee County, just to select one out of the great number of P. W. A. school projects. The old school up there had been in use since about 1880. It was dilapidated, obsolete, and terribly overcrowded. It was staggering under a load of 180 pupils. Many more would have gone to school but there was no room. Many more would have gone to school but there were no laboratories, agricultural shops, or other facilities for vocational training and for modern studies. Finally, the school district made application for a P. W. A. allotment for a school to accommodate 300 pupils to take care of future needs. Here was a worth-while—a socially desirable and useful project of permanent value. P. W. A. made the allotment. The school was completed in December 1936. I have been informed that the very next school term the school was filled to capacity. A lot of children who had been on the streets were attracted by the school and enrolled. School districts in neighboring communities shut down their own schools and permitted the children to go to the new school at Corfu. The enrollment jumped to 400. Centralization of the school districts in the area was carried out, and the new consolidated school district applied to P. W. A. for aid in enlarging the Corfu school, and in addition asked for a new school. The new school is now under construction, and the Corfu school is being remodeled—two wings are being added—to bring the total capacity up to 600.

Other school districts would like to do the same. Overcrowding of schools simply compels the construction of new schools and additions and improvements to many of those that are already serving to capacity.

About 75 of New York's pending applications before P. W. A. are for waterworks projects. To protect the health of their citizens, to serve and attract industrial establishments, and to provide a necessary service for the public, communities in every section of my State need to build storage tanks, filtration plants, or extend their water mains. An adequate supply of good water is obviously so essential to life and welfare that there is no need for me to point out the necessity for such projects. Delay in some instances may actually be dangerous. In other cases it may merely serve to retard local economic prosperity.

Take the case of Webster, N. Y. Webster, in Monroe County, is in the midst of a highly developed agricultural and industrial area. The canning industry is one of the backbones of business life in the farming centers. But a lack of water hampered Webster for years. The town outgrew the well-and-bucket system back in 1910, when some springs were found and developed. But the population outgrew the supply, and the situation often became critical, especially in the summers when the springs dried up. For 10 years water had to be brought in by truck from nearby towns, and in some summers trucking the water cost as high as \$15,000.

Webster had about given up hope, when an application was sent to P. W. A. for assistance, and was acted upon favorably.

The project was undertaken and the new waterworks system was completed in 1937. Shortly thereafter a nationally known packing plant took option on property and began the construction of a packing plant. That meant more pay rolls for the people of Webster. In addition, other plants have become interested, and neighboring towns have connected mains with Webster's water supply, bringing in additional revenue to the town's treasury.

P. W. A. has already assisted communities in New York in the construction of 92 waterworks projects. Many communities unable to partake in the earlier programs are now asking for an opportunity to cooperate with the Federal Government in bringing an adequate supply of good water to their citizens. No one will deny the value or necessity of such projects, all of which give a high degree of employment and nearly all of which cannot be undertaken without Federal aid.

No less important are the sewerage projects, for which many cities in my State are applying. I notice on the list of pending applications one for North Tonawanda. This seems to be one of the many vital projects that can be undertaken. The application is for a sewage-disposal plant. Cities on both sides of this town have already built such plants in an endeavor to abate stream pollution in the Niagara River. The value of millions of dollars' worth of work already undertaken is jeopardized if this one town which is polluting a stream is permitted to continue dumping its sewage untreated in the river. Funds which aid this town would help a whole area.

I could go on and point out community after community which is making an ardent and sincere effort to take care of its sewage problems in accordance with the recommendations of the State department of health, but which is hampered in its efforts by a lack of funds. P. W. A. assistance is vital to protect the health and welfare of the people.

There are also applications pending for hospitals, homes for the aged, fire departments, jails, libraries, and various other public structures which are important to the people of my State, and which during construction will provide millions of man-hours of work not only at the sites of construction alone but also in factories and mills which make the materials, and on truck lines and railroads which transport the supplies.

Most of the projects which have been applied for are to be built in up-State New York, in cities and towns that are anxious to provide decent employment at decent wages for their citizens. A number of the projects are in New York City. Out of the 10 projects for which the city itself has applied, 8 are school projects, while of the remaining 2, one is for a tunnel and the other for a major highway improvement. Overcrowding in the secondary schools of New York City has created a tremendous problem for the board of education. Only through the construction of adequate school facilities can the city meet its obligations to the young people—the future citizens.

In Bronx County five projects are on the pending list, four of which are for public works in New York City. In Kings County five projects are on the pending list, all of which are in New York City and Brooklyn. In Queens County four projects, of which three are in New York City. In Richmond County four are pending, all of which are in New York City. In New York County 12 projects are pending, all of which are in New York City.

All in all, the need for public-works assistance is so great that an appropriation of less than \$400,000,000 for non-Federal projects throughout the Nation would leave many of those now employed on P. W. A. projects jobless, and leave undone the many vital improvements which cities, towns, and counties everywhere need.

Mr. BARKLEY. Mr. President, I regret to find myself in disagreement on this proposal with my good friend the Senator from New York.

Heretofore those of us who have been interested in relief and in work programs have labored under the necessity of fighting to get Congress to appropriate as much money as the President asked. Now, by a strange set of circumstances, we are compelled to fight to keep Congress from giving the President more than he asks, for that is what is really involved.

I say without hesitation that the President of the United States is in possession of as much information concerning the details of unemployment and relief, and the need for relief, as is any other man in the United States, and in that statement I am not even willing to except those who are actually in charge of relief work. The President has an amazing amount of detailed information, not only as to the general situation throughout the country, but as to the situation in any State or in any county that is of any consequence where there is unemployment.

I do not believe anyone can gainsay the statement that no man in this country in the last 6 years has displayed a greater interest in the question of unemployment and relief than has the President of the United States, and when he comes forward with a recommendation as to what he wants in the way of money, and what he intends to do with it, and

how he thinks it ought to be expended, I think the burden of proof is on those who dispute his figures and his philosophy, to prove that he is wrong about them, and that he does not know what he is talking about.

The President has not asked for the appropriation now proposed. Not only has he not asked for it but he has said that he does not want it.

I grant that in the letter to the Senator from South Carolina he was talking primarily and specifically about the allocation of \$125,000,000 in the measure as it passed the House for P. W. A., to be taken out of the appropriation for W. P. A. But the President did not satisfy himself with simply saying that he was opposed to that transfer. He went on in detail to outline an entirely new program, not only comprehending non-Federal building projects but comprehending an extension of activities by the Federal Government in many other lines looking toward the resumption of employment among the unemployed of the United States.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. I ask this question for information. I have heard it said that the grant of 45 percent, which is given under the P. W. A. program, is in substance the lending of money to those who initiate the projects without interest for the ordinary loan period. Is that about correct?

Mr. BARKLEY. No; I would not say it was. I think the 45 percent is an outright grant.

Mr. PEPPER. No; I mean is the 45 percent, with interest on the 55 percent which is made in the form of a loan, about the same as the Government lending the whole amount to the applicant without any interest whatever?

Mr. BARKLEY. It probably might figure out that way approximately. But as a matter of fact the lending of the entire amount necessary to construct a building, at a rate of interest not to exceed 2 percent, depending somewhat on the length of the loan and the amount of interest that would accrue during that length of time, would equal approximately a 15- to 20-percent grant.

Mr. PEPPER. That is, on the basis of a 2-percent interest rate?

Mr. BARKLEY. On the basis of a 2-percent interest rate on the entire amount.

Mr. PEPPER. With a 5-percent interest rate, say, or 4-percent interest rate, it would be equivalent to a grant of about 45 percent?

Mr. BARKLEY. Very likely that approximates the comparison as nearly as it can be made.

Mr. President, the Secretary of the Interior has been mentioned, and his testimony before the Senate committee has been referred to. I have the greatest respect and admiration for the Secretary of the Interior. I have confidence in his integrity and his ability. I think he has done a fine job in the administration of the P. W. A. There has never been a suspicion of any sort with which I am familiar that in any way connects the administration of the P. W. A. with any impropriety or with any politics or anything else except sound business administration of the Public Works Administration. I think that is the universal opinion not only in the Senate but outside the Senate Chamber.

The Secretary of the Interior will not be in charge of this work after next Friday. He goes out of business as the Administrator of P. W. A. The President, by his reorganization plan No. 1, has concentrated all public work agencies under a new authority, and he has appointed Mr. John M. Carmody, who has likewise done a fine job as the head of the Rural Electrification Administration, as the Commissioner or Administrator for the consolidated building programs and agencies which are combined by the President.

I do not know what the new Administrator's attitude would be toward \$500,000,000 for P. W. A. I think I know, but I am not authorized to quote him. Neither am I authorized to say what the Secretary of the Interior, who testified before the President recommended his new program, would have said had he testified subsequent to it, or what modifications he would have made in his recommendations



had he testified subsequent to it, or whether he would have made any modifications at all. It may be that he still entertains the view that he entertained on the day he testified.

Mr. HAYDEN. Mr. President, I think I am safe in saying to the Senate that the Secretary of the Interior, Mr. Ickes, has not changed his opinion. I can also state to the Senate that Mr. Carmody believes it would be a tragedy for the new administration, of which he becomes the head, to be killed on the 30th day of June.

Mr. BARKLEY. No one wants the new administration of which he is to be the head killed on the 30th day of June. But, inasmuch as the Senator from Arizona has taken the liberty to say how Mr. Carmody feels about it, I will say that I heard Mr. Carmody say that he believed that more money than is provided for even in the amendment of the Senator from New York could be loaned upon self-liquidating projects without any grant whatever. I think he was absolutely sincere about it. He referred to what has happened in the case of self-liquidating projects without any grants whatever. He referred to what had happened in the Rural Electrification Administration, where communities in the rural sections of our country, without a dollar's worth of grants, have borrowed for a long period of time 100 percent of the amount required to install the plants, and are paying rates of interest even higher than the 2 percent required in the present program.

Mr. HAYDEN. I think Mr. Carmody looked at it as I do. Both plans are excellent. It is merely a question of when the new program can be placed in operation. There is no essential conflict between the two.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Arizona says. We always appreciate in every thing and in all ways the sincerity of the Senator from Arizona. I do not believe there is a Member of this body who enjoys more deeply the confidence, as well as the affection, of his colleagues than does the Senator from Arizona. I know I have entertained that feeling, as he has known, for a quarter of a century, and there is no one upon whose judgment I would rely more firmly than on his in nearly everything, and under equal circumstances even in this matter. But I think we are confronted with a different situation than that which we have been confronted with heretofore.

The President in his letter to the Senator from South Carolina [Mr. BYRNES], which I have before me, does not satisfy himself simply with opposing the transfer of \$125,000,000 from the W. P. A. to P. W. A., with which Secretary Ickes agreed, and with which the committee agreed, and with which I agreed. If we are to give the P. W. A. \$125,000,000, or any other amount, it ought not to be taken out of W. P. A. funds, because, as the President said, it involves the employment of 165,000 American citizens who are on relief or who are certified for relief.

The P. W. A. does not employ relief labor. Senators may say whatever they please about it, but the testimony of all the State directors is that, so far as relief labor is concerned, so far as the 750,000 or 850,000 unemployed men who are now on the list and already certified, an appropriation of \$400,000,000 or \$500,000,000 for P. W. A. would not employ them all, or any considerable number of them. It has been shown that even when we undertake to require contractors to employ relief labor, they employ some of it for awhile, and then find some excuse for discharging the relief labor and going back to their regular employees whom they employed in their community.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SCHWELLENBACH. Is it not true, though, that to the extent that the Public Works Administration provides employment there is a reduction in the reservoir of the unemployed who are on the rolls of the Works Progress Administration, thus relieving the load the Works Progress Administration has to carry?

Mr. BARKLEY. It may relieve the situation slightly, but nothing like the extent to which it should be done. I think

it is true, by and large throughout the country, that the mere fact that a man goes to a certifying agent and becomes certified as being in need raises the presumption that he is more in need of work than someone who does not go to a certifying agent to be certified for employment. It may be, and I think it is, a matter of pride in some instances. Many men do not like to appear before a certifying agent and admit their need. That is probably more true of skilled workers than of unskilled laborers. It may be that they remain off the lists as long as possible. However, in spite of that fact I think that when there are 100 men in a community, and we may assume all of them to be out of work, if 50 of them go to the certifying agent and present their need for employment and 50 do not, we have the right to assume that the 50 who go are in greater need than the 50 who remain away. So far as unemployment is concerned, I am not so certain that if we were to increase the appropriation it would not be wiser to add \$400,000,000 or \$500,000,000 to the W. P. A. than to put four or five hundred million dollars at the disposal of the P. W. A. If the \$125,000,000 which was transferred in the House provision from the W. P. A. to the P. W. A. involves the employment of 165,000 men who are on the unemployment lists and rolls, then \$500,000,000 would employ approximately four times that many, or nearly 700,000 men; and the employment of 700,000 more men who are on the unemployment rolls and have already been certified would almost entirely absorb the 750,000 or 800,000 who are on the waiting list.

So far as the employment of men who are in dire need is concerned, and whose need is presumed to be greater than that of those who have not been certified, giving \$400,000,000 or \$500,000,000 to the W. P. A. rather than to the P. W. A. would result in greater employment among the needy unemployed. I would not vote for such a proposal, because I think the President, in surveying the situation and taking into account the probabilities of needs during the next fiscal year, has asked for all the money he thinks is necessary. I certainly do not wish to assume that I am wiser than the President by forcing upon him money he does not want and does not think he needs.

It is said that the program outlined by the President is tentative and speculative and may not be adopted. That depends upon Congress. The program involved in the President's recommendation in his letter to the Senator from South Carolina [Mr. BYRNES] is a long-term program. There are some items in it which may arouse controversy. Already some controversy has been aroused over the proposal to make loans involving the export of our products to foreign countries, conveniently referred to as loans to foreign governments, which is not at all accurate. There may be some controversy as to the practicability of the toll-road and bridge program suggested by the President; but I dare say nobody will seriously oppose the 2-year program of construction of non-Federal buildings and projects with the \$350,000,000 which the President proposes to spend over a 2-year period for the very type of projects involved in the amendment of the Senator from New York.

Mr. DOWNEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield.

Mr. DOWNEY. Will the Senator inform us when a bill embodying the suggested plan will probably be introduced in the Senate?

Mr. BARKLEY. I think I can assure the Senator that it will be introduced this week. The Senator will recognize the fact that the President made the suggestion only last Wednesday or Thursday. On Friday there was a conference on the matter among various Government officials, including Members of the Senate and House. The bill is now being drafted. If it had not been for the almost continuous obligation to be on the floor of the Senate during the past few days during the consideration of the stabilization bill and of the pending bill, that bill would already have been introduced in the Senate and House.

If I may amplify my reply to the Senator from California, I will say that if it had not been for the exigencies which required us to be in almost continuous session during the whole day and into the night since last Friday, that bill would already have been introduced. I hope it will be introduced not later than Friday. I hope it will be introduced tomorrow. Every effort is being made to get it into shape and to make it as simple as possible, with as few complications as possible, so that it will not involve long delay and discussion.

However, regardless of what anybody may think of any of the rest of the program, that is, the \$100,000,000 for farm tenancy, the \$100,000,000 for rural electrification, and all the other items in the President's recommendation, I have heard no opposition whatever to the proposal to use \$350,000,000 over a period of 2 years for self-liquidating loans to municipalities, counties, and States to carry on the very program outlined in this amendment, at a low rate of interest, so attractive as to induce States, counties, and municipalities to borrow the money and pay it back to the Government of the United States.

In this connection, in all fairness I think we must take into consideration the problem of how long we shall continue to make 45 percent grants or any other grants as gifts to communities, rather than making the proposal sufficiently attractive to induce them to borrow money from the Government, which they can borrow from no other source, placing upon them the obligation of repaying that money to the Treasury and relieving them of the theory that all they have to do is to run to Washington and obtain a gift; that if they can afford to put up, either in bonds or cash, 55 percent, they can obtain from Uncle Sam a gift of the other 45 percent.

We have had to follow such a program. I think our country has made a valuable investment in all the communities where P. W. A. projects have been carried out; but I think the time has come when we must seriously consider putting the facilities of the United States at their disposal in the matter of credit, but not in the matter of grants and gifts. I believe that every dollar we put at the disposal of the President to carry out the program of long-term loans at a low rate of interest will be taken by the municipalities, counties, and even States. As I stated a while ago, the low rate of interest over a period of years amounts to a gift of 15 or 20 percent. However, the loan would carry with it the obligation to repay the money. The plan does not involve any deficit. It does not involve any appropriation. It involves the use of revolving funds and the credit of the Government to take over local obligations under a form of guarantee which will make it unnecessary for Congress to appropriate any money in order to carry out almost the identical program involved in the amendment.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TYDINGS. Is it the Senator's opinion that many of the P. W. A. projects now pending, some of which would be approved and the money for which would be allocated if this appropriation were to be made, would be built anyway under the lending program rather than the 45-55 percent program?

Mr. BARKLEY. I am absolutely certain of it.

Mr. TYDINGS. Of course, the Senator has no figures; but, in his opinion, what percentage of the projects now pending would be built under the lending program rather than the old P. W. A. program?

Mr. BARKLEY. Of course, that depends on the amount. It may also depend upon the extent to which any city or county can go in issuing bonds if it has already reached its limitation. That restriction would apply even under this amendment, because it would apply to the part which the local government would have to raise locally as well as to the grant. For example, if the 2-year program of the President were carried out, calling for \$350,000,000 for this purpose, of course, it would not be sufficient to do \$1,000,000,000 worth of work unless the localities, in addition to the amount they borrowed from the Government, put up additional funds, which they could do, and in many cases would do.

Mr. TYDINGS. The reason why I asked the Senator that question is that it has been said—I do not know whether or not the statement is accurate—that there are about one and a half billion dollars' worth of projects pending. Certainly if \$300,000,000 were made available, it strikes me that at least 20 percent of the projects would be built anyway, which would consume the \$300,000,000.

Mr. BARKLEY. That is true.

Mr. TYDINGS. It seems to me that is a pretty fair deduction.

Mr. BARKLEY. Undoubtedly the Senator is correct about that. If the local communities, in addition to borrowing the amount available for the project, desired to add to it by local taxation or by the expenditure of money from current funds, or in any other way, the total amount available would be enlarged, and might even approximate the \$1,000,000,000 which has been mentioned as the probable amount of approved projects for which there has been no money.

Mr. TYDINGS. In any event, 20 percent of the pending projects, it seems to me, would be financed by municipalities and the units forming them, out of the total loans provision, because a great many of them represent pressing needs.

Mr. BARKLEY. Yes.

Mr. LEE. Mr. President, if the Senator will allow me to interrupt, what would happen to the other 80 percent?

Mr. BARKLEY. Of course, they would not be constructed.

Mr. TYDINGS. In time they might come in and be constructed.

Mr. BARKLEY. Yes; they might come in, anyway. But if there were a billion dollars for a new program, and they could borrow \$350,000,000, that would be 35 percent to start with; and if they could raise additional funds, the percentage might go from 35 percent to 75 percent. Under the amendment as offered, they could only construct, probably, through grants and loans, 50 percent of the projects that are said to have been approved.

Mr. TYDINGS. Mr. President—

Mr. BARKLEY. I yield further to the Senator from Maryland.

Mr. TYDINGS. I was going to say we cannot furnish money to build every project, anyway.

Mr. BARKLEY. No.

Mr. TYDINGS. The point is that \$400,000,000 under one proposition and \$300,000,000 under the other would more or less level off with the expansion that would come, anyway.

Mr. BARKLEY. Not only that, but with reference to the billion dollars, or whatever the amount may be, of projects that have been approved and await action, there will always be a time when there will be a billion dollars or so of such projects, because so long as the door is held open for loans and grants, there is a sort of psychology that takes possession of a community that "while the Government of the United States is granting 45 percent, we will hurry and get ours, get in on the list and have our project approved, and if Congress should thereafter appropriate more money we stand a chance to get our share." So long as we keep P. W. A. open to such applications ready for the time when a billion dollars may be available, approved projects awaiting action on the part of Congress or the Administrator will continue to pile up.

There was a time when the Secretary of the Interior, head of the administration of the P. W. A., told me that he had on his desk \$2,000,000,000 worth of projects that had been approved and had come up to him through all the grades—financial, economic, and engineering—and had been sufficiently investigated. He had on his desk \$2,000,000,000 worth of projects which could have been undertaken if he had had the money with which to carry them out. Of course, it is not to be assumed that he would have approved all those projects involving \$2,000,000,000.

In his letter to the Senator from South Carolina the President goes on to say not only that he does not want \$125,000,000, but he thinks there is a better way to deal with the entire non-Federal work program than doing it through the P. W. A. He gives his reasons for his position. I am not



going to read them. The letter is in the CONGRESSIONAL RECORD, and I presume it has been read by every Member of the Senate.

It seems to me the part of wisdom and of good business to adopt the suggestion of the President with respect to this new program. There will not be any hiatus to speak of between July 1 and the adoption of the new program, unless the Congress is to blame for it. If there should be any delay in the enactment of that legislation, it will be the fault of the Congress. The President has submitted it to us; it is now under consideration; it is being drafted, and will be introduced in a day or two and referred to the appropriate committee. If there shall be any delay after that, it will be the fault of the Congress. I do not believe there will be any appreciable delay. I expect that by the time the program under the amendment of the Senator from New York could get under way, the proposed legislation will be enacted, and it will certainly, in my judgment, set a new and sound program and one the President recommends as a permanent program. Of course, his suggestions carry over a period of 7 years, but this particular work program is only a 2-year program involving \$350,000,000. I think we can trust the President in this matter; I think we can trust his wisdom, trust his good faith, and trust his interest in the unemployed men and women in this country. It certainly is entitled to a trial. I, therefore, hope the amendment of the Senator from New York will not be adopted, but that the amendment of the Senate committee eliminating the transfer of the \$125,000,000 from W. P. A. to P. W. A. will be agreed to.

Mr. LEE. Mr. President, one time there was a visiting preacher who preached in a church of which he was not a member, as he did not live in the community where the church was located. He relied for his pay upon the collection which was taken up. The collection plate came around and he put in a quarter. His little boy was with him. After the service when all the members had gone home, the preacher came out by the vestibule and looked into the collection plate. There was his quarter and nothing else. He picked it up and put it in his pocket. His little boy said, "Daddy, if you had put more in you would have gotten more out." [Laughter.] That is the position we are in relative to this program today. We get out just what we put in.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BARKLEY. Had the preacher put more in the collection plate, it would still have been his money; it would not have been added to by anything anybody else put in.

Mr. LEE. That is true.

Mr. BARKLEY. It would not have been "self-liquidating."

Mr. LEE. That is correct; that is true. No matter whether we vote \$350,000,000 or \$350,000,000 plus \$500,000,000, we do so for the purpose of getting money into the hands of the people who do not have money, for the purpose of setting up Government force pumps that will pump money out into the forks of the creek and out to the grass roots, so that money can go to town in the form of purchasing power and start the wheels of industry and head us back toward real permanent prosperity.

The best evidence concerning any document is the document itself. Discussion has taken place here today which would lead us to believe that the President of the United States and the Secretary of the Interior are at loggerheads as to relief appropriations. Since the discussion started I obtained a copy of the letter of the President to the Senator from South Carolina and read it. I do not find any such suggestion in it; I do not find any such opposition; I do not find any such disagreement of opinion at all in respect to it. I desire to read a part of that letter to support my belief that the President is not opposed to the Mead amendment. The President is opposed to taking any money from the W. P. A., and that is what he says in the letter. The amendment of the Senator from New York would not take any money from the total of the joint resolution; it would add \$500,000,000 to it; the \$1,735,600,000 would still remain, but if we should adopt the amendment of the Senator from New York, there

would be added \$500,000,000, which would make the total \$2,235,600,000. What the President says in this letter is that he objects to taking \$125,000,000 from the W. P. A.

I desire to read merely a portion of the letter which refers to P. W. A. provisions of the House joint resolution. The President says in this letter:

DEAR SENATOR BYRNES: I have your letter of the 19th in which you ask my position as to the provision of the Work Relief and Public Works Appropriation Act of 1939, as passed by the House of Representatives (H. Res. 326), which would allot \$125,000,000 to the Public Works Administration for loans and grants for non-Federal public works.

I am opposed to this provision. It means simply that 165,000 men who are badly in need of work will have to be dropped from the Works Progress Administration rolls.

Then he goes on to describe these men and how they depend upon W. P. A. employment, how they have no other means of support.

That indicates to me that the President's only concern was that money which is so badly needed would not be taken from the W. P. A. I cannot see any force in the view expressed by the Senator from Kentucky when he suggested that if we pass this we will be forcing upon the President \$500,000,000 that he does not want. He is in this position—

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I will yield in a moment. He must, of course, cut down to the bone. In my opinion, that is what he has done in his recommendation in the first instance; and now if we would be courageous enough to take upon our shoulders some of the responsibility of the relief load in this country and add the sum provided in this amendment I think the President would be very happy over it. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Of course, the President was answering specifically the inquiry of the Senator from South Carolina concerning the \$125,000,000 transfer, but if that is all the President had in his mind he could have stopped at the end of the second paragraph of his letter. However, he goes on in the letter, not to recommend any additional fund in this measure for P. W. A. but to suggest that all these projects under his suggestion should be "self-liquidating"—the entire amount of them "self-liquidating"—at a lower rate of interest, and he says that various agencies of the Government have been making a survey of projects of that sort which could be carried on and made "self-liquidating" under the plan of loaning at low rates of interest. There is not a syllable or a sentiment or a suggestion or an intimation in the President's letter that he favors a P. W. A. appropriation, because the whole tenor of the letter is to advocate the new plan.

I can certainly say to the Senator from Oklahoma that if he is undertaking to convince himself that the President does not oppose the Mead amendment, he can find out in very short order by conferring directly with the President on the subject.

Mr. LEE. Mr. President, I have no means of knowing the President's attitude on this particular matter except from this letter, added to the President's general attitude on relief. When I put those two together, I do not find any evidence that the President would be opposed to this amendment appropriating \$500,000,000 additional for the purpose of taking care of unemployment in this country and stimulating business. Simply because the President has not asked for this money does not mean that he does not want it; it only means that he did not want to ask for it.

The Senator from Kentucky has just said that there is no evidence in this letter, not one line or syllable, showing that the President favors any P. W. A. proposal. I will state the matter in the negative: Neither is there a single line or paragraph which indicates that the President is opposed to the Mead amendment.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BARKLEY. The Senator's argument and logic remind me of the preacher who preached a long sermon one night at a church and at the conclusion asked, "Does this congregation want me to preach here next Sunday night?" Nobody

said anything, and the preacher said, "Silence gives consent. I will preach here next Sunday night." [Laughter.]

Mr. LEE. That is sometimes a very powerful argument. Silence may thunder; and in this case, so far as I am concerned, it seems to do so, because how do I know that the President is opposed to the amendment? I never heard of a P. W. A. program until the President himself launched one. I have not had any word from the President to the effect that he does not seek a continuation of the P. W. A. program. We voted for P. W. A. money. We have had a P. W. A. program; and all at once I am told here by the majority leader that the President is opposed to a continuation of this program, which is intended simply to fill in a gap.

As the Senator from Arizona [Mr. HAYDEN] has well argued, this is simply a supplementary program; and the President even asked for a supplementary program in this letter. I will read that sentence. Over toward the end of the letter he says:

To give effect to the program outlined above, some supplementary legislation will be necessary.

And this is the cushion that fills in between the expenditure of the funds now available to P. W. A. and the establishment of the new program which is outlined in the President's letter.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BARKLEY. I suppose the noun for "facetious" would be "facetiosity." [Laughter.] I admire the facetiosity, as well as the speciosity, which the Senator employs in undertaking to convince us that the President, in that sentence, referred to this particular amendment and this particular fund.

The President was talking about supplementary legislation; not a supplementary appropriation, but supplementary legislation authorizing him to do what he outlined and suggested in this program, not only with respect to non-Federal buildings but with respect to the entire program which he submitted to the Senate, and to the Congress through this letter.

Mr. LEE. I thank the Senator.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. REYNOLDS. I wonder if the Senator would object to adding to the Mead amendment a provision to the effect that no alien may be employed out of any of the moneys appropriated.

Mr. LEE. I refer the Senator to the author of the amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TAFT. Does not the Senator consider the fact that this \$500,000,000 appropriation was omitted from the Budget an indication by the President that he is not in favor of our appropriating it?

Mr. LEE. No; I could not take that as conclusive evidence. The President is under hammer and tongs all the time to reduce, reduce, reduce; and he knows at the same time that we have unemployment in the country. I think he would appreciate our sharing that responsibility by voting a program big enough to carry out the ideas that we have advanced; namely, that if employment is given to all of the unemployed, we will have prosperity.

Mr. TAFT. When the Senate adopted the farm-parity payments in excess of the Budget, does the Senator remember that the President immediately criticized the Congress for such action? Is there anything different about this particular appropriation?

Mr. LEE. Well, that is a matter of guess. I did not see that the President criticized the Senate for that action. I did see where he said that we should have courage enough to provide taxes that would raise the funds appropriated in that bill.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. LEE. I yield.

Mr. BARKLEY. Does the Senator think the President is sufficiently diffident that he is not willing to share the responsibility of asking Congress for what he wants? Has the President, during the past 6 years, shown any hesitation in that regard? Has he all at once become so modest that he is not willing to ask us for what he wants, hoping that we shall force it on him anyway?

Mr. LEE. To all of those questions I answer that I do not know.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. LEE. I yield to the Senator from California.

Mr. DOWNEY. Did the Senator read the newspapers of this morning before making that statement?

Mr. LEE. I do not know what the Senator has in mind.

Mr. DOWNEY. The Senator from Kentucky asked the Senator from Oklahoma if the President generally expressed his opinion on what he wanted. I ask the Senator from Oklahoma if he read the newspapers this morning?

Mr. LEE. Yes; I read them. The President has not been very faint-hearted about expressing his opinion or taking responsibility, nor has he been lacking in courage in launching this program; but that does not relieve us from any part of our responsibility in this matter.

How much did we appropriate last year for the P. W. A. program? We appropriated nine-hundred-and-sixty-odd million dollars. We have spent, or we will have spent when the time ends, nine-hundred-and-sixty-odd million dollars. If we adopt the Mead amendment, and then pass the program which the President recommends, we will then have only \$850,000,000 for P. W. A., and that is over one hundred million less than we appropriated last year for P. W. A., if we have both of them.

Therefore, I cannot agree with those who believe that it is the intent of the President to shut down all of this program. Of course, if we could start this work right away, we could take up the immediate slack; but, as was pointed out by the Senator from Maryland [Mr. TYRINGS], if all of the \$350,000,000 were subscribed for it might take care of only 20 percent of the projects already approved that have been applied for. Then what would the other 80 percent of them do? Nothing. They would not be built. The labor would not be employed. The material would not be purchased.

Therefore I cannot see why we should not support this year a program almost as large as that of last year; and even if this amendment is adopted we still will not have appropriated as much for this type of work as we did last year.

Now, let us see, what is the difference? The difference in that one proposal is to appropriate \$500,000,000 and lend 55 percent of it at 4 percent, and the other proposal is to appropriate \$350,000,000 and lend it at 2 percent. In the long run, in my humble opinion, the cost to the Government is not going to be greatly different. There is not going to be a great deal of difference, because, figuring it out over a long period of years, with the 55-percent loan at 4 percent we are not in a greatly different position than if we lend all of the money at 2 percent. There is a slight subsidy in each case.

I have always favored P. W. A. over W. P. A. I grant that P. W. A. does not put to work on the ground so many men visibly, and perhaps not at all, but it puts more men to work farther upstream. We get for the money more in return. We get more permanent improvements. P. W. A. has the approval of the public. The laborers are employed by contract, and the man who hires them can fire them. There is no soldiering on the job, there is no gold-bricking, and there is no unsavory criticism as to the work done by this agency of the Government. As the Senator from West Virginia [Mr. HOLT] said today, in his State P. W. A. has a clean record. That is true in most of the cases. Therefore, I do not see why we cannot support the Mead amendment, which will leave our total for P. W. A. still less than it was last year, and at the same time support the program which the President outlines in this letter, which is to come later.

I cannot see any conflict at all. It looks to me like a supplementary program. It looks to me like a method of getting into operation the very program the President has



outlined here, one of self-liquidating projects. Under P. W. A. in our State we are building a self-liquidating project, the largest project in the State, and that is a power dam. The cost of the dam will be liquidated over a period of years, or at least partially liquidated, by the returns for electricity. P. W. A. is already building many of these self-liquidating and 'semi-self-liquidating programs. That is something I have always advocated. I think it is sound; and I see no conflict whatever between the Mead amendment and the proposal offered by the President. I see no conflict between the Secretary of the Interior and the President of the United States in this respect. It simply means, if we add this appropriation, that we share to some extent the President's responsibility in voting enough money to make a real program.

We never have had, since this administration has been in power, enough courage to go far enough to prove our own theory of ending this depression, which is that if all the unemployed are put to work we will have prosperity. If we get buying power in the hands of all the people, prosperity is the result. We have been afraid to go far enough each time; and there has scarcely been a given time, I suppose, when we have not had from 7,000,000 to 10,000,000 persons unemployed in this country.

I was very much in accord when I read in the newspaper the letter that the President wrote to the Senator from South Carolina [Mr. BYRNES], in which he outlined a program that looked to me as though it was big enough at least to approach the proposition of taking care of the unemployed in this country. I applauded that program when it came out, and I see no conflict between it and this program or the Mead amendment.

I shall vote for the Mead amendment.

Mr. PEPPER obtained the floor.

Mr. BARKLEY. Mr. President, may I make an effort to facilitate the consideration of this joint resolution? I wonder if we cannot enter into some agreement about a limitation of debate on this amendment. I do not want to cut off any Senator, but it is apparent that we shall have to make more progress than we have made up to this time if we are to get through with the joint resolution tonight. I wonder if the Senator from Florida would be willing to consider a limitation of debate on the amendment.

Mr. PEPPER. Mr. President, I have nothing to do with it, except in my own case, and I expect to speak for only about 10 minutes.

Mr. BARKLEY. Mr. President, I ask unanimous consent that no Senator shall speak more than once or longer than 15 minutes on the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEPPER. Mr. President, I offer for the RECORD and ask to have printed page 1 of Senate Document No. 25, which itemizes the projects which have already been approved by the P. W. A. in the several States of the country, and indicates the amount of the loan and the grant which would be required for each State if those projects were approved and actually put under construction.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PENDING NON-FEDERAL PUBLIC WORKS ADMINISTRATION PROJECTS

Summary of list, by counties, of applications for projects pending before the Public Works Administration which might be eligible for allotment if additional appropriation were provided as of January 18, 1939. Primarily, eligibility would be governed by terms of such appropriation act.

State	Number of projects	Loan	Grant	Total	Estimated cost
Alabama	47	\$421,500	\$2,537,328	\$2,958,828	\$5,639,114
Arizona	91	8,627,500	10,764,093	19,391,593	23,921,483
Arkansas	25	618,000	705,478	1,324,478	1,569,955
California	458	7,814,000	94,045,671	101,859,671	247,201,155
Colorado	42	324,000	2,843,486	3,167,486	6,319,197
Connecticut	91	31,000	10,650,990	10,681,990	23,668,878
Delaware	4		203,292	203,292	451,760
Florida	92	12,997,200	17,157,602	30,154,802	38,128,971
Georgia	91	1,608,875	10,000,453	11,609,328	22,756,023
Idaho	26	179,838	1,743,890	1,923,668	3,875,171

State	Number of projects	Loan	Grant	Total	Estimated cost
Illinois	459	\$292,409	\$39,470,438	\$39,762,847	\$88,173,948
Indiana	61		5,608,698	5,608,698	12,466,027
Iowa	213		8,461,095	8,461,095	18,797,422
Kansas	87	4,637,000	7,007,483	11,644,483	15,595,646
Kentucky	26	275,000	1,426,324	1,701,324	3,169,615
Louisiana	141	1,573,910	15,141,213	16,715,123	33,647,150
Maine	31	28,000	828,828	856,828	1,841,848
Maryland	34	143,000	16,346,630	16,489,630	36,324,846
Massachusetts	49		4,908,144	4,908,144	11,038,929
Michigan	105	982,500	11,650,027	12,632,527	25,883,162
Minnesota	89	23,000	8,844,047	8,867,047	19,653,441
Mississippi	86	2,541,568	3,483,684	6,025,252	7,733,644
Missouri	91	11,000	9,196,642	9,207,642	20,452,626
Montana	41	1,086,200	4,205,766	5,291,966	9,346,148
Nebraska	131	3,209,571	10,625,264	13,834,835	23,611,713
Nevada	20	19,000	1,029,126	1,048,126	2,286,956
New Hampshire	21		1,359,836	1,359,836	3,021,658
New Jersey	187	11,404,000	30,011,254	41,415,254	68,942,480
New Mexico	19	2,295,500	4,496,147	6,791,647	9,991,446
New York	429	18,375,090	114,573,744	132,948,744	257,090,091
North Carolina	81	962,000	4,720,456	5,682,456	10,489,915
North Dakota	53	33,000	2,197,885	2,230,885	4,884,197
Ohio	190	926,500	26,854,233	27,780,733	59,684,163
Oklahoma	54	1,119,000	10,500,092	11,619,092	23,333,926
Oregon	34	175,700	1,400,968	1,576,668	3,113,265
Pennsylvania	966	64,270,300	130,243,047	194,513,347	289,450,945
Rhode Island	12		2,420,483	2,420,483	5,378,850
South Carolina	57	9,554,000	13,138,693	22,692,693	29,197,117
South Dakota	35	43,000	2,746,627	2,789,627	6,099,179
Tennessee	94	4,566,000	9,873,500	14,444,500	21,954,822
Texas	298	33,209,175	59,386,383	92,595,558	134,106,856
Utah	23	195,000	2,293,371	2,488,371	5,096,387
Vermont	15		760,677	760,677	1,690,397
Virginia	150	391,000	9,831,851	10,222,851	21,844,622
Washington	190	447,850	15,091,915	15,539,765	33,537,621
West Virginia	33	1,369,000	7,738,288	9,107,288	17,196,198
Wisconsin	141	8,600,000	17,739,788	26,339,788	39,422,935
Wyoming	41	377,000	2,045,008	2,422,008	4,545,435
District of Columbia	8	8,706,500	7,123,500	15,830,000	15,830,000
Alaska	7	210,000	233,672	443,672	519,272
Hawaii	10		828,225	828,225	1,840,500
Puerto Rico	25	1,689,000	1,484,993	3,173,993	3,299,993
Virgin Islands	3	173,250	176,932	350,182	393,182
Total	5,807	216,535,846	778,163,800	994,699,646	1,775,510,285

Mr. PEPPER. Mr. President, I am quite conscious of the fact that I can add nothing of particular note to what has already been said by the able Senators from New York and Oklahoma, except to corroborate the sentiments they have indicated very strongly in favor of the appropriation asked, and in favor of the amendment offered by the Senator from New York.

I sometimes wonder whether the opponents of the works program are consistent in their attitude. If it is proposed that we have a W. P. A. program, they say that the W. P. A. is an irresponsible agency, that it has had an unsatisfactory record, and that making appropriations to that agency is not the proper way to speed up recovery in this country. Then, if there is proposed a P. W. A. program they have some other excuse for not favoring the proposal. If a loan program is offered, a program based entirely upon the self-liquidating principle, they have some different objection, and probably come back eventually to the conclusion that they actually feel in their hearts that none of those programs should be the policy of the Federal Government.

The only reason why I venture to detain the Senate for even this short length of time is because, in fulfillment of the obligation I owe to my individual conscience, I am never going to miss an opportunity on this floor to offer my humble sentiment to my colleagues that we face frankly, honestly, and candidly the admission of the ugly fact that we are never going to be able to put to work the people of this country who are able to work and want to work, through private enterprise alone in any administration, Democratic, Republican, or anything else.

Within the week an article appeared in the New York Times, written by Mr. Lyon, of the Brookings Institution, and in that article he set out that inevitably, under the organization of our modern-day economy, we have to have work that implements the work which comes from the turning of the wheels of private enterprise. So in one form or another I accept the premise that we have to create work to implement the work that is available in our private economy.

Mr. President, if that premise be admitted, the only thing we have to do is to determine the kind of implemented work, the kind of made jobs, that will be to the public interest.

I do not quarrel with anyone because he prefers W. P. A. over P. W. A., or P. W. A. over W. P. A., or a lending program that is based upon the self-liquidating principle over some other program. I quarrel only with a man who will neither admit the obvious premise nor propose any solution for this challenging problem.

It seems to me, therefore, that the P. W. A. program is perhaps one of those which might meet the rigid conditions of almost anyone who was willing to make new jobs for the people who do not have a chance to work. It has been in operation for several years. Everyone admits that it has been honestly operated. It has been efficiently operated, even in the opinion of its critics, or the critics of the general program.

I have here a list of about a billion dollars' worth of projects which have been subjected to every possible scrutiny of three various examining divisions, and all of them have said these are deserving and meritorious projects. Not only that, but the local people who are the sponsors of those projects are putting up 55 percent of the construction cost and the Federal Government is putting up only 45 percent. That is equivalent in principle to lending them the whole cost of construction of the project, and giving them the interest on it without any charge whatever. So, instead of the lending program to which the Senator from Kentucky referred a few moments ago requiring 2-percent interest, and perhaps giving the recipients some interest, we merely give them all the interest, in substance, upon the money required for the construction program.

I say that it is not an unreasonable thing for the Federal Government to say to any community, "Whatever is for your benefit is for my benefit; whatever is a community asset is a national asset. Therefore, I will match dollar for dollar the money you spend in the construction of useful public works."

The idea that we save money by keeping the obligations of the Federal Government down and pulling the obligations of the local governments up is an obvious fallacy. We have had the experience or proof of it in my own State of Florida. In the real-estate boom days of 1925 and 1926 the various political subdivisions of the State got themselves head over heels in debt. They were very heavily burdened with debt, a higher debt than they could pay. Yet the State government, under constitutional provision, had no debt at all. Were we better off? I say that no State in this Union has as good a taxing system as has the Federal Government, or as adequate a capacity for taxing in a fair way.

Some of the States have principally and primarily the ad valorem tax, which is not a fair method of taxation. That is not a fair measure of ability to pay. Some other States have the sales tax. Nor is that a fair measure of ability to pay. But in those States they sometimes vie with one another to attract residents and to attract capital and attract enterprise. The Federal Government does not have to make a taxation system on that principle. Therefore, I can see no fairer agency that can tax to support a public-works program than the Federal Government.

Mr. LEE. Mr. President—

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. PEPPER. I yield.

Mr. LEE. If the Government lends all of the money at 2 percent it takes 50 years to have the principal paid back. If the Government lends 55 percent of the money at 4 percent it takes 25 years for the principal to be paid back, and at the end of 50 years, under a 4-percent loan, provided the principal were reloaned after it was paid back at the end of the first 25 years, the Government would have back 110 percent of the original amount of the project which lends 55 percent. Therefore, if we are figuring cost over a long period of years the amount of money returned to the Government would be greater under the P. W. A. than under the lending program outlined in the President's letter. The President stated in his letter that he favored

a revolving fund. Therefore, the money which comes in under this proposal would be put in the revolving fund and put out at interest again, no doubt.

Mr. PEPPER. The Senator is absolutely correct. If this policy actually were an absolute experiment, I could understand how there would be a difference of opinion about it, but my colleagues know very well the familiar story of how our economy has reflected the stimulus of a works program and aid by the Federal Government.

I have here an article which appeared in the June 27 issue of the Washington Star this year, and it shows the curve of industrial production in this country, beginning at the bottom at about 58, in July 1932, going up to the top, about 121, in December 1936; then going down to the low mark of 76 in May 1938; then going back up to a little over a hundred in about midsummer 1938, and declining down to 92 in May 1939.

Nearly every one of these rises has been associated with a new spending program of the Federal Government. Nearly every one of the declines has been the inevitable consequence of a program restricting spending by the Federal Government.

Mr. President, the least we can do is to give a man in this country a chance to work. There is no possible excuse for any government or any economy where there are able-bodied men and women who need work and who want work; there is no excuse that can be given by a civilized State to such men and women when they cannot find work to do.

I will say to my colleagues on this side of the Chamber that just as certainly as we do not measurably solve the problem of unemployment, we not only will but we ought to be deprived of the instrumentalities of national power. Whether the other party will exhibit leadership to the Nation by solving that problem will, if it gets in power, determine whether it will continue to hold that power. People are not going to perish in a civilized day due to a specialized economy that has outgrown the way of life which makes it possible for private enterprise to give all of them jobs.

I will say to my colleagues that the one way to avoid regimentation, the one way to avoid Nazi and Fascist principles, is through Federal aid to provide private jobs and to provide work, without having to restrict production on the farm or in the factory. If someone prefers the restriction process, let him do so. I am against it. I believe we should have an economy of plenty, as the able Senator from Idaho [Mr. BORAH] has so often and so eloquently urged upon the Senate floor. The only way to get that is to provide purchasing power, and the only thing that offers any hope of that being supplied is this program of the Federal Government.

So, Mr. President, we know that people are unemployed. We know they are going to remain unemployed unless we make it possible for them to get jobs. Get away from the W. P. A. if you want to. I should like to see it all abolished and I should like to see such subsidies given to private enterprise that there would be jobs for all under the operations of private industry. But unless such a plan is proposed, and until it is proposed, I shall keep on voting for W. P. A.

I should like to see an adequate lending program, so that every project in America which could be built upon the self-liquidating principle would be able to get capital and the Southwest and the impoverished South would be able to get the capital with which to develop their neglected resources. It ought to be provided, and some day it will be provided, and I shall have the pleasure, I hope, of voting for it when it is offered. But until it is offered and becomes a reality I shall take W. P. A., I shall take P. W. A.; I will take any other alternative.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. ADAMS. Mr. President, I should state again the view of the committee in its report. The committee was not seeking to pass judgment upon the worth of public-works projects. The committee was reporting a relief measure. The committee was confronted, as the Senate is confronted, with the fact that unless relief measures are



passed and signed by midnight on Friday of this week two and a half million people will go out on the streets, off relief, and the W. P. A. will go out of existence.

No such a situation confronts the public-works program. There is no necessity for speed or for including a public-works program in this measure. We can pass a public-works program next week or week after that or later than that. We do not have the emergent relief situation, and I do not think, and the committee, with few exceptions, did not think that the two matters should be confused.

The committee increased the relief expenditures up to the amount the President requested, by taking out the allocation of \$125,000,000 to public-works projects. The committee has followed very closely the recommendation of the President in amount and in purposes. The committee has followed Colonel Harrington's suggestion along that line. I do not believe the Senate should at this time add to the pending measure a public-works section, regardless of the merits of public-works projects. It seems to me that there are a number of things which might be said on the public-works phase of the question. I shall not take time to do so.

Mr. President, I cannot refrain, however, making a comment with respect to one thing that my good friend, the Senator from Oklahoma [Mr. LEE], said, because I am one of his admiring and close-listening auditors. He said that if the President would have the courage to spend this much money we ought to have the courage to shoulder the burden and spend another billion dollars. Mr. President, it takes a great deal of courage to spend great sums of money.

Mr. LEE. Mr. President, the Senator is correct. He is an auditor; he audits my books as well as listens to me.

Mr. ADAMS. While I am auditing the Senator's books I will call attention to some statistics. The Senator from Oklahoma said that if the Government were to loan money at 2 percent it would be paid back in 50 years. If it were to loan the money at 4 percent it would be paid back in 25 years. The only fly in that ointment is that 2 percent in 50 years would pay back the principal or the interest, but it would not pay back both the principal and the interest.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. FRAZIER. The Senator from Colorado is criticizing someone else for making a poor argument; he himself is making a poor argument.

Mr. ADAMS. I will admit I am making a poor argument. The Senator does not have to point out that fact.

Mr. FRAZIER. In the measure passed by the House there is a public-works program. The joint resolution will have to go to conference anyway. So it would not entail any additional work. We have in practically every State in the Union projects which have been O. K'd by the Department and they are waiting for the money. The States have been promised the projects, and they are expecting them. I believe they are entitled to them.

Mr. ADAMS. Mr. President, let me say on that point that the Senator from New York made a similar statement—that there was a moral or a legal obligation to those communities that had projects in mind. When the P. W. A. addition was made to the relief measure a year ago—and I was one of those who helped to do it; it was not put on in the House—we provided definitely the amount of money; we provided the dates when the projects could be approved; we made a definite provision in all ways; and no man, no community, no group has a right to claim a promise. That money was all consumed, and they had fair notice and fair warning that if their project, though approved, was not within the amount appropriated, it could not be included. So there is no obligation beyond that.

Mr. President, I know it is important to vote, and I shall discuss this question no further, except to make one additional statement. I made inquiry of the Secretary of the Interior as to the amount of direct labor on the P. W. A. projects on the ground. The direct labor on the P. W. A. projects is 25 percent on the site, and that is not relief labor. What I am thinking of is the man who is hungry, the man who is cold,

the man whose family is in distress. I do not believe that at this time we were making advancement by adding the public works to this relief measure. I am hopeful that it may be kept as a relief measure. Let us meet the public-works program at another time.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. MEAD] to the committee amendment. [Putting the question.]

Mr. PEPPER. I ask for a division.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	King	Reynolds
Andrews	Frazier	La Follette	Russell
Ashurst	George	Lee	Schwellenbach
Austin	Gerry	Lodge	Shipstead
Bailey	Gibson	Lucas	Slattery
Bankhead	Gillette	McCarran	Smathers
Barkley	Green	McKellar	Stewart
Bilbo	Guffey	Maloney	Taft
Borah	Gurney	Mead	Thomas, Okla.
Bridges	Hale	Miller	Tobey
Bulow	Harrison	Minton	Townsend
Burke	Hatch	Murray	Vandenberg
Byrd	Hayden	Neely	Van Nuys
Capper	Herring	Norris	Wagner
Clark, Idaho	Hill	Nye	Walsh
Clark, Mo.	Holman	O'Mahoney	Wheeler
Connally	Holt	Pepper	White
Danaher	Hughes	Pittman	
Donahey	Johnson, Calif.	Radcliffe	
Downey	Johnson, Colo.	Reed	

The PRESIDING OFFICER. Seventy-seven Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD] to the committee amendment.

Mr. REYNOLDS. Mr. President, I should like to have a word to say about the pending amendment.

It seems to me we are bent upon spending many more millions of dollars. Before the present Congress shall have expired, we probably shall have voted to spend another billion dollars. It is evident to my mind that we have the money to spend; and so long as we have the money to spend we shall continue to spend it.

So long as we have the money to spend, and in view of the fact that we are going to continue to spend money, I am in favor of spending the money in the United States, for the benefit of the 130,000,000 people of the United States and the more than 11,000,000 people who are out of employment at this time.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. I wonder where the Senator got the idea that we have the money to spend?

Mr. REYNOLDS. Evidently we have it. I obtained the idea through the columns of the press. I learned therefrom that our administration is considering lending \$500,000,000 to the countries to the south of us in South America.

If we have \$500,000,000 to lend to the dictators in South America or Central America, I say let us take the \$500,000,000 and spend it for the benefit of the American laboring men who are out of employment.

For that reason I shall support the Mead amendment, because if we have \$500,000,000 to spend, let us grab the \$500,000,000 and give it to the people of the United States instead of to the dictators to the south.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD] to the committee amendment.

Mr. MEAD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I am advised that if he were present and voting, he would vote as I shall vote. I vote "nay."

Mr. HARRISON (when his name was called). On this question I have a pair with the senior Senator from Oregon [Mr. McNARY]. Being advised that if he were present he would vote as I intend to vote, I vote "nay."

Mr. HOLT (when his name was called). On this question I have a pair with the junior Senator from Kentucky [Mr. LOGAN].

The roll call was concluded.

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if he were present and voting he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. O'MAHOONEY. I desire to announce the absence of my colleague [Mr. SCHWARTZ] because of illness. On this question he has a special pair with the Senator from Maryland [Mr. TYDINGS]. I am informed that if the junior Senator from Wyoming were present and voting, he would vote "yea," and that the Senator from Maryland would vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. I am advised that if present and voting, he would vote "nay."

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Arkansas [Mrs. CARAWAY] and the Senator from New Mexico [Mr. CHAVEZ] are necessarily detained.

The Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], and the Senator from Minnesota [Mr. LUNDEEN] are unavoidably detained. I am advised that those Senators, if present and voting, would vote "yea."

The Senator from Louisiana [Mr. OVERTON] and the Senator from Missouri [Mr. TRUMAN] are detained in important committee meetings.

The Senator from Kentucky [Mr. LOGAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business. These Senators, I am advised, if present and voting, would vote "nay."

The Senator from Minnesota [Mr. LUNDEEN] is paired with the Senator from Texas [Mr. SHEPPARD]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Texas would vote "nay."

Mr. LODGE. I have a general pair with the Senator from Texas [Mr. SHEPPARD]. I am advised that he would vote as I intend to vote on this amendment, and I, therefore, feel at liberty to vote. I vote "nay."

Mr. AUSTIN. I announce the following pair:

The Senator from New Jersey [Mr. BARBOUR] with the Senator from Michigan [Mr. BROWN]. If present and voting I am informed the Senator from New Jersey would vote "nay," and that the Senator from Michigan would vote "yea."

The Senator from Pennsylvania [Mr. DAVIS] is necessarily absent on departmental business. He has a general pair with the Senator from Missouri [Mr. TRUMAN].

Mr. ADAMS. I announce that the junior Senator from South Carolina [Mr. BYRNES] has been called out of the city on important matters. I am advised that if present and voting he would vote "nay."

The result was announced—yeas 32, nays 43, as follows:

#### YEAS—32

Ashurst	Green	Mead	Reynolds
Bilbo	Hayden	Murray	Schwellenbach
Borah	Hughes	Neely	Slattery
Clark, Idaho	Johnson, Colo.	Norris	Smathers
Donahay	La Follette	Nye	Stewart
Downey	Lee	O'Mahoney	Thomas, Okla.
Ellender	McCarran	Pepper	Wagner
Frazier	Maloney	Pittman	Wheeler

#### NAYS—43

Adams	Bridges	Connally	Guffey
Andrews	Bulow	Danaher	Gurney
Austin	Burke	George	Hale
Bailey	Byrd	Gerry	Harrison
Bankhead	Capper	Gibson	Hatch
Barkley	Clark, Mo.	Gillette	Herring

Hill  
Holman  
Johnson, Calif.  
King  
Lodge

Lucas  
McKellar  
Miller  
Minton  
Radcliffe

Reed  
Russell  
Taft  
Tobey  
Townsend

Vandenberg  
Van Nuys  
Walsh  
White

#### NOT VOTING—21

Barbour  
Bone  
Brown  
Byrnes  
Caraway  
Chavez

Davis  
Glass  
Holt  
Logan  
Lundeen  
McNary

Overtton  
Schwartz  
Sheppard  
Shipstead  
Smith  
Thomas, Utah

Truman  
Tydings  
Wiley

So Mr. MEAD's amendment to the committee amendment was rejected.

Mr. HAYDEN. Mr. President, I intend to offer an amendment to the pending joint resolution which I assure the Senate in all substantial particulars is the same as the Mead amendment upon which we have just voted, except that the amount of money is cut in half; that is to say, on page 2 of the amendment the amount for loans and grants is reduced from \$400,000,000 to \$200,000,000. The amount for administrative expenses is cut in half. The amount for Federal projects is cut from \$100,000,000 to \$50,000,000. In addition to that, my amendment provides that the grant shall be 30 percent instead of 45 percent.

Senators will remember that in the original public-works program the grant was 30 percent, and the loan was 70 percent. The proposal I am now making is a 50-percent cut all along the line. The Senator from Kentucky [Mr. BARKLEY] has stated today that under the new program the grant will amount to between 15 and 20 percent. It is now 45 percent. I am proposing, for this interim program, to make the grant 30 percent.

I offer the amendment.

The PRESIDING OFFICER. Does the Senator from Arizona desire to have the amendment read?

Mr. HAYDEN. I assure the Senate that it is the same in all substantial particulars as the Mead amendment, except that in all cases the amount of money is one-half that provided by the Mead amendment.

The PRESIDING OFFICER. Without objection, the amendment will be considered as having been read, and will be printed in the RECORD.

Mr. HAYDEN's amendment was, in lieu of the matter in title II, beginning on page 35, proposed to be stricken out by the committee, to insert the following:

#### TITLE II—PUBLIC WORKS ADMINISTRATION PROJECTS

SECTION 201. (a) In order to increase employment by providing for useful non-Federal public works projects of the kind and character which the Federal Emergency Administrator of Public Works has heretofore financed or aided in financing, pursuant to title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, the Public Works Administration Extension Act of 1937, or the Public Works Administration Appropriation Act of 1938, there is hereby appropriated to the Public Works Administration (herein called the "Administration") in the Federal Works Agency, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000,000, together with the balance of the appropriation made under section 201 of such act of 1938, not reserved for administrative expenses of the Administration and not now or hereafter expended pursuant to allotments heretofore made, which amounts shall be available until June 30, 1941, and may be expended by the Commissioner of Public Works (hereinafter referred to as the "Commissioner"), subject to the approval of the President, for (1) the making of loans or grants, or both, to States, Territories, possessions, political subdivisions, or other public bodies (herein called "public agencies"), or (2) the construction and leasing of projects, with or without the privilege of purchase, to any such public agencies.

(b) No amount available under this title shall be allotted for any project which, in the determination of the Commissioner, cannot be commenced prior to March 1, 1940, or the completion of which cannot be substantially accomplished prior to July 1, 1941: *Provided*, That this limitation upon time shall not apply to any project involved in litigation in any Federal or State court.

(c) Under the funds available in this title, no grant shall be made in excess of 30 percent of the cost of any project, and no project shall be constructed for lease to any public agency unless the Commissioner shall determine that the nonrecoverable portion of the cost of such project shall not exceed 30 percent of the cost thereof.

(d) No moneys for a non-Federal project shall be paid from the funds made available by this title to any public agency unless and until adequate provision has been made, or in the opinion of



the Commissioner is assured, for financing such part of the entire cost thereof as is not to be supplied from Federal funds.

(e) Not more than \$4,875,000 of the amount available under this title may be used for administrative expenses of the Administration during the fiscal year ending June 30, 1940, in connection with this title; such amount shall be available for administrative expenses thereof during such fiscal year for the purposes set forth for such Administration in the Independent Offices Appropriation Act, 1940. The Commissioner shall reserve from the amount available under this title an adequate sum for administrative expenses of the Administration in connection with this title for the fiscal year ending June 30, 1941, subject to authorization hereafter by annual appropriation acts for the utilization thereof.

SEC. 202. Moneys realized from the sale of securities acquired by the Federal Emergency Administration of Public Works or the Public Works Administration, or the proceeds of such securities, may be used by the Commissioner for the making of loans in connection with projects under this title, notwithstanding any previous limitation on the total amount of such securities or proceeds thereof that may be used for loan purposes.

SEC. 203. The Public Works Administration is hereby continued to the close of the fiscal year ending June 30, 1942, and is hereby authorized to continue to perform all functions which it is authorized to perform on July 1, 1939. On and after the effective date of reorganization plan numbered I transmitted to the Congress by the President of the United States pursuant to the authority granted by the Reorganization Act of 1939, all laws, Executive orders, and other documents referring to the Federal Emergency Administration of Public Works shall be deemed to refer to the Public Works Administration, and all laws, Executive orders, and other documents referring to the Federal Emergency Administrator of Public Works shall be deemed to refer to the Commissioner of Public Works.

SEC. 204. Section 206 of the Public Works Administration Extension Act of 1937, as amended by the Public Works Administration Appropriation Act of 1938, is hereby amended to read as follows:

"Sec. 206. No new applications for loans or grants for non-Federal projects shall be received by the Administration after September 30, 1939: *Provided*, That this section shall not apply to applications amendatory of applications for projects received prior to October 1, 1939, and such amendatory applications shall be confined to projects which, in the determination of the Commissioner, can be started and completed within the time limits specified in section 201 (b) of the Public Works Administration Appropriation Act of 1939."

That portion of section 201 (f) of the Public Works Administration Appropriation Act of 1938 which reads "for the completion (except liquidation) of the activities of such Administration," is hereby repealed.

SEC. 205. (a) There is hereby appropriated to the Administration, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1941, the sum of \$50,000,000, to be expended at the direction of the Commissioner, for the making of allotments to Federal agencies for the financing of Federal construction projects (including projects for making surveys and maps) in continental United States outside of the District of Columbia, and the acquisition of land for sites therefor, such projects to be selected from (1) projects authorized by law and (2) projects for the enlargement, extension, or remodeling of existing Federal plants, institutions, or facilities.

(b) No Federal construction project, except flood control and water conservation or utilization projects now under actual construction, shall be undertaken or prosecuted with funds made available by this section unless and until moneys sufficient for the completion thereof shall have been irrevocably allocated or appropriated therefor.

SEC. 206. This title may be cited as the "Public Works Administration Appropriation Act of 1939."

Mr. O'MAHONEY. Mr. President, may I ask the Senator from Arizona if I correctly understand that under the amendment as he has now presented it the proportion of public-works cost to be borne by the municipalities, cities, and other public bodies will be 70 percent instead of 55 percent, as under the present plan?

Mr. HAYDEN. I am returning to the original public-works program which we adopted in 1933, when the grant was 30 percent and the loan feature was 70 percent.

Mr. O'MAHONEY. Do I correctly understand that under the terms of this amendment it would also be perfectly possible for the Public Works Administration to undertake public works without any grant at all?

Mr. HAYDEN. Without any grant at all?

Mr. O'MAHONEY. Yes; just by loaning the money necessary for the project.

Mr. HAYDEN. In each case the amount has been a maximum. That is, the law first provided that the grant should not be more than 30 percent. Then the law was amended so as to provide that it should not be more than 45 percent.

The grant might be anywhere from those figures down, of course.

I offer this amendment because the original proposal made by the Senator from New York [Mr. MEAD] was submitted in the Committee on Appropriations. It did not prevail. This proposal also was submitted, and it received much more substantial support in the committee, as I hope it will in the Senate.

I think the proposal is thoroughly understood.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment reported by the committee.

Mr. BAILEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. Mr. President, before the vote is taken, I do not wish to take the time of the Senate except to say that this is the same proposition on which we have just voted, except as to the change in the amounts and the relationship between grant and loan.

Personally, I do not see that there is any advantage in the proposal of the Senator from Arizona over the program which we have been talking about today, and which we all hope to have inaugurated within a very short time. So it seems to me there is no advantage to the communities in voting this amendment up, whereas under the program which has been projected and which we have discussed there would be a loan of 15 to 20 percent, but it would be at a lower rate of interest, and all of it would be returned to the Government of the United States, and no grant at all would be involved.

Mr. HAYDEN. Let me point out one advantage to the communities. Under the terms of the House bill, new projects may be considered until next October. The gate is closed now. That will allow the Public Works Agency to consider all these projects; and, as the Senator from South Carolina [Mr. BYRNES] so ably pointed out earlier in the day, that is a positive advantage in connection with the new plan which the President proposes, because the projects are worked out, and if the money cannot be obtained in one way it can be obtained in another.

Mr. BARKLEY. I think it has been demonstrated here beyond cavil that more than a billion dollars' worth of projects are already worked up, and are now ready for action.

Mr. HAYDEN. If they can get 45 percent.

Mr. LEE. Mr. President, may I ask a question of the Senator from Arizona? If we do not adopt this amendment and appropriate more money, the P. W. A. will fold up. Is not that true?

Mr. HAYDEN. Oh, yes; it definitely expires 1 year from now. No new projects will be considered, and none could be considered since last October.

Mr. LEE. This \$200,000,000 would not be taken from the W. P. A. appropriation; would it?

Mr. HAYDEN. Not at all.

Mr. BARKLEY. Mr. President, in reply to the Senator I suggest that if the amendment is not adopted, the P. W. A. does not fold up. It still goes on for another year, but it is a new program. The proposal that has been made, if adopted, will constitute practically a permanent law whenever the exigencies require the advance of credit by the Government of the United States to the local communities. So not only would the P. W. A. not fold up, but it would be indefinitely extended.

Mr. LEE. The new program contemplates loans by the Reconstruction Finance Corporation.

Mr. BARKLEY. Oh, no!

Mr. LEE. The Public Works Administration is wiped out.

Mr. BARKLEY. It is the new Work Administration or Authority which is set up in Plan No. I of the President. Its name is changed, but that is all. It still goes on.

Mr. LEE. Mr. President, may I ask the Senator from Arizona one other question?

The PRESIDING OFFICER. The Chair is going to recognize the Senator from Oklahoma, in order that some Senator may have the floor. To whom does he yield?

Mr. LEE. I am about to yield to the Senator from Arizona [Mr. HAYDEN]. I wish to ask just one other question. If we should adopt the amendment which the Senator has offered, and should also adopt the new proposed program, we should then have appropriated for W. P. A. only approximately half the amount that we appropriated last year. Is not that true?

Mr. HAYDEN. That is a correct statement.

Mr. BURKE. Mr. President, I think it ought to be made perfectly clear in the Record that the answer made by the Senator from Arizona to the Senator from Oklahoma may be very misleading. So far as concerns its being true that if this amendment is voted down the P. W. A. will fold up, the records of the Appropriations Committee show that the peak of the P. W. A. work will not be reached until some time in October of this year, and it will not be folding up at all. Those projects are just getting under way; and, as already brought out, at least half of the amount contained in the very large appropriation we made last year is still unexpended. It has been allocated; the work has been started on some of it; but we shall not reach the peak for some months in the future. New projects, however, will not be undertaken.

Mr. HAYDEN. That is what I referred to.

Mr. BURKE. Of course, that is what the Senator from Arizona meant.

Mr. HAYDEN. I do not see how what I said could be construed in any other way.

Mr. BURKE. I wanted it to be clear.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] to the amendment reported by the committee. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HOLT (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS]. I understand that if he were present he would vote "nay" on this question. Therefore, I am at liberty to vote. I vote "nay."

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote "nay." If at liberty to vote, I would vote "yea." I withhold my vote.

Mr. O'MAHONEY. I announce the absence of my colleague [Mr. SCHWARTZ] because of illness. He has, however, a special pair on this question with the Senator from Maryland [Mr. TYDINGS]. If present, my colleague would vote "yea," and the Senator from Maryland would vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. I am advised that if present and voting, he would vote "nay."

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Arkansas [Mrs. CARAWAY] and the Senator from New Mexico [Mr. CHAVEZ] are necessarily detained.

The Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], and the Senator from Minnesota [Mr. LUNDEEN] are unavoidably detained. I am advised that those Senators if present and voting would vote "yea."

The Senator from Louisiana [Mr. OVERTON] and the Senator from Missouri [Mr. TRUMAN] are detained in important committee meetings.

The Senator from South Carolina [Mr. BYRNES], the Senator from Kentucky [Mr. LOGAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business. These Senators, I am advised, if present and voting would vote "nay."

The Senator from Minnesota [Mr. LUNDEEN] is paired with the Senator from Texas [Mr. SHEPPARD]. If present and

voting, the Senator from Minnesota would vote "yea," and the Senator from Texas would vote "nay."

Mr. LODGE. I have a general pair with the Senator from Texas [Mr. SHEPPARD]. I am advised that he would vote as I intend to vote on this amendment, and I, therefore, feel at liberty to vote. I vote "nay."

Mr. AUSTIN. I announce the pair on this question of the Senator from New Jersey [Mr. BARBOUR] with the Senator from Michigan [Mr. BROWN]. If present, the Senator from New Jersey would vote "nay," and the Senator from Michigan would vote "yea."

The result was announced—yeas 38, nays 38, as follows:

#### YEAS—38

Andrews	Frazier	Maloney	Russell
Ashurst	Green	Mead	Schwellenbach
Bilbo	Hatch	Murray	Slattery
Borah	Hayden	Neely	Smathers
Clark, Idaho	Hill	Norris	Stewart
Connally	Hughes	Nye	Thomas, Okla.
Danaher	Johnson, Colo.	O'Mahoney	Wagner
Donahay	La Follette	Pepper	Wheeler
Downey	Lee	Pittman	
Ellender	McCarran	Reynolds	

#### NAYS—38

Adams	Clark, Mo.	Herring	Reed
Austin	Davis	Holman	Taft
Bailey	George	Johnson, Calif.	Tobey
Bankhead	Gerry	King	Townsend
Barkley	Gibson	Lodge	Vandenberg
Bridges	Gillette	Lucas	Van Nuys
Bulow	Guffey	McKellar	Walsh
Burke	Gurney	Miller	White
Byrd	Hale	Minton	
Capper	Harrison	Radcliffe	

#### NOT VOTING—20

Barbour	Chavez	McNary	Smith
Bone	Glass	Overton	Thomas, Utah
Brown	Holt	Schwartz	Truman
Byrnes	Logan	Sheppard	Tydings
Caraway	Lundeen	Shipstead	Wiley

So Mr. HAYDEN's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

#### APPROPRIATIONS FOR AGRICULTURAL DEPARTMENT—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate and amendments of the House to certain amendments of the Senate to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 114.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19 and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$203,000"; and the Senate agree to the same.

Amendment numbered 21: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 21 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$13,769,418"; and the House agree to the same.

Amendment numbered 26: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$14,697,732"; and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 27 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$26,704,297"; and the House agree to the same.

Amendment numbered 115: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 115.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "\$681,610"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In lieu of the



sum proposed in said amendment, insert "\$40,000,000"; and the Senate agree to the same.

Amendment numbered 148: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$46,965,730"; and the House agree to the same.

The committee of conference report in disagreement amendments numbered 32, 33, 141, 142, and 158.

RICHARD B. RUSSELL,  
CARL HAYDEN,  
M. E. TYDINGS,  
J. H. BANKHEAD,  
GERALD P. NYE,

*Managers on the part of the Senate.*

M. C. TARVER,  
EDWARD T. TAYLOR,  
CHAS. H. LEAVY,  
DAVID D. TERRY,  
W. P. LAMBERTSON,

*Managers on the part of the House.*

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 5269, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
June 28, 1939.

*Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 32 and 142 to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 141 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil-conservation control measures, including research and demonstration work in fire-control and irrigation-construction work to eliminate fire hazards, in the Everglades region of Florida, \$75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida for the same purposes."

That the House recede from its disagreement to the amendment of the Senate numbered 158 to said bill and concur therein with an amendment as follows: At the end of the matter inserted by said amendment insert a period and "Notwithstanding any such determination by the Governor of the Farm Credit Administration, this provision shall not be construed to prevent any criminal process against any person who was a party to or had guilty knowledge of such fraud or misrepresentation."

That the House further insists upon its amendment to the amendment of the Senate numbered 33 to said bill.

Mr. AUSTIN. Mr. President, to what bill does this action of the House relate?

Mr. RUSSELL. Mr. President, I have just submitted the second conference report on the agricultural appropriation bill. This concludes legislative action on the bill, if the Senate will agree to the motion I am about to make.

I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 33, 141, and 158.

The motion was agreed to.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

Mr. BARKLEY. Mr. President, last evening the amendment on page 21, beginning in line 14, was passed over in order that I might prepare an amendment to it. I have prepared it and will submit it to the Senator from Colorado, and I think he will accept it.

The PRESIDING OFFICER. The clerk will state the amendment for the information of the Senate.

The CHIEF CLERK. On page 21, at the end of line 19, it is proposed to insert

*Provided, however*, That such preference need not apply when it results in undue hardship.

Mr. BARKLEY. Mr. President, the proviso merely softens somewhat the provision of the committee amendment, which makes it automatically necessary to discharge one who has been employed 18 months if someone who has been on the roll 3 months applies for employment. It seems to me there ought to be some discretion in the Commissioner, that if such a contingency should arise which would result in undue hardship, the Commissioner should not be compelled to discharge a man under those circumstances.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky to the amendment of the committee.

Mr. FRAZIER. Mr. President, we could not hear what the amendment was.

Mr. BARKLEY. Mr. President, under the amendment offered by the Senate committee, on page 21, those who have been employed on projects for 18 months must give way to any on the certified list for 3 months who have not been able to secure positions with the W. P. A. I interpret this provision to be almost mandatory, in the event some one on the certified list for as much as 3 months applies for a position held by someone else who has been on the job for 18 months.

My amendment merely provides that when the discharge of the man employed would result in undue hardship, the Commissioner shall not be compelled to give preference to the new man who is seeking the position.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next amendment passed over is at the top of page 6, and will be reported by the clerk for the information of the Senate.

The CHIEF CLERK. It is proposed on page 6, line 1, after the word "exceed", to strike out "in the aggregate the sum of \$45,000,000 during the fiscal year 1940, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$40,000,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding \$500,000", and to insert "4 percent of the total amount made available in this section to such Administration."

Mr. HOLT. Mr. President, it was because of an amendment I desire to submit that I asked the Senator from Colorado to have the amendment passed over. I understand that there may be some question of administration.

The amendment I am about to submit to the Senate reads as follows:

The Administrator shall furnish upon request to any Member of Congress the names, addresses, positions, and salaries of all employees of the Works Progress Administration whose wage or pay is a thousand or more dollars annually.

Mr. President, let us find out where the money is going, and what they consider to be "administration." I believe they are hiding over a hundred million dollars under the term "project supervision," which is actually administration, and they say that it is none of our business to know how it is spent. I read one letter this morning. Let me read another letter from the W. P. A. Administrator in reply to my request for the pay roll. He said:

We have not made it a practice to give out information concerning the individual salaries and addresses of employees except those in a position to formulate policy or direct major portions of the operations. We have felt that the public could have no legitimate interest in such information and that its release would very possibly result in these persons being subjected to solicitation from salesmen and the gossip of neighbors.

This is the only pay roll of a Government department that is not open to public inspection. City pay rolls are open, county pay rolls are open, State pay rolls are open, all Federal pay rolls are open except the W. P. A. pay rolls, and they are not open even to a Member of the Senate, who must pass upon the appropriations. For this reason I feel that Congress should put this amendment into the law,

so that the W. P. A. cannot get around it, so that it will be stated as the actual legislative policy that the Administrator shall be required to give the information to Congress when it desires to have it.

Mr. ADAMS and Mr. REED addressed the chair.

The PRESIDING OFFICER. Does the Senator from West Virginia yield, and if so, to whom?

Mr. HOLT. I yield first to the Senator from Colorado.

Mr. ADAMS. If I heard the amendment correctly, it would enable any Member of Congress to get the complete list of employees drawing more than a certain sum throughout the United States. It is not limited to the District of a Representative or the State of a Senator, as I understood it.

Mr. HOLT. I am perfectly willing to limit it.

Mr. ADAMS. There are 38,000 employees, roughly, and I am thinking of the clerical work which might be involved.

Mr. HOLT. I can appreciate that, and I shall be glad to confine it to the names, positions, addresses and salaries of all employees of the Works Progress Administration in the State of the Congressman.

Mr. BARKLEY. Mr. President, will the Senator yield for an inquiry?

Mr. HOLT. I yield first to the Senator from Kansas.

Mr. REED. Mr. President, I heartily agree with the Senator from West Virginia. I merely wanted to inquire the date of the letter he read.

Mr. HOLT. I do not have the exact date of the one I just read. The last one was dated October 20, 1938. I read it in reply to the Senator from Michigan this morning.

Mr. REED. Who signed that letter?

Mr. HOLT. The one I read relating to gossiping neighbors was signed by Mr. Hopkins. The other was signed by Mr. Williams. Both of them refused the information.

Mr. REED. I thank the Senator very much. I heartily agree with the amendment offered by the Senator from West Virginia, if he will confine it perhaps so as to make the administration simpler, according to the suggestion of the Senator from Colorado.

Mr. HOLT. I think the suggestion is wise.

Mr. BARKLEY. Mr. President, I am perfectly in sympathy with the idea that these records should be available, but it seems to me a little unusual that the entire pay rolls should be available upon the request of any Member of Congress. Why not have a mandatory provision in the law that a report should be made to Congress periodically, every month, let us say, or at any convenient time, so that the information will be available to Members of Congress? It is a little unusual to provide that individual Members of Congress may call upon any department for a list of its employees, so that they could get them for their own individual benefit. The information ought to be reported to Congress, it seems to me, and we could make such use of it as we saw fit.

I make the suggestion to the Senator because I think it is an unusual precedent to provide that any Member of Congress can, upon writing a letter, get a list of all the employees in any department of the Government drawing more than \$1,000 a year. Would the Senator be willing to modify his amendment accordingly?

Mr. HOLT. The reason why I do not think that answers the problem is that the W. P. A. has taken an unusual attitude toward this matter. It is the only department of the Government that refuses the pay roll. I hope so, at least.

Mr. BARKLEY. I do not know about that. I am not so certain that I could write a letter to the Interior Department, or to any other department, and get a list of the employees drawing a certain salary. I have never attempted it, and I am not certain that I would not get the same sort of reply the Senator received. Regardless of all that, however, it seems to me unusual to put such a list at the disposal of any individual Member of Congress. We might as well say that any Member of Congress could write to the Secretary of the Treasury and get a list of all those who pay income taxes over a certain amount. Those lists are available to Congress.

Mr. HOLT. That is entirely different, because that is a private record, but this is information as to an expenditure of public money.

Mr. BARKLEY. The income-tax record is a private record, but it is a private record with reference to a public matter, that is, the payment of taxes. There is an analogy between the two. I am just suggesting this to the Senator in the interest of good, orderly legislation, because I think, after all, it is going quite far. I am not going to oppose the amendment in its present form, if it is voted on in this form, but I do think it would be better to provide a mandatory provision that the reports should be sent to Congress. Then any Congressman could obtain them for any use.

Mr. HOLT. That would entail decidedly more work on the W. P. A., because some Senators might not want the information.

Mr. BARKLEY. Suppose all of them did want it, and they wrote separate letters; the W. P. A. would have to make 96 separate replies.

Mr. HOLT. It certainly would not hurt them to make reports on the expenditure of money.

Mr. BARKLEY. They might have to employ more W. P. A. workers to get the reports out, if we made the request.

Mr. NORRIS. Mr. President, will the Senator from West Virginia yield?

Mr. HOLT. With pleasure.

Mr. NORRIS. I should like to suggest to the Senator from West Virginia, and also to the Senator from Kentucky, that it seems to me either one of the proposals is too broad and that to carry either proposal into effect would be too expensive. To carry out the suggestion of the Senator from West Virginia would take a great deal of time; it would consume the time probably of one or more clerks in each division, wherever there was a large number, and under the suggestion of the Senator from Kentucky there would be someone making reports regularly right along every 2 weeks or every month, and that would consume much time.

There is another objection, however, which it seems to me is more important than what I have suggested. I believe these lists ought to be public, that anyone ought to be able to have access to a public record. If we leave it as the Senator from West Virginia has it, we will subject Members of Congress to very serious criticism. It will be claimed at once, it seems to me, that they are building up a fence around themselves, and that access inside will be denied to the public. Conceive the result. It seems to me that hundreds of times, in very election where a Member of Congress will be running for reelection and someone is opposing him who is not a Member of Congress, there will be available a list of names, a list of voters, in the State or in the district where the election is held. That list will be worth something. It will be accessible to the Member of Congress and not accessible to his opponent, and there will be criticism, which it seems to me will be justified.

We cannot afford to pass a law providing that there shall be furnished to us a list of names of voters which we do not permit our opponents to have. Why could not the Senator modify his amendment so as to provide that the list shall be made public, so as to give access to the list to anyone interested in getting the names? I think the Senator's idea is a good one. I am in favor of his proposal. However, I do not wish to surround it with what seems to me to be a dangerous limitation, in that we would have available a list of names which our opponents could not obtain.

Mr. HOLT. Mr. President, I feel that every individual should have a right to know how every penny of relief money is spent, but I do not know of any way the information can be made public except in the manner suggested. Other agencies publish such information, but the emergency agencies do not.

Mr. BARKLEY. Of course, it would be easy to provide by law that these records shall be public records.

Mr. NORRIS. That is all that has to be done.

Mr. BARKLEY. That is really all that is necessary, and then anyone who is interested could go and look at them.



In addition to what the Senator from Nebraska has said, we heard in connection with the tax bill the other day about a sort of a racket. It was called to our attention by the Senator from Connecticut [Mr. DANAHER]. Someone was selling at so much per page or per list the names of those who made over \$15,000 a year as salaries in private industry. We adopted an amendment to the measure which prohibited the publication of any such information.

I am afraid that someone who may want to sell a list of W. P. A. workers could get hold of it and sell it to someone who wants to advertise or to write letters to those on the list, or even use the list for political or other purposes. They might be in a position to impose upon the very men and women who are employed. They might even obtain such a list, and then send out an advertisement asking, "How much will you pay me for it?" We know that lists of voters are obtained from the registration books in every courthouse in the United States by those interested in getting them, and then are sold for some purpose, either to mail-order houses or to somebody running for office or someone else.

Mr. President, I certainly would not want to see W. P. A. workers harassed and imposed upon in such a manner.

Mr. HOLT. The W. P. A. workers will not come under the provisions of the amendment. It refers to those who are above the security wage.

Mr. BARKLEY. I know it refers to those making above a thousand dollars. However, they are on W. P. A., and if they are on W. P. A. they would be working for that particular branch of Government. However great the value of the information may be, however much we may be entitled to it and the public may be entitled to it, I do not want to see an amendment put into the measure which would make W. P. A. workers victims of men who might wish to harass them simply because they could get a list of their names.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BAILEY. I do not know whether or not I heard the Senator from Kentucky correctly. I merely wish to be sure. Did the Senator say that he was afraid that the W. P. A. and W. P. A. workers might be used for political purposes?

Mr. BARKLEY. Oh, no; I did not say that; because I am satisfied that probably some of them have already been used in the way of voting. I do not know of any rule which would deny a man running for office the right to electioneer with a W. P. A. worker who is a voter. What I said was that I did not want a list created in such a manner as to give to some advertising company or some mail-order house or somebody running for office an exclusive right to have such a list or obtain it and harass W. P. A. workers.

Mr. BAILEY. I merely want to say that I very much regret that I did not hear the Senator say that he had become afraid that the W. P. A. might be used for political purposes. I was hoping that he was becoming a little fearful on that subject.

Mr. BARKLEY. I did not catch the Senator's remark. He was hoping what?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BARKLEY. The Senator said that he was hoping something. I did not catch the word.

Mr. BAILEY. I was hoping the Senator was becoming a little fearful that the W. P. A. might be used for political purposes. I regret that the Senator did not say it.

Mr. BARKLEY. I do not know just what implication the Senator has in his mind when he says he hopes I was beginning to become fearful. From the time the W. P. A. was established by Congress, I have here and elsewhere advocated openly and aboveboard that the W. P. A. should not be used for political purposes, and that no man who works for it should be harassed or intimidated or coerced or in any way dealt with by reason of the fact that he had such employment. I have never approved of or in any way sanctioned such practices.

Mr. BAILEY. I had reference to the Senator's impassioned appeal to us just as we were about to adjourn last

year on the subject of allowing those on W. P. A. the same freedom that was enjoyed by those who worked for the road commission or the highway commission in his State.

Mr. BARKLEY. I have no apology for the statement I then made, and I do not retract what I then said—that a man working for the W. P. A. or any other branch of the Government ought to be as free in the exercise of his political rights as any other man working for anyone else in the United States.

Mr. BAILEY. Yes; and that the Congress ought not to pass a measure, as we then intended to do and were about to pass, known as the Hatch measure. I wish to say that the statement made by the Senator that an annual report made about the matter that the Senator from West Virginia has in mind will not cover the point.

Mr. BARKLEY. I did not say annual report only. I said we can compel them to make it as often as we want to.

Mr. BAILEY. We have very many temporary projects. It would not do us any good at the end of the year to know that on certain temporary projects more persons had been employed than were necessary. Mr. President, we are responsible for the administration of the work projects.

I am not disposed to bring up matters of this kind, but I happen to know of a small project in my State. I think its cost was \$85,000. A friend in the city who had been working on the project filed with me a letter giving the names of 12 different persons serving on that project in the capacity of supervisors and in other positions. There were 12 of them supervising one small project. It happened to be on the eve of a local election. I filed a letter with the Administrator. I do not know what happened. He said he would investigate. I have never heard anything more about it. But that is happening in America. When a little project to provide work for people who are destitute is undertaken local politicians as well as Members of Congress and other men who undertake to manage this thing politically step right in and get one man appointed at \$1,200 a year and another one at \$1,400 a year; one is a timekeeper, the other is a supervisor, the other is an overseer. One looks after the ditching; the other looks after the banking; and the other looks after the woodwork. Senators will find that the W. P. A. has been loaded down from the beginning with that sort of thing.

The Senator from West Virginia is now simply asking that we adopt an amendment which will enable the Members of the Congress, who are responsible for the appropriation of this money, and ought to be responsible for its wise expenditure, to obtain the necessary information when they want it. A great furor is raised about this and that in order to prevent that being done. I am in favor of the amendment. I am in favor of the reformers standing for reform. They are on the inside now, but they should not cover up.

Mr. REED. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. REED. I am a new Member of this body, Mr. President, and the first discussion in which I participated had to do with the confirmation of a former Administrator of the W. P. A. There was available the report of the committee of this body, which investigated the W. P. A. last year, the chairman of which committee was the distinguished Senator from Texas [Mr. SHEPPARD]. That report divulged a great deal of mismanagement and corruption in the W. P. A. From that day to this every additional disclosure has shown more waste, more extravagance, more corruption.

The distinguished Senator from Nebraska [Mr. NORRIS] stood on the Senate floor and said it was the fault of Congress, and that the W. P. A. Administrator, who is now Secretary of Commerce, should not be held responsible, because the Congress had failed in its duty to prevent corruption in the administration of W. P. A.

I wish to call the attention of the Senate—and I beg the pardon of the Senator from West Virginia for taking up his time—

Mr. HOLT. Go right ahead, Senator.

Mr. REED. I call attention to the language on page 31, section 29, in the measure we are now considering, where it is provided:

(a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

On page 32 in section 30 is some additional language dealing with that phase.

I say to the Senate that here is its opportunity to put a final stop to this extravagance and waste of W. P. A. funds appropriated by the Congress. The amendment possibly may not be in the most perfect shape that could be conceived, but if the amendment offered by the Senator from West Virginia should be adopted, and any Member of Congress could obtain this information at any time, it is my belief, Mr. President, that it would be made public quickly enough, and be available for public purposes, and would put a stop to these abuses. If the Senate is fair with itself and fair with the public it will adopt the amendment offered by the Senator from West Virginia.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. DANAHER. I should like to point out to the Senator with reference to the comment made by the senior Senator from Kentucky that the provision which was adopted the other day by way of amendment to the tax bill, provided that there was to be no sale of the information contained in the list in question. It did not prohibit publication by newspapers or magazines or any other legitimate or proper sources, for the dissemination of public information. I thought that perhaps should be recalled to the Senator from West Virginia.

Mr. HOLT. I thank the Senator. I wish to make a further statement about this matter. The Senator from Kentucky said that certain persons will procure the lists and sell them to others. I have always felt that the expenditure of public money is a public business, and whenever any person starts to hide public business we had better watch that individual, regardless of who he may be or where he may be employed. My amendment does not seek to have divulged the names of individuals on relief. All it seeks to do is to make available the names of individuals who make over \$1,000 a year out of the relief funds. If the amendment should be adopted, Congress would save the taxpayers of the United States millions of dollars because that is where they are hiding the waste in the W. P. A., and getting away with it.

Mr. HOLMAN. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. HOLMAN. Mr. President, I wish to express my approval of the amendment offered by the Senator from West Virginia. I am reminded of the expression used by President Woodrow Wilson. He said, "Let light into the dark places." That is what this amendment would do.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BARKLEY. I suggest to the Senator from Colorado [Mr. ADAMS] that this matter be taken to conference. Perhaps it can be worked out so that the language would be more scientific. I see no harm in taking it to conference and trying to work it out.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. DANAHER. I wish to point out further that we can limit the sale of this information.

Mr. HOLT. I do not think there has been any question about the use of the information. The information has been limited to only a few. It has not been available to the public. If one is on the inside, he can obtain it. I know it has been done just that way. Nevertheless, I wish to have the Senate go on record in a roll-call vote on this question, so that there will be no excuse for the conferees to say, "We accepted it as a matter of course. We do not care about it."

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair informs the Senator that the clerks did not get his amendment as he read it. If the Senator will send it to the desk, it will be very helpful.

Mr. HOLT. I shall be glad to send my amendment to the desk.

Now, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WAGNER. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. In the proper place, it is proposed to insert:

The Administrator shall furnish upon request to any Member of Congress the names, addresses, positions, and salaries of all employees of the Works Progress Administration whose wage or pay is \$1,000 or more annually.

Mr. NORRIS and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from West Virginia yield; and if so, to whom?

Mr. HOLT. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, if the Senator from West Virginia, who has thought about the matter, would modify his amendment, I believe a serious objection to it could be met. I am in favor of publicity. I should like to have not only the salaries of \$1,000 and more but all salaries made public records, which anybody could obtain if he were interested enough to inquire. We talk about publicity and the great good it does. Here we have an amendment which does not give publicity. I admit that the Senator from West Virginia and other Senators in good faith have taken the view that it does provide publicity. However, such an amendment would place a handicap upon Members of Congress. If such an amendment were adopted, we should see flaming headlines announcing that Members of Congress have shielded themselves; that they are able to obtain information which is denied to the public. Technically that objection applies to the amendment.

Mr. HOLT. Mr. President, would the Senator be willing to permit me to modify my amendment so as to provide that such salary lists shall be matters of public record?

Mr. NORRIS. Absolutely.

Mr. HOLT. Then I shall add that provision to the amendment.

Mr. NORRIS. The Senator does not need to do that.

Mr. HOLT. I should like to have the amendment specific and then add the provision that such lists shall be matters of public record.

Mr. NORRIS. That would greatly help.

Mr. BARKLEY. Mr. President, does the Senator mean that if I write to the W. P. A. to obtain these lists and they are sent to me in a letter, then they become public records? How are we going to make them public records unless we provide by law that they shall be public records?

Mr. NORRIS. If we had the right kind of an amendment that would be the law.

Mr. BARKLEY. The information ought not to have to be sent to me as an individual Senator in order to be a public record. That is the point I am trying to impress upon the Senator.

Mr. NORRIS. I think that is a valid objection. The amendment ought to provide that the lists shall be public records, accessible to all persons at any reasonable hour. Everybody would not want to obtain them; but persons who were interested could obtain them. If I were running for Congress in a certain district, perhaps I would want the lists. I could obtain them. The Administrator would have to send them to me. However, my opponent could not obtain them. What would the public say to that? What would any honest man say to that?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.



Mr. ASHURST. I should simply say that the lists shall be available to any citizen of the United States at any reasonable hour.

Mr. NORRIS. Yes; as all public records are. These lists are not any different from any other public records. It seems to me that would not only be fair to everybody but it would shield Members of Congress themselves from the charge which would be made if we should provide by law that we shall be entitled to such lists, but nobody else shall be.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. I agree entirely with the Senator from Nebraska. About a year ago complaint was made to me about the large number of persons in the Works Progress Administration who were receiving large salaries. I went to the Administrator. Of course, he knew the names of all those individuals and the salaries they were paid. I suggested to the Administrator that he ought to have in his office a list of such persons, available to any person who desired to inquire. I think the Administrator in every State or every district ought to make available to any person the list of those who are on the W. P. A.

Mr. HOLT. Mr. President, I accept the modifications suggested by the Senator, that such information shall also be available to any citizen of the United States during office hours at the Works Progress Administration headquarters.

Mr. NORRIS. Mr. President, I think that provision ought to be in the amendment. I do not believe the Administrator should be required to send such lists to Members of Congress.

Mr. BARKLEY. Mr. President, would the Senator be willing to accept a substitute in the following language:

The names, addresses, positions, and salaries of all employees of the Works Progress Administration whose wage, salary, or pay is \$1,000 or more annually, shall be public records and available to any citizen of the United States.

Mr. HOLT. That is satisfactory. I want it to be understood that that information is not hidden.

Mr. BARKLEY. It would be a public record and available to any citizen. It could not be hidden.

Mr. HOLT. I think that language would be satisfactory.

Mr. President, I accept the modification, and ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the yeas and nays have been ordered upon the amendment first tendered by the Senator from West Virginia. The rules of the Senate require unanimous consent in order to modify it thereafter. Is there objection to the modification of the amendment?

Mr. JOHNSON of California. Mr. President, I wish to make a suggestion.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. NORRIS] has the floor.

Mr. JOHNSON of California. I wish to make a suggestion to the Senator from West Virginia. He can obtain a writ of non exeat facendum, or a writ of some other sort and compel the disclosure to him of those names, under the language used by the Senator from Kentucky. If the Senator wishes to accomplish the result he seeks, he should keep his amendment in the form in which it was in the beginning, and go ahead and fight it out.

Mr. NORRIS. Mr. President, I suppose I still have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. NORRIS. I have not yielded the floor to any other Senator. However, no one has paid any attention to me or the fact that I have the floor. Since I have the floor, I should like to say just one word in reply.

Mr. JOHNSON of California. I beg the Senator's pardon.

Mr. NORRIS. The Senator is not the only one.

Mr. JOHNSON of California. I did not know the Senator had the floor. I thought the Senator from West Virginia [Mr. Holt] had the floor.

Mr. NORRIS. I am not complaining about that. However, Mr. President, I am complaining about Senators who intimate or suggest that anyone is trying to cover something up. I do not think that it is in the mind of any Senator. The Senator from West Virginia has opened up a question which I think is important. I believe his ideas are correct about it.

All I care for is that the amendment should be broad enough so as not to injure anybody, and so that the charge may not be made that we are trying to cover up our own tracks. I think that charge would lie against the amendment as originally framed. If we said to any department of the Government, "You must give us a list whenever we write for it, and nobody else may obtain it," we would be open to such a charge. In a campaign for the House of Representatives or the Senate, lists are very important. They are used by all candidates and all parties for all kinds of purposes. The purposes may be honorable or dishonorable. But if the lists are public records, whatever the purpose may be, any citizen is entitled to obtain them. I do not wish to cover up these lists. Any insinuation that because we want a modification of the amendment we are trying to cover up something or we are not trying to do our duty is unjustified and uncalled for, so far as I am able to see.

The Senator from West Virginia has offered an amendment on a very important subject. It is an important amendment. He is entitled to credit for offering it, and he is entitled to credit for the manly way in which he has received any constructive suggestions to improve it. It seems to me there is no need for us to do anything but to get the amendment in proper shape so that it will apply to everybody and give no one an advantage.

Mr. HOLT. Mr. President, will the Senator from Kentucky read the amendment as he feels it should be?

Mr. BARKLEY. I have reduced it to writing. Let me see if it does not satisfy the situation:

The names, addresses, positions, and compensation of all employees of the Works Progress Administration whose compensation is \$1,000 per annum or more shall be public records and available to any citizen of the United States, and shall be reported on the 1st of each month to the Secretary of the Senate and the Clerk of the House of Representatives.

Mr. HOLT. I think that is satisfactory.

Mr. NORRIS. Mr. President, will the Senator permit me to make a suggestion? I suggest that the Senator strike out the words "\$1,000 or more" so that it would apply to everybody.

Mr. BARKLEY. Very well.

Mr. HATCH. Mr. President, I should like to ask the opinion of the author of the amendment, whoever is the author. If the words "\$1,000 or more" were stricken out, would not a person on work relief be considered an employee within the meaning of the amendment? Is that the desire of the Senator from West Virginia?

Mr. HOLT. Mr. President, I should like to have the Senator repeat his question.

Mr. HATCH. It was suggested that the words "\$1,000 or more" be stricken.

Mr. BARKLEY. Mr. President, I will say to the Senator from Nebraska that if we include everybody—

Mr. NORRIS. That may be going too far.

Mr. BARKLEY. It means the name of every laboring man in a ditch somewhere digging a trench to lay a pipe; and it means everybody who works as much as a week. I think what the Senator from West Virginia is trying to get at is the salary lists of those who receive \$1,000 or more from the W. P. A.

Mr. HOLT. The bosses.

Mr. BARKLEY. Of course, that would include the bosses. I am sure they draw more than \$1,000 a year. I think the amendment ought to be limited to \$1,000, because otherwise it would include every man who works for a day or a week on some project.

Mr. REED. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REED. Will the Senator yield?

Mr. HOLT. I yield to the Senator from Kansas.

Mr. REED. May I inquire from the Senator from Kentucky whether or not the amendment, in the shape he now has it, would require waiting until the end of the year to determine whether or not a man had received \$1,000 or more? If the Senator from West Virginia is going to change the original form of his amendment and adopt the suggestion of the Senator from Kentucky, should not the language be "at the rate of \$1,000 or more annually"?

Mr. BARKLEY. Of course, it might be; but if the words "at the rate of" are used, that means that if a man is working for a dollar and a half a day—of course, it would be impossible for that to amount to a thousand dollars a year—but if he is working only for a day for \$5 a day, or \$2.50 a day, whatever the rate is, if he works only a day or a week he is working at the rate of something a year in case he works all the year at that rate; so we do not get away from the difficulty to which I called attention.

I do not think it is worth while to be too technical over this matter. What the Senator from West Virginia is trying to do, and what we are all trying to do, is to get a list that is public property of those who are getting \$1,000 a year or more. It seems to me that is sufficient.

Mr. HOLT. I think the Senator is wise in that suggestion, because after the adoption of the amendment we should have to wait for a year to determine the compensation. I think "at the rate of" would specifically give us a list at the end of July; and I think the amendment should be modified to that effect.

Mr. BARKLEY. I will modify the amendment by putting in the words "at the rate of \$1,000 per annum or more," so that it can be worked out. I have no objection to that modification. I think, though, it probably would require a report on a man who worked a month and never worked any more.

Mr. WHEELER. Mr. President, it seems to me that would be all right. The authorities might conceivably put on the employees just before election and work them for a month. I think the expression should be "at the rate of."

Mr. SHIPSTEAD and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from West Virginia yield; and if so, to whom?

Mr. HOLT. I yield first to the Senator from Minnesota. Then I will yield to the Senator from Kansas.

Mr. SHIPSTEAD. Has the Senator accepted an amendment striking out the words "one thousand"?

Mr. HOLT. No; I did not do that, because I do not want it said that I am trying to get the names of relief clients. I do not care about the names of relief clients. I want to know who the bosses are.

Mr. REED. Mr. President—

Mr. HOLT. I now yield to the Senator from Kansas.

Mr. REED. I do think it is advisable, if the Senator from Kentucky will permit me, to insert in the amendment the words "at the rate of."

Mr. BARKLEY. I have done it, and I am hoping we may vote.

Mr. HOLT. Mr. President, let the clerk read the amendment so that we may have a ye-a-and-nay vote on it.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Mr. BARKLEY. I may modify my own amendment, of course.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BARKLEY. Mr. President, in order that the RECORD may show the substitute which I am offering, and which I understand the Senator from West Virginia accepts, I will read it and let the Official Reporter take it:

The names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of \$1,000 per annum or more, shall be public records, and shall be available to any citizen of the United States on request, and shall be reported on the first of each month to the Secretary of the Senate and the Clerk of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. BARKLEY] in the nature of a substitute for the amendment offered by the Senator from West Virginia [Mr. HOLT] to the amendment reported by the committee. The yeas and nays have been ordered on the amendment.

Mr. ADAMS. Mr. President, it seems to me it ought to be made plain that the amendment is not meant to include those on the relief rolls. As a matter of fact, at the present time there are on the relief rolls persons who are paid at the rate of more than \$1,000 a year.

Mr. HOLT. Mr. President, I understand that the amendment is a modification of my amendment. Is that correct?

Mr. BARKLEY. It is a substitute for it.

Mr. HOLT. I should like to accept it as a modification of my amendment, if the Senator from Kentucky does not object.

Mr. BARKLEY. Oh, no. Does the Senator desire to have it as a modification of his amendment?

Mr. HOLT. I do.

Mr. AUSTIN. Mr. President, I ask the Senator from Kentucky if the language of his substitute provides for furnishing information about the amount of the compensation?

Mr. BARKLEY. Yes; it provides for furnishing the names, addresses, positions, and compensation of all such employees.

The PRESIDING OFFICER. The amendment having been accepted by the Senator from West Virginia, the question is on agreeing to the modified amendment offered by the Senator from West Virginia [Mr. HOLT] to the amendment reported by the committee. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I understand that if that Senator were present he would vote as I am about to vote. Therefore I am at liberty to vote. I vote "yea."

Mr. O'MAHONEY (when Mr. SCHWARTZ's name was called). My colleague [Mr. SCHWARTZ] is detained because of illness.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if that Senator were present he would vote as I shall vote, so I am free to vote. I vote "yea."

The roll call was concluded.

Mr. HARRISON. Making the same announcement as before, I vote "yea."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Minnesota [Mr. LUNDEEN] are necessarily detained.

The Senator from Mississippi [Mr. BILBO], the Senator from South Dakota [Mr. BULOW], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained in important committee meetings.

The Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the Senator from Texas [Mr. SHEPPARD], the Senator from West Virginia [Mr. NEELY], the Senator from Kentucky [Mr. LOGAN], the Senator from Ohio [Mr. DONAHAY], the Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. BYRNES], the Senator from Washington [Mr. BONE], and the Senator from Louisiana [Mr. OVERTON] are absent on important public business.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. CAPPER] and the Senator from New Jersey [Mr. BARBOUR], if present, would vote "yea" on this question.



The result was announced—yeas 66, nays 3, as follows:

## YEAS—66

Andrews	Gerry	Lee	Schwellenbach
Ashurst	Gibson	Lodge	Shipstead
Austin	Gillette	Lucas	Slattery
Bailey	Green	McCarran	Stewart
Bankhead	Guffey	McKellar	Taft
Barkley	Gurney	Maloney	Tobey
Bridges	Hale	Mead	Townsend
Burke	Harrison	Miller	Truman
Byrd	Hatch	Minton	Vandenberg
Clark, Mo.	Hayden	Norris	Van Nuys
Connally	Herring	Nye	Wagner
Danaher	Holman	O'Mahoney	Walsh
Davis	Holt	Pittman	Wheeler
Downey	Johnson, Calif.	Radcliffe	White
Ellender	Johnson, Colo.	Reed	Wiley
Frazier	King	Reynolds	
George	La Follette	Russell	

## NAYS—3

Adams

Murray

Smathers

## NOT VOTING—27

Barbour	Capper	Hughes	Schwartz
Bilbo	Caraway	Logan	Sheppard
Bone	Chavez	Lundeen	Smith
Borah	Clark, Idaho	McNary	Thomas, Okla.
Brown	Donahay	Neely	Thomas, Utah
Bulow	Glass	Overton	Tydings
Byrnes	Hill	Pepper	

So Mr. HOLT's modified amendment to the amendment reported by the committee was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. BARKLEY. Mr. President, I desire to ascertain if we cannot enter into an agreement for the limitation of debate. There are only two or three more committee amendments, and I think they are not of a major character.

I ask unanimous consent that during the remainder of the consideration of the joint resolution no Senator shall speak more than once or longer than 15 minutes on the joint resolution or more than once or longer than 10 minutes on any amendment.

Mr. SCHWELLENBACH. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 29, line 13, after the words "shall be", to strike out:

available—

(a) After June 30, 1939, for the operation of any theater project; or

(b) After August 31, 1939.

And insert "available after October 31, 1939," so as to read:

SEC. 25. None of the funds made available by this title shall be available after October 31, 1939, for the operation of any project sponsored solely by the Works Project Administration.

And so forth.

Mr. ADAMS. Mr. President, I have a textual amendment, merely changing a date to conform to changes which have been made in the text, which I should like to submit.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 29, lines 22 and 23, it is proposed to strike out "July 1, 1939, or September 1, 1939, as the case may be," and to insert in lieu thereof "November 1, 1939."

The PRESIDING OFFICER. Without objection, the amendment will be received, since it relates to the House text; and, without objection, the amendment will be agreed to.

Mr. WAGNER. Mr. President, I offer an amendment on behalf of the Senator from Florida [Mr. PEPPER] and the Senator from California [Mr. DOWNEY]. The amendment simply provides that not more than 1 percent of the entire amount may be set aside to be available for projects exclusively sponsored by the Works Progress Administration. I have conferred with the Senator in charge of the bill, and, while he has not stated that he favors the amendment, he has no objection to its going to conference.

Mr. KING. Mr. President, the amendment relates to theaters, does it?

Mr. WAGNER. It does. It is purely discretionary.

Mr. BARKLEY. It would relate also to musical and art projects.

Mr. WAGNER. Yes; or any other project which cannot possibly be locally sponsored. The amount is very small.

The PRESIDING OFFICER. Without objection, the amendment will be considered to be in order, since it amends certain portions of the House text.

Mr. REYNOLDS. Mr. President, I understand the amendment calls for an expenditure of not more than 1 percent of the entire amount to be appropriated for the benefit of W. P. A. I should like to inquire as to what that 1 percent of the entire amount would be?

Mr. WAGNER. About \$14,000,000.

Mr. REYNOLDS. I should like at this time to call to the attention of my colleagues in the Senate one phase of the relief bill we now have under consideration about which many have perhaps forgotten, that is, the W. P. A. theater project, which the Senator from New York just mentioned, and how it is being used by clever Communists to spread throughout the land their doctrine of destruction of American institutions.

It is with regret that I express my opposition to the theater project, particularly because some really worth-while things have been done in that activity. But they are far overshadowed by the damage done and the danger to America from the "red" propaganda being broadcast by the majority of the plays and the presentations of the theater project.

Among the worth-while accomplishments is the dramatization of events in America's glorious history, such as that of the Lost Colony of Roanoke Island, which has been put on several years past in my State of North Carolina, a very excellent picturization of American history. I wish every man here might see that presentation. The President of the United States was in North Carolina several years ago, at which time he was provided an opportunity of seeing that play. I am sure there must be a few others as meritorious as this project, but I very seriously doubt it.

By and large, however, the control of the W. P. A. theater project and most of its plays is in the hands of Communists, spreading the doctrine of communism at the expense of the American taxpayer. If the American taxpayers are desirous of paying for the spreading of communistic propaganda and literature all over this country, that is their business, but I am sure that the Members of this body know enough about the sentiments of their constituents to have already ascertained as to whether or not they are desirous of voting funds to continue to spread the communistic propaganda at the expense of the American taxpayers.

Mr. President, this fact alone should compel us to condemn the W. P. A. theater project to the ashcan of oblivion. Its sins far outweigh its good deeds.

We are now asked to dip deeper into every American taxpayer's pocket so that the Government can continue in the show business, losing millions upon millions of dollars, and paying the bills for the dissemination of the revolution made in Russia by the hundreds of radicals who have chiseled into the control of the project at the expense of the Treasury.

According to the amendment just offered, the author of which is the Senator from Florida [Mr. PEPPER], he is asking us to vote \$14,000,000 of the taxpayers' money to those in this country who are spreading the doctrines of communism and who are bent upon either changing our form of government or overthrowing the present Government of the United States.

Mr. McCARRAN and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. REYNOLDS. I yield to the Senator from Nevada.

Mr. McCARRAN. I take it that the Senator does not mean to imply that everyone engaged in the theater business is a Communist?

Mr. REYNOLDS. Not at all.

Mr. McCARRAN. I take it that the Senator realizes that there are many splendid citizens of America who are engaged in that line of business.

Mr. REYNOLDS. Unquestionably, absolutely.

Mr. McCARRAN. If, perchance, there may be on the relief rolls men or women who are inclined to favor communism, but who are American citizens, nevertheless, should we deny relief to unemployed and starving Americans simply because here and there there may arise something which savors of communism?

Mr. REYNOLDS. Not at all.

Mr. McCARRAN. My thought, following my question, is that the more we bring communism out into the open, the more America understands it, the more it will know what it is condemning.

Mr. REYNOLDS. Quite so.

Mr. McCARRAN. America should condemn communism, but it should know what it is condemning before it condemns. Therefore if, perchance, there might be a play put on somewhere which had a communistic trend, would the Senator thereby condemn every actor?

Mr. REYNOLDS. Certainly not.

Mr. McCARRAN. Or every musician?

Mr. REYNOLDS. Certainly not.

Mr. McCARRAN. Every artist; everyone of those who might benefit by the 1 percent of this appropriation?

Mr. REYNOLDS. Not at all.

Mr. McCARRAN. If the Senator agrees with me, then I say that we cannot condemn the whole project because there may be some within it who are wrong.

Mr. REYNOLDS. I am quite in accord with the Senator, but I wish to say to the Senator at this juncture that I oppose the expenditure of \$14,000,000 of the money of the taxpayers of this country for the purpose of spreading doctrines which are un-American.

Mr. KING. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. KING. I think the American people do not need to be taught, through the theater or through any other instrumentality, what communism is. We know what it is. We know its evil propensities, we know its objectives, and if any of the theaters which are being subsidized are engaged in propaganda in favor of communism, I think we ought not to go into the Treasury of the United States and aid them in their communistic activities.

Mr. REYNOLDS. I thank the Senator. Now, in reference to the statement made by the Senator from Nevada, permit me to say that at the outset this evening I spoke of the lost colony at Manteo, Roanoke Island, N. C. There is nothing with reference to the play picturing that incident which pertains to communism, and I am absolutely confident and positive that no one with communistic leanings is now, ever has been, or ever will be connected with that project, and I should dislike very much indeed to see that project interfered with as a result of what I now present for the attention of Senators.

But I will say to the Senator that if the project has to be hampered as a result of lack of appropriations it would be best to hamper it rather than to permit projects all over the United States to continue as they have been going, under the direction of those who are spreading communistic propaganda. I say that the time has come when the representatives of the American people should say to them whether they are for those who are supposed to represent our form of government or whether they are for the Communists. The American people are demanding that we let them know where we stand, and I am trying now to let them know where I stand.

Mr. HOLMAN, Mr. McCARRAN, and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. REYNOLDS. I yield to the Senator from Oregon.

Mr. PEPPER. Mr. President, I desire to call the attention of the Senator from North Carolina to the fact that I am

standing in the rear of the Chamber; and when it is convenient for him to look back this way, I should like to have him consider me.

Mr. REYNOLDS. I should be very happy to consider the Senator from Florida, but at the time he arose my attention was attracted by the junior Senator from Oregon.

Mr. HOLMAN. Mr. President, I am very much in sympathy with the contentions of the Senator from North Carolina, but I call his attention to page 25 of the committee print, paragraph (b) of section 18, which I supported in the committee. It is as follows:

No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates \* \* \* the overthrow of the Government of the United States through force or violence.

It may be that that protects the appropriation along the line where the Senator is looking for protection.

Mr. REYNOLDS. I thank the Senator very much for his contribution, and I will say to him that I am in high hopes that that portion of the paragraph he read will provide protection for those who are engaged in projects if they are continued. That is for the protection of American citizens who are not preaching the doctrine of communism.

Now I am glad to yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, the very fine utterance of the Senator from North Carolina is concurred in by me, but the Senator from North Carolina cannot brand me, and I do not believe he can brand other Members of the Senate, as being in sympathy with communism because we may vote to feed some hungry people who practice a particular art or follow a particular vocation. We deprecate and we despise anything which would tear down American institutions. I do not belong to a class which ever yielded on that subject. We fought for and we will die for American institutions. But because there might be here or there someone who might express himself as he saw fit does not justify branding a great class of hungry people who have given themselves to a particular art as being all communistic. So that I am not ready to say that those who are hungry and out of employment but, nevertheless, belong to the theater class or the musician class, are all Communists. I am going to vote for the amendment, because I want the hungry fed, not because I want to encourage communism.

Mr. REYNOLDS. Of course, the Senator knows that it was furthest from my thought to infer that anyone here was in sympathy with the Communists. I know that there is no one in this body who is in sympathy with them. As for feeding the hungry, I have voted for every appropriation for the W. P. A., to help the unfortunate men and women who are out of employment, to provide them with food and shelter and clothing, and the only time I have failed to vote for appropriations was when recently we were asked to appropriate \$150,000,000, and appropriated only \$100,000,000.

Mr. PEPPER. Mr. President—

Mr. REYNOLDS. I wish to say that I am going to continue to vote for appropriations from the Treasury of the United States so long as there is a hungry man or so long as there is a hungry woman in the United States. We can get money to do other things, and we can get money to do that. I am directing my remarks toward those workers of the Federal theater project who are allied and associated with and are members of the Communist Party. I know, as others know, that there are thousands of fine men and women in the W. P. A. project who are bitterly opposed to the Communists who are associated therein with them, and many Communists have charge of the W. P. A. projects.

I gladly yield now to my distinguished colleague the Senator from Florida.

Mr. PEPPER. Mr. President, is the Senator from North Carolina aware of the fact that beginning on page 24 of the joint resolution there appears the following provision?—

Sec. 18. (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person before engaging in such employment (or prior to August 1, 1939, in the case of any person employed before such



date who has not taken an oath of office) subscribes to the following oath:

"I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

Is the Senator aware of that?

Mr. REYNOLDS. I am familiar with it. In addition to that, I think the measure requires that every person securing work on W. P. A. must of necessity have made an affidavit to the effect that he is a citizen of the United States of America.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. REYNOLDS. I yield.

Mr. PEPPER. Is the Senator also aware that immediately succeeding that provision there is the following subsection (b) on page 25:

(b) No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

Mr. REYNOLDS. Yes.

Mr. PEPPER. Mr. President, is not the Senator satisfied that those two provisions contain an adequate safeguard against Communists, as the Senator describes them, being the recipients of the appropriations provided for in this measure?

Mr. REYNOLDS. A safeguard to a certain extent, quite true. In addition to providing certain safeguards, I will state to the Senator that I have prepared an amendment to the section on page 22 which will require every person to state in an affidavit his place of birth—if not born in the United States, then in his native country—the date of birth and place of entry into the United States.

The point I make is this: According to the amendment the Senator proposes, that we make expenditure of not more than 1 percent of the entire amount, which, I have been informed by the senior Senator from New York [Mr. WAGNER], will amount to about \$14,000,000. I am opposed to making an expenditure of \$14,000,000 for something from which the American people will not benefit, and I say that the American people have received less from their expenditures on W. P. A. as the result of the Federal theater project than anything else, and I do not see why we should be called upon to spend millions of dollars for a project merely for the purpose of protecting perhaps a minority element in this project, as mentioned by the Senator from Nevada [Mr. McCARRAN].

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. PEPPER. Is the Senator from North Carolina aware that there are approximately 7,000 persons now engaged in the theater project, and that that kind of work is the normal means of those people for making a livelihood, and if they are diverted into some other kind of work it is taking them out of the work they are fitted to do?

Mr. REYNOLDS. But the difficulty about the theater project is that real actors are not employed. Most of them are "hams." They play to empty houses. The receipts from the Federal theater projects will evidence to the minds of all who have read the hearings that the greater number of them, according to my recollection, are not real actors.

Mr. PEPPER. Mr. President, will the Senator yield once more?

Mr. REYNOLDS. I yield.

Mr. PEPPER. Is the Senator aware of the fact that the other day when hearings were in progress before the subcommittee of the Senate Appropriations Committee some of the most eminent actors and producers in this country upon the legitimate stage came here at their own expense, and they took a day to ask the Appropriations Committee, and through the Appropriations Committee the Senate, not to destroy the arts program that was being presented to the American people through the theater project?

Mr. REYNOLDS. I am aware of that, but I am also aware of the fact that those gentlemen and ladies who testified are not working for the W. P. A. theater project.

Mr. PEPPER. Will the Senator yield further?

Mr. REYNOLDS. I yield.

Mr. PEPPER. Is the Senator also aware that some of the most eminent actors in Hollywood, who are not working for the W. P. A., but such persons as Tallulah Bankhead and other eminent actors and actresses who came down here, do appreciate the contribution that this arts program is making to the American people? Is the Senator also aware of the fact that all these eminent artists who derive no personal benefit from the project, but who ought to know something of the legitimate stage, came here to testify about its worth to the American people, and not one of them receives any money from it?

Mr. REYNOLDS. Yes; I read in the newspapers that they were here to testify in regard to the matter, but I did not read their testimony before the committee. I base my opinion upon certain pages of testimony that I have here from the record, which I will read in a moment.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. MEAD. I will say that I have a break-down of the affiliation of the personnel of the Federal theater project in my home State. While I agree with the Senator in his desire to rid this and other projects and the country, so far as that is concerned, of the so-called "red" menace, I know the Senator will appreciate the affiliation of the personnel and recognize in it a bulwark against communism.

A break-down of the 3,222 people employed on the New York City Federal theater project as of the month of May 1939 reveals two things: That the vast majority belong to old-line and officially accredited union groups and that the belief that they are not professionally qualified theater people is untrue.

From this total of 3,222, let me cite a few figures: One thousand one hundred and fifty actors, 85 percent of whom belong to one or another theatrical union of long standing and the majority of them to Actors' Equity, an affiliate of the A. F. of L.; 417 stage hands, who are 100 percent members of the I. A. T. S. E., also an affiliate of the A. F. of L.; 300 musicians, all of them members of Local 302, American Federation of Musicians, an A. F. of L. affiliate; 200 shop employees, divided among 9 unions which, with the exception of the unaffiliated Public Address System Operators Union, are all A. F. of L. organizations; 23 box-office cashiers, all of them members of the Theatrical Managers, Agents, and Treasurers Union, affiliated with the A. F. of L.

The remainder, or 1,132, belonging to such groups as technicians, designers, promotion workers, and so forth, are to a large degree not affiliated with any professional union.

It is apparent that employees of the Federal theater project owe their allegiance to regular and professional A. F. of L. theatrical unions. The A. F. of L. unions in the theater can be accused neither of subversive actions nor of unprofessionalism.

The sponsorship would further indicate the removal of this project from alien or communistic influence. The co-sponsors in my State include public and parochial schools, Seamen's Home, Salvation Army, Ingleside Home, Twentieth Century Club, St. Giles Home, St. John's Church, Westminster House, American Legion, Adult Education Centers, Wheel-Chair Home, Mount St. Joseph's Normal School.

I know the Senator, in his lofty desire to put down communism, will agree at once that the sponsorship in the union affiliation, so far as my State is concerned, indicates that it squares with the high ideals of Americanism that the Senator is trying to bring out, and is bringing out, in the debate today. They want the Senator's help in order that they may vindicate rather than vitiate the high and lofty ideals for which they are fighting. The only way that can be brought about by such limiting and restricting amendments as the Senator from Florida has read to us,

is by way of acquiescence in the suggestion of the Senator that the matter may go to conference, and in order that Americanism, which I know is uppermost in the Senator's mind, may prove itself by the help and the assistance we shall give, by the adoption of the amendment, to the right-minded people, who outnumber all the others, as the Senator from Nevada well said, and who are included in this relief measure, and who need our succor, and our support.

I hope the Senator from North Carolina will continue his fight, and at the same time allow the amendment of the senior Senator from my State [Mr. WAGNER] to go to conference so that the Senator's program may be developed.

Mr. REYNOLDS. Mr. President, I am very much obliged to the junior Senator from the State of New York for his fine contribution. I was particularly happy to have him read the names of those excellent organizations a moment ago, and I was vividly impressed by the mention of the American Federation of Labor and the American Legion, for the reason that I know, as most of us know, that the American Federation of Labor will not permit a Communist in its ranks, and the American Federation of Labor is fighting communism, as are the junior Senator from New York and the senior Senator from New York and all other Senators.

I recall with much pride that the junior Senator from New York has but recently returned from my State of North Carolina, where he delivered a marvelous address before the members of the American Legion at Raleigh, our State capital, at the convention of the American Legion, and I know and the Senator from New York knows that the American Legion is another one of those outstanding organizations of America which is constantly fighting communism.

I have been told and I have read and I have learned from some of the reports that the Workers Alliance, a subsidiary of the Communist Party in this country, is directing the activities of the theater projects; and I have received information in regard to this matter relative to activities of the Communists in our Government, under Government control, and that is the thing I am fighting.

Mr. President, I wish to make it plain that I want to help the actors and the writers and others of similar professions who are unfortunate and are not able to find work, and in that respect are like plumbers and carpenters and bricklayers. A writer, however, cannot go out with a pick and shovel, as can those who have been accustomed to such work. My only idea and the only thing I have in mind is that which is uppermost in the minds of the junior Senator from New York, that if there is any part of this Government in which we find Communists actively engaged we want to get rid of that activity on the part of the Government.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. McCARRAN. I may say to the able Senator from North Carolina, because he has the floor, that I should like to express my views. America has nothing to fear from the standpoint of communism. The democracy that was born in this country was born to endure by reason of a knowledge of democracy. What we in America have to fear is fear itself produced by someone who forever and always talks about the bugbear of communism. If we will only bring communism out in the open, take it by the two ears and look into the eyes of the thing we shall have nothing to fear.

Communism is a protoplasm that lives in a media of fear, and nothing else, and so long as we have fear, so long will communism prevail, but so soon as we disperse fear and communism comes out into the open, then American democracy in all its grandeur, which has put communism down since the day it first arose, will put communism down again. The trouble is that there are those who forever use the bugbear of communism to scare someone in order that they themselves may rise up and thus be held up as the champions against the so-called danger of communism.

I wish more of communism could be brought into the open, so that the boys of America might learn to despise the thing from the cradle up. If we could only bring it out or forget our fear of it, and damn it, and crush it, it would go out of

existence so fast that the able Senator from North Carolina would not have to put forth the splendid energy he has displayed today.

Mr. REYNOLDS. I wish to say to the Senator, in partial answer to what he has said, that I was very happy a moment ago that the Senator from Florida [Mr. PEPPER] brought to the attention of the Members of this body an amendment to the joint resolution which provides that one who is opposed to the Government in thought or activity shall not be given any sort of employment under the appropriation we are about to make. I wish to say to the Senator that I am in perfect accord with what he has to say. I do not believe communism will ever reach the point in this country where Communists will take charge of the Government, as they have in Russia. They will never be able to make the progress in this country that they did in Spain. There was a tremendous tussle in old historic Spain; and during the trials and tribulations of that internal revolution, which lasted from July 1936 until only a few months ago, more than 2,000,000 people were slaughtered. I hope that communism will never gain the foothold in this country that it did in Spain, where it brought about the murder of hundreds of thousands of Christian people. I say that communism will never gain a foothold in this country to the extent of taking charge of the Government for the reason that Communists do not believe in God. Communists believe in the destruction of places of worship, and the American people will never be brought around to that viewpoint.

Mr. HOLT and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER (Mr. DANAHY in the chair). Does the Senator from North Carolina yield; and if so, to whom?

Mr. REYNOLDS. The Senator from West Virginia has been endeavoring to obtain the floor for some purpose. I yield first to him, and then I shall be glad to yield to the able Senator from Delaware.

Mr. HOLT. Speaking of communism, the statement has been made that it appears only here and there in the theater project. In April 1936 the Senator from Pennsylvania [Mr. DAVIS] put into the CONGRESSIONAL RECORD the work of Mrs. Flanagan, who is in charge of theater projects, according to the Senator from Pennsylvania. Mrs. Flanagan wrote the play in which the leading character was a Communist by the name of Wardell. I read from the play. This is Wardell speaking:

Don't you see, Rose, it ain't Purcell that's wrong. It's the plan we live under; it's the whole system. Listen! Maybe I think, like you, that there'll come a time when there'll be shootin'. But today ain't the time. Maybe there'll come a time when we can stand on our feet like free men, instead of crawlin' on our bellies askin' for help. But that time ain't come yet. Some of us believe in a time comin' when everybody will have to work, and there'll be enough work for everybody. Some of us believe that the land and the crops and the cattle and the factories belong to the men that work 'em. But we ain't strong enough yet to take 'em. And that's why some of us think it's more important to work for that time than to shoot up a few rich guys now.

That is from the head of the theater project, according to the Senator from Pennsylvania; and he quotes his authority in Mrs. Flanagan's own words.

Mr. REYNOLDS. What was the name of the play? Was that the one called Barking for Your Supper?

Mr. HOLT. No; according to the Senator from Pennsylvania, the name of the play is Can You Hear Their Voices? I did not hear them.

Mr. REYNOLDS. To which Senator from Pennsylvania does the Senator refer?

Mr. HOLT. I refer to the senior Senator from Pennsylvania [Mr. DAVIS] who put the material into the RECORD.

Mr. REYNOLDS. I see the senior Senator from Pennsylvania in the Chamber.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be glad to yield. Has the Senator from West Virginia finished?

Mr. HOLT. Yes. I merely wanted to call attention to the head of the project, who says the plan is all wrong. "It is not yet time to kill them. We will kill them later, when we



have enough strength." That is the theory of the head of the theater project.

Mr. REYNOLDS. I yield to the Senator from Pennsylvania.

Mr. DAVIS. Mr. President, on April 20, 1936, I placed in the RECORD the material which was read by the junior Senator from West Virginia. I was thoroughly convinced at that particular time that those who were of the extreme radical type had practical control of the theater in New York. Since that time, and since we have begun to talk about this communistic group in the theater, a change has come about, and I believe it is a change for the better. The joint resolution now provides that W. P. A. administrators must take an oath to support the Constitution of the United States. I think we are just now on the eve of taking these theatrical projects from the extremists. There have been, and there are now, some very fine people working in the W. P. A. theatrical projects.

Mr. REYNOLDS. Absolutely.

Mr. DAVIS. They are the finest people in the theatrical world. I was more or less connected with the show business in my younger day; and today I see the men of my age in that field unable to find work anywhere. If we did not provide for them under this project they would be out looking for a place with a pick and shovel, or some other kind of work, which would take away work from those accustomed to manual labor. I wish to read a letter which came to me under date of June 20:

I am writing to you to urge you to do what you can on behalf of the Federal theater W. P. A. project. I agree that this project has heretofore been manhandled by radicals in and around it. No doubt they could and should be eliminated in any new Federal theater project. Further changes could be provided to eliminate all those in the project who are not bona fide actors of long standing. This class of people, made up of individuals unsuited for manual labor, have spent their lifetime in the work of relieving us of our daily care once in a while, and are as much entitled to the provisions of W. P. A. as any other group of artisans or laborers who are in an impossible position at this time.

He goes on to say:

Frankly, I condemn many of the practices and abuses which have grown out of the W. P. A. system in this country. However, as long as we are having a W. P. A. I believe that this class of people to whom I have referred above ought to be provided for.

So do I. I believe in this project. I believe it could be administered in such a way as to give satisfaction to the people generally.

Let me read a letter from the other side of the question. Here is a letter from a young married woman who has had children:

MY DEAR SIR: I am not quite sure I could be most fervent in my plea for the retention of the Federal theater in W. P. A. and spending program now sent to the Senate. I cannot be explosive, nor can I beg. Perhaps it might better to state the story of the one typical Federal theater worker I know best—my father. All his life has been spent in the theater. He is now beyond the age where he is welcome in any other trade. He knows no other.

He has contributed much to the theater in the United States. At one time he was considered the very top as a director of stock. Radio, talking pictures, and the depression robbed him of his profession.

Mr. President, in my State today thousands of men have been robbed of their positions because of the machine age, and they are marching by the hundreds to get on the W. P. A. I see this actor, as I see others with whom I worked, marching today to try to get a job on W. P. A.

Listen to what this good woman says, speaking of her father:

He comes from an old family that settled in this country in 1623. Among his ancestors was a Governor of one of the earliest colonies. He is an American through and through.

I can see that actor in his younger days pleading for every charitable venture in my community, and doing his part. Now, he comes asking us to continue a project which might keep him from misery and want, the Federal theater.

This good woman goes on to say:

The Federal theater was a godsend to my father, after his workless years, just as it was to the thousands of actors everywhere, and they proved it by their subsequent records of achieve-

ment. They were not youngsters. They were seasoned professionals. What are people to do now? How are their families to live? My father has a child still dependent upon him. My husband and I can help but very little. We have a family of our own. I have always done my best and I shall continue to do so, but that can be very little, and will prove unsatisfactory.

O Mr. President, I know the time and the energy and the money he has contributed toward the cause which the Senator from North Carolina is advocating today. He has gone all over the country condemning those who are trying to undermine the Constitution of the United States. I do not know of a Senator who would not join with him to help crush communism in our midst. I agree with the Senator from Nevada that the sooner we bring it out in the open the better for us. But let us not throw these men of the stage out on the street. Let us not drive men to do things that they are not competent to do. Let us go ahead and clean our house of this communistic element, whether it be in the theater, in the factory, in the countinghouse, or wherever it may be. Let us wipe it out here in America, and not have a deserving man denied what he received under the W. P. A.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. BARKLEY. I have been seeking to obtain an agreement with respect to debate during the further consideration of the joint resolution. With the permission of the Senator from Washington [Mr. SCHWELLENBACH], who objected to my previous request, I now modify the request I made a while ago. I ask unanimous consent that during the further consideration of this measure no Senator shall speak more than once or longer than 20 minutes on the joint resolution, nor more than once or longer than 15 minutes on any amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. REYNOLDS. I thank the senior Senator from Pennsylvania for his fine contribution to this debate. But let me once again make myself clear. I am in favor of providing employment for all actors, actresses, artists, and writers, so long as they are Americans; but I am opposed to spending any of the taxpayers' money to spread the propaganda of the Communists in this country.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. HOLT. There was much ado a moment ago about the oath that was required to be taken. In the July issue of National Issues, published monthly by the National Committee of the Communist Party, on page 17, I find the following:

The much-referred-to oath that workers on W. P. A. would be required to take, a section in the bill apparently intended for face saving to WOODRUM and his friends, makes the whole affair still more ridiculous. Communists will surely take that oath and take it with genuine sincerity.

In other words, it does not bother the Communists themselves.

Mr. REYNOLDS. What magazine is that from?

Mr. HOLT. It is from National Issues, for July 1939, on page 17.

Mr. REYNOLDS. Is that a communistic publication?

Mr. HOLT. On the inside cover it says:

Editor: Gene Dennis. Published monthly by national committee, Communist Party, U. S. A.

Mr. REYNOLDS. I thank the Senator. I believe no one will say that the Communists are not making headway in this country.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be glad to yield.

Mr. McCARRAN. Let me say that the expression which the able Senator from West Virginia has read is undoubtedly true. Communism, as we understand it, has no regard for God, so any oath may be taken.

Mr. REYNOLDS. In reference to the spread of communism, I desire to remind the Members of this body that there are 168,000,000 inhabitants of Russia. I dare say

that the greater portion of them do not believe in communism, but nevertheless the minorities there are controlling the majority.

In addition to that, we know the headway they have made in Spain, the difficulties they caused there, and we know, in reference to the Asiatic situation, that about two-thirds of China is communistic and controlled by the Communists. At least we certainly know that both Inner Mongolia and Outer Mongolia are under the direction of independent soviet states.

Mr. President, we all have learned from the great works of the theater; we all have enjoyed the splendid and dramatic portrayals of life as presented across the stage. But, Mr. President, I ask the attention of every colleague for the moment to weigh carefully the tripe being served across the footlights by the W. P. A.

It is bad enough to have to put up with ham actors—actors of whom the New York newspapers say in their reviews that they "have not acted and never will," hundreds of whom have had only the thespian experience you and I got in going through high school, or maybe it was in Sunday school playlets when we were children.

But it is worse, Mr. President, when we look over the bill of fare the W. P. A. offers to sell its unsavory collection of communistic, un-American doctrines, its assortment of insidious and vicious ideologies, to the audiences drawn to W. P. A. presentations. Of course, we can thank God that the audiences are small, judging from the box-office records of W. P. A., which show a loss that would drive insane any ordinary theatrical producer.

A few years ago our colleague, the Senator from Mississippi (Mr. HARRISON), speaking in the Senate on useless expenditures by the Federal Government, made one of the most entertaining speeches ever made in this Chamber, I believe. He read the titles of a mess of barnyard literature being issued by the Department of Agriculture. I recall that speech, which I read prior to the time I came to the United States Senate. My recollection is that it was in 1931. I recall that one bore the title "Love Life of a Bullfrog," but it did not have the label, "Written by and paid for with money from the pockets of the American taxpayer."

These putrid plays being presented by the W. P. A., Mr. President, are even more ludicrous than the booklets about which the Senator from Mississippi spoke. There is one great difference. The booklets were inane and comparatively harmless. All they did was to waste some of the money of the taxpayers. But that is not the case with the plays being presented by the W. P. A. theater project—plays that definitely bear the trade-mark of "red" Russia in their titles; plays that were spewed from the gutters of the Kremlin and directed by Communists, so that there could be no weakening of the ideas being spread through the American public. Let us take up a few, the kind that one would not find in the list of "shows you must see" in any reputable publication; the kind, however, that every Senator should see or study, so as to convince himself that the Communists mean business in their efforts to take over America by hook or crook, and are using to the fullest extent the funds of the American taxpayer to put themselves in a position to strangle the taxpayer when they have finished rifling his pockets.

Here is Up in Mabel's Room, which is comparatively clear. Then there is A New Deal for Mary, who probably needed some sort of deal, just as we need to deal out of the game such costs as keeping up with Mary's deal. Mother Goose Goes to Town is another. From looking at the losses of the W. P. A. theater project, I should say that Mother Goose had been sold down the river instead of going to town.

The only persons who have been going to town have been the Communists who are disguising their red pills with salacious coverings so as to lure, like a siren, all who can hear. The titles of the plays speak for themselves; and I judge that the only literature ever read by those in charge of the W. P. A. theater project was written by Boccaccio, or bore the name of Cassanova.

We will start off with The Mayor and the Manicure before going to see A New Kind of Love; and, if we are not careful, according to the W. P. A. play schedule, we can Be Sure Your Sex Will Find You Out. Then, after we are found out, we can be A Boudoir Diplomat, from which we can go to Cheating Husbands; and, once this palls, we probably might enjoy Companionate Maggie.

Of course, one play presented by the theater project might come under the heading of necessary historical, Biblical, and cultural research. That is the question posed in the title, Did Adam Sin?

Once we have settled this question, we might take in any of the following, or perhaps all of them if we chose, and round out the evening in a manner which, if we were to describe it on paper, might violate the postal regulations against obscene material:

Go Easy, Mabel; Just a Love Nest; Love 'Em and Leave 'Em; and then we have Mary's Other Husband by way of diversion.

I join my colleagues in saying that some of these titles perhaps may be a little bit misleading; but there is a side far more serious in the fact that through such material the cardinal keystone of communism—free love and racial equality—is being spread at the expense of the God-fearing, home-loving American taxpayer who must pay the bills for all this dangerous business.

Recently there appeared in the CONGRESSIONAL RECORD, on page 7234, a lengthy statement showing that the directors of a W. P. A. theater project attempted to persuade an actress to have a date with a Negro who had visited the project. Mind you, this is in the CONGRESSIONAL RECORD. Those of you who desire to check up on it may find it on page 7234. One Trudy Goodrich, secretary of the "red-handed" Workers Alliance which has been issuing great floods of propaganda to prevent congressional elimination of the theater-project fund, told this actress:

I personally encourage Negro attention on all occasions, and go out with them—

Any time she was asked. Trudy, as an employee of the Workers Alliance, which fattens on the dues paid by relief employees from money received from the United States Treasury, is helping us spend whatever we appropriate for a theater project. Trudy told this girl who refused to go out with a Negro, and one of her supervisors named Harold Hecht said to her that the Negro was entitled just as much to life, liberty, and the pursuit of happiness as was the girl. The girl, however, felt that she herself should choose what constituted the pursuit of happiness.

Do you think the American taxpayers would approve of our financing Trudy in her pursuit of happiness with whatever men of whatever color she might choose, under whatever condition and in whichever gutter might please her?

The Workers Alliance is functioning as the buzzard that picks the bones of the unfortunates on relief everywhere. But in the Federal theater project this communistic-controlled organization is even more active, because through the stage the propaganda of Stalin may be widely spread, and the American taxpayer pays the bill.

A few moments ago I mentioned the fact that the majority of the "actors" employed by the W. P. A. in its theater project were not really actors, but were amateurs trying to acquire some sort of status, or they were misfits and failures who had been unable to meet the rigid requirements of the profession for survival.

An investigation conducted by the gentleman from Virginia, Hon. CLIFTON A. WOODRUM, and set forth in some detail on page 2682 of the Appendix of the CONGRESSIONAL RECORD, shows that of some 12,000 theater workers some 50 percent, or 6,000, were qualified as actors by W. P. A. That is what our distinguished colleague the junior Senator from New York [Mr. MEAD] stated a moment ago. I desire to state again that I was delighted to have his contribution in reference to the amendment of the Senator from Florida. I believe the report shows that the proportion was about 50 percent, and that 50 percent I want to take care of. I know that the



senior Senator from New York [Mr. WAGNER] wants to take care of them, and so does the junior Senator from the State of California [Mr. DOWNEY]. I know that these Senators want to take care of those who are deserving of help, but I know that they do not want to take care of anybody who is preaching the overthrow of our Government, or who is not in sympathy with the form of government that we have.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. WAGNER. I expect later to say a little more about this matter; but I desire again to call the attention of the Senator to a provision of the pending title which says that—

No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

That is an absolute prohibition against the payment of any compensation by W. P. A. to any person of the type to which the Senator refers. So absolute protection is provided against the employment by the United States on W. P. A. of any of these persons who preach communism, or who are believers in communism. What else can we do?

Mr. REYNOLDS. Mr. President, I am very much obliged to the Senator from New York for calling that provision to my attention.

Mr. WAGNER. I am wondering whether we are to leave hungry and without employment the 7,000 men and women who are workers, who are stage hands in the theaters. I am going to say something about the plays a little later. One or two or three persons may have been guilty of subversive activities, but they have been cleaned out.

Mr. REYNOLDS. Mr. President, I desire to repeat, I do not want any real actor or artist or writer to go hungry, and I want to see that they are cared for, just like the bricklayer, or the mason, or the plumber, or the carpenter, or anyone else. But I am bringing these things to the attention of the Senate because I want the American people to know what has been going on in the Federal theater project.

The PRESIDING OFFICER (Mr. DANAHY in the chair). The time of the Senator has expired.

Mr. REYNOLDS. O Mr. President, it was my understanding with the majority leader that the agreement would apply only after I had finished speaking. The majority leader came over and spoke to me and wanted to know if I would object to the agreement after I had finished.

The PRESIDING OFFICER. The Chair will accept the statement of the Senator.

Mr. REYNOLDS. I thank the Chair.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. I should like to ask the Senator from New York, for my information, whether the language which he just read describes a member of the Communist Party?

Mr. WAGNER. I do not know; but we were talking about those engaged in subversive activities in this country, and I assume that this is a definition which applies to the type of person who advocates the overthrow of the United States by force or violence. If there is any language which may improve or perhaps make more comprehensive this prohibition, I am quite willing to accept it. I am not the author of this language, but it was undoubtedly inserted to protect us against employing anyone who advocates any of these subversive doctrines.

Mr. VANDENBERG. I have great respect for the Senator's opinion, and I am asking solely whether he would consider that membership in the Communist Party falls within the inhibition.

Mr. WAGNER. I am not thoroughly enough acquainted with the doctrines of the Communist Party in this country, but when we have been talking about Communists I think as a rule we are referring to those individuals who are advo-

cating the overthrow of our Government by force or violence.

Mr. VANDENBERG. In the course of his observations the Senator said that this applied to Communists, and I am trying to determine whether he would consider membership in the Communist Party as being within the inhibition.

Mr. WAGNER. I am not an authority upon the subject of Communists at all.

Mr. VANDENBERG. Very well.

Mr. REYNOLDS. Mr. President, in answer to what the Senator from New York has stated in regard to the oath, I desire again to bring to the attention of the Senate a communistic publication, one article entitled "Politics in W. P. A." This is from the pen of Mr. George Morris. Mr. Morris says:

The much-referred-to oath that workers on W. P. A. would be required to take, a section in the bill apparently intended for face saving to WOODRUM and his friends, makes the whole affair still more ridiculous. Communists will surely take that oath and take it with genuine sincerity. In the oath the worker will swear to defend the Constitution "against all enemies, foreign and domestic"; and state that this obligation is taken "freely, without any mental reservation or purpose of evasion," and that the duties on W. P. A. will be "faithfully discharged."

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. REYNOLDS. This was brought to my attention by the junior Senator from West Virginia [Mr. HOLZ]. It appears in the magazine called "National Issues," for July 1939, and this is the first time I have ever seen a copy of it. I yield to the Senator from New York.

Mr. WAGNER. I wish to correct the Senator to this extent. At the time I read from the bill I was not referring particularly to the oath that was required to be taken, although that is also a protection, but I was referring to an absolute prohibition in the joint resolution against paying anyone any compensation out of the funds here provided who advocates, or is a member of an organization which advocates, the overthrow of the Government of the United States through force or violence. So, in addition to the taking of the oath, there is the absolute direction to those administering the fund that they cannot pay any of the money appropriated to anyone who entertains any such subversive doctrines. Therefore, there is a double-barreled protection. If the Senator can propose anything else to cover the matter, I should be glad to have him do so.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the junior Senator from Wisconsin.

Mr. WILEY. Irrespective of whether the plays about which the Senator has been reading teach communistic doctrines or not, I am wondering, if we are to spend our money to provide labor for unemployed artists—and I am in favor of the idea of taking care of the unemployed actors and actresses in this way—whether we are not overlooking one thing which we really have an obligation to look after. We are spending the people's money, and apparently a good many of these plays, if they do not teach communism, teach anything but morality. It is the people's money we are spending. Whose business is it, if we spend the money in this way, to see that that money is spent so that the morale of this country shall not be shot to pieces?

Mr. REYNOLDS. It is the business of the Director of the W. P. A.

Mr. WILEY. Then why should we not put our finger there and say, "Hereafter when you spend that money you will spend it in such and such a way or you shall not get the money for that purpose?"

Mr. REYNOLDS. Why should we not designate someone to pass upon the plays?

Mr. WILEY. I have just seen a list of the plays, which was exhibited to me by the Senator from West Virginia, and they are supplemental to what the Senator has already read into the RECORD. An examination of them indicates that the plays are very malodorous. America's money should not be used to encourage such productions.

Mr. REYNOLDS. I thank the Senator very much for that contribution.

Mr. President, the Equity Association, the actors' union, has a total membership of only 4,500, and I dare say they are affiliated with the American Federation of Labor. I stated a moment ago that the American Federation of Labor does not have any Communists in it. They will not stand for Communists in their organization. The American Legion was mentioned by the junior Senator from New York. We all know that the American Legion has been fighting communism, as we find the Veterans of Foreign Wars fighting it. The American Federation of Labor, the American Legion, and the Veterans of Foreign Wars are the three outstanding organizations, amongst others, which are fighting all the time the spread of communism.

Mr. WAGNER. The Senator knows that the American Federation of Labor is strongly supporting the amendment.

Mr. REYNOLDS. Oh, yes; I understand that, and I say that there are no Communists belonging to the American Federation of Labor. I am with the American Federation of Labor in its effort to support actors who belong to their union, but I am not willing to support Communists and those affiliated with the Workers Alliance, who are in this.

By the way, I wonder whether the Senator would accept an amendment to the paragraph carrying the prohibition relative to those who should receive pay, that any one who has ever been affiliated with the Workers Alliance, or who is now affiliated with the Workers Alliance, will be barred from participation. I wonder if that would be accepted. I ask that it be accepted as a part of the amendment.

Mr. WAGNER. I suggest that the Senator offer it as a separate amendment.

Mr. REYNOLDS. I would have it apply to anyone who has belonged or belongs now.

Mr. McKELLAR. I hope the Senator will wait until the Senator from Colorado [Mr. ADAMS] returns to the Chamber.

Mr. REYNOLDS. I hope the Senator from Colorado will accept the amendment. I am sure he will because everyone knows that the Workers Alliance is a part and portion of the Communist Party in this country.

Mr. LEE. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. LEE. I wonder whether it would help any from the Senator's point of view with respect to the Communists to whom he refers, if we inserted in line 21, page 24, the phrase "or as a worker." At present the language reads:

No person shall be employed or retained in employment in any administrative position, or in any supervisory position—

And so forth. At that point I would add "or as a worker on any project." Would not that help?

Mr. REYNOLDS. Who advocates the overthrow of the Government?

Mr. LEE. No; make him take the oath the same as those who work in administrative or supervisory positions—make the provision as to taking the oath apply to the workers as well.

Mr. REYNOLDS. I think it should apply to them, and I shall be very glad if the Senator from Oklahoma will offer such an amendment.

Mr. President, I see in the Chamber now the able senior Senator from Colorado, and I will say for his information that we were discussing the matter of those affiliated with the Federal theater project. The able Senator from New York has brought to my attention again the matter of the oath which has to be taken by those securing employment with the W. P. A. I mentioned the fact that the Workers Alliance seems to be in control of this project, and everyone knows that the Workers Alliance is in alliance with the Communist Party, and I wondered whether the Senator from Colorado would be good enough, in the interest of the American people and the taxpayers, to accept an amendment providing that anyone who has ever been affiliated with the Workers Alliance or who is affiliated with the Workers Alliance be barred from participating in the W. P. A. theater project.

Mr. ADAMS. No, Mr. President, I would not, because, while there may be Communists in the Workers Alliance, I

would not be willing to join in condemnation of everyone who belongs to that association, because there are many in it who do not come within that characterization.

Mr. MINTON. Mr. President, I know hundreds of people in the State of Indiana who belong to the Workers Alliance who do not know that there is such a thing as the Communist Party.

Mr. REYNOLDS. I know a great many people who belong to the Workers Alliance, and I have never seen or heard of one who has not heard of the Communist Party. As a matter of fact, I do not know of anyone in the United States who has not heard of the Communist Party. I know there is no one in North Carolina who has not heard of the Communist Party, because the North Carolina people are well read and up and doing about everything. [Laughter.]

Mr. President, to repeat, the Equity Association, the actors union, has a total membership of only 4,500 and requires that to be a member the applicant must have had at least 2 years on the professional stage.

It would seem as though groups of young people who are eligible or partly eligible for relief were told to register as actors and were given salaries by the Federal theater. This amazing discrepancy between acting and actors probably is attributable to Mrs. Hallie Flanagan, director of the Federal theater project, and who formerly was connected with the drama department of Vassar College. I doubt that Mrs. Flanagan has ever had any real experience in the cold practicalities of presenting dramatic productions.

This would be indicated by the fact that the W. P. A. theater even hires understudies for actors who even have nothing to say in a play—the actors who make the noises off stage, and so on. Not satisfied with these extras, the W. P. A. theater project gives its actors vacations with pay at the rate of 2½ days' vacation for each month of work. That is more than the Federal Government gives its regular employees and considerably more than private industry can afford to give.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WHEELER. The Senator was speaking about his amendment providing that anyone who belonged to the Workers Alliance should not be permitted to obtain relief. I have no doubt that there are some of the leaders of the Workers Alliance who belong to the Communist Party, but, as the Senator from Colorado [Mr. ADAMS] has pointed out, there are thousands of people, there are thousands in my State, who belong to the Workers Alliance—

Mr. REYNOLDS. Who are not affiliated with the Communist Party?

Mr. WHEELER. Who are not Communists.

Mr. REYNOLDS. That is no doubt true.

Mr. WHEELER. Who would not in any sense join the Communist Party. Frankly, I rather doubt the wisdom of inserting a provision in reference to taking the oath before a man can get relief. I do not like the idea of saying to a man, "You have to take an oath and swear allegiance to the United States before you can get a little pittance or get on relief."

I think the committee really went too far.

Mr. REYNOLDS. Of course, the Senator knows that some of the outstanding leaders in the Workers Alliance are Communists, and members of the Communist Party.

Mr. WHEELER. I have no doubt of that. I know that some of the leaders of the Workers Alliance in Montana belong to the Communist Party, and openly admit they do.

Mr. REYNOLDS. Certainly.

Mr. WHEELER. Nevertheless, it seems to me a man ought not to be discriminated against simply because he belongs to the Workers Alliance. The Senator from North Carolina a moment ago said that no Communist belongs to the American Federation of Labor. Let me say that Communists will be found in the American Federation of Labor, to my certain knowledge. I have known of Communists belonging to the A. F. of L.

Mr. REYNOLDS. The Senator does not mean to infer that the American Federation of Labor will knowingly admit Communists to its ranks,



Mr. WHEELER. No; but, as a matter of fact, Communists may be found in all sorts of organizations. The organizations cannot be condemned simply for that reason. Communists will be found among the Masons, among the Knights of Columbus, in patriotic organizations, and in churches; but we cannot condemn a church or any organization simply because there may be some bad people in them. We cannot condemn fraternal and patriotic organizations simply because some bad persons belong to them. Good people and bad people are found in every walk of life.

Mr. REYNOLDS. I wish to say in that connection that I condemn the Communist Party regardless of the fact that there are some good people in it.

Mr. WHEELER. Yes; but when the Senator says that persons are all Communists simply because they belong to the Workers Alliance I think he is mistaken.

Mr. REYNOLDS. I will say that I know many persons who belong to the Workers Alliance who are not identified with the Communist Party.

Mr. WHEELER. I will say to the Senator that some of the things that the W. P. A. has permitted the theaters to produce are idiotic and have brought discredit upon the W. P. A. I say that when the W. P. A. permits persons to ridicule certain Senators, as they have done, so I have been told, and ridicule other public officials, that is a very silly and a very foolish thing for them to do. Notwithstanding the fact that they may have ridiculed some of our colleagues, or have ridiculed the courts, I must say that I believe that is no reason why we should deny relief to needy persons. What we ought to do is to hold responsible those who permit money to be spent for such purposes. I condemn the heads who are responsible for permitting such things to be done. I do not know who is responsible for it, whether it is the head of the W. P. A. in Washington, the head of the W. P. A. in New York, or the head of the W. P. A. somewhere else. Whoever permits such things to occur should be held strictly responsible. In the first place, it is not the right thing to do. In the second place, it is a very short-sighted policy. I do not wish to go so far as to keep persons from obtaining such work simply because there may be some fools belonging to the organization.

Mr. REYNOLDS. I may say to the Senator from Montana that I assume that he has read in virtually every magazine in the country and virtually every daily and weekly newspaper criticism of the W. P. A. theater project. And may I say to the Senator that I likewise will go further in assuming that these newspapers and magazines, many of them, have condemned the W. P. A. theater project because of the fact as they allege, that it was spreading communistic propaganda. What I am trying to do is to get those who are spreading communism in the theater project out of it. I say that those who are responsible for the spread of communism thus far through the instrumentality of the various avenues of the W. P. A. theater project should be discharged. They should not any longer be permitted to direct the activities of the W. P. A.

Mr. WHEELER. I am entirely in accord with the Senator in believing that those directing the W. P. A. theater project in whatever community, whether at the top here in Washington or in various cities, who permit such things to continue, should be held responsible. They may not necessarily encourage the spread of communism, but if they permit such things, and are spreading communism and using public funds to do so, then they ought to be discharged from the job.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. REYNOLDS. Yes; I yield to the junior Senator from Nevada.

Mr. McCARRAN. Mr. President, the Senator just a few moments ago read the name of a young woman. I have met that young lady but once. She is a graduate of Vassar. Her name is Mrs. Flanagan. The able Senator from North Carolina used her name in his manuscript. I wish to say that from my very brief visit in my office with this young woman I would testify, if I were required to under oath, that she is a loyal upstanding American citizen of the very highest type. I regret exceedingly that her name should

have been brought into this discussion in such a way as to be at all denounced in connection with communism.

Mr. REYNOLDS. Mr. President, evidently the junior Senator from Nevada was not in the Senate Chamber when I made mention of Mrs. Flanagan's name. I want to go back and read what I said to the Senator. There is no reflection made upon her whatever. I never even mentioned Mrs. Flanagan in connection with communism. I wish to repeat exactly what I stated:

Mrs. Hallie Flanagan, director of the Federal theater project, and who formerly was connected with the drama department of Vassar College. I doubt that Mrs. Flanagan has ever had any real experience in the cold practicalities of presenting dramatic productions.

I made that statement because the information I have is that Mrs. Flanagan was the head of the department of dramatics at Vassar College, but never was connected with the legitimate theater itself outside the college.

I would have the Senators know that I have not reflected upon Mrs. Flanagan, and I would not think of reflecting upon her. Mrs. Flanagan is well known. She is a lady of the very highest type. There is no finer woman in America than is Mrs. Flanagan. That is all I said. I did not mean to infer that she was a Communist. I said that the only experience she had, insofar as I could learn, was that she had been at the head of the department of dramatics at Vassar College.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. McCARRAN. If Mrs. Flanagan is interested in those who are in this particular art, to which she has given all her life work, if she is interested to the extent that she wants them to have a living in their particular inclination, in their particular bent in life, then I say that the mere fact that she was never herself a star nor assumed to be a star, nor went on the professional stage, should not be a matter of criticism.

Mr. REYNOLDS. I am going to take issue with the Senator right there, Mr. President. I think that those who are in charge of the theater project should be sufficiently experienced to handle the matter in the way it should be handled. Let us read the statistics in reference to the Federal theater project, and we find that it has not been at all successful.

So far as the business management of the W. P. A. theater project is concerned, no one will deny that it is terrible. I did not attend any of the meetings of the committee. I did not read all of the hearings, but I read a part of them last night. In the investigation by the Committee on Appropriations in the House of Representatives we find that W. P. A. projects were in rehearsal for from anywhere from 3 months to 2 years. Months and years in which terrific costs were being piled up, whereas the average theatrical production, according to qualified experts, is seldom in rehearsal more than 4 or 5 weeks, in which time the play is made ready for public appearance.

I say that there has been mismanagement. We ought to have had people at the head of the W. P. A. theater project who had had practical experience in the field. That is the trouble about many things that are going on today. We are getting many persons from colleges that have never had any practical experience. It would have been better had we taken some person with old-fashioned common horse sense.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. NEELY. Mr. President, Representative DEMPSEY, in speaking of the director of the theater project, recently said:

In connection with the Federal theater project the Dies committee investigated that situation very thoroughly. So far as the director of that project is concerned, she came voluntarily to the committee and gave us free, clear testimony. She is not a Communist nor a "fellow traveler." She is a highly efficient, splendid American woman.

This testimony is amply borne out by the record of background and attainments of the national director, a director for 10 years of a theater which became famous here and abroad for its imaginative productions of both the classic and new plays; the winner of the first Guggenheim scholarship ever awarded to a woman; sent by this foundation to make a study of government in relation to theaters in 12 different European countries.

Mr. President, this distinguished woman is Mrs. Flanagan, who has undoubtedly had much valuable experience and

apparently has all the qualifications necessary to enable her to perform her official duties in a most satisfactory manner.

Mr. REYNOLDS. Mr. President, of whom is the Senator speaking?

Mr. NEELY. Mrs. Flanagan.

Mr. REYNOLDS. Please, I want the Senator to understand, and I am sure the Senator would not leave the wrong impression so far as my attitude is concerned. I have not reflected upon the character of Mrs. Flanagan. She is a lady of the finest character. I am only making mention of the fact that she never had any practical experience, judging from the report of the committee who made the examination.

Mr. NEELY. Mr. President, what I have said was submitted for the purpose of refuting the insinuation that the management of the theater project is tainted with communism—

Mr. REYNOLDS. Mr. President, I have not even suggested to the slightest degree that Mrs. Flanagan is in sympathy with communism. I do not want to leave a false impression.

Mr. NEELY. I did not mean to charge the eloquent Senator with having accused Miss Flanagan of being a Communist.

Mr. REYNOLDS. I have the highest respect for Mrs. Flanagan, and there is no lady in all America of higher character than Mrs. Flanagan. I say only that from the investigation made it was found that there has been mismanagement in the W. P. A.

Mr. NEELY. Mr. President, what I read tends to prove that Mrs. Flanagan is entitled to all the compliments that have been paid her both by the Senator from North Carolina and by the able Senator from Nevada [Mr. McCARRAN], in all of which I enthusiastically concur. It also demonstrates the fact that she is eminently qualified to perform the important duties of the office which she now holds. The efficient Mrs. Flanagan constitutes one of the many unanswerable arguments in favor of the adoption of the pending amendment, proposed by Senators WAGNER, DOWNEY, and PEPPER, for which my vote will be cast.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. MURRAY. I was present in the committee room when Mrs. Flanagan appeared and gave testimony in support of the theater project. I have also talked to many of the theatrical people who are interested in the maintenance of this project. My understanding is that Mrs. Flanagan is regarded by all of them as a lady of outstanding ability in the theatrical profession. That she has been trained and has a knowledge of the theatrical work these people are doing beyond anyone else who could possibly have been obtained for that position.

There is much misrepresentation with reference to the program they have been carrying out. Tonight on the floor of the Senate a paragraph was read from a play which purported to have been given by the theater project in which the spokesman was supposed to be advocating communism. As a matter of fact, that was a play that was produced at Vassar College. I have before me a statement with reference to it. A single sentence was picked out which created the impression that the whole purport of the play was to advocate communism, whereas if the play had been read further it would have appeared that the purpose of the play was to bring out the subject and to prove that communism was a bad thing for the country, and that the proper course for Americans to follow was good, patriotic, democratic principles.

Here are other sentences from the same play, which I should like to read into the Record, in reply to what was read from the floor of the Senate a short time ago.

FRANK. What do you want us to do? Have a revolution, like in Russia?

WARDELL. No, Frank; that's just what Davis and I want to prevent.

DRDLA. What did the revolution do for Russia? Once people laughed in the fields. Everyone was gay. Now, people are hungry there. No one laughs any more.

ANNE. This is the United States of America we live in, and we got a President and a Congress and a Government to look after our interests, and I want my boys should respect that Government and know that that Government ain't goin' to let us down.

So, if one reads the play in its entirety, it is obvious that the whole purport of the play was to denounce communism rather than to support it.

Mr. HOLT. Mr. President, will the Senator yield? What I have to say deals with what the Senator from Montana has said.

Mr. REYNOLDS. I yield.

Mr. HOLT. The Senator from Montana says that I was the one who put the material into the Record. He said that I said it was a W. P. A. project. I said no such thing. I said it was a play by Mrs. Flanagan which was read by the Senator from Pennsylvania. I wish to say to the Senator from Montana that he also has not read the play, but it was sent in to him in order that he might try to correct it.

Mr. MURRAY. Yes.

Mr. HOLT. The Senator from Pennsylvania says that the hero of the play was a Communist. I have not read the play. All I said was what the Senator from Pennsylvania has said about it, that it was a W. P. A. project.

Mr. MURRAY. Will the Senator from North Carolina yield in order that I may answer the Senator from West Virginia?

Mr. REYNOLDS. My time is rather limited.

Mr. MURRAY. As a matter of fact, all the theatrical newspapers of the country which commented on the play have supported it as a good play, and have said that it was not a play advocating communism. The book which I have here quotes from the New York World Telegram, from the Theater Guild magazine, the Austin Post, and the Theater Arts, showing that the play is not at all a play advocating communism, and that even though it was written by Mrs. Flanagan, it was a good sound American play.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the junior Senator from New York.

Mr. MEAD. A few moments ago the inference was made that this group had not made a very substantial return; that is, the contribution which this group has made was referred to as being very meager. I happened to come into the Chamber at that time. I have before me a copy of the New York Times for Sunday, May 28, 1939, containing an article by Brooks Atkinson, probably the leading theatrical critic of the country, and certainly reporting in one of the most outstanding newspapers of the country. He says:

Two million six hundred thousand people are employed on W. P. A. projects throughout the country. Only 8,040 of them are employed in the Federal theater, between one-third and one-quarter of 1 percent. Among the 2,600,000 it would be hard to find another group of 8,040 that has accomplished so much and given so rich a social return on the money.

Mr. REYNOLDS. Mr. President, I shall not at this hour attempt to give my colleagues all the statistics which are available in the document I have before me, the record of hearings before the House Committee on Appropriations under House Resolution 130, part 1, pages 179, 276, 997, 1013, 1067, and 1115. These statistics show the tremendous wastes and extravagances of the theater project, which aggregated a cost of \$5,000,000 from July 1938 to May 1939.

The Senator from New York has just brought to the attention of the Senate and of all those on the W. P. A. throughout the length and breadth of the land that, according to the records, between July of 1938 and May 1939 only 8,040 persons were employed in the Federal theater. They cost the taxpayers of the country more than \$5,000,000. That being the case, they cost about 100 times more than the cost of maintaining the same number of men on any other W. P. A. project in this country. We can truly say, in the language of the theater, that Uncle Sam has been an "angel." When it is not known whether or not a show is going to be a success, the financial backer is called an "angel."

Approximately 99.99 percent of this expenditure was a dead loss, as the box-office receipts were virtually nothing.



Incidentally, a tremendous portion of the expenditure went for rental of theaters in which to present these so-called dramatic productions. For example, as indicative of the percentages found throughout all the individual presentations, one example shows rent of \$8,156, telephone \$2,866, miscellaneous \$2,715, travel \$589.

The record of the House committee hearing was filled with evidence of waste, such as purchasing 9,000 feet of a very expensive lighting cable for one play and leaving idle in another theater 7,000 feet of the same kind of cable.

I have my doubt as to the necessity of some of these people working on a W. P. A. project of any kind, such as Mrs. Audrey McMahon, who was the head of the art project in New York City. Mrs. Audrey McMahon was paid \$300 a month. In addition, her husband was a professor at New York University. She is also the editor of a magazine. That good lady, a lady of excellent character and fine attainments and social standing, whose husband was a professor at the University of New York, and who was the editor of a magazine, was receiving \$300 a month. I thought W. P. A. projects were for the purpose of helping people who did not have any money and could not get a job. At one time Mrs. McMahon made a trip from New York to a number of cities in the North and Middle West, costing \$203 in mileage alone, paid by W. P. A. travel voucher; and the sole purpose of the trip was to stir up protests against reducing appropriations for the W. P. A.

Mr. President, I have previously referred to the fact that one actress was informed she should have gone out to supper to encourage the pursuit of happiness by a Negro, as indicative of some of the things that go on in the W. P. A. theater project. The investigation to which I have referred gives the record of play after play in which the theater project used a mixed cast of whites and Negroes, a practice never followed in the legitimate theater for reasons we can all understand.

I now again refer to the Workers Alliance, a witness of which, Mr. Charles B. Walton, in the theatrical business since 1907, stated before the House committee that—

The Workers Alliance have absolutely dominated the Federal theater, and the present set-up, in my estimation, is nothing more or less than a very clever fence to sow the seeds of communism.

That is what Mr. Charles Walton said in giving testimony before the House committee. That statement is not mine, Mr. President.

Remember that a play by Voltaire caused the French Revolution. That is why the Communists have "muscle" into the theater project until they now control it, from all I can understand. From statements I have heard this afternoon there is no such thing as communism in the Federal theater project. I hope there is not.

Mr. President, I should like to call the attention of my colleagues to another thing of interest concerning the Federal theater project, and that is that the W. P. A. theater project and the Communist headquarters are in the same building. The Workers Alliance functions from the same building. There can be no doubt about the communistic control of the Workers Alliance, as the records of the Department of Justice show members of the executive board to be members of the Communist Party of America, as I stated a moment ago in reply to the statement of the senior Senator from Montana.

There is no doubt furthermore of the far-reaching campaign of the Communists through the Workers Alliance to spread their alien doctrines of ruin and destruction, their antichrist ideology by means of the theater project of the United States Government's Works Progress Administration.

Courses in Russian language were given in quarters donated by the Workers Alliance. Why should anybody be willing to spend money to spread knowledge of the Russian language in a country that has spoken English since its foundation? Why should the W. P. A. permit this to be done and why should the W. P. A. accept such services and facilities when offered by the Workers Alliance and anybody else?

Why should the Workers Alliance and other organizations of similar nature buy huge blocks of tickets to W. P. A. the-

ater plays—and buy them at a discount of from 30 to 40 percent less than the regular box-office price? The tickets were then sold by these organizations at a profit—so we find the W. P. A. theater project financing organizations dedicated to tearing down the American Government.

Mr. President, in the theater business the glass roof over the entrance to a theater and which contains the names of the play and the stars is called the marquee. On the strength of the record established by the theater projects of the W. P. A. the only lights for which there has been any demand in the past for use on W. P. A. theater marquees are red. Rather than try to make them white, Mr. President, we should eliminate the lights entirely, the marquee entirely, and the Federal theater project entirely.

Mr. President, I ask unanimous consent to have printed in connection with my remarks an extract from remarks delivered in the House of Representatives on June 15, 1939, by the gentleman from Michigan, Representative HOFFMAN, and found on pages 7234 and 7235 of the CONGRESSIONAL RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MR. HOFFMAN. \* \* \* Let me quote for the benefit of the gentleman from New York [Mr. MARCANTONIO] and for the benefit of the House the sworn testimony given on the 20th day of August 1938 before the Dies committee, under oath.

Miss Sallie Saunders, born in Vienna, Austria, a citizen of the United States since 1920, a resident of New York City since 1930, and an employee since March 3, 1936, with the exception of 90 days when she was on leave of absence, of the Federal theater project as an actress, testified, among other things, to the following, and I quote from her testimony, beginning on page 858, volume I, of the hearings:

"The CHAIRMAN. You are on the project now?

"Miss SAUNDERS. Yes, sir.

"The CHAIRMAN. What is the work that you are doing now?

"Miss SAUNDERS. As an actress.

"The CHAIRMAN. Have you seen with your eyes evidence of communistic or subversive activities on this particular project?

"Miss SAUNDERS. I can only say that literature has been sent around to me personally.

"The CHAIRMAN. Do you know that Communist literature has been distributed on the premises?

"Miss SAUNDERS. Surely.

"The CHAIRMAN. On one occasion you were called on the telephone. Will you go into the details of that without going too much into it?

"Miss SAUNDERS. Yes, sir. On Decoration Day I received a phone call from Mr. Van Cleave.

"The CHAIRMAN. This year?

"Miss SAUNDERS. Yes, sir; and he asked me for a date. I lived at the Fraternity Club, and there are a great many men there. I thought it was someone I met at the Fraternity Club. I said, 'Mr. Van Cleave, I do not remember you; when did I meet you?' He said, 'I was the gentleman who sketched you in Sing for Your Supper.' I said, 'There were 289 people down there, and I do not know more than 25 of them.' He said, 'I am the fellow who was sketching you.' The day before I had noticed a Negro making a sketch of me as I was dancing. He shoved the sketch in my face. I did not know his name and did not know anything about him. All I knew was that a Negro had sketched me. I signed out and left the building. At first I thought it was someone trying to play a joke on me, and I became very angry about it and asked how he got my telephone number. He said that he took it from a petition blank, or a petition to President Roosevelt which we all signed regarding the \$1,000 pay cut. He took my name and address from that petition.

"Mr. MOSIER. How did he know that was your address?

"Miss SAUNDERS. He was one of the committee passing it around.

"The CHAIRMAN. After that time, when he asked permission to make a date with you, did you report it to the supervisor?

"Miss SAUNDERS. I reported it to Mr. Hecht.

"The CHAIRMAN. What did Mr. Hecht say to you?

"Miss SAUNDERS. He said, 'Sallie, I am surprised at you. He has just as much right to life, liberty, and pursuit of happiness as you have.' He said, 'It is in the Constitution.' I said, 'Mr. Hecht, that happens to be in the preamble to the Constitution.'

"The CHAIRMAN. Let us not go into that. We know there is feeling in the matter, and we have to be very cautious about race feelings. You reported it to him, and he advised you, in effect, that he was in favor of social equality?

"Miss SAUNDERS. According to the Constitution, and there was some press clipping about equal social rights.

"The CHAIRMAN. Did you report it to anyone else?

"Miss SAUNDERS. I talked it over with Miss Coonan, and she was appalled. I requested for an immediate transfer, which was granted. I then reported the matter through a personal friend to Senator PAT HARRISON.

"The CHAIRMAN. Who was Mr. Hecht?

"Miss SAUNDERS. Mr. Hecht is in Sing for Your Supper.

"The CHAIRMAN. An employee of the Federal project?

"Miss SAUNDERS. Yes, sir.

"The CHAIRMAN. I think that is far enough. Is he connected with the Workers Alliance?"

"Miss SAUNDERS. Mr. Hecht is of split nationality. He has a card in every organization which has the most power at the moment."

"Mr. MOSIER. What is his full name?"

"Miss SAUNDERS. Harold Hecht."

"The CHAIRMAN. Did you report it to Trudy Goodrich?"

"Miss SAUNDERS. She is a secretary of a Workers Alliance division, and she came to me of her own accord. She said she felt very sorry that I felt that way about it, because she personally encouraged Negro attention on all occasions and went out with them or with any Negro who asked her to."

"Mr. STARNES. Did she say that it was the policy of the Workers Alliance to do that?"

"Miss SAUNDERS. She did not say that; but she is a representative of that party, and they hobnob indiscriminately with them, throwing parties with them right and left."

"Mr. STARNES. Is that a part of the Communist program?"

"Miss SAUNDERS. Yes, sir; social equality and race merging."

"The CHAIRMAN. I think that is all. I thank you for your testimony."

Mr. ASHURST. Mr. President, will the Senator yield? I wish to occupy about 10 minutes, but do not wish to take the Senator off the floor.

Mr. REYNOLDS. I yield to the Senator, with the understanding we have made.

The PRESIDING OFFICER. The Chair does not know what understandings may have been entered into.

Mr. ASHURST. I have no understanding, Mr. President. I am asking the Senator to yield to me.

Mr. REYNOLDS. I yield the floor to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized in his own right. Does the Senator from Arizona wish to speak on the bill or the amendment?

Mr. ASHURST. On the bill.

The PRESIDING OFFICER. The Senator has 20 minutes on the bill.

Mr. ASHURST. I shall not require half that time.

Mr. President, much has been said here today about communism; and all Senators will appreciate the earnestness with which learned Senators have addressed themselves to the subject of communism. If a bill using the word "Communist" or the word "communism" should be passed by the Congress and should be signed by the President, the courts, in construing it, would have recourse to the dictionary to see what Congress meant by "communism." I now quote from Webster's New International Dictionary, published in 1927, the definition of communism.

Communism: A system of social organizations in which goods are held in common, the opposite of a system of private property.

That is one definition.

2. A system of social organization where large powers are given to small political units or to communes; communalism.

3. Any theory or system of social organization involving common ownership of the agents of production and some approach to equality in the distribution of the products of industry. Informally, socialism.

Next, the definition of "Communist."

One who believes in communism in any of the first three senses named, or attempts to put its principles into practice.

Therefore, we may fairly say a Communist is a person who is devoted to, or is propagating, the theory of extirpating and doing away with the right of men to hold property, and is maintaining the principle that all property shall be held in common. I see before me the learned Senator from Georgia [Mr. GEORGE], who would adorn the Supreme Bench of the United States. I am quite sure if he were handing down an opinion he would say that what I have suggested is a fair definition of "Communist" and "communism."

Why, indeed, are the people of the United States so much opposed to communism? There is in an American an inborn, ineradicable, and sometimes inexplicable fear and dread of communism. No man in America is more opposed to communism, as I understand it, than am I, for the reason that communism would deprive an American citizen of what I believe to be one of his most precious rights, to wit, the right to hold property.

When the 10 amendments to the Constitution, called the Bill of Rights, were adopted, they set up, mark you, certain

rights which inhere in all men, which belong to freemen. Even if they were not enumerated in any Bill of Rights, these rights and immunities would be a part of the liberty of a free person. The fifth amendment provides:

No person shall be \* \* \* deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Further, in order to protect what I call a great human right, the right to hold property, the seventh amendment provides:

In suits at common law, where the value in controversy shall exceed twenty dollars the right of trial by jury shall be preserved.

It is provided in the fourteenth amendment:

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

These provisions indicate that those who laid the foundations of American liberty realized that the right to acquire and hold property, large and small, the right to own a home, a farm, and to earn wages, was as dear as the right to jury trial, free speech, and the right to freedom of religion.

Indeed, of what avail would be jury trial, freedom of speech, and freedom of religion if this other great immunity, to wit, the right to earn wages and acquire property, which adds to the dignity of a human being, did not inhere in the free citizen?

I should not care a fig for a government which, forsooth, granted freedom of speech, and yet ironically deprived men and women of that other great human right, the right to earn wages and to own property. That is the reason why so many earnest, upstanding, sincere American citizens are opposed to communism. They know that communism strikes at one of their vital rights. They know that communism strikes at what I believe to be an—

Mr. WALSH. Inalienable.

Mr. ASHURST. Inalienable—I thank the Senator from Massachusetts—an inalienable right.

A President of the United States more than 34 years ago, in a speech, said he "always put human rights above property rights." Property has no rights. Think of a President using language such as that, putting human rights above property rights. A human right is the right to acquire property. A slab of paving stone is an insensate piece of rock. It has no rights. The right of men to acquire and hold property, large and small, and the right of men to earn wages, is not a property right—it is a human right.

Having said this much with respect to my view of communism, I agree that no person should be employed by or subsisted by the United States, or paid from its Treasury, who would strike a blow at those great rights of citizens, to wit, the right of free speech, freedom of religion, trial by jury, to be confronted with the witnesses against him, and to dignify himself by earning wages and owning property. I am against the Communists because they seek to deprive American citizens of a right that is as important as any other human right—the right to hold property.

We should preclude from being employed at the public expense any person who seeks to deprive human beings of this great right, the right to earn wages and hold property. Therefore I shall support any motion which will prevent the payment of Federal money to any person who says he is opposed to this American, this human, right.

Now, as to the stage and the employment of certain artists, I shall support any reasonable sum which has for its purpose the employment of actors and artists. Some Senators fear or believe some actors or artists may have taught communism.

The Senator from Nevada [Mr. McCARRAN], in appropriate phrase, said that the way to destroy communism is to draw it out into the public light and expose it to the public view; for when people learn by the exposure of this un-American thing, communism, what it really means and what it proposes to do, the American people will be against communism.

Citizens have a right under our form of government peaceably to advocate a system depriving you, sir, of the right of free speech. They have a right to advocate a law depriving you, sir, of your immunities as a free man. Citizens have a



right to advocate a system under which no man shall earn wages, and I oppose such a doctrine. Known to zoology are communal birds, birds that all occupy the same nest. In zoology there are communal or communistic birds. We have in America too many communistic birds. [Laughter.]

Mr. REED. Mr. President, will the Senator yield?

Mr. ASHURST. Yes, sir.

Mr. REED. As I gather, the Senator is against communism. He is not in favor of paying any Communists from the Public Treasury.

Mr. ASHURST. Not from the Public Treasury.

Mr. REED. Unless they are artists?

Mr. ASHURST. No, sir; not at all. I would not employ at the public expense an artist who is a Communist.

Mr. REED. Perhaps I misunderstood the distinguished Senator from Arizona, whose attention was called to the fact that Communists had been employed and communism taught and communism spread, to which the Senator from Arizona is opposed, unless it is done by artists?

Mr. ASHURST. Mr. President, I would not employ at the public expense a Communist, but I would not be afraid to go and see an artist who was a Communist produce or act in a play. I am not afraid of any contingency of that kind, because I agree with the Senator from Nevada [Mr. McCARRAN] that only by exposing the folly of communism can we cope with it.

Mr. REED. May I impose on the Senator again?

Mr. ASHURST. I am glad to have the Senator interrupt me.

Mr. REED. That is to say, communism shall not be taught unless it is through the theater projects?

Mr. ASHURST. I do not say that.

Mr. REED. But, if communism is taught and the doctrine of communism is spread through these W. P. A. theater projects, the Senator is in favor of continuing them?

Mr. ASHURST. Mr. President, I say now for the third time—and the Senator is too keen in intellect to fail to grasp what I say—that I do not want anyone paid from the Public Treasury, whether he be artist, mechanic, or what not, who teaches communism. If one wishes to employ a Communist privately, I have no objection. That is his right and his business. If a Communist, at his own expense, desires to write a play and produce it, he has that right. If a man wants to urge that we should no longer have free speech, that is his right; but I do not want him employed at the public expense.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. ASHURST. I propose to limit myself to 10 minutes, but I yield.

Mr. McCARRAN. Merely for a question. I take it that if some one advocated a deprivation of the right of free speech, the Senator from Arizona would not be afraid to listen to him.

Mr. ASHURST. I would not be afraid to listen to him, because I believe I could answer him.

I now want to say a word about the stage. I am probably not competent fairly to discuss the stage because of my tremendous bias in its favor. My body and my brain, if any, are in the Senate, but my heart has from boyhood been in the keeping of those princes and princesses of the House of Thespia.

The stage artists, the screen artists, and the vaudeville artists hold the mirror up to nature, and only through them do we ever see ourselves as others see us.

On the stage and on the screen we see our weaknesses, foibles, and pretensions made plain and then corrected. On the stage and on the screen the richness of human experience is laid before us, and all that is beautiful, all that is tragic, and all that is mournful in man's destiny is clearly shown.

The penetrating skill, the Attic salt, and the humor of the screen artist and the stage artist expose the shams and frivolities of a particular epoch, and not infrequently teach a nation the way of truth.

The comedies of Shakespeare enriched England, softened the cruelties of his time, and gave seasonable advice and

admonition to monarch, to lords, and commons. There would have been no polished Elizabethan England except for Shakespeare.

Unnumbered thousands of our own generation have been charmed by the melodious airs and clever rhymes of the Gilbert and Sullivan light operas and the talent of those two gentlemen was so exceptional and their criticisms of official smugness and complacency were so deft and subtle that their productions were given audition and applause by the most prim and rigid of the mid-Victorians.

The drama is coextensive with the people and of all the arts, save music, it is probably the dearest to the human race. The stage is akin to poetry in that it is a great expression of human emotion. The stage is a vision of the romance inseparable from every human life; it is a magical place, breathing the inspiration of color and sound; a place for high thoughts, splendid truths, and beautiful words, for objects vividly observed and gorgeously imagined.

I hope the Senate will not go on record as censoring art. The stage is art. Art is truth, and in the final sum of worldly things, only art endures; the sculptures outlast the dynasty, the colors outlive Da Vinci, "the coin outlasts Tiberius."

Mr. BARKLEY. Mr. President, the Senator from New York [Mr. WAGNER] a while ago, I think in response to a question, stated that the 1 percent provided for in his amendment would provide approximately \$14,000,000 free from any local contribution. I find from an examination of his amendment that the 1 percent applies to the entire amount appropriated in the joint resolution, which is one billion seven hundred and some odd million dollars, which would mean that seventeen million and a fraction dollars would be exempted from any local contribution.

I appreciate fully, and I sympathize entirely with the position of the Senator from North Carolina, and I will say to him frankly that when we vote on the 1-percent provision, I shall support his amendment. But I am wondering whether the Senator would not agree to modify his amendment by making it one-half of 1 percent instead of 1 percent, which would provide about \$9,000,000 out of this fund, which would not have to be matched by any local contribution whatever. I have talked with Senators about it, and I think if the Senator could consistently accept such an amendment, it would facilitate the adoption of his amendment.

Mr. ADAMS. Mr. President, I should like to give the Senator from Kentucky some figures.

Mr. BARKLEY. I yield.

Mr. ADAMS. The Senator asked me awhile ago if I had the figures regarding the total expenditures on these projects from July 1, 1938, to May 31, 1939, which is practically the past year, on the various art projects. The expenditures for the theater project amounted to \$9,947,000. The aggregate art project expenditures amounted to \$5,000,000, the expenditures on the writers project amounted to \$4,000,000, and on the historical records project \$5,668,000. So there was a total expenditure in these various art projects of \$35,503,000.

I am merely giving the figures so that the Senator can see the extent to which the half of 1 percent would go.

Mr. BARKLEY. When I asked the Senator for the figures I asked him for the 5-year period, and I understood him to reply that the amount expended for the theater, art, and writers projects amounted to a little less than \$40,000,000 for the 5-year period. Evidently that was a mistake.

Mr. ADAMS. I was in error, because the figures I have given are the exact tabulations.

Mr. BARKLEY. Based upon the total amount of the appropriation to which this amendment is applicable, it would provide approximately seventeen and one-half million dollars instead of the fourteen million the Senator from New York suggested awhile ago.

Mr. WAGNER. Yes. Of course, I bow to the statement of the majority leader of the Senate; but when the proposal is made to reduce the amount to one-half of 1 percent,

I call attention to the fact that the expenditure was reduced last year for these different projects, not only for the theater project, as was pointed out by the Senator from Colorado, but also the art projects. So even 1 percent would be about half of what was expended last year upon these projects. If we further cut the amount, it will represent practically one-fourth of what was spent last year.

Mr. BARKLEY. It seems that the crux of this proposition revolves around the theater project. I am wondering whether it would not be possible to have local communities make a contribution, if necessary, in regard to musical and art projects. The suggestion I am making would permit the W. P. A. to go ahead with the theater projects. I realize that while the theater and the musical and similar projects are all grouped together, it seems to me there is a difference between the theater projects and others which are local and which are more or less stationary. They are rather fixed to the locality, more so than is the theater project. I wonder whether, if the Senator should accede to that suggestion—and I am not pressing it, but I am making it after some discussion here informally—it would not be possible for the W. P. A. to carry out the theater project without serious impairment and at the same time probably receive some local contribution for the musical and art projects, which are more stationary and more fixed to sites than are the theater projects.

Mr. REYNOLDS. Let me suggest, Mr. President, that there are a number of groups—I understand from the Senator from Florida about five—and I suggest that we eliminate from the groups the musicians. I do not think the local communities ought to be called upon to provide any percentage of expenditure for the musicians. The musicians have been harder hit in this country than have any of the other groups. I am perfectly willing, insofar as I am individually concerned, to eliminate the musicians, because we all know that the musicians, as a matter of fact, have been hit harder than any other group. I think the musicians ought to be eliminated.

Mr. WAGNER. The Senator does not mean "eliminated."

Mr. REYNOLDS. I mean they ought to be eliminated from this phase of the legislation.

Mr. BARKLEY. I doubt the wisdom of undertaking to mention in the amendment any particular class. It will be largely in the discretion of the authorities who administer the provision whether nine million or seventeen and one-half million or eighteen million dollars will be exempt from the requirements of local contribution.

Mr. REYNOLDS. In respect to that, I am suggesting that we exempt the musicians from the making of any local contribution.

Mr. BARKLEY. I doubt very much whether it would be wise to exempt anyone in the law itself.

Mr. WAGNER. Let me suggest to the Senator from Kentucky, who has been in such a kind way attempting to assist in this matter, that if the thought of the Senator from North Carolina should be carried out, and the musicians should be cared for as they have been in the past, that alone would require the expenditure of \$10,000,000. That was the expenditure last year for the musicians on W. P. A. So, if we will leave the 1 percent in the bill, as the amendment provides, and assume that reasonable care will be taken of the musicians, say by \$7,000,000, instead of \$10,000,000, we will be able to take care of the musicians as the Senator from North Carolina wishes to do, and have some money left—not so much as heretofore, but I am quite satisfied with that—and also take care of both the theater and the art projects.

Mr. BARKLEY. It is difficult to draw a distinction between actors and musicians and artists and sculptors. They all come in the same category. It is difficult to draw a line of distinction and say one shall be excluded and another included.

Mr. WAGNER. I was thinking of the total sum we would allow to be used for purely Federal projects. If we allow \$17,000,000, that will take care of the musicians and will take care of the theater and art projects, though not to the same extent, of course.

Mr. ADAMS. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. I think there is, perhaps, some confusion in this situation. What we are dealing with is a provision in the joint resolution which prohibits the use of any of these funds for the operation of projects sponsored solely by the Works Progress Administration. If we did not have another provision, any form of sponsorship relatively small would meet the requirements. The problem is that we now have a 25-percent provision in the joint resolution, so that sponsorship is only required to meet the 25 percent. The W. P. A. takes care of the 75 percent, in any event; that is, there is no occasion to talk about sponsoring to the extent of 50 percent, because it comes out of the same pocket. It is merely a matter of making a provision which will meet the limitation that there may be no projects which are solely sponsored by the W. P. A.

Mr. WAGNER. Except those—

Mr. ADAMS. There is no exception. This provision does not refer only to the art projects. Here is a flat provision that no projects may be constructed which are solely sponsored by the W. P. A., so that if we are thinking only in terms of these projects, we need only 25 percent of the projects which the Senator thinks should have Government help in sponsorship.

There may be other projects which might require sponsorship. The percentage provided is not tied down by the amendment, as I have read it, to the art projects.

Mr. BARKLEY. Let me say to the Senator from New York and to the Senator from Colorado that under the provisions of the joint resolution requiring an average contribution of 25 percent in each State it will be possible for the W. P. A. Administrator to approve a project which requires only 1 percent of local contribution. Of course that would mean that some other project, probably a much larger one, would have to pay more than 25 percent, perhaps 30 or 35 percent. So that some of the artistic projects could still get by on a very nominal contribution.

It occurred to me, in view of the feeling I have been encountering, that if the Senator will make practically \$9,000,000 exempt from any local contribution at all, with the possibility of making only 1 percent contribution, or 2 percent, or 3 percent, for these similar projects, even under the 25-percent average, it probably would be possible to work out a much better situation than is possible under the joint resolution as it passed the House, which bars all of them from any consideration unless there is local contribution.

I make that suggestion to the Senator from New York. Of course, it is entirely in his discretion whether or not he will accept it.

Mr. PEPPER. Mr. President, if the Senator will permit a word of comment, the mechanics of the matter are somewhat difficult, it seems, but the Senator would not think it fair if we reduced by 50 percent the appropriation which was made last year for the whole arts program?

Mr. BARKLEY. If we were considering that all by itself, that would be one thing, but here we have a joint resolution which eliminates altogether, according to the House text, any project altogether sponsored by the Federal Government. So that all theater, art, musical, and other projects of that character are out unless there is a local contribution.

In view of that situation, it occurred to me that it might be well to try to work out a fair average which might make it possible for some of the more important and more emergent categories to be considered without regard to a local contribution, having in mind the possibility that, even under the 25-percent average, it still would be possible to provide some of these projects with a very nominal contribution.

Mr. REYNOLDS. Mr. President, I should like to say in reference to what our leader has just stated that I am exceedingly anxious to have the musicians taken care of as they were cared for last year. I suggest that it might be agreeable to this body to provide for the musicians of



America as we did last year without any reduced appropriation insofar as their benefits would be concerned, and that we reduce the appropriation for the Federal theater project by 50 percent. I think that would be agreeable.

Mr. BARKLEY. Of course, the amendment applies not only to theater projects, but to all sorts of artists and musical projects. The 1 percent applies to all of them. I doubt the wisdom from a legislative standpoint of mentioning any particular one of these as being exempt or included. I think we have to leave that for the Administrator to work out. I sympathize with the Senator from North Carolina in this matter, because, as the Senator from Arizona has suggested, I would not like to see Congress or this Government say to men or women engaged in music as a career, to men and women engaged in acting as a career, which have been recognized professions from time immemorial, that they shall be barred from consideration. I realize that because of the nature of their employment it is frequently impossible to work up any local contribution for them. I appreciate all that.

Mr. WAGNER. Mr. President, let me interrupt the Senator. There is another reason. Many of the theater projects have produced plays in more than one State, and the question might arise as to what State ought to sponsor a particular project. That is the reason why it seems to me to be unfair to put them in a class where they will have to have a contribution of 25 percent.

Mr. BARKLEY. I agree, because the cost of production may have occurred in one State altogether, and if they go around to various States that might require that each State make a contribution of its proportional share of the original cost of production, which would be impracticable.

Mr. WAGNER. That is so with the musicians. I am sure that those who are lovers of music have heard the symphony concerts of the Federal projects orchestras. These musicians have been going around to different sections of the country where it was impossible to organize a local orchestra, and the country has received the benefit of great cultural advantages. I say it would also be difficult to call that a local project, because a number of States receive the benefit of the music. That is the reason I think they ought to be treated somewhat differently than the projects we were discussing under the 25-percent contribution.

Mr. BARKLEY. I agree to that. Can we make it three-quarters of 1 percent? I am not offering it as an amendment to the Senator's amendment, but I think three-quarters percent would probably be a fair compromise. That would amount to about twelve million or fourteen million dollars, which would be earmarked as not requiring any local contribution.

Mr. WAGNER. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. AUSTIN. Mr. President, may we have the amendment as modified stated?

The PRESIDING OFFICER. The amendment as modified will be stated for the information of the Senate.

The CHIEF CLERK. On page 29, it is proposed to strike out lines 12 to 23, inclusive, and to insert the following:

SEC. 25. After October 31, 1939, not more than three-fourths of 1 percent of the funds appropriated under this joint resolution shall be available for projects sponsored solely by the Work Projects Administration.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified. [Putting the question.] The ayes have it. The amendment is agreed to.

Mr. REED. Mr. President, I ask for a division.

The PRESIDING OFFICER. The request of the Senator from Kansas comes too late. The decision of the Chair was announced after a long pause.

Mr. REED. I beg the pardon of the Chair, but there were several requests for a division which the Chair perhaps did not hear.

The PRESIDING OFFICER. If there were any suggestions made, they were not sufficiently audible to be heard here in the chair.

Mr. McCARRAN. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 19, line 11, it is proposed to strike out all of section 15 and to insert in lieu thereof the following—

Mr. AUSTIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will say that the amendment of the Senator from Nevada is not yet in order. It is an amendment to the House text.

Mr. McCARRAN. I understood that the committee amendments had been completed.

The PRESIDING OFFICER. They have not as yet been completed.

The clerk will state the next committee amendment, on page 38, line 24, which was passed over.

The amendment passed over was, on page 38, in line 24, after the word "establish", to insert "relocate", and on page 39, line 1, after the word "products", to insert "(other than those derived from the first processing of agricultural products)", so as to read:

SEC. 34. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, or plants which would manufacture or produce for sale articles, commodities, or products (other than those derived from the first processing of agricultural products) in competition with existing industries.

The amendment was agreed to.

Mr. WAGNER. Mr. President, I dislike very much to interrupt at this point, but I did intend to say something in answer to what the Senator from North Carolina said on the theater project, but I have had sufficient experience to know that there is a time when one should not speak.

I should like permission to insert in the RECORD the names of both individuals and organizations which have supported the amendment, and also a statement by the Senator from New Mexico [Mr. CHAVEZ], who, by the way, landed today in England in the *Yankee Clipper*. The Senator requested that there be printed in the RECORD the statement which he had prepared in support of the amendment in reference to the theater project.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement by Senator CHAVEZ and the list presented by Senator WAGNER are as follows:

#### STATEMENT OF SENATOR DENNIS CHAVEZ IN REFERENCE TO FEDERAL ARTS PROJECTS

Inasmuch as the House work-relief bill makes no provision for Federal-sponsored arts projects, I am leaving a live proxy with the Senate Appropriations Committee requesting that in the event that the subcommittee follows the House provisions in respect to this I have asked that my vote be recorded if an amendment is offered by the full committee in favor of Federal arts projects. I do this convinced that a careful and impartial study of what the Federal arts projects division of W. P. A. has done in the past will convince even the most biased of the tremendous cultural value of the accomplishment and further because of the need of the unfortunate persons who come under these types of projects which is equally as great as that of any other group in this Nation; and whose desire to live and work is quite as keen and should be just as respected as those of any other groups.

In New Mexico the work of the Federal arts projects has won the admiration and respect of all walks of life in every community. The artistic endeavors, I am told by authorities and persons competent to judge, rank with the very highest. Art which is termed "boondoggling" by prejudiced critics is welcomed and respected in New Mexico and I feel sure that the same condition exists all over this country. Theater projects in New Mexico have been enthusiastically supported by the communities. It is impossible to estimate the tremendous contribution which the writers project, for example, are making for the cultural advancement of the United States. I have in mind, for instance, a book which is now being prepared which has Nation-wide significance. The time when conflagration threatens in Europe and in the Orient and when the need of cementing closer relations with Latin America is so imperative anything which would benefit our relations with our neighbors to the south is not only helpful but an absolute necessity. The book which is being prepared by the Federal writers project is *Study of Spanish Speaking People of the United States: 1540-1940*. This book is the

epic of the oldest white inhabitants of our country, starting with the early Spanish settlements of the sixteenth century, and carrying the story down to the present time. The Spanish-speaking people are associated in the public mind with the Southwest. What is not so generally realized, and what is brought out clearly in this book, is that some of them migrated from the Mexican to the Canadian border and that they spread not only to the Pacific coast but as far east as New England and Florida.

The music, art, and historical records projects are cooperating with the writers project in the preparation of this study. It includes a detailed account of the Spanish-speaking people, and full treatment of their folklore, folk music, and folk art. With the exception of the Indians, the folk music of the Spanish-Americans of the Southwest has a longer history than that of any other racial group on our continent. Folk ways, folk songs, and folk games were brought in by the first hardy adventurers, and were handed down from generation to generation with comparatively little change.

All this material is being gathered together in the various State offices with the help of volunteer consultants from Spanish-speaking societies and from universities and colleges, and is being welded into a unified whole by the editors of the Washington staffs.

To my mind the success of pan-Americanism and of closer relations with Latin America is absolutely dependent upon an understanding by the citizens of the United States of Latin American philosophy and culture. We can find no better place to study this than in our own American Southwest, "The place where the Americas meet," to borrow a phrase coined by a very close friend and sponsor of pan-Americanism, Dr. F. M. Kercheville, of the University of New Mexico. This study which the Federal art project is in the process of making will develop information and material which will be helpful in promoting this understanding.

How then, can anyone call a study which is so necessary and so badly needed, "boondoggling" and "a waste of taxpayers' money"? The persons employed on such projects are needy and Congress has an equal responsibility to assist them as it has to other needy persons in the United States. This is only one of the many studies which the Federal arts project has under way.

I am leaving instructions that if there is a Senate vote on this that I be paired in favor of the amendment covering this point and I am asking that this statement be inserted in the Record.

#### EFFECT OF THE AMENDMENT

Mr. WAGNER. The Federal art projects (Federal project No. 1) include the following five units: (1) the Federal music project, (2) the Federal writers project, (3) the Federal art project, (4) the Federal theater project, (5) the historical records survey.

Under the bill as now before the Senate, all of the music, theater, art, and writers projects, and the historical records survey, are required to obtain local sponsorship.

If the amendment is adopted, after October 31, 1939, not more than three-fourths of 1 percent of Federal relief funds appropriated in the bill will be available for projects sponsored solely by the W. P. A.

This means that over half of all these cultural projects will have to obtain local sponsorship by October 31. It also means that those phases of the music, theater, art, and writers projects which would be killed by the requirement of local sponsorship, can be continued under W. P. A. sponsorship. These include such important phases of the work as the music lessons for rural children, the traveling art shows, the traveling theater units, the books on regional subjects, such as the widely acclaimed Oregon Trail, Santa Fe Trail, guides to national parks, and many other regional projects.

Probably the most useful work done by the arts projects has been to bring music, painting, sculpture, drama, puppet shows, and literature to the remote rural areas of the country. People who would otherwise never see an oil painting or a wood cut, attend a musical concert or a legitimate-theater production have become acquainted with these arts for the first time through the W. P. A.

In short, the adoption of this amendment will enable those projects which obviously could not obtain local sponsorship to continue as W. P. A. Federal projects, while at the same time compelling all those which can operate under local sponsorship to be so transferred.

I want to emphasize that the attempt immediately to decentralize the arts projects cannot be justified on grounds of economy. The Federal Government contributes less in nonlabor costs to Federal project No. 1 than it does, for example, to the locally sponsored construction projects. The Federal contribution for nonlabor costs amounts to \$4.85

a month per person for Federal project No. 1 as compared with \$6 per person for all non-Federal projects.

It should also be noted that while the arts projects are now under technical Federal sponsorship, as a practical matter, through local participation in providing materials, space, services, admissions, and direct cash contributions, a high degree of local participation is obtained. Whereas local sponsors on all W. P. A. projects bear 53.8 percent of the non-labor costs, in many units under Federal project No. 1, all the non-labor costs are locally borne, and more than 50 percent of them are locally borne in a majority of the units.

For example, the publication costs of all but two of the 300 volumes published by the writers project have been borne locally. In some localities, the music project is and has been under practical local sponsorship for a considerable period of time; in Massachusetts, it has operated for 2 years without a cent of nonlabor cost to the Federal Government. In addition, this project has taken in receipts amounting to \$453,693, which, in addition to the sponsors' direct contributions, provides a high degree of local sponsorship.

The community art centers established by the art project are locally sponsored through the provision of space, light, heat, and other facilities. Of the 96,000 drawings, easel paintings, murals, and sculptured works produced by the project, a large number have been done for display in tax-supported buildings. The nonlabor costs of these works—principally the cost of materials—are borne by the city, county, or State requesting that they be done.

Finally, the theater project, like the music project, obtains substantial local sponsorship through admission charges. While more than 65 percent of its productions are free, admissions for the remainder have totaled \$2,291,000. Since January 1939, admissions have amounted to 10 percent of the total cost of the project, or enough to cover all the nonlabor costs. In addition, the project has received a variety of local contributions in kind.

To illustrate the wide diversity of this local sponsorship so far as the theater project is concerned, I have inserted at the end of my remarks a list of over 300 clubs, universities, charities, and other civic and religious bodies which have actively sponsored the project through the purchase of large blocks of tickets or other financial contributions.

#### EMPLOYMENT AND EXPENDITURES ON FEDERAL ART PROJECTS

In weighing the merits of the proposed amendment, it will be helpful to summarize briefly the employment provided and sums expended in connection with the Federal art projects.

The five projects have employed an average of 40,000 people for the past 3½ years; 32,577 persons were on the rolls as of June 14, 1939.

Since their inception in 1935, the Federal Government has expended \$136,053,221 on these projects, of which over 95 percent has been paid in wages. This sum has been distributed as follows:

Art.....	\$18,493,968
Music.....	46,120,073
Theater.....	43,349,121
Writers.....	15,739,516
Historical Records.....	12,350,543

For the fiscal year 1939, expenditures on the arts projects have been distributed as follows:

Art.....	\$5,532,095
Music.....	11,834,215
Theater.....	10,726,022
Writers.....	4,397,147
Historical Records.....	6,354,301
Total.....	38,843,780

As I have said, the average contribution by the Federal Government for nonlabor costs under Federal project No. 1 has been \$4.85 per month per person, in comparison with approximately \$6 per person under all other W. P. A. projects. In other words, these projects while under Federal sponsorship have cost the Government less in nonlabor costs than have the locally sponsored construction and other projects.



## ACCOMPLISHMENTS

The accomplishments of Federal project No. 1 have been notable. In bare statistical terms alone its record is prodigious. As of June 30, 1938, it had produced the following:

## Art:

Federal community art centers:	
Number established.....	53
Aggregate attendance.....	4,000,000
Drawings, easel paintings, murals, and sculptured works: Number.....	96,602
Etchings, lithographs, wood blocks, etc.: Number of originals.....	15,756
Number of prints.....	76,000
Arts and crafts: Number of objects made.....	43,000
Index of American design plates: Number of plates made.....	7,940
Stage sets, dioramas, and models for visual education: Number.....	10,610

## Music:

Music classes (January 1938 through June 1938): Average monthly attendance.....	530,000
Music performances (month of June 1938): Number.....	4,355
Aggregate audience.....	3,030,000

## Theater:

Theatrical productions: Number.....	1,813
Theatrical performances (January 1938 through June 1938): Average number per month.....	1,077
Average monthly attendance.....	476,000

## Writing:

Number of books and pamphlets published.....	293
Number of copies distributed.....	3,550,000

## Historical Records Survey:

Number of States whose records have been listed.....	8
Number of counties whose records have been listed.....	2,051
Number of county inventories published.....	168
Number of towns whose records have been listed.....	1,559
Number of town inventories published.....	14
Number of churches whose records have been listed.....	50,355

That much of the work is of unusual quality is apparent from a glance at some of the honors conferred on project employees. For example, James Newell was awarded the Architect League's gold medal in 1938 for his mural at Evander Childs High School in New York City, entitled "The Evolution of Western Civilization." This medal had not been awarded for 5 years because no work worthy of its award had been found. Three W. P. A. project sculptors took the first three awards in the 1938 Metropolitan Life Insurance competition. Each year several of the woodcuts, etchings, and lithographs done by W. P. A. project artists, are chosen for inclusion in the volume *Fine Prints of the Year*. In 1936, Artist Harry Sternberg won a Guggenheim fellowship.

The theater project, too, has done distinguished work. Its staff has included such well-known figures in the theater as Orson Welles, Alfred Kreymborg, Virgil Geddes, John Houseman, and others. Orson Welles and the Mercury Theater, which he heads, owe their start and success to this project, as attested by Mr. Welles himself. More than 2,650 former employees of the theater project have returned to private theaters or the movies.

Of the 94 productions on Broadway during the current season, 88 employed one or more former Federal theater workers. Four of the seven playwrights winning Rockefeller scholarships this year were formerly connected with the theater project, while Arthur Arent, author of the highly successful W. P. A. production *One Third of a Nation*, received a Guggenheim fellowship. Ardis Gaines, known to moviegoers as Brenda Marshall, was recruited by Warner Bros. directly from the cast of a Federal theater play for the feminine lead in *Career Man*. The experience of Gloria Dickson was similar.

Practically every major Hollywood studio employs former theater-project employees. Howard Bay, who designed the sets for Tallulah Bankhead's production of the *Little Foxes*, had previously designed the set for the Federal theater's production of *One Third of a Nation*.

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a list of all the W. P. A. theater productions by title, which will appear hereafter in the Appendix.]

The director of the theater project has a distinguished record of service to the American theater. As director of the experimental theater at Grinnell College, her alma mater, as assistant to George Pierce Baker in the famous "47 Workshop" at Harvard and as director of the experimental theater at Vassar, her work attracted wide attention which led to her being awarded the first Guggenheim Fellowship ever conferred on a woman. Of the report of her work under the fellowship, the *New York Times* has stated that it is "the most intelligible and best proportioned account of the contemporary European theater now available in English."

She returned to Vassar after her fellowship work, from where she was called to Washington to head the theater project. The tremendous success of this phase of her work is attested to by drama critics, playwrights, producers, actors, and actresses the country over.

A similarly high record of achievement has been made by the other cultural projects. Formerly employed on the writers project were such well-known literary figures as John Steinbeck, author of *Of Mice and Men* and *Grapes of Wrath*, Conrad Aiken, Richard Wright, Vincent McHugh, and John Cheever.

Practically every symphony orchestra in the country contains one or more former W. P. A. music-project employees. The Boston Symphony Orchestra, for example, has 11 former project members, the National Broadcasting Co. Orchestra has several, as have the Pittsburgh Symphony, the National Symphony, and others. In addition, former W. P. A. musicians are now conductors of the Houston and Louisville Symphonies.

While this list of individual accomplishments is impressive in itself, the worth of these projects as a whole is demonstrated by the unanimity with which they have been approved by critics, artists, actors, writers, producers, musicians, and others eminently qualified to judge. Only last week, 12 of the outstanding New York dramatic critics said:

We declare that we have had many occasions to praise productions of the Federal theater in New York, many of which have been distinguished contributions to the art of the theater and others of which have been creditable in many respects.

Brooks Atkinson, dramatic critic, *New York Times*; Burns Mantle, dramatic critic, *New York Daily News*; Sidney Whipple, dramatic critic, *New York World-Telegram*; Allene Talmey, dramatic critic, *The Vogue*; Wolcott Gibbs, dramatic critic, *New Yorker magazine*; Otis Ferguson, dramatic critic, *New Republic*; John Gassner, dramatic critic, *Forum magazine*; Paul Peters, *Life magazine*; Joseph Wood Krutch, *The Nation magazine*; Mrs. Eurphemia Van Rensseler Wyatt, representative, *the Catholic World*; Kelcey Allen, *Daily News Record* and *Women's Wear*; Arthur Pollock, dramatic critic, *Brooklyn Daily Eagle*.

To the same effect was the following statement by 30 prominent actors, actresses, producers, and playwrights:

Its productions have given entertainment and education to millions of Americans and brought economic relief and moral regeneration to thousands of theater workers who faced destitution.

Helen Hayes, Eddie Cantor, Ben Bernie, George Abbott, Moss Hart, Lee Shubert, Arthur Schwartz, Burgess Meredith, Ethel Waters, Worthington Minor, Arthur Richman, Harold Clurman, Sam H. Harris, Clifford Odets, Richard Rogers, Laurence Langner, Philip Loeb, Katharine Cornell, Tallulah Bankhead, Katherine Hepburn, Blanche Yurka, Donald Ogden Stewart, Douglass Montgomery, Herman Shumlin, John Krimsky, Bela Blau, Laurette Taylor, Florence Reed, William Gaxton, and Victor Moore.

Brooks Atkinson, well-known theatrical critic, of the *New York Times*, wrote last month of the Federal theater project:

Two million six hundred thousand people are employed on W. P. A. projects throughout the country. Only 8,040 of them are employed in the Federal theater—between one-third and one-fourth of 1 percent. Among the 2,600,000 it would be hard to find another group of 8,040 that has accomplished so much and given so rich a social return on the money. \* \* \* It has been the best friend the theater as an institution has ever had in this country.

The art project, too, has been highly lauded. Ford Madox Ford, prominent English critic and author, said of this project:

The level of the work is astonishingly high. Art in America is being given its chance and there has been nothing like it since before the Reformation.

The music project, too, has been highly praised. Erich Wolfgang Korngold, the Austrian conductor and composer, after hearing several W. P. A. music units, remarked:

Nowhere in Europe is there anything to compare with it. Of course, we have state-subsidized opera, but no country in Europe has anything to equal this.

Charles Wakefield Cadman, the celebrated American composer, has voiced his praise, as follows:

The Federal music project is the finest constructive force that has ever come into American musical life. \* \* \* It is serving as a vital stimulating factor, not only in the immediate rehabilitation of musicians but in the perpetuation and furtherance of a high type of music which is so important to any nation's cultural and ethical progress. A vital musical evolution has taken place in every community it has reached.

The work of the writers project has been hailed by authors, editors, and publishers alike. On May 22, 1939, 44 publishers, including representatives of virtually all of the large publishing houses, such as Harcourt, Brace & Co., the Viking Press, Random House, Funk & Wagnells, Houghton Mifflin, Alfred A. Knopf, Bobbs-Merrill, and others, issued a statement praising the Federal writers project and urging that nothing be done to "hamper its program at this time."

On June 15, 50 authors, editors, and other literary figures, including Stephen Vincent Benet, Rockwell Kent, Burns Mantle, Louis Untermeyer, and Van Wyck Brooks, joined in a statement characterizing the work of the writers project as "one of the most significant literary records of the twentieth century."

Finally, Lewis Mumford, well-known literary critic, has said of the American guide series:

Of all the good uses of adversity, one of the best has been the inception and execution of a series of American guidebooks, the first attempt on a comprehensive scale to make the country itself worthily known to Americans. The best of the new guides that are so far available give one a great thrill of pride; pride of the country they describe and in the capacity and devotion and the fine anonymous collaboration which has gone into this work. These guidebooks are the finest contribution to American patriotism that has been made in our generation.

Mr. President, in the light of the distinguished record of the arts projects, their significant contribution to American culture, as well as their social and economic contribution to the unemployed artists, actors, writers, and musicians, I sincerely hope that the Senate will provide the comparatively insignificant sum authorized by this amendment for the Federal maintenance of those of the projects which cannot survive under a requirement of local sponsorship.

I wish to call to the attention of the Senate an eloquent and moving plea for the continuance of the Federal arts projects, delivered over the National Broadcasting System Monday evening by the distinguished actor, Mr. Lionel Barrymore:

#### RADIO ADDRESS BY LIONEL BARRYMORE

I have been in the theater a good many years. Acting is the only profession I know. I have been a pretty lucky actor, and don't think for a minute that an actor doesn't need plenty of luck. An actor is an odd sort of animal. If he's got any talent at all, he seems to feel that he ought to make his living by that talent. I am told that doctors and nurses and painters and sculptors all have kind of the same idea, because they like to make their living at what they are good at.

When this depression came along the theater was badly hit. That didn't stop the actors from wanting to keep on living, however. It didn't stop the stage hands and the electricians, and the ushers and the scrub women, from wanting to keep on living, too. Well, the Government recognized that fact. By golly, one day we found a special theater had been established, and those people went to working at it.

Now, the special theater was a little different from any we had ever seen. In the old tramping days our job used to be to get folks to the theater, and along came a modern, civilized idea: Let's take the theater to the people. So the Federal theater project was not limited to the big cities. The Government was saying, Why shouldn't the people that live in the little towns and villages, remote communities, that had never seen a play, have the advantage of getting acquainted with the great classics of poetry and drama? But what about the 26,000,000 people who have been benefited by seeing the Federal theater plays, and millions of others who have been finding education through its art projects? I think they would be kind of mad if they found they were going to go back to the humdrum world they had to live in before the Government came along to help them.

If I were a farmer, say, living down in the swamps of Florida, and my children had been taught to play the fiddle and paint a picture or sing a song, or watch theatrical productions, I don't know how I would answer them if they asked me why all these things were being taken away from them. Maybe I would want to ask my Congressman why this chance to improve themselves had been taken away from them, and he would have to have some pretty good answers if he wanted to satisfy me.

Yes, sir; as a farmer I think I would be pretty mad, and as an actor I know I would be as mad as I ever expect to be in my life if 8,000 men and women of my own kind, earning their living in a pretty tough world, were thrown out as though they weren't worth Congress' consideration.

Now, it is true, I am just an old actor talking, but I am also an old citizen of the United States and I bet you I could find a lot of people who feel just about the same way I do on this sort of thing. I think it is dangerous for a nation to start proving what a fine country it can be and then right in the middle of proving it let it slide back to the dark days of the depression. If I were a Congressman, I would try to remember that the American people never let anything be taken away from them permanently. Lately their own country has given them something else besides protective tariffs, good roads, good schools, and pellagra control. I hope Congress won't see fit to say, "Oh, all right; we will give them their old arts projects for a couple of months more." I hope they will realize that the help the Government has furnished in the last few years has become part of the daily life of the American people and part of their hope for the future, and taking it away would be almost like taking one of the stripes out of the American flag.

Now, you must not do that, and don't say, "Well, you can have it for a little while longer."

The Federal art projects are all part of America today and you ought not to fool with them at all.

#### PARTIAL LIST OF LOCAL ORGANIZATIONS SUPPORTING FEDERAL THEATER PRODUCTIONS

Advertising Club of New York; Advertising Women of New York; Big Sisters Club; Business and Professional Women's Club; Business Men's League; Carroll Club; Drama League of America; Engineers' Women's Clubs; Flower Hospital Auxiliary; Friends of Music; Habima Guild; Junior League; Lawyers' Club; Leisure League of America; National Arts Club; Poetry Society of America; Professional Women's League; Smith College Club; The Town Hall Club; United Hospitals Camp Committee; Vassar Club; Women's International League; B'nai B'rith; Cathedral Community for Blind; Congregation Shaarezedek; Daughters of Zion; Hadassah; Jesuit Academy; LaSalle Academy; Manhattan College; Protestant Big Sisters' Council; Religious Drama Council of Greater New York; Riverside Church; Sacred Heart School; Temple Emanu-El; Zionist Organization of America; American Occupational Therapy Association; American Prison Association; American Psychiatric Association; American Red Cross; American Social Hygiene Association; Association for Improving the Condition of the Poor; Big Brother Movement; Boys Club of America; Catholic Charities; Children's Aid Society; Colony House; Crime Prevention Bureau; Five Points Mission; Flatbush Day Nursery; Grand Street Boys Association, Inc.; Grand Street Settlement; Greenwich House; Grosvenor Neighborhood House; Hecksher Foundation; Henry Street Settlement; Institute for Crippled and Disabled; Jacob Riis Settlement; Josiah Macy Junior Foundation; Juvenile Aid Bureau; Lenox Hill Neighborhood Association; Masters School Day Nursery; Milbank Memorial House; Mutual Aid Society; Neurological Institute of New York; New York Association for Blind; Russell Sage Foundation; Social Security Board; St. Thomas' Settlement House; Traveler's Aid Society; Trinity House; Young Men's Christian Association; Young Men's Hebrew Association; Young Women's Christian Association; Young Women's Hebrew Association; Adelphi College; Association of American Colleges; Barnard College; Brearley School; Carnegie Foundation; Chapin School; Child Study Association of America; City College of New York; Columbia University; Dalton School; Fordham University; Horace Mann School; Hunter College; International House; Long Island University; National League of Nursing Education; National Youth Administration; New School for Social Research; New York Board of Education; New York Public Library; Packer Collegiate Institute; Princeton University; Rutgers Alumni; St. John's University; Sarah Lawrence College; Teachers College; Todhunter School; Washington Irving High School; Consolidated Edison Co.; Gimbel Bros.; Macy & Co.; R. H.; Paramount News; Sheffield Farms Co., Inc.; Wanamaker's, John; Western Union; Consumers Union; New York City Housing Authority; Tenants' Union; Women Shoppers League; Women Voters League; American Legion; Army and Navy clubs and organizations; Boy Scouts; Camp Fire Girls; Elks; Girl Scouts; Jewish War Veterans; Kiwanis; Knights of Columbus; Masons; Odd Fellows; Rotary; Shriners; Veterans of Foreign Wars; Architects League; Authors League; Book and Magazine Guild; Cartoonists Union; Civil Service Forum; Composers, Authors, and Publishers Society; Composers League; Dramatists Guild; Henry Street Visiting Nurses Association; League of American Writers; Musicians Union; National League of American Pen Women; Newspaper Women's Guild; Post Office Employees; Social Service Employees Union; Stage Hands Union; Women's Speakers Club of America; Alteration Workers Union, 177; Automobile Workers Union, No. 1; Bakery International Union, Barbers Union, No. 1; Biscuit



Worker's Union, No. 405; Bricklayers Union, No. 110; Clothing Cutters Union, No. 4; Domestic Workers Union, No. 149; Hotel and Restaurant Workers Union, No. 16; Housewreckers Union; Pressers Union; Rank and File Cutters Union; Seamen's Social Club; Suitcase and Bagmakers; United Textile Workers; Waiters Union; Window Trimmers Union; Abyssinian Young People; Aunt Dinah's Kitchen; Copper Colored Queens; Epworth League; Federated Youth Clubs; Friends of Harlem; Harlem Children's Center; Harlem District Charity Organization; Harlem Hospital Nurses; National Association for the Advancement of Colored People; Negro Actors Equity; Negro People's Art Committee; New York Colored Mission; Opportunity magazine; Shaw University Alumnae; Tossaint L'Ouverture Club; Urban League; Anti-Nazi League; Progressive Women's Council; Hillsborough Club, Pompano, Fla.; Holy Cross Church, Miami, Fla.; St. Paul's School, Jacksonville, Fla.; Orleans Neighborhood Center, New Orleans, La.; Maison Hospitaliers, New Orleans, La.; Protestant Home for the Aged, New Orleans, La.; United States Marine Hospital, New Orleans, La.; Old Soldiers' Home, New Orleans, La.; Milne Home for Girls, New Orleans, La.; Children's Bureau, S. P. C. C., New Orleans, La.; Waldo Burton Memorial Boys Home, New Orleans, La.; St. Margaret's Daughters, New Orleans, La.; Windsor Center, Greensboro, N. C.; Thalian Association, Wilmington, N. C.; Shaw University, Raleigh, N. C.; University Place Church, Oklahoma City, Okla.; Bryan School for Crippled Children, Oklahoma City, Okla.; Crippled Children's Hospital, Oklahoma City, Okla.; C. C. C. Camp, Purcell, Okla.; Bushnell Church, Detroit, Mich.; Knights of Columbus, Detroit, Mich.; Truth Lutheran Church, Detroit, Mich.; Redford Presbyterian Church, Detroit, Mich.; Campbell M. E. Church, Detroit, Mich.; Y. W. C. A., Detroit, Mich.; Y. M. C. A., Detroit, Mich.; Peto Club, Detroit, Mich.; Dodge Community Center, Detroit, Mich.; St. Joseph's Infants, Cincinnati, Ohio; Central Y. M. C. A., Cincinnati, Ohio; Christ Church, Cincinnati, Ohio; General Hospital, Cincinnati, Ohio; Jewish Center, Cincinnati, Ohio; St. Leo's Church, Cincinnati, Ohio; Cleveland State Hospital, Cleveland, Ohio; Martini Evangelical Church; Wise Temple, Cincinnati, Ohio; Knights of Pythias, Cincinnati, Ohio; League of Hard of Hearing, Cincinnati, Ohio; Western Illinois Teachers College, Macomb, Ill.; Eastern Illinois Teachers College, Charleston, Ill.; Northern Illinois State Teachers College, DeKalb, Ill.; Masonic Temple, Seattle, Wash.; American Legion Post, Seattle, Wash.; Marine Hospital, Seattle, Wash.; Queen Anne Club, Seattle, Wash.; Phinney Ridge Community Club, Seattle, Wash.; Federal Marine Hospital, Seattle, Wash.; King County Home for the Aged, Seattle, Wash.; Veterans' Administration, West Los Angeles, Calif.; Los Angeles Sanatorium, Duarte, Calif.; Huntington Park Women's Club, Huntington Park, Calif.; American House, Los Angeles, Calif.; First M. E. Church, Los Angeles, Calif.; Orthopaedic Hospital, Los Angeles, Calif.; Children's Hospital, Los Angeles, Calif.; University M. E. Church, Los Angeles, Calif.; University of Southern California, Los Angeles, Calif.; Motion Picture Guild, Los Angeles, Calif.; House of Neighborly Service, Los Angeles, Calif.; Kora Temple Shrine, Lewiston, Maine; Unity Lodge, I. O. O. F., Portland, Maine; Pathfinder's Club, Deering High School, Portland, Maine; United States Veterans' Hospital, Togus, Maine; Y. W. C. A., Cambridge, Mass.; Masonic Temple, Worcester, Mass.; Seamen's Friend Society, Boston, Mass.; Jeffries Point Boys Club, East Boston, Mass.; Perkins Hospital, Boston, Mass.; Home for the Aged, Cambridge, Mass.; John J. O'Connell Post, American Legion, Dorchester, Mass.; Adult Recreation Center, Dorchester, Mass.; Fort Devens, Ayer, Mass.; C. C. C. camp, Warner, N. H.; Congregational Church, Candia, N. H.; Elks' Home, Nashua, N. H.; State Industrial School, Manchester, N. H.; Overbrook Hospital, Cedar Grove, N. J.; Robert Treat Boys Club, Newark, N. J.; Y. M. and Y. W. H. A., Paterson, N. J.; Dupont Women's Club, Arlington, N. J.; C. C. C. camp, Woodbine, N. J.; Newark University, Newark, N. J.; Optimist Club, Syracuse, N. Y.; Ursuline Academy, New Rochelle, N. Y.; Protestant Home, Buffalo, N. Y.; Rockland Street Hospital, Orangeburg, N. Y.; Presbyterian Church, Cuba, N. Y.; Children's Hospital, Buffalo, N. Y.; New York State Normal School, Plattsburg, N. Y.; Burke Foundation, White Plains, N. Y.; St. John's Church, Lattingtown, N. Y.; Adult Educational Center, Buffalo, N. Y.; Sons and Daughters of America, Pittsburgh, Pa.; Jewish Home for Children, Pittsburgh, Pa.; Women's Catholic Alliance, Philadelphia, Pa.; Sager Recreation Center, Philadelphia, Pa.; Women's Craft Center, Glenfield, Pa.; Sarah Street House, Pittsburgh, Pa.; East Side Hebrew Institute, New York City; Brashear Neighborhood House, New York City; Veterans Hospital, New York City; Odd Fellows, New York City; Hebrew Educational Society, Brooklyn, N. Y.; Prescott Neighborhood House, New York City; Y. M. C. A., Brooklyn, N. Y.; St. Anthony's Church, New York City; Calvary Lutheran Church, New York City; Lexington School for the Deaf, New York City; Settlement House, Grand Street, New York City.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, on page 40, after line 21, to insert:

Sec. 38. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriations shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of

section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of 6 months after confirmation.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection the sections will be renumbered.

Without objection, those amendments which were passed over en bloc at the request of the Senator from Arizona and depending upon the action of the Senate with regard to the public-works amendment, will be agreed to en bloc.

Mr. LODGE. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 20, at the end of line 23, it is proposed to strike out the period and insert the words "on the basis of relative needs."

Mr. LODGE. Mr. President, I shall not detain the Senate long, because, although this is an important amendment, it is, indeed, a very simple one. I propose to add at the end of section 16 (a) the words "on the basis of relative needs." If the amendment should be adopted it would mean that all nonveterans would be given employment on the W. P. A., preference being given to those who have the greatest need. It would mean that when lay-offs take place on W. P. A. those with the greatest need would be laid off the last. My purpose in offering the amendment is twofold. In the first place, like every other Member of this body, I have received innumerable letters advising me that individuals who were in great need were not hired on W. P. A., whereas those with a lesser degree of need were hired. I have received complaint that when lay-offs were made those with comparatively slight degree of need were retained and persons with a large number of dependents were dismissed. It seems to me that it is clearly the purpose of the law to relieve the needy. If there is not sufficient money with which to relieve all the needy, then it seems to me that, insofar as nonveterans are concerned, we ought to give preference to the neediest people. The amendment does not affect the veterans' preference section, and I believe if it were put in as a direction to the Administrator it would make crystal clear the intent of Congress.

Mr. ADAMS. Mr. President, this matter was presented to the committee by the Senator from Massachusetts. The committee, having entire sympathy with the purpose of the amendment, after careful consideration decided that it was administratively impossible that the people should be put on the rolls on the basis of relative need. The provision of the act is that people shall be employed and retained. If every day the rolls, with more than 2,000,000 persons, men and women, on them, had to be examined and reexamined when someone was taken off, because it became necessary to go into their case histories, into their family lives, into their income to find out who was in the greatest need, it would be utterly impossible as a practical matter to carry out this well-intentioned amendment.

Mr. LODGE. Mr. President, may I make one further statement?

The PRESIDING OFFICER. The Senator has already spoken once on his amendment. Does he wish to speak on the bill?

Mr. LODGE. Yes; I wish to speak on the bill.

The PRESIDING OFFICER. The Senator's time is on the bill.

Mr. LODGE. I know the Senate is impatient to act, and I shall take but 1 minute. The amendment, it is true, was defeated in the Committee on Appropriations by a vote of 10 to 9. I think the Senator from Colorado raises somewhat of an unnecessary objection to it. I do not think that the administrative difficulty would be so great as he says it would be. It would not be necessary to go over the list every day. I think it is important to establish a principle in the measure. The House inserted a formula for the allocation of funds. That was one attempt to establish a principle rather than to leave the whole thing to the personal decision of those who may administer the measure. I

do not say that those who will administer it and have in the past administered it are not splendid men. However, they are but human. They are merely men like you and me, Mr. President. It seems to me that we should establish this thing on the basis of principle, and if there is a better or a fairer or a more humane principle than to give preference to the neediest persons, then I do not know what that principle is.

Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LUCAS. Mr. President, for a great number of years I have been a close follower of the distinguished and able senior Senator from the State of Arizona [Mr. ASHURST]. Since January last I have been closely and intimately associated with him here in the Senate. I wish to say that I agree with what he stated in his address a few moments ago. Then I also wish to congratulate him because of his wit, his humor, his penetrating scholarship, and his profound knowledge upon legislative matters which he extols so frequently in this historic Hall.

Mr. President, this distinguished statesman a few moments ago discussed the question of communism and brought enlightenment to the Senate and the country upon that question. In view of what he said I cannot refrain from discussing the subject of communism or a certain phase of it as it relates to the subject matter before the Senate.

Mr. President, the Daily Record, of Chicago, Ill., is the recognized Communist newspaper for the Midwest section of this Nation. On June 20 last there appeared in that daily paper an advertisement entitled "Send This Wire Tonight!" For the benefit of the Senate and for the RECORD I shall read this wire, which is as follows:

Senator SCOTT LUCAS,

*Senate Office Building, Washington, D. C.:*

Defeat of the Woodrum W. P. A. bill is vital for the future of America. We expect you, as our spokesman, to vote against the three-man W. P. A. board, P. W. A. earmarking, abolition of Federal Arts Projects, slashing of N. Y. A. funds, limitation of funds for individual projects, and elimination of prevailing wages.

Mr. President, the senior Senator from Illinois has received from his own State 613 telegrams, most of them coming from the city of Chicago, concerning the W. P. A. appropriation measure which the Senate is now discussing. I caused the personnel of my office to make a close comparison of each and every telegram received. Out of the 613 telegrams which came, either advocating the defeat of the measure or supporting the W. P. A. appropriation measure, I found 107 telegrams word for word just like the telegram which was printed in the Daily Worker, which is the chief communistic organ of the Central West. In addition to the 107 telegrams, 30 more used that telegram as a basis for conveying to me the same information which is found in the advertised telegram. In other words, out of the 613 telegrams, 22 percent came from those who are avowedly Communists, or at least who read the Daily Worker, and have leanings towards communism in this country.

Mr. President, I agree with the philosophy of the distinguished Senator from Arizona [Mr. ASHURST], in saying that no individual who advocates the destruction of the Bill of Rights, or advocates the overthrow of the Government by force and violence, is entitled to money from the Federal Treasury. And yet, notwithstanding their belief in and advocacy of such an un-American doctrine, they have the audacity and the temerity to send or cause to be sent to me 137 telegrams from my own State urging and insisting that I do certain things in connection with the W. P. A. program.

I have no way of knowing whether the 22 percent who sent me these telegrams are all Communists, but certainly they have been influenced by the advertisement to which I have referred, and could be convicted upon circumstantial evidence beyond any question of doubt of being either Communists or leaning toward the philosophy of communism. I give this information to the Senate merely to show how the Communists in the country are working day and night in connection with this particular program, which many of whom are

apparently enjoying to the utmost, notwithstanding the fact that they believe in a different form of government than that under which they live.

In conclusion, let it be understood that I make no complaint against the thousands of true Americans who write or send me their views upon W. P. A. legislation. I welcome their honest advice and counsel upon all questions of government because these are trying times—there are times that test the mettle of men and women in all walks of life. I shall support the present legislation, but it should always be understood that the telegrams of the Communists had nothing to do with it.

Mr. REYNOLDS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. There is an amendment pending, and the yeas and nays have been ordered thereon. The amendment of the Senator from North Carolina is not in order.

Mr. REYNOLDS. I understood we had completed the committee amendments.

The PRESIDING OFFICER. The committee amendments have been completed, but an amendment has been offered by the Senator from Massachusetts [Mr. LODGE], and the yeas and nays have been ordered thereon.

Mr. CLARK of Missouri. Mr. President, may the amendment again be stated?

The PRESIDING OFFICER. The pending amendment will again be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 20, at the end of line 23, it is proposed to strike out the period and insert the words "On the basis of relative needs."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE]. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this question I am paired with the senior Senator from Oregon [Mr. McNARY]. I transfer that pair to the senior Senator from North Carolina [Mr. BAILEY] and vote "nay." I am advised that the Senator from North Carolina would vote "nay."

The roll call was concluded.

Mr. BRIDGES. I have a pair with the Senator from Utah [Mr. THOMAS]. I understand that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. HALE (after having voted in the affirmative). I have a general pair with the junior Senator from South Carolina [Mr. BYRNES]. I transfer that pair to the senior Senator from Kansas [Mr. CAPPER], and allow my vote to stand.

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from Oklahoma [Mr. THOMAS] are necessarily detained.

The Senator from South Carolina [Mr. BYRNES], the Senator from Iowa [Mr. HERRING], the Senator from Kentucky [Mr. LOGAN], the Senator from West Virginia [Mr. NEELY], the Senator from Nevada [Mr. PITTMAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are absent on important public business.

The Senator from Texas [Mr. SHEPPARD] is paired with the Senator from Minnesota [Mr. LUNDEEN].

Mr. AUSTIN. The Senator from Oregon [Mr. McNARY] is absent because of illness. If present, he would vote "yea."



The Senator from New Jersey [Mr. BARBOUR] would vote "yea." He is paired with the Senator from Kentucky [Mr. LOGAN], who, I am advised, would vote "nay."

The Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 33, nays 36, as follows:

## YEAS—33

Austin	Gibson	Maloney	Townsend
Byrd	Gillette	Norris	Vandenberg
Clark, Idaho	Gurney	Nye	Van Nuys
Danaher	Hale	Reed	Walsh
Davis	Holman	Reynolds	White
Donahay	Holt	Russell	Wiley
Frazier	King	Slattery	
George	Lodge	Taft	
Gerry	McCarran	Tobey	

## NAYS—36

Adams	Connally	Hughes	Murray
Andrews	Downey	Johnson, Colo.	O'Mahoney
Bankhead	Ellender	La Follette	Pepper
Barkley	Green	Lee	Radcliffe
Bilbo	Guffey	Lucas	Schwellenbach
Bone	Harrison	McKellar	Smathers
Bulow	Hatch	Mead	Stewart
Burke	Hayden	Miller	Truman
Clark, Mo.	Hill	Minton	Wheeler

## NOT VOTING—27

Ashurst	Capper	Lundeen	Shipstead
Bailey	Caraway	McNary	Smith
Barbour	Chavez	Neely	Thomas, Okla.
Borah	Glass	Overton	Thomas, Utah
Bridges	Herring	Pittman	Tydings
Brown	Johnson, Calif.	Schwartz	Wagner
Byrnes	Logan	Sheppard	

So Mr. LODGE's amendment was rejected.

Mr. MURRAY. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, beginning with line 8, it is proposed to strike out all down to and including line 8, on page 8, and insert in lieu thereof the following:

SECTION 1. (a) The Work Projects Administration (hereinafter referred to as the "Administration") in the Federal Works Agency is hereby continued as an agency of the Government for the purpose of carrying out the provisions of this section.

(b) Funds made available to the Administration for the purpose of enabling it to carry on the program of public works provided for by subsection (c) of this section may be expended for (1) the prosecution of projects approved for such Administration under the provisions of the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, the Emergency Relief Appropriation Act of 1937, the joint resolution of March 2, 1938, and the Emergency Relief Appropriation Act of 1938; and (2) the following types of public projects, Federal and non-Federal, subject to the approval of the President: (A) Highways, roads, and streets; (B) public buildings (including schools, hospitals, and public-housing projects), parks, and other recreational facilities (including buildings therein); (C) public utilities, electric transmission and distribution lines or systems to serve persons in rural areas (including projects sponsored by and for the benefit of nonprofit and cooperative associations); (D) sewer systems and water supply and purification systems; (E) airports and other transportation facilities; (F) flood control, drainage, irrigation, and conservation; (G) eradication of insects pests; (H) miscellaneous construction projects; and (I) educational, professional, clerical, cultural, recreational, production, service (including training for domestic service), and miscellaneous nonconstruction projects.

(c) It shall be the duty of the Administration (1) to provide opportunities for the employment upon a program of public works of employable persons who are unable to find employment in private industry and who are eligible for employment under the provisions of this section, (2) to aid self-help and cooperative associations for the benefit of needy persons, and (3) to provide emergency direct relief for needy persons in accordance with the provisions of this section.

(d) The Commissioner of Work Projects is authorized and directed to make such upward revisions in the monthly wage rates payable to persons employed on the public-works program provided for by this section as may be necessary to enable such persons to maintain a standard of living compatible with decency and good health.

(e) The hourly rate of wages paid to persons employed upon projects under this section shall be not less than the greatest of the following—

(1) The prevailing hourly rate of pay for work of a similar nature in the same locality as determined by the Commissioner of Work Projects.

(2) Thirty cents.

(3) In the case of employment in any occupation for which minimum rates of pay for persons employed by private employers are established under the provisions of the Fair Labor Standards Act of 1938, such minimum rates.

(f) The monthly rate of wages paid to persons employed upon projects under this section shall be not less than \$36.

(g) Any person who is employable, who is unemployed, and who is unable to find suitable employment in private industry at wages not less than the prevailing rate of wages in his locality for work for which he is reasonably fitted by training and experience, shall be deemed to be eligible for employment on projects authorized by this section. The Commissioner is authorized to employ not less than 3,000,000 persons upon such projects as long as that number of persons are eligible for employment upon such projects.

(h) For the purposes of this section employment in any establishment at which there is a labor dispute shall not be deemed suitable employment.

(i) In the employment of persons upon such projects the Commissioner shall give preference to persons the income (other than public relief) of whose family units is less than the wages payable to such persons for employment upon such projects.

(j) All persons employed on projects established under the provisions of this section shall have the right to self-organization, to form, join, or assist labor organizations, to deal collectively through representatives of their own choosing, and to engage in joint activities for the purpose of mutual aid and protection.

(k) No contract with respect to any such project, including the purchase of materials for such projects, shall be awarded to any person, firm, association, or corporation who, at the time of such award, is found to be interfering with, restraining, or coercing his employees in the exercise of their rights provided for in subsection (j). Any such contract shall contain a stipulation that in the performance of such contract the contractor will not interfere with, restrain, or coerce his employees in the exercise of such rights. Any violation of any such stipulation shall render the party responsible therefor liable to the United States for liquidated damages in the sum of \$100 for each day during which any such violation shall have occurred.

(l) There shall be established within the Work Projects Administration a Bureau of Labor Relations which shall be responsible directly to the Commissioner of Work Projects. The Bureau of Labor Relations shall be responsible for the development of proper labor relations procedures and practices. It shall have power to hire investigators and maintain offices in local and State Work Projects Administration districts. It shall have power to make decisions on all matters affecting conduct of labor relations, subject to final decision by the Commissioner.

(m) Appointments under the provisions of this joint resolution to administrative and supervisory positions shall be made upon the basis of competitive tests of a character similar to civil-service tests.

(n) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of the foregoing subsections of this section.

(o) For the purpose of carrying out the provisions of this section during the fiscal year ending June 30, 1940, there is hereby appropriated \$2,250,000,000, together with all balances of appropriations under subsection (1) of section 1 of the Emergency Relief Appropriation Act of 1938, as supplemented by Public Resolution No. 1 and Public Resolution No. 10 of the Seventy-sixth Congress, which remain unobligated on June 30, 1939, including such unobligated balances of funds transferred to other agencies for nonconstruction projects under the provisions of section 3 of such act of 1938, as supplemented, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Act of 1938, as amended, shall remain available until June 30, 1940, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation.

On page 19, beginning with line 11, it is proposed to strike out all down to and including line 12, on page 20.

On page 20, line 13, it is proposed to strike out "(a)."

On page 21, beginning with line 14, it is proposed to strike out all down to and including line 8, on page 23.

On page 29, it is proposed to strike out lines 12 to 23, both inclusive.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MURRAY].

Mr. MURRAY obtained the floor.

Mr. BONE. Mr. President, will the Senator from Montana yield to me?

Mr. MURRAY. Yes.

Mr. BONE. Mr. President, the Senator from Montana has been generous enough to yield to me to present a very brief amendment.

Mr. MURRAY. Mr. President, my yielding in this instance does not result in my yielding the floor, does it?

Mr. BONE. I do not want to take the Senator off the floor.

The PRESIDING OFFICER. If the Senator from Montana withdraws his amendment, he will have to take his chances of being recognized.

Mr. BONE. Then, Mr. President, in view of the fact that this amendment interests the Senator from Nebraska [Mr. NORRIS] very much, and has to do with municipal power, I am going to ask unanimous consent that I be permitted to offer the amendment now, and that the Senator from Montana may not lose the floor. This amendment will take only a very little time, I think. It seems to me that there is no reason why it should not be adopted.

The Senator in charge of the bill says he has no objection to the introduction of this matter into the bill. Therefore I ask unanimous consent that I may present the amendment without the Senator from Montana losing the floor.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the Senate of the United States may do almost anything by unanimous consent; but he does not believe that one Senator may hold the floor, even by unanimous consent, while the Senate is passing upon an amendment. However, the Chair believes a unanimous-consent agreement could be entered into that the Senator from Montana should be recognized upon the disposition of the amendment to be offered by the Senator from Washington.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Montana be temporarily withdrawn and that the Senator from Washington be permitted to offer his amendment and that, at the conclusion of the consideration of that amendment, the Senator from Montana be recognized to reoffer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BANKHEAD. Regular order!

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. CLARK of Missouri. Mr. President, the Senator from Alabama [Mr. BANKHEAD] was demanding the regular order as the Chair said there was no objection.

The PRESIDING OFFICER. The Chair did not hear the Senator from Alabama.

Mr. BANKHEAD. Mr. President, I have an amendment that I desire to have considered. I should like to have it considered.

Mr. BONE. I yield the floor.

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. McCARRAN. The Presiding Officer recognized the junior Senator from Montana [Mr. MURRAY].

The PRESIDING OFFICER. That is correct.

Mr. McCARRAN. The junior Senator from Montana did not yield the floor. Why should the junior Senator from Montana now be taken off the floor, when he has an amendment pending? The Record will show exactly what I have stated.

The PRESIDING OFFICER. The Senator from Montana did not lose any rights in the matter. The Senator's amendment will now be considered to be pending before the Senate. The Chair recognizes the junior Senator from Montana.

Mr. MURRAY. Mr. President, at this late hour I do not desire to enter into a lengthy discussion of the problem of unemployment; but it occurs to me, after having given most careful study to the situation, which confronts our country, that the program offered by the House joint resolution is utterly insufficient, and that a substantial increase should be made to carry the load of unemployment which is freely acknowledged to exist at this time.

Under the provisions of the House joint resolution it is proposed to reduce the relief rolls to a million and a half, while during the past year we have carried on the W. P. A. rolls an average of 3,000,000 workers. Anything less than

an average of 3,000,000 would be utterly insufficient in view of the tremendous unemployment situation in the country.

It is not only inhuman but it is a great injustice also to the business interests of the country, because while this is a relief program it is also a program of recovery; for the money spent on W. P. A. is money that aids in the small business and professional circles of the country, and is absolutely necessary that that program be carried out if we are going to continue to advance in the efforts to bring recovery.

My amendment not only provides for an average of 3,000,000 on the relief rolls, but it also relates to the other various features of the House joint resolution which have been in controversy here during the day and are inadequately provided for. It seems to me that the amendment I have proposed is the absolute minimum necessary if we are going to continue to make a substantial fight against the desperate conditions which prevail everywhere in the country today.

As I say, I have no desire to make an extended speech at this late hour. I had hoped that a resolution would be adopted here which would make provision for carrying on the W. P. A. program after the 1st of July, so as to give the Senate an opportunity to make a careful study of the situation. As it is, we are rushing through with this program, attempting with great hurry to make provision for the relief program for the coming year, and we are bound to find that a great many mistakes have been made.

The desperate situation which we find in the country today is the result of a break-down of our industrial system. It is due to no fault of the unemployed in the country. They have made no contribution to the conditions which make it necessary to carry out a program of this kind. All prominent authorities on the problem of unemployment have now come to concede that it is no longer merely an emergency situation, but that it is a continuing problem, and that the Government must meet the situation until industry is again able to furnish employment to these workers. Therefore, in any intelligent consideration of the problem of work relief, it must be borne in mind that the problem to be adopted should be envisioned to extend over a considerable period of time. The reason for this is that our economic system is undergoing a serious process of readjustment, particularly in connection with the production and distribution of goods. This process of readjustment will take time.

Until our economic machine can be corrected and readjusted to meet the present-day conditions of the country, the problem of unemployment will continue to persist. Through the rapid development of machinery and technological advancement, America has become the leading country of the world in mass production of goods. American plants today are equipped to turn out goods far beyond the capacity of our purchasing power. In every line of endeavor, technological development has made it possible to throw on the streets by the hundreds, and sometimes by the thousands, workers who, under these existing conditions, have nowhere to turn for a livelihood.

The amendment which I propose, covers extensive changes in the joint resolution as it refers to the W. P. A. The first and most important change which the amendment would make would be an appropriation of \$2,250,000,000 for the coming fiscal year in place of the \$1,477,000,000 provided in the House joint resolution. This appropriation is devised to provide an average of 3,000,000 jobs for the coming fiscal year. This is slightly less than the appropriation which was made available to the W. P. A. in the past fiscal year.

In spite of some estimates which have been submitted to the Senate, it is my contention that such a sum is a bare minimum to carry through the W. P. A. for the coming year. I would challenge any economic or political forecaster to say at this time, in good faith and with conviction, that employment would increase within the next year sufficiently to absorb a cut of a million from W. P. A. The Senator from Colorado [Mr. ADAMS] has indicated that it is the estimate of the committee that the sum provided under the committee joint resolution would cut the W. P. A. to



approximately 1,500,000 jobs by the end of the coming fiscal year.

It has been pointed out often that it requires the reemployment of four unemployed persons to take one person from the W. P. A. rolls into private employment. Therefore, it would be required, in order to meet the committee's estimate, to have a reemployment of 4,000,000 persons in private industry during the next year. Of course, no such thing will happen.

Our previous experience relating to deficiency appropriations during the past years has indicated that predictions of increase in private employment to absorb the cuts in W. P. A. have not materialized. The only result of cuts on W. P. A. has been to increase the misery of people who are unemployed, and to bring a faltering, a hesitation, and retardation in the recovery movement which was under way at the time this session of Congress convened.

Nonagricultural employment, as estimated by the United States Bureau of Labor Statistics, has declined from 33,620,000 in December 1933 to 32,804,000 in April of this year. In other words, instead of increased employment we have increased unemployment.

I wish further to call the attention of the Senate to the testimony of the representatives of the United States Conference of Mayors, the representatives of the Congress of Industrial Organizations, including the United Automobile Workers of America, and the testimony of the American Federation of Labor unions which appeared before the committee. All of these powerful and influential organizations emphatically indicated, either directly or indirectly, that there was no prospect of increases in private employment sufficient to absorb the cuts in W. P. A. so far as they could predict.

It seems to be perfectly clear that a serious cut in W. P. A. funds at this time would be a direct threat to the continuation of recovery. A glaring example stands before us of what happened in 1937 to the economy of the country, when Federal expenditures which were made available to purchasing power were abruptly cut off.

From that experience we should take warning. There we had a condition in which business was constantly increasing, and we began to curtail the W. P. A. rolls; we cut down the P. W. A. program, and immediately we began to find in the country a situation in which men were being thrown out of employment in private industry because there was no purchasing power in the hands of the people of the country to continue the activity of industry and business.

It seems perfectly clear to me that this should be avoided now. Certainly anyone who advocates similar cuts in Federal investment and expenditure now, at a time when the economy is actually operating at a lower level than in 1937, takes upon himself a terrible responsibility. I, for one, do not wish to see this Congress repeat the mistakes of 1937, and I have therefore offered this amendment to provide for what I believe to be a minimum of necessary jobs.

Mr. President, the amendment which I propose has been carefully prepared after careful studies and conferences with the legislative experts of the Senate. It is designed to overcome any defects which may be charged against the administration of W. P. A. and thus place the national program of work relief on a sound, effective, and efficient basis.

Mr. President, unemployment is the most serious and threatening problem which has ever confronted this Nation. It cannot be disposed of by merely indicting the vast army of unemployed American citizens as a lazy and worthless army of leeches hanging on the Government and refusing to find employment in private industry. The plain fact confronting the Nation is that there is no present opportunity for the millions now employed on the W. P. A. rolls, and also nearly a million in addition thereto who are qualified for W. P. A. enrollment, to find employment in private industry.

This desperate situation has developed as a result of the break-down of our industrial system of private competitive enterprise. It is due to no fault or blame on the part of these

millions of unemployed workers, but is due entirely to the failure of our economic system to afford them employment.

I feel very strongly, therefore, that this amendment offers to the unemployed, and to those who have a concern for the welfare of the working men and women of this country, the only practical opportunity to register their desire for an adequate provision for the unemployed.

Mr. President, I think it would be unfair for me to continue any argument on this subject at this time. It occurs to me that it should be plain to everyone that unless we continue this program of work relief on an adequate basis, unless we continue to spend money in this country to carry out a program of work for the unemployed and destitute people of the country, we are going to experience another recession such as that in which we found ourselves in 1938. I therefore submit that the amendment should be agreed to.

Mr. PEPPER. Mr. President, I should like to comment for about 5 minutes in favor of the amendment offered by the junior Senator from Montana [Mr. MURRAY]. The chief appeal the amendment makes to me is that it tends to get away from the castigation of the people who work upon this program as "relief clients." I do not regard a person who has been displaced, for example, from the job he holds honorably because of technological improvements, as a person who is not deserving of confidence and respect in this country. I think that the first day we ever called this program a relief program, and tended to make everyone who was on the program almost to a degree ashamed of himself and ashamed of the fact that he was on it, we did a great injustice to a large number of honorable citizenry of this country.

I think I have mentioned heretofore an incident which came to my attention of a person who was working on W. P. A., who happened to be a young lady. While on a boat voyage on the Atlantic seaboard she met some other guests on the trip and got into close association with them. After the voyage had ended, and she had had a very pleasant association with these new-made friends, she wrote me and told me about it, and said, "I was ashamed to tell them that I was working on the W. P. A."

I do not think it is any less honorable to work on the W. P. A. than it is to work on the construction of a post office, which, too, is a Federal project; or to work on the construction of a highway which is contributed to by the Federal Government, or to be engaged in the construction of a ship, the development of which is subsidized by a Federal program. So that in the beginning of this endeavor to give jobs to people who did not have work in private industry we should never have castigated them as relief clients. They are merely American citizens who have a right to work, and to do any honorable work which may be provided for them.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I desire to ask a question, because, perhaps, I am not familiar with the matter. How does the question arise as to whether or not it is an honorable job or something else?

Mr. PEPPER. In the first place, a person has to be investigated by a social public welfare worker, and to be adjudicated by that person to be impoverished, and every means of subsistence so completely depleted that he is virtually on the verge of starvation before he is eligible to get the benefit of the work program. That is the application of a means test, which goes far beyond the natural right of an unemployed American citizen to do honorable labor, even if his National Government does make it possible for him to get the job.

What I was getting at, I will say to the able Senator from New Mexico, was that I am sorry that we ever applied a means test, that we ever so sharply limited the amount of the appropriation that there had to be a means test to restrict a place on the program to the relatively few who can pass it.

I think, if I may submit my individual opinion with humility, that this country is rich enough to give a job to

the people who are willing to work and who are able to work at the jobs they are fitted to fill.

Mr. HATCH. I merely want to get the Senator's idea. Does he mean they should be employed regardless of the need?

Mr. PEPPER. Regardless of the need. I mean to say that a man who owns a little cottage, who has a wife and children, who, perhaps, is the absolute owner of the little cottage, may be working, for example, in some kind of a factory, whatever one may choose to take as an illustration, and that factory may put in new machinery which will do away with that man's opportunity to work in the factory.

Is that man, who cannot find a job in private industry, not to be permitted to work upon projects created by his National Government because he is the owner of a little cottage which he has been able to acquire through stinting in the years past? Why cannot his country provide for him an opportunity to work without him being so impoverished that he has to meet the ordinary means test that is applied to each person who now works upon the W. P. A.?

I believe that we would perhaps have saved the money in the long run if we had done away absolutely with the means test, if we had said, "We are giving jobs to American men and women who want to work and are willing to work a full day's work on a job they are fitted to do. If you cannot find a job by honest endeavor in private industry, we are not going to castigate you as a failure in life, we are not going to castigate you as one of the impoverished and one of the unworthy failures of your generation." Here is an alternative. Here is an implemented service that is made available by the activity of the National Government. I wish it were possible for that standard to prevail in the whole public-works program. It would cost but two or three or four million dollars, I believe, to carry out a program like that annually in this country, and I do not regard that as extravagant.

If we cannot build rural electrification lines and make those facilities available to the rural homes, if we cannot build homes for the people of this country who do not have decent habitations, if we cannot find enough highways, if we cannot find enough rehabilitation of eroded soil, and enough reforestation where the forests have been depleted in this country, in other words, if, with intelligent leadership, we cannot find enough projects to give employment to the honest men and women of this country who are able to work and willing to work, there is something wrong with the leadership of this Nation, and if we are unwilling to make available the funds to provide work of that character, there is something wrong either with the conscience or the sentiment, or, in any case, the judgment of this country.

I, therefore, commend the Senator from Montana. I think this is one of the best-drafted amendments I have seen in the Congress. It sets up a standard of employment which is related, in a degree, to the need of the applicant, but it does not apply the same sort of means test as is applied to the employee of the Works Progress Administration. It sets up about four or five possible wage standards, and provides that the highest one of those shall prevail, 30 cents an hour, or the prevailing wage in the community, or other wages which are specified in the amendment.

Mr. President, I think this administration should have the courage to say, "We are resolved that unemployment shall be abolished in this Nation; we are in competition with the dictatorships of the world, which are availing themselves of their resources of materials and men, every one of them to the last degree, and we cannot afford to let them get ahead of us by that kind of service to their people while we lag behind with the conscious, humiliating knowledge that ten or more million of the people of this country, however diligently they search in this rich Nation, are unable to find a chance to do an honest day's work without having people point them out as having so failed in life that they have to sink to the level of the means test of the W. P. A."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana.

Mr. MURRAY. I ask for the yeas and nays. The yeas and nays were not ordered.

Mr. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following

Senators answered to their names:

Adams	Frazier	Lodge	Schwellenbach
Andrews	George	Logan	Shipstead
Ashurst	Gerry	Lucas	Slattery
Austin	Gibson	McCarran	Smathers
Bankhead	Gillette	McKellar	Stewart
Barkley	Green	Maloney	Taft
Bilbo	Guffey	Mead	Thomas, Okla.
Bone	Gurney	Miller	Tobey
Bridges	Hale	Minton	Townsend
Bulow	Harrison	Murray	Truman
Burke	Hatch	Neely	Tydings
Byrd	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Hill	O'Mahoney	Wagner
Clark, Mo.	Holman	Overton	Walsh
Connally	Holt	Pepper	Wheeler
Danaher	Hughes	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley
Donahey	King	Reed	
Downey	La Follette	Reynolds	
Ellender	Lee	Russell	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the Senator from Montana [Mr. MURRAY].

Mr. MURRAY. I demand the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana.

The amendment was rejected.

Mr. DANAHER. Mr. President, in the interest of saving time I can more readily call attention to the situation than by having the amendment I propose read at the desk. On page 32, in line 14, I offer an amendment which will transpose the words "in any election" to follow the word "candidate."

Mr. President, as a matter of legal draftsmanship the words "in any election" should follow the word "candidate." The amendment which I have offered would simply rectify that particular language. I have discussed the matter with the Senator from New Mexico. So far as I know, there is no objection. I ask that the question be put.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 32, line 14, it is proposed to transpose the words "in any election" to follow the word "candidate."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. DANAHER. Mr. President, last night, when we were examining the bill in connection with the explanation of the able Senator from Colorado [Mr. ADAMS], his attention was directed to page 22, line 11, and at that point the Senator from Colorado explained that the language came to us from the House in the form in which it there appeared. I have an amendment at the desk with reference to line 11, and I ask that the clerk state the amendment.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 22, line 11, after the word "exists", it is proposed to strike out down to and including the period in line 13.

Mr. ADAMS. Mr. President, I wish the Senator would explain that amendment and advise us concerning what he has in mind.

Mr. DANAHER. I am glad to do so, Mr. President. Let me point out that subsection (d), commencing in line 4, provides that "there shall be removed from employment on Works Progress Administration projects all relief workers whose needs for employment have not been certified by the formula which follows," first, that "a local public certifying agency" shall certify, or that the Work Projects Administration shall so certify where no local certifying agency exists. Then, in line 11, there is stated the alternative that



"where the Work Projects Administration certifies by reason of its refusal to accept the certification by local public agencies." Obviously, this gives the Administration a veto power to nullify the certification by the local relief agency.

The alternative obviously goes right to the root of the very situation which led to the report by the Senator from Texas [Mr. SHEPPARD], which confronted us when we convened in January. Although the Senator from Colorado told us that there was no intention, certainly in the mind of the committee to make such a situation possible, yet the possibility of politics, and the application or misapplication of politics, which has led to the abuses in the W. P. A. in the past, is obvious. It is the type of language that ought not to be in the measure, and the amendment therefore is directed to cure the defect.

Does that answer the question of the Senator from Colorado?

Mr. ADAMS. Yes; I understand. Mr. President, what the amendment does is to make final and conclusive the certification of the local board. The Federal Government has all the money, but under this provision it would be denied the right to exclude from employment anyone who was certified by the local board. There are six States in the Union where the Works Progress Administration has been compelled to set up its own certifying machinery because of the failure of the local boards or because of the lax and incompetent character of their work. It seems to me that that should be clearly understood. If Senators want the local board, the board of county commissioners or some other local board, absolutely to determine the amount of employment and to impose upon the Works Progress Administration any number of employees of their own choice, they should support the amendment.

Mr. SCHWELLENBACH. Mr. President, I should like to call the Senator's attention to the situation which existed during the winter of 1937 and 1938 at the time of the rapid increase of unemployment. There was a situation in many parts of the country against which complaint was made by Members of Congress of the failure of those who were entitled to Works Progress work because of the fact that they had not been certified by the local agencies. It was absolutely necessary and essential at that time in a number of instances throughout the country, in order to protect those who were unemployed, that the Works Progress Administration take action. First, they gave these local agencies a certain length of time in which to prepare their certified list. Then they found that that was not a successful method, and that they had to come in and do their own certifying. The amendment of the Senator which is now under consideration would take away from the Federal Government that power; it would take away that opportunity.

Of course, there are always those who see in everything some measure of politics. This is not a question of politics at all. It is merely a question of the Federal Government which supplies these funds seeing that they are properly used in instances where the local certifying agencies completely fall down on the job. There is no question of politics about it at all.

Mr. HATCH. I merely wish to say in corroboration of what the Senator from Colorado and the Senator from Washington have said that, in my opinion, it would be one of the gravest mistakes that the Senate could make to agree to the amendment. It would make it impossible for the Federal Government to have anything to say about the certification of persons for relief. It would open the door wide for politics in its worst form.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DANAHY].

The amendment was rejected.

Mr. GURNEY. Mr. President, I offer an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 23, line 8, after the word "months", it is proposed to strike out the period and to insert "Provided further, That the first such investigation be made forthwith."

Mr. GURNEY. Mr. President, section (f), on page 23, provides that an investigation of the relief rolls shall be made at least each 6 months. Therefore, it is possible, in my opinion, that such an investigation may not be made until the last of 1939, or after 6 months have elapsed. During that time we are all desirous of seeing that as many of those on relief as possible get as much good out of this money as possible. Therefore, I think it is the desire of all of us to see that we start out with a clean slate. My amendment provides nothing more or less than that an investigation be had immediately on the passage of the measure.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. GURNEY].

The amendment was rejected.

Mr. BANKHEAD. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 9, line 25, it is proposed to strike out the numerals "\$123,000,000" and to insert in lieu thereof the numerals "\$153,000,000."

Mr. BANKHEAD. Mr. President, this amendment has to do with the appropriation for the Farm Security Administration. Last year it had \$175,000,000, and used \$50,000,000. I think it is generally agreed by those who are familiar with the situation that this is the cheapest form of relief under any of the relief programs we have under the Administration. The beneficiaries are paying the money back. Instead of giving them relief, loans are made to them, and 25 percent of the loans have already been paid back.

In the Appropriations Committee an amendment was offered to replace this \$50,000,000. That was defeated by a narrow margin. I took it to the floor leader in charge of the bill, who is, of course, as we know, now coming to be known as "The Watchdog of the Treasury," and I have reduced the amendment from \$50,000,000 to \$30,000,000. I think the Senator in charge of the bill, as I have understood from his conversation with me, agrees to that amount. It will be a real saving ultimately, because, otherwise, a very large number of persons will be transferred to the relief rolls.

Mr. ADAMS. I told the Senator from Alabama that I had no control over the amount, but, so far as I was concerned, I was willing the matter should go to conference and there be further argued.

Mr. O'MAHONEY. Mr. President, having been one of those who suggested that this increase should be made in the committee, I am unwilling that it should be taken to conference with the sentence of death already pronounced upon it.

Mr. BANKHEAD. I quite agree with the Senator. If that is the attitude of the Senator from Colorado, I want a straight vote, because I am not seeking any formal consent.

Mr. O'MAHONEY. It was quite apparent from what the Senator from Colorado said that the acquiescence was merely for the purpose of ending the debate and getting the pending matter out of the way.

Mr. BANKHEAD. I cannot believe that the Senator from Colorado will take such a position.

Mr. O'MAHONEY. Perhaps that was an exaggerated statement, but I should like the Senator to explain just what he would do.

Mr. ADAMS. Exactly what I stated on the floor. I should be very glad to have the matter further discussed in the conference committee. I shall take it there.

Mr. BANKHEAD. I cannot conceive it to be the attitude of the Senator from Colorado that he would take the amend-

ment to the conference committee merely for the purpose of letting it die there.

Mr. ADAMS. I am perfectly frank with the Senator. The Senator knows that in the committee a majority voted against the increase.

Mr. BANKHEAD. No; a majority did not vote against this increase.

Mr. ADAMS. Well, against any increase.

Mr. BANKHEAD. Yes; of \$50,000,000. It has been now reduced to \$30,000,000.

Mr. ADAMS. I am quite in agreement with the Senator's view in connection with the major portions of the farm-security program as being very effective and very economical in its administration. I am not personally in a position to bind unappointed conferees. I will say that all I can do is to see that the matter receives consideration.

Mr. BANKHEAD. I do not ask the Senator to bind anybody, but himself, but I know he is as firm in his convictions as any Member of the Senate and as determined in his attitude when he takes one. All I want to have the Senator do is to say that he will do his best to retain it in the measure in conference.

Mr. ADAMS. I will see that it receives fair consideration.

Mr. TAFT. Mr. President—

The PRESIDING OFFICER. The Senator from Wyoming [Mr. O'MAHONEY] has the floor. Does he yield to the Senator from Ohio?

Mr. O'MAHONEY. I shall be glad to yield to the Senator from Ohio.

Mr. TAFT. I shall wait until the Senator concludes.

Mr. O'MAHONEY. When this matter was discussed in the committee attention was called to the evidence which was presented by the representatives of the Farm Security Administration, that the repayment during the next fiscal year is estimated to be at least as much as \$40,000,000. My own feeling is that this amendment should provide \$40,000,000.

Mr. BANKHEAD. I think it should have provided \$50,000,000. That was the amount they had last year.

Mr. O'MAHONEY. The Senator is correct about that. Only \$123,000,000 is appropriated in the joint resolution as it was reported by the committee. The evidence presented to the committee has established very clearly that more than \$82,000,000 of some \$340,000,000 has already been repaid.

Mr. BANKHEAD. That is correct.

Mr. O'MAHONEY. Although these loans have been in force only 4 years, 87,000 families have not only been taken off relief but have been made self-sustaining by the operations of the Farm Security Administration. The testimony before the committee is that today there are at least 350,000 migratory farm families in the United States. The Farm Security Administration has succeeded in making more than 160,000 families completely self-sustaining. The evidence indicates that the net worth of families who have had the benefit of the farm-security loans has been increased in these 4 years by more than \$67,000,000. I am frank to say that there is no agency in all the vast number of agencies which have been created under the relief work which to my mind has established as good a record as that established by the Farm Security Administration. I think it would be exceedingly desirable if the full amount of the appropriation of last year were now allowed, and I hope that the Senator from Alabama will alter his amendment to make it at least \$40,000,000, and that we shall stand fast to secure that increased appropriation.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Nebraska.

Mr. BURKE. Will the Senator from Wyoming state to the Senate what amount the President, after receiving reports from the Farm Security Administration, and being thoroughly acquainted with the facts, requested that Congress grant for this purpose?

Mr. O'MAHONEY. If the Senator wants to know what the Budget estimate was, I will say the Budget estimate was \$123,000,000.

Mr. BANKHEAD. Mr. President, I should like to ask the Senator from Nebraska if he has made any effort to increase the appropriation for the National Youth Movement to the amount recommended by the President?

Mr. O'MAHONEY. Is the Senator addressing his inquiry to me?

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. BURKE. In explanation of the question I asked, I think it is very important in considering this matter at this hour that we take into consideration the fact that the President, the Budget Bureau, and the Farm Security Administration, after thorough study of the matter, made a request for \$123,000,000, and the House Appropriations Committee considered the whole matter carefully. The House considered it, and all agreed that \$123,000,000 was adequate for this purpose. I think the picture is not complete without that statement.

Mr. O'MAHONEY. Mr. President, whatever may be the facts with respect to what the Senator has mentioned, they are to me irrelevant to this matter, because the judgment of the Budget Bureau, in my opinion, has failed to take into consideration the great success of the Farm Security Administration in establishing farm families upon land. That is the most essential thing that we can accomplish at this time. When we hear the stories which are being told and the evidence which is being presented of families wandering over the face of the earth, and when we know it is no longer possible for them to succeed as they have in the past, in establishing homesteads upon the public domain, this appropriation affords an opportunity for us to help establish firmly the theory of private property, which was so eloquently defended in the Senate this evening by the distinguished senior Senator from Arizona [Mr. ASHURST]. I believe that our own judgment should outweigh the judgment of the Bureau of the Budget or any other official who may not know the facts with respect to this administration.

Mr. RUSSELL and Mr. BURKE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and if so, to whom?

Mr. O'MAHONEY. I yield first to the Senator from Georgia.

Mr. RUSSELL. I hope the Senator from Wyoming, before he takes his seat, will make it clear that, with the exception of \$20,000,000 of this appropriation, it is all for loans, and that the repayments so far indicate that the Government will have a very small loss on these outlays. These people are paying for their own relief. They are in need, but they take these loans and pay for their own relief, and are rehabilitated as farm families on the land, rather than to flock into the cities, where they would undoubtedly wind up on the rolls of the Works Progress Administration, in which event the funds paid for their upkeep would be gone in perpetuity.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. REED. Mr. President, will the Senator yield?

Mr. O'MAHONEY. The record, in facts and figures as presented to the committee, is that a total of \$320,000,000 plus have been loaned, and of that fund, although the loan period has not yet been reached, \$82,939,000 have already been repaid.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BANKHEAD. Let me state to the Senator that the estimate of the Department is that 80 percent of the total amount appropriated by Congress has been repaid.

Mr. O'MAHONEY. That is quite correct.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. RUSSELL. I should like to point out that 87,000 farm families have anticipated their farm loans and have paid off the loans in full before maturity.

Mr. O'MAHONEY. That also is the evidence.



Mr. BURKE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BURKE. I merely want to ask one further question. Of course, the Bureau of the Budget took its information for what was needed for the Farm Security Administration from the Farm Security Administration's own statement. I ask the Senator what facts he has to present to the Senate to indicate a change of condition since the Farm Security Administration made its request of the Budget Bureau for \$123,000,000, which would now justify him in saying that the figure set by the Bureau of the Budget is irrelevant to this discussion.

Mr. O'MAHONEY. My answer to the Senator from Nebraska is that the Budget Bureau frequently acts without detailed facts, merely for the purpose of arriving at such a distribution of the funds as the Budget Bureau has determined in advance to reach. I do not believe that the reduction from \$173,000,000 to \$123,000,900 was based upon any facts that the Senator from Nebraska can produce.

Mr. RUSSELL and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and if so, to whom?

Mr. O'MAHONEY. I yield first to the Senator from Georgia.

Mr. RUSSELL. The testimony before the committee was to the effect that last year, with the larger appropriation, the Administration had applications for loans from 400,000 families in need, upon which they were unable to act. In the face of that statement, that testimony, and those applications on file with the Farm Security Administration, someone in the Bureau of the Budget brought about the reduction in the Budget estimate.

Mr. O'MAHONEY. There is no question that what the Senator says is true.

Mr. REED. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. REED. I want to add my voice to the voices of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Alabama [Mr. BANKHEAD]. We are appropriating a large amount of money for use through various agencies. There is no agency connected with relief of any kind that has a record so successful as that of the Farm Security Administration. As Senators have already said, approximately 80 percent of the money used by the Farm Security Administration actually to locate people upon the land in homes of their own is being repaid.

Mr. O'MAHONEY. Not only has the Administration made an effort but it has succeeded in the effort, which is the most important factor.

Mr. REED. We have been discussing appropriations for millions and scores of millions of dollars, which, when spent through other agencies, will never come back into the Treasury of the United States. Here is one undertaking on which we can more usefully employ the money, do more good with it, benefit more people, and salvage more of it and bring it back into the Treasury than in the case of any other agency provided for by the joint resolution.

When this amendment is voted upon I should like to have a yea-and-nay vote. I want the able Senator from Colorado [Mr. ADAMS] to go into the conference with instructions from the Senate to maintain this increased sum.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. ADAMS. Let me make clear that the Senator from Colorado has never gone into a conference but that he has maintained the position of the Senate; and the Senator from Colorado is never going into a conference unless he carries out the faith of those who send him.

The PRESIDING OFFICER. The time of the Senator from Wyoming on the amendment has expired.

Mr. O'MAHONEY. Mr. President, I shall take time on the bill.

The PRESIDING OFFICER. The Senator from Wyoming is recognized on the bill.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Kentucky?

Mr. O'MAHONEY. I shall yield in just a moment.

My remark at the outset may have provoked the statement which the Senator from Kansas [Mr. REED] has just made, to which the Senator from Colorado [Mr. ADAMS] has made response. I wish to say that no member of the committee, and I am sure no Member of the Senate, fails to recognize the complete sincerity of the Senator from Colorado. In making my original remark, I was adopting, or attempting to adopt one of his own facetious methods of expression. I hope the Senator realizes that there was no intention on the part of anybody to cast any reflection whatsoever upon his loyalty to the instructions received from the Senate.

Mr. LEE and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and if so, to whom?

Mr. O'MAHONEY. The Senator from Oklahoma has been endeavoring to obtain the floor for sometime. I yield first to the Senator from Oklahoma.

Mr. LEE. Mr. President, I thank the Senator. I wish to add my voice to the voices of those who have spoken favorably on the amendment. I cannot understand how we can give away millions of dollars, and then hesitate so long on a loan, most of which will be repaid. In the same measure we propose to vote about one and a half billion dollars for W. P. A. work. We can feed a man on W. P. A., and yet at the end of the year our money is gone and he is still hungry, and we have not put him a dollar nearer to self support. However, here is a program which is self-supporting, self-liquidating, self-starting, and self-operating, and we hesitate to make available sufficient credit to establish these people on the soil. Put people on the pavement and they starve to death. Put them on the soil and they live. We are bringing them nearer to self-support.

I rise simply to add my voice at this time, so that the Senator from Colorado will know at least some of the sentiment of the Senate on this question.

Mr. BARKLEY. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I shall be glad to yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, it seems the only point of difference in this matter is the extent to which the Senate will attempt to bind the Senator from Colorado as a conferee on the joint resolution.

It is my understanding that the Senator from Colorado agreed to accept this amendment. Of course, he cannot bind the conferees as to what will happen in conference; but it is my understanding that if this amendment is accepted and agreed to—and I will frankly say that I intend to support it, for I am in sympathy with it—the Senator from Colorado, without attempting to bind other conferees, says to the Senate and will say to the Senate that if he is a conferee, as no doubt he will be, he will use all reasonable and honorable means to see that the viewpoint of the Senate on this question is sustained.

Mr. O'MAHONEY. I think there can be no doubt about that.

Mr. BARKLEY. And it seems to me that is all we have a right to ask.

Mr. O'MAHONEY. That question is out.

Mr. President, a parliamentary inquiry.

Mr. REED. May I ask the Senator—

Mr. O'MAHONEY. I am letting all my time go to Senators who may speak in their own right. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. Is it in order for me to move that the amendment of the Senator from Alabama shall be increased to \$40,000,000?

The PRESIDING OFFICER. It is in order.

Mr. O'MAHONEY. I make the motion.

Mr. BANKHEAD. So far as I am concerned, I accept it.

The PRESIDING OFFICER. The Senator from Alabama has a right to modify his amendment. The question is on agreeing to the amendment of the Senator from Alabama, as modified.

Mr. O'MAHONEY. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. TAFT. Mr. President—

Mr. REED and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. TAFT. I prefer to speak in my own time.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. TAFT. Mr. President, this matter was presented to the Bureau of the Budget. It is just as easy to make any of these propositions look attractive as it is to make this proposition look attractive. I do not know anything about the question of the relative merits; but the Budget Bureau weighed those merits, and that was its duty.

So far as I am concerned, I do not think we ought to increase any appropriation that the Bureau of the Budget has recommended. In my opinion, the Budget Bureau has gone away beyond anything it is justified in doing under the law, which requires it to present a Budget. In my opinion, the President has gone away beyond anything he is justified in doing under legislation in presenting here a Budget three and a half billion dollars in excess of any possible revenues we can secure during the coming year. I say if, with all their disregard of proper financial management, the Bureau of the Budget still holds this appropriation down to \$123,000,000, or holds any other appropriation down, I intend to support at least the figure that the Bureau of the Budget has recommended.

I think that argument should apply to this amendment. These projects come one at a time. Just as attractive an argument can be made for every single appropriation as the Senator from Wyoming has made for this particular one. It can be done; but we have the same responsibility that the Bureau of the Budget has. We have the same responsibility to say we are going to hold the total down to a certain figure.

The President has recommended a reduction in relief. As I understand, this reduction is approximately the same percentage that is occurring in the general relief appropriation. It seems to me that if we are going to maintain any kind of a fiscal policy whatever we ought to vote to support the position of the Bureau of the Budget.

Mr. REED. Mr. President, I merely wanted to say to the Senator from Colorado [Mr. ADAMS] that if he received from anything I said any impression that there was any lack of confidence on my part in the senior Senator from Colorado, I desire to correct that impression. There is no man on this floor for whom I have higher respect, and I think no one respects him more than I do. I only suggested taking the yeas and nays so that we could emphatically go upon record upon this matter, and so that the senior Senator from Colorado would go into conference armed with a definite expression of the sentiment upon this question.

Mr. BARKLEY and Mr. AUSTIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield, and if so, to whom?

Mr. REED. To the Senator from Kentucky.

Mr. BARKLEY. Mr. President, in view of the hour and the exigencies, does not the Senator think the Senator from Colorado or any other Senator appointed a conferee would attempt to carry out the mandate of the Senate just as sincerely on a viva voce vote as he would on a roll-call vote, if this amendment is put in the joint resolution?

Mr. REED. If I were in the place of the Senator from Colorado I should prefer to have a roll-call vote back of me when I went into conference on this particular item.

Mr. AUSTIN. Mr. President, I desire to record myself in favor of this amendment. From personal observation, I am convinced that this is the finest type of relief in which the Federal Government is engaged; but I wish to say in passing that in my opinion there is a grave defect in the Bankhead-

Jones Act, to which this section of the pending joint resolution refers.

The joint resolution provides that the funds provided in this section shall be available for farm-debt adjustment service, and making and servicing loans under this section and prior laws. That provision really refers to the Bankhead-Jones Act. The yardstick for allotment of these funds to the different States contains one element which is fallacious. It is an element which recognizes the conditions that exist in only certain States of the United States and disregards a different condition which obtains in a few other States. That is the yardstick consisting of farm tenancy.

Our system in certain of the States is entirely different from that in other States. We find farmers on farms who have an equity in the land; the title came to them, and they have the title; but they are in distress, in just as great distress as the farm tenant in the South is. The condition to which I refer exists in New Hampshire, in Vermont, in Wisconsin, in Minnesota; it is scattered over the northern part of the United States; and those States have been deprived of any substantial benefits under the Bankhead-Jones Farm Tenancy Act, because the allotment measured by the yardstick of farm tenancy is so small that they can participate only to a slight extent.

Mr. President, some time ago I introduced in the Senate a bill, known as Senate bill 2200, which was referred to the Committee on Agriculture and Forestry. The distinguished Senator from Alabama [Mr. BANKHEAD] assured me of his sympathetic interest in that bill; but, somehow or other, the bill is still in the committee.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Alabama?

Mr. AUSTIN. I yield to the Senator from Alabama.

Mr. BANKHEAD. Permit me to say to the Senator that there has been no opportunity, since we discussed the subject, for the Committee on Agriculture and Forestry to act on the bill. I had the bill, and intended to request the committee to make a favorable report on it; but we got tied up in a hearing, and adjourned today with only one member present. The others had to rush over here to answer to their names on a quorum call. I say that for the information of the Senator from Vermont.

Mr. AUSTIN. I thank the Senator from Alabama for that information, and I commend him to the other members of that great committee of the Senate. I take this occasion to ask the Committee on Agriculture and Forestry to rectify this mistake promptly, so that there may be a fair and equitable allotment of these funds. I know the good that is done with them, and I want to see relief given to the States where there are good people on farms who cannot pay the high rate of interest charged under the old contract, and cannot meet the amortization or payments on the principal at the present time because of the depression, who need and who are entitled to the benefit of writing down the capital and of writing down and adjusting the interest rate which can be afforded only through this type of relief, which the Federal Government has given by means of the Farm Security Administration. They are entitled to it as much as are the people of the South; and I think the great Committee on Agriculture and Forestry ought to get together and afford that relief before the present session of Congress adjourns.

Mr. REED. Mr. President, the hour is late—

The PRESIDING OFFICER. The Senator from Kansas has already spoken on the amendment.

Mr. REED. I was going to withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WHEELER. Mr. President, I merely wish to state that I shall support the amendment offered to increase the funds to be available to the Farm Security Administration.

As a practical matter, we know that the Farm Security Administration, like other Government agencies and departments, could use more money; but, unlike certain other



agencies, it could use these funds to the very great advantage of the people and our whole economic and social order.

I know of no other agency created by the Congress to alleviate the suffering of needy persons that has done more than has the Farm Security Administration to relieve conditions wrought by depressed economic conditions, or that has done more to rehabilitate people. It has done fine work in Montana. I wish it were possible to broaden its powers in certain respects, and to increase its appropriation so that it might do more. I have in mind a stump-clearing project in northwestern Montana. If the Farm Security Administration had the funds, together with the proper authority—and I understand the senior Senator from Alabama [Mr. BANKHEAD] has a bill on the Senate Calendar, Senate bill 1365, which would give the Farm Security Administration that authority—it would be possible to clear land in the great Flathead country in Montana, which would make self-sufficient many deserving families.

Before closing, I wish to pay tribute to those charged with the responsibility of administering the Farm Security Administration—Dr. Alexander, the Administrator; Mr. Baldwin, the Assistant Administrator; Mr. Wilson, regional director at Denver, and the many others with whom I have come in contact.

Mr. BURKE. Mr. President, a number of Senators have expressed their very great faith in the Farm Security Administration. I fully share that faith. I believe it is one of the finest of the governmental agencies dealing with this very difficult problem. The only place where I differ with these Senators is that after having expressed their great faith in the Farm Security Administration they promptly eat their words, and say that that agency did not know what it was doing when it gave its consent to a reduction to \$123,000,000 of the appropriation for the work for the coming year. I go all the way with the Farm Security Administration.

Mr. BANKHEAD. Mr. President, I know the Senator from Nebraska is fair-minded.

Mr. BURKE. Is the Senator asking me to yield?

Mr. BANKHEAD. I am.

Mr. BURKE. I yield.

Mr. BANKHEAD. I want to say to the Senator that the Farm Security Administration necessarily acquiesced in the ruling of the Bureau of the Budget. It could not ask for any more than the Budget Bureau recommended.

Mr. BURKE. No statement has been made here, and, so far as I know, there is nothing in the record to indicate that the Farm Security Administration asked for more than \$123,000,000.

Mr. BANKHEAD. They asked for it as strongly as they could, consistently with the regulations. They said they had 400,000 worthy, needy applicants that they could not accommodate under the amount appropriated. How much stronger could they make it?

Mr. BURKE. So far as I know from attendance at the committee hearings and from examination of the record, the Farm Security Administration and the President were entirely satisfied with the request for \$123,000,000.

Mr. BANKHEAD. They were not.

Mr. BURKE. The only answer made here today is, "Why, last year we appropriated \$50,000,000 more than that." Does that mean that because we appropriated—

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BURKE. In a moment, when I finish the sentence. Does that mean that because 1 year, in the depths of distress, we appropriated a certain sum, we must keep on every year from now until the end of time appropriating the same sum? Are we never to come to the time when we can make any reductions in these matters?

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator began his sentence, in which I so rudely interrupted him, with the qualifying phrase, "So far as I know." How far does the Senator know? Is it not a fact that the Senator has not the faintest evidence as to what representations were made

by the Farm Security Administration to the Bureau of the Budget, and not the faintest evidence of any reasons why the Bureau of the Budget reduced the appropriation?

Mr. BURKE. I know that the President of the United States submitted to Congress his request for \$123,000,000 to carry on the work of the Farm Security Administration for the coming year; and I assume—and I think I am entitled to indulge in that assumption—that the President was acting after thorough consultation and advice with those who were carrying on this important work. If the President felt that under those circumstances \$123,000,000 was adequate to carry on this work properly, that is all the information I need on this particular subject.

Mr. O'MAHONEY. Mr. President, will the Senator again yield?

Mr. BURKE. I yield.

Mr. O'MAHONEY. The Senator bases his argument entirely upon an assumption that the unknown evidence which was submitted by the Budget Bureau, if any, and the unknown evidence upon which the President acted, if he did act, would bear out what he has to say. Contrary to that assumption, I have presented to the Senator facts and figures which cannot be denied, and which, in my opinion, altogether outweigh the mere assumption of the genial and eloquent Senator from Nebraska.

Mr. BURKE. If I may reverse the roles here and ask the Senator from Wyoming a question, what does he mean by saying that I assumed that "the President acted, if he did act"? What does he mean by "if he did act"?

Mr. O'MAHONEY. I said he acted upon evidence that was presented by the Bureau of the Budget.

Mr. BURKE. Surely the President did not act without any evidence at all.

Mr. O'MAHONEY. Well, it may be that the Senator himself does not always sign his mail after reading all of it.

Mr. BANKHEAD. Mr. President—

Mr. BURKE. I yield to the Senator from Alabama.

Mr. O'MAHONEY. I am sure we all recognize this issue as too important to human interests to go off on a technical argument. The Senator from Nebraska is a fair-minded man. I recognize the splendid purity of his motives. He is inquiring whether there was any request for more money than the Bureau of the Budget or the President recommended.

Mr. BURKE. Any serious request.

Mr. BANKHEAD. He now charges the Farm Security Administration with not asking for a larger amount. Let me read from the hearings. The Senator knows the limitations upon Federal departments about incurring deficiencies and asking for amounts in excess of those recommended by the Bureau of the Budget. Let me read to the Senator what was said in the hearings, because I want to convince him. The Senator from Georgia [Mr. RUSSELL] was questioning Dr. Alexander, and asked this question:

What do you think about the basis of need? Do you think that there will be as much need?

He was speaking about last year, when they had \$135,000,000.

Mr. ALEXANDER. Senator RUSSELL, there are these 400,000 families we have appealing to us now. Somebody has to take care of them wherever they are or they are going to go to the cities—

Take care of them where they are on the farms, or they will go to the cities—

or they are going to go wandering around over the county.

Does not the Senator recognize that that was as far as Dr. Alexander could go in calling upon Congress to increase that amount, reminding us that 400,000 families are wandering, when we can keep them on the farms by loans?

Mr. MINTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. Who has the floor?

The PRESIDING OFFICER. The junior Senator from Nebraska has the floor.

Mr. BURKE. I shall be glad to yield to the Senator from Indiana if he has a contribution to make to the debate.

Mr. MINTON. If the Senator will yield, does he not think we ought to enforce the rule we have of a limitation on time? Otherwise we will go on all night.

Mr. BURKE. I presume that the Presiding Officer will indicate when my time has expired.

The PRESIDING OFFICER. When the time of the Senator from Nebraska on the amendment has expired he will be notified.

Mr. BURKE. Mr. President, all I desire to do at this time is to express my very great approval of the Farm Security Administration and to reiterate my feeling that, if Mr. Alexander and the others felt that there was going to be great hardship if this reduction from \$175,000,000 to \$123,000,000 were made, those very able men would have presented that matter to the President of the United States and to the Bureau of the Budget, and when the request was made of Congress it would have been for an amount adequate to take care of the needs. I am not willing by my voice or vote here to express a lack of confidence in the President or in the Bureau of the Budget or in the Farm Security Administration, and therefore I shall stand by their recommendation.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BURKE. If I still have time left, I yield to the Senator from Washington.

Mr. SCHWELLENBACH. May I inquire whether those of us here may take new hope and new heart from the assertion by the Senator from Nebraska that he has confidence in the President of the United States that he is going to give full faith and credit to any recommendation the President may make?

Mr. BURKE. There are clouds which have silver linings, I will say to the Senator. [Laughter.]

Mr. DANAHER. Mr. President, there has been some discussion as to the source of the figures given here. In the House hearings, when Mr. Wallace, the Secretary of Agriculture, appeared, with Mr. Baldwin, Assistant Administrator, it was definitely shown that there were unexpended balances as of June 30 of \$15,457,000, which previously it had been expected would be used, which will be available. So if the amendment should not be agreed to, there would be a total of over \$139,000,000 allocated in this instance. Mr. Baldwin also stated that the request before the committee at the time was from the President.

Mr. HATCH. Mr. President, if I may have the attention of the majority leader, I thought I understood the Senator from Kentucky a few moments ago to arrange for the amendment as originally submitted to be taken to conference in the general form in which any action of the Senate goes to conference.

Mr. BARKLEY. Mr. President, this whole debate seems to have followed a colloquy nearly an hour ago with reference to the extent to which the Senator from Colorado considered himself bound by the adoption of the amendment, which he agreed to accept. I undertook to clarify the situation, and if I did not succeed, I should like to make a further effort.

I understood that the Senator from Colorado would consider himself, without attempting to bind other conferees, under the same obligation to use all reasonable and honorable means to see that the Senate viewpoint on this amendment was sustained as much as in the case of any other amendment the Senate puts in the joint resolution. It seemed to me that with that understanding—

Mr. CONNALLY. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Texas cannot take the Senator from New Mexico from the floor.

Mr. HATCH. Mr. President, if the Senator from Texas desires to raise a point of privilege, of course, I yield.

Mr. CONNALLY. I rise to a point of privilege with respect to the remarks of the Senator from Kentucky. I am heartily in favor of the amendment, but I do not think it is

in order to put the Senator from Colorado on the hot skillet here, and make him promise in advance what he will individually do as a conferee. If we start that sort of practice on the floor of the Senate, it is in derogation of adjustments between the two Houses.

Every Senate conferee is in honor bound to go to a conference and represent the views of the Senate, but not to represent the views of the Senate merely on one point. There will be 50 points on which the Senator from Colorado will be supposed to represent the views of the Senate. If we single out one or two of them and say "Now, honor bright, you are going to stick to this one," an agreement would never be reached. So I think it is out of order for any such proposition to be put up to the Senator from Colorado. He is a Senator, he is an honorable Senator, and when he is appointed by the Chair as a conferee he is supposed to go to the conference to represent the views of the Senate in its entirety, not merely on some little, inconsequential amendment. I, therefore, think it is out of order to extort from the Senator from Colorado any promise regarding this amendment.

I am for the amendment; I believe it should be adopted. I think the Farm Security Administration is doing a great work, but I do not see anything that is so sacred about this particular amendment that we should go to the extent of demanding of the conferees in advance that "before you ever go to conference, you are told you can sacrifice anything else, but you cannot sacrifice this amendment."

Mr. HATCH. Mr. President, I would not agree to put the Senator from Colorado on the spot, so to speak.

Mr. CONNALLY. I referred to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I am not attempting to bind the Senator from Colorado. Nearly an hour ago the Senator from Colorado agreed to accept this amendment, and if his word had been accepted by the Senate, this matter would have been disposed of nearly an hour ago, but because the Senator from Colorado could not, and was unwilling, in all frankness, to bind the other conferees, to say that he would stand there indefinitely and would not yield on this amendment this debate has ensued.

It seemed to me, in all fairness to the Senator from Colorado and to the Senate, that his position ought to be made clear, that he does not take any different position on this amendment from that he takes on any other amendment put on the joint resolution by the Senate; that is, as a Senate conferee he would attempt to see that the Senate viewpoint was sustained so far as he could reasonably do so, but he could not guarantee that he could bring the joint resolution back to the Senate with the amendment agreed to.

Mr. HATCH. Mr. President, I merely rose to state what the Senator from Texas has so well said, that this situation should never have arisen in the Senate as it has arisen. The Senator from Colorado did say everything a Senator could say under the circumstances; and although I am favorably inclined to the amendment, the way the matter has arisen I shall vote against the amendment.

Mr. CONNALLY. Mr. President, I desire to say just a word in reply to the Senator from New Mexico. What the Senator from Texas was objecting to was what he understood to be the suggestion by the Senator from Kentucky that we could adopt this amendment without a roll call provided the Senator from Colorado would make some sort of a declaration as to what he would do as a conferee.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The Senator misunderstood me. My remarks were based on the unwillingness of the proponents of the amendment to accept the statement of the Senator from Colorado nearly an hour ago that he would see that this amendment was given every possible fair consideration in conference. That is all I think we ought to demand of the Senator from Colorado; and, based upon that, I thought we might save time, and we might have saved time by eliminating



all this debate, and even a roll call, but apparently that is impossible, so we will vote on it.

SEVERAL SENATORS. Vote! Vote!

Mr. CONNALLY. Just a moment. I have not spoken on the pending joint resolution, and I have not disturbed the Senate in some time. [Laughter.] The Senator from Texas assumes that every Senator here is as good a gentleman as the Senator from Colorado is a conferee, and he accepts the Senator from Colorado as a 100-percent conferee. It seems to me that when a Senator is discussing the privilege of the Senate, Senators ought to listen. They would do well to listen.

The reason for raising this question is that I think it is a matter which goes to the fundamental privilege of the Senate, and I do not think we ought to violate or abuse our fundamental privileges. I beg the pardon of the Senator from Kentucky. I probably misunderstood him. What I am objecting to, however, is the demand that Senators make promises on the floor as to what they will do in conference about some particular amendment. When a Senator goes into a conference he is supposed to represent the views of the Senate on the entire bill. If he could get all the amendments agreed to, that would be well, and if he must sacrifice some of them, he must do the best he can.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BANKHEAD. I do not know whom the Senator has in mind, but I want to state that I did not take any part in any effort to demand any promise of the Senator from Colorado. I would trust him as freely as I would trust myself.

Mr. CONNALLY. I am sure the Senator would.

Mr. BANKHEAD. However, in view of the way this whole matter developed, the way the Senator from Colorado expressed the idea that he would take the amendment to conference, I believe it would strengthen his hand in conference with the House if the Senate would now back up the amendment by a vote.

Mr. CONNALLY. I do not care to delay the Senate longer. I merely wanted to make clear the reason why I interjected these remarks in the RECORD.

Mr. FRAZIER. Mr. President, I come from one of the drought-stricken States. We have had droughts in the western part of North Dakota for 10 years, and a dozen other States have had the worst droughts in the history of the Nation in recent years. The drought area extends from the Canadian border clear to the Mexican border. The farmers there have carried on, and held on to their lands as best they could year after year, hoping for better crops. They are entitled to have assistance, and they must have assistance if they are to stay on the land.

The reason why there is a little balance left in the farm-security fund, as there is at the present time, is because on the 1st of April they cut off the grants they had been paying in the drought areas. Farmer after farmer has made appeals for a little money to keep his family from starving to death. They did not have anything on which to live, in many cases no crops last year, and nothing to live on. Their allotments or benefit payments were cut off, and the grants were cut off on the 1st of April, and many of them had to be reinstated in order that they might be kept going. Many of them have been going hungry during the past month, not only in North Dakota, but in every one of the drought-stricken States.

In addition to that, last year there were low prices, and there was little or no money for the farmers, and they had to have relief. This year prices are still low. Wheat is selling in North Dakota for as low as 55 cents a bushel, corn is low, and as we know, cotton is low in the South, and the farmers in all the Nation will have to be helped again.

The only criticism I have of the amendment is that it does not provide sufficient to take care of the needs. It is not the fault of the Farm Security Administration that there is not a larger sum carried in the bill as it passed the House.

It is because they have been told to keep down expenses, and must keep them down, and they did their part along with others. But if there is any department of the Government which needs assistance in the pending measure it is the Farm Security Administration, because they take care of the farmers who have been in hard circumstances, who have lost their crops through no fault of their own, and must have help until they can get a crop.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. BANKHEAD] on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. HARRISON (when his name was called). I make the same announcement as before with reference to my pair with the Senator from Oregon [Mr. McNARY], and withhold my vote.

The roll call was concluded.

Mr. O'MAHONEY. I announce that my colleague [Mr. SCHWARTZ] is detained from the Senate by reason of illness. He has a special pair on this vote with the senior Senator from North Carolina [Mr. BAILEY]. If he were present and at liberty to vote my colleague would vote "yea," and I understand the Senator from North Carolina would vote "nay."

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Kentucky [Mr. LOGAN], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Oklahoma [Mr. THOMAS] are necessarily detained.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Texas [Mr. SHEPPARD] is paired with the Senator from Minnesota [Mr. LUNDEEN].

Mr. AUSTIN. I announce the following general pairs:

The Senator from New Jersey [Mr. BARBOUR] with the Senator from Kentucky [Mr. LOGAN]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]; the Senator from Minnesota [Mr. SHIPSTEAD] would vote "yea," and the Senator from Virginia [Mr. GLASS] would vote "nay."

Mr. HALE (after having voted in the negative). I am advised that my general pair, the Senator from South Carolina [Mr. BYRNES] would vote as I have voted. I therefore let my vote stand.

The result was announced—yeas 49, nays 20, as follows:

#### YEAS—49

Andrews	Ellender	McCarran	Russell
Austin	Frazier	Maloney	Schwellenbach
Bankhead	Gibson	Mead	Slattery
Barkley	Gillette	Miller	Smathers
Bilbo	Guffey	Minton	Stewart
Bone	Hayden	Murray	Truman
Bulow	Herring	Neely	Van Nuys
Capper	Hill	Norris	Wagner
Clark, Idaho	Holman	Nye	Wheeler
Clark, Mo.	Holt	O'Mahoney	Wiley
Connally	Johnson, Colo.	Pepper	
Davis	La Follette	Reed	
Downey	Lee	Reynolds	

## NAYS—20

Adams	Green	King	Taft
Burke	Gurney	Lodge	Tobey
Byrd	Hale	Lucas	Townsend
Danaher	Hatch	McKellar	Vandenberg
Gerry	Hughes	Radcliffe	Walsh

## NOT VOTING—27

Ashurst	Caraway	Logan	Shipstead
Bailey	Chavez	Lundeen	Smith
Barbour	Donahey	McNary	Thomas, Okla.
Borah	George	Overton	Thomas, Utah
Bridges	Glass	Pittman	Tydings
Brown	Harrison	Schwartz	White
Byrnes	Johnson, Calif.	Sheppard	

So Mr. BANKHEAD's amendment was agreed to.

Mr. McCARRAN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 19, line 11, it is proposed to strike out all of section 15 and insert in lieu thereof the following:

The rates of pay for persons engaged upon projects under the appropriations made in this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Commissioner of Works Projects: *Provided*, That not less than the minimum rate of pay established by the Fair Labor Standards Act (Public Law No. 718, 75th Cong.) for private industry shall be paid to any person engaged upon projects under this joint resolution: *Provided further*, That in fixing the monthly earning schedule of persons employed upon work-projects projects, the Commissioner of Work Projects shall consider differentials in such earnings according to the various classes of work only and shall not give consideration to differentials between cities, counties, or other areas upon the basis of degree of urbanization, or any other factor that will tend to discriminate against the less urbanized areas.

Mr. McCARRAN. Mr. President, we commenced discussing this question in 1933. We have been carrying on the work ever since. It is proposed to maintain in America the wage standard for American living as established by American labor. If the Senate of the United States does not want those who are especially interested in wage standards to advise, then I would say that the Senate should disregard the views of the President of the United States, because following nearly 7 weeks of debate in 1933, at the conclusion of which we were defeated in the prevailing wage amendment, the President of the United States caused an investigation to be made out of which three great zones in America were established looking to the carrying out of the prevailing wage in each of those zones.

The amendment offered takes into consideration first of all the President's executive proclamations following the battle that he conducted in 1933 for the continuation of the prevailing wage.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WALSH. Is the second paragraph or section of the Senator's amendment, relating to the eliminating any differential, a new principle?

Mr. McCARRAN. It is not a new principle, if the Senator has in mind a principle that has been worked out and is now in the law.

Mr. WALSH. I understand clearly what the Senator said in reference to the first paragraph and the application of the prevailing rate of wage during the years that have passed; but I have wondered whether the second paragraph was likewise in the law.

Mr. McCARRAN. The second paragraph or the second proviso?

Mr. WALSH. The latter is a better expression.

Mr. McCARRAN. That is not in the law, but is in the Executive order.

Mr. WALSH. So that the Senator contends that both the first proviso and the second proviso are now, by reason of the Executive order, the law and the manner in which the wages are adjusted and determined under W. P. A. appropriations.

Mr. McCARRAN. The Senator is entirely correct. In the President's Executive order is involved the security wage. So the security wage has been established, after a study resulting in an Executive order by the President. And then involved in this matter is something more, namely, the wage and hour provision. In other words, we established a floor below which wages could not go, namely, 25 cents per hour.

Mr. WALSH. Does that floor increase with the years, as the wage-and-hour law provides?

Mr. McCARRAN. It does not increase.

Mr. WALSH. It remains for the present year at the minimum wage fixed in the wage and hour law, namely, 25 cents?

Mr. McCARRAN. That is correct. But may I bring to the mind of the Senator the three zones established by the Executive order in which the particular minimum-wage scales prevail? There are four wage scales.

Mr. WALSH. Is the minimum wage the same in all those regions?

Mr. McCARRAN. They are not the same. They cannot be the same, because the wage and hour measure does not contemplate that they would be the same.

Mr. WALSH. The wage and hour measure makes the minimum wage uniform throughout the whole country?

Mr. McCARRAN. Yes, sir; uniform over the entire country. That is true. But remember that the Executive order provided for three zones, and those zones with their particular classification of hours and the particular classification as to monthly earnings, must be contemplated.

I may say, Mr. President, that while we started the battle for this amendment in 1933 with the idea of establishing a wage in conformity with what the labor class of the country had evolved by experience, we have now worked into the amendment not only that experience but also the law as it has been evolved by the Congress.

I submit it to the Senate with the hope that it may be adopted as a substitute in place of the present section 15.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. LODGE. As the Senator knows, I am strongly in favor of the prevailing-wage principle. I should like to ask the Senator whether the words in the amendment "or other areas" mean that there shall be no difference in pay or in rates of pay between the various sections of the country?

Mr. McCARRAN. In that regard, if the Senator will bear in mind in connection with my answer the three zones, each of which carries its particular rate of pay—

Mr. LODGE. That is what the W. P. A. calls a wage region.

Mr. McCARRAN. A wage region. With that in mind, if I catch the Senator's question, I think my answer is that within the zone there is no differential.

Mr. LODGE. This would not act as a prohibition to a differential between different zones, would it? There would be a differential between the different zones, but there would not be a differential within the zones; is that correct?

Mr. McCARRAN. There would be no differential within the zone.

Mr. LODGE. But there would be one between the zones.

Mr. McCARRAN. That is correct. In other words, let us assume we are in the first zone, and let us assume, if I may go home, that the principal city in my State, with a population of 30,000, has established a wage scale which is recognized by the various methods by which recognition is accomplished. Now, let us assume that a project is outside that particular city. Then the wage scale of that city shall prevail in that project which is outside. But let us assume that over in Idaho, an adjoining State in the same zone, a different wage scale is attempted to be established. Then the amendment carries the idea that the same wage scale shall prevail within the zone in the same district.

Mr. LODGE. But it does not require that the same wage shall be paid in Nevada as is paid in Massachusetts, let us say?



Mr. McCARRAN. I am not certain whether or not Massachusetts is in the same zone.

Mr. LODGE. Assume that they are in different zones.

Mr. McCARRAN. I am assuming that. I would say no. I rather think, if I hold in my mind the zones as they have been portrayed, that New England is in the same zone as Nevada.

Mr. LODGE. Then that is a poor illustration. The point I am trying to get at is that there is no attempt in this amendment to iron out all the rates on a uniform basis.

Mr. McCARRAN. The Senator is correct in that regard.

Mr. President, I submit the amendment and ask for a record vote.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. DAVIS. Mr. President, the first prevailing wage scale was approved by the President of the United States on March 3, 1931. During the years I have been in the Senate I have consistently upheld the principle of the prevailing wage. In 1931 I was actively identified with the movement which finally resulted in the enactment of the Davis-Bacon bill. I have followed this principle through in its application to industrial firms doing business with the Government under the terms of the Walsh-Healey Act. I favored and voted for the essential principles of the Fair Labor Standards Act. The American Federation of Labor over a long period of time has held a consistent position in these matters.

Mr. President, I ask that a copy of the Davis-Bacon Act, approved March 3, 1931, be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act is as follows:

[Public—No. 798—71st Congress]  
[S. 5904]

An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes

*Be it enacted, etc.,* That every contract in excess of \$5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which cannot be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Mr. DAVIS. Mr. President, I am for the pending amendment and hope it will be enacted into law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

Mr. O'MAHONEY. In order to perfect the amendment and to make clear the point which was raised by the question of the junior Senator from Massachusetts [Mr. LODGE], I move that the amendment be amended by inserting after the word "city" the word "or" and by striking out after the word "county" the words "or other areas." That modification makes clear the interpretation which the Senator from Nevada and the Senator from Massachusetts have agreed upon.

Mr. McCARRAN. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The Senator so modifies his amendment.

Mr. WAGNER. Mr. President, may we have the amendment as now modified reported?

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada [Mr. McCARRAN], as modified, will be stated.

The LEGISLATIVE CLERK. The amendment, as modified, proposes to strike out, on page 19, line 11, all of section 15 and insert in lieu thereof the following:

The rates of pay for persons engaged upon projects under the appropriations made in this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Commissioner of Work Projects: *Provided*, That not less than the minimum rate of pay established by the Fair Labor Standards Act (Public Law No. 718, 75th Cong.) for private industry shall be paid to any person engaged upon projects under this joint resolution: *Provided further*, That in fixing the monthly earning schedule of persons employed upon work-projects projects the Commissioner of Work Projects shall consider differentials in such earnings according to the various classes of work only and shall not give consideration to differentials between cities or counties upon the basis of degree of urbanization or any other factor that will tend to discriminate against the less urbanized areas.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN] as modified. [Putting the question.] The Chair is in doubt.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays. The yeas and nays were not ordered.

On a division the amendment, as modified, was agreed to.

Mr. HAYDEN. Mr. President, on page 16, line 13, I move to strike out the figures "\$50,000,000" and insert in lieu thereof "\$75,000,000." That is to restore the Budget estimate, so that the Commissioner would be authorized to allocate not to exceed \$75,000,000 to other Federal agencies for Federal projects.

The change in the language is a mere limitation. The amount of money appropriated in the bill is in no manner affected. Senators who do not understand this proposal think that if money is transferred or allocated over to a Federal department, in some way or other we lose money by the operation. What it means is this: We appropriate \$1,477,000,000 to hire to perform work people who are on relief. We are going to pay them by the year. They are going to be on relief, and the question is, For whom shall they work?

If they are on a project sponsored by a municipality, a county, or a State, the Federal Government pays them to work for the county, the State, or the municipality; but if it is on Federal property, we have a limit to the effect that only \$50,000,000 may be expended. It is as though I hired a man by the year to work on my farm. I contract with him. I know I have to pay him by the year. However, when it comes time for him to do some work, I say to him that he may not work on my farm. My neighbor may need some work done, and he may go over and work for him, and I will pay him, but he cannot work for me.

The testimony before the committee is that the entire \$50,000,000 allowed by the House for this purpose could be expended by the War Department alone. I shall not take the time to read from the hearings, but in the hearings will be found the statement that last year the War Department had \$26,000,000 of this kind of labor furnished to it for work upon airports and upon Army posts all over the United States. The War Department could use \$50,000,000. The representative of the Navy Department testified that the Navy Department could use \$12,000,000. The Department of Agriculture could use \$40,000,000 or \$50,000,000, if it could obtain the money. In my judgment, the appropriation should be \$100,000,000. The Budget estimate is \$75,000,000. I ask that the Budget estimate be restored.

Mr. ADAMS. Mr. President, this matter has been before the Senate on other relief bills. The question is, What is the appropriate amount? In the bill of a year ago the amount fixed was \$60,000,000 on an appropriation relatively the same. It seems to me the Senator from Arizona is being unduly liberal with Federal projects. I move to amend the amendment offered by the Senator from Arizona so as to make the amount \$60,000,000 instead of \$75,000,000.

Mr. HAYDEN. Let me suggest to the Senator that a good place to make that reduction is in conference. The House

has allowed \$50,000,000. The Budget estimate is \$75,000,000. If we set the figure at \$75,000,000 we shall probably receive \$60,000,000.

Mr. ADAMS. This is a good place to make the reduction.

Mr. HAYDEN. I hope the Senator's amendment to my amendment will be defeated, and that we will be allowed to take the Budget estimate to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS] to the amendment offered by the Senator from Arizona [Mr. HAYDEN]. [Putting the question.] The Chair is in doubt.

On a division, the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

The amendment, as amended, was agreed to.

Mr. BARKLEY. Mr. President, on page 18, line 6, I move to strike out the figures "\$40,000" and insert in lieu thereof "\$100,000."

If I may have the attention of the Senator from Colorado [Mr. ADAMS], as well as other Senators, the amount on this page was not changed by the Senate committee. The limitation of \$50,000 is put upon Federal buildings. I presume that means post offices. So far as Federal post offices are concerned, I think it may be advisable to limit the amount expended on any one building to \$50,000, so that any general post office building program can be carried in a bill for that purpose.

A limit of \$40,000 of Federal contribution toward any sort of building would very seriously disrupt the building program of the W. P. A. in all the States and make it almost impossible for any building such as a high school to be constructed in a large city. A Federal contribution of \$40,000 may be enough for the small towns; but in the larger cities, and even in the larger towns, on the question of building high schools and other public buildings of a permanent and valuable nature, the \$40,000 limitation seems to me to be entirely too small. For that reason I have offered the amendment to increase the amount to \$100,000. I hope the committee may accept the amendment.

Mr. PEPPER and Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield, and if so to whom?

Mr. BARKLEY. I yield to the Senator from Florida.

Mr. PEPPER. I wish to say only a word to supplement my personal knowledge of the statement just made by the Senator from Kentucky. At every one of the State institutions in my State we have tried to erect some permanent buildings in cooperation with the W. P. A., the State putting up half the money. As a result, we have some permanent structures that are of permanent value and a real credit to the W. P. A. program.

Great criticism has been directed at the W. P. A. because we started it off as a leaf-raking enterprise, and we have never yet lived it down. So, the more durable and permanent we make W. P. A. projects, I think the more respect and confidence they will have in the public mind.

Mr. BARKLEY. I think the figure in the joint resolution, which is the House figure, is entirely too small. I really think it is ridiculously small. Probably it ought to be above the \$100,000 which I have fixed in the amendment; but, in view of the situation, I do not feel justified in offering an amendment to go beyond \$100,000. I do think, however, it ought to be at least that amount.

Mr. ADAMS. Mr. President, several of the mayors of the larger cities, including the mayor of New York, came before the committee urging an increase in this amount, taking the position that with this limit they could not proceed with the character of construction that is required in a thickly populated, high-priced part of the country. On the other hand, we were presented by the artisans and the workmen with objections even to the \$40,000 limit, upon the ground that it was too much. They claimed that we should not

undertake large construction with W. P. A. labor; that that construction should be left to the artisans and to the workmen. There was no change in that figure by the committee as a result of a choice between the two arguments.

I am simply presenting the matter so that the Senate may have the problem as it was before the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY]. [Putting the question.] By the sound the noes appear to have it.

Mr. PEPPER. I call for a division.

On a division, the amendment was rejected.

Mr. GREEN. Mr. President, I offer the amendment which is on the clerk's desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 8, line 14, it is proposed to strike out "\$100,000,000" and in lieu thereof to insert "\$123,000,000."

Mr. GREEN. Mr. President, this amendment comes up at a fortunate time. I had become a little impatient, fearing that I should never have an opportunity of offering the amendment; but while I listened to the arguments why the appropriation of \$123,000,000 on the opposite page, page 91, for farm loans, should or should not be made, I felt like moving that that sum be transferred to page 8, where \$100,000,000 is appropriated for the N. Y. A. I was particularly impressed by the argument, both on this side of the Chamber and on the other side of the Chamber, that the recommendations of the President and the Budget Director should be followed. It happens that the same sum of \$123,000,000 was the sum in question; and I trust that the arguments of Senators on the other side of the Chamber and on this side that the recommendation of the President should be followed, and \$123,000,000 should be appropriated, will cause them to vote in favor of this amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. TAFT. Did not the Senator understand me to state that I thought the Budget itself was grossly excessive, and therefore, while I thought nothing should be done over the Budget, I thought reductions should be made wherever they could be made?

Mr. GREEN. Yes; I certainly understood that statement; but it seems to me the argument which the Senator from Ohio made at that time is applicable at this time, because this is a project which calls for an increase even more than the other one did; for in the other case the loans are made once for all, while in this case the appropriations for the youth have to be made each year.

The President requested \$123,000,000 to help young people between 16 and 24 years of age, some of them to get their education either in school or in college; some of them to be sent to work, and incidentally to learn how to work. It is conservatively estimated that there are about 2,000,000 young people who want the type of work which the N. Y. A. provides in addition to those who want to be aided in their education.

With an appropriation of \$123,000,000, the N. Y. A. can somewhere near adequately meet that demand, although it will not meet it completely. This will provide the benefits of education and the benefits of work, too.

I have heard in talking with Senators only one objection to this movement, and that is that the students should not have their education paid for by the Government; that they themselves should pay for it. For that reason I want to read just a few figures showing what the Government actually does pay for the students in helping them to get an education.

I will take the figures from my own State, Rhode Island, because that is the one with which I am familiar.

In Rhode Island, about one-half of the youth who are helped by this appropriation are helped in educational ways by having their tuition in school or college partly paid for, and just about one-half receive the other sort of aid, in work. The amounts that they are paid are as follows:



In the school-aid program in secondary schools they are receiving only \$5.63 a month.

In the colleges and universities the college-aid students are earning an average monthly wage of \$11.92.

The graduate students in the colleges, who are receiving the highest amount, receive \$21.13 a month.

Those on the work program receive an average monthly wage of \$19.74 a month.

No one can claim that those students are being pauperized by this amount of Government aid; but it is a fact that those students would not be able to receive the education they are now receiving if they did not receive that additional help from the Federal Government.

Therefore I trust this amount may be increased from the \$100,000,000 recommended in the committee report to the \$123,000,000 recommended by the President and the Budget Director.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator if it is not true that the report made by the unemployment census headed by Mr. Biggers some 2 years ago showed that one-third of the unemployed in the country were between the ages eligible for this program?

Mr. GREEN. That is true.

Mr. SCHWELLENBACH. Under the joint resolution as it comes from the House, the amount allocated for this program is a little less than one one-hundred-and-seventeenth of the total amount allocated for the whole program; so that even with an increase of \$23,000,000 it still is not more than one one-hundred-and-fifteenth of the total amount of the program, while one-third of the eligibles for unemployment relief are within the class between the ages of 18 and 24.

Mr. GREEN. That is very true; and to some of us, among whom I include myself, the appeal of youth is the most stirring appeal of all those who need our help, because the future of the country depends on these young men and young women being developed into good citizens. The chance of their being good or bad depends a great deal on the start they get; and, in my opinion, the Government should exert itself to give them a good and a fair start.

Mr. LEE. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. LEE. I understand that this amendment is to increase the amount for the N. Y. A. from the figure of \$100,000,000 now provided in the joint resolution to \$123,000,000, the amount recommended by the President. Is that correct?

Mr. GREEN. That is correct.

Mr. LEE. I am for it.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. GREEN. I yield to the Senator from Connecticut.

Mr. MALONEY. I had intended to ask for the floor in my own right, but the Senator from Washington [Mr. SCHWELLENBACH] has pointed out that one-third of the unemployed are between the ages of 16 and 25. I had the figures and wanted to discuss them; but in view of the fact that the point has been made, I desire to associate myself with the opinion expressed by the Senator from Rhode Island, and add to it, if I may, that the numbers in this particular group not only represent one-third of the unemployed at this time, but, due to the fact that so many young men and young women with no opportunity for employment are leaving the high schools and colleges every day, that number is bound proportionately to increase, in my opinion, rather than decrease.

I am very hopeful the Senate will accept this amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. HATCH. Like the Senator from Connecticut, I wanted to take the floor in my own right to discuss the National Youth Administration, particularly as to its work in my own

State. There are several matters I wanted to discuss, because they have done a most worth-while job in New Mexico; but if the Senator does not object, I should like to present the figures I have here relating to the work in New Mexico. I shall not take the time now to read them, but I ask permission to insert these figures in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

NATIONAL YOUTH ADMINISTRATION—FACTS ON THE N. Y. A. PROGRAM IN NEW MEXICO

The fund allotment for the present fiscal year to the State of New Mexico was \$580,188. Currently a total of 3,271 persons are employed on the works program and the student-aid program, as follows:

Total employment.....	3,271
Works program.....	2,067
All student-aid programs.....	1,204
School aid.....	862
College and graduate aid.....	342
Total number of participating institutions.....	148
Schools.....	141
Colleges and universities.....	7

In New Mexico the earnings of the students receiving N. Y. A. assistance are sufficient to represent the difference between their remaining in school or leaving school because of lack of funds. The students participating in the school-aid program in the secondary schools are receiving an average of \$4.89 a month; in the colleges and universities the college-aid students are earning an average monthly wage of \$10.93; and the graduate-aid students are averaging \$15.71 a month.

On the works program N. Y. A. project workers are receiving an average monthly wage of \$17.24 for 47.5 hours of work per month.

The youth on the N. Y. A. projects are learning to do a great many types of work and are becoming familiarized with working conditions in potential fields of private employment. There is an effort made to relate this work experience to training along the lines of the youth's interests and aptitudes.

In New Mexico N. Y. A. project youth are working in the following major work classifications:

Number of persons employed	
Highways, roads, and streets.....	50
Construction of new buildings.....	126
Remodeling and repairing of public buildings.....	34
Improvement of grounds.....	116
Recreational equipment and facilities (excluding buildings).....	107
Conservation.....	8
Sewing.....	88
Workshops.....	528
Nursery schools.....	37
Resident-training projects.....	247
Recreational-assistance projects.....	214
Clerical projects.....	341
Library service and book repair.....	88
Museum work.....	13
School-lunch projects.....	19
Youth-center activities.....	28
Miscellaneous projects.....	23
Grand total.....	2,067

In New Mexico, there are 1,131 needy, out-of-school, unemployed youth who are certified by the local welfare agency as eligible for N. Y. A. projects and who are awaiting assignment to project work. It is estimated that there are 9,600 young people between the ages of 18 and 24 who are out of school and unemployed needing and wanting the work experience and training provided by the National Youth Administration.

Mr. ADAMS. Mr. President, I think every member of the committee agrees that the work which has been done by the National Youth Administration has been an excellent work. That work has been done with an appropriation of \$75,000,000. I gather that the Budget estimate has proved of significance at one time and not at another. Some of the Senators are willing to go above the Budget estimate, but not below it.

What the House did—and the House action was followed by the Senate committee—was to divide the difference between the appropriation for last year of \$75,000,000 and the Budget estimate for this year of \$125,000,000. It seemed to the committee that an increase of \$25,000,000 from an appropriation of \$75,000,000 was a liberal and entirely adequate one. In addition to that we have reappropriated the unexpended balances, amounting to some \$2,000,000 more; so

there is practically an increase of \$27,000,000 over the former appropriation of \$75,000,000.

That, in substance, is the attitude of the committee.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. PEPPER. I desire to call the attention of the Senator to a report which I have here from the N. Y. A., that in Florida there are 5,446 needy, out of school, unemployed youths who have been certified by the local welfare agency as eligible for N. Y. A. projects, and who are awaiting assignment to project work, which is dependent upon there being additional funds available.

Mr. ADAMS. Mr. President, one thing I think perhaps ought to be added. Of the \$75,000,000 expended in the past year, there was expended for school help \$22,000,000. That is the amount and the proportion that was expended for aiding young men in school. Fifty-three million dollars, or the balance, was expended for projects. We asked the type of projects, and they were all types of projects—ditch digging and every other type. The work is similar to that of the W. P. A. in its character, except with the age limits running from 18 to 25.

Mr. McCARRAN. Mr. President, will the Senator yield at that point for a question?

Mr. ADAMS. Certainly.

Mr. McCARRAN. Is it not true that involved in the percentage which the Senator has just mentioned were those who were engaged in vocational training?

Mr. ADAMS. I think not. I think that was all included in the educational part. I am making no complaint; I am merely stating to the Senate the facts presented to the committee.

Mr. GREEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. GREEN. I can give the Senator the figures. When the appropriation of \$123,000,000—

Mr. ADAMS. I am interested only in the figures as to what the administration spent out of the \$75,000,000.

Mr. GREEN. The proportion is almost the same.

Mr. ADAMS. They testified before the House committee that if they got \$123,000,000 they would add \$5,000,000 to the amount for education. When they came before us, they said that in view of the fact that some of the House Members were a little dissatisfied with that they proposed that they would take more of it for education.

Mr. GREEN. They provide part-time employment and educational opportunities for the 460,000 needy young people to enable them to continue in schools and colleges and universities, and adequate work experience and training on public projects for 350,000 young people who are out of school and unemployed. That is the relative proportion, 460,000 in the field of education, and 350,000 engaged in what is called out-of-school work.

Mr. ADAMS. Those out of school and at work receive more per month than those in school.

Mr. GREEN. That is correct.

Mr. ADAMS. But the actual proportion in dollars was \$22,000,000 for education and \$53,000,000 for out-of-school work.

Mr. GREEN. My figures show the number of those helped.

Mr. ADAMS. Yes. There is no question about that feature. The only question is whether or not Congress wishes to draw any line as to expenses. If we should go to the point of saying that just because a certain work is desirable we ought to go the limit, and merely say to the Department "What do you want?" the money of this Government would not last 3 years.

Mr. GREEN. It is not what the Department wants, it is what the youth of this country want. Even the amount proposed will not take care of those already certified. It provides for perhaps 200,000 during the present year getting jobs, but the number who need the help are far greater than the number who will get the jobs. The number will increase year by year unless the trend changes, and we

will have to appropriate more year by year if we are to look after these young people. It does the same sort of work the C. C. C. does in a different way. It prevents the young men going to the bad on the streets. The C. C. C. has captured the public imagination. I believe the N. Y. A. does equally good work, but it has not yet captured the public imagination; so we hesitate about giving them the increase they need.

Mr. ADAMS. So far as we know, there has been no question as to the desirability of the work. Those in touch with it have been enthused by it. There is merely the one question, as to how much the Government this year should appropriate for that work, how large an increase there should be. Last year the President recommended \$75,000,000, and that was appropriated. This year the recommendation went to \$123,000,000, and the House of Representatives felt that \$100,000,000 would represent a fair increase.

I am not speaking in opposition, other than to say that the Committee on Appropriations felt that the compromise reached by the House was a fair, a reasonable, and an adequate appropriation under existing conditions.

Mr. HATCH. Mr. President, I wish to ask a question about the difference in the appropriation.

Mr. ADAMS. I yield.

Mr. HATCH. Can the Senator inform me as to whether the separation of the departments resulted in the National Youth Administration losing funds which it formerly received from the Works Progress Administration?

Mr. ADAMS. I think perhaps they are losing, not funds but perhaps some assistance; that is, formerly the Youth Administration was a part of the W. P. A., and to a certain extent they receive perhaps the benefit of the statistical services and other services of the W. P. A., but there is no loss in the funds. There may have been a countervailing service rendered to the W. P. A. by the Youth Administration.

Mr. HATCH. Somehow I had the impression that the separation would cause additional outlay by the Youth Administration which was not occasioned before because the money was provided by the W. P. A. appropriation.

Mr. ADAMS. There are two things. One is in reference to what the Senator from Rhode Island says. I am still one of those who have hope that conditions are going to be better and that there is going to be less need rather than more need. I have always had faith that the reorganization plan was going to be effective, and that when we changed the departments it would be in the interest of economy and efficiency.

Mr. HILL. Mr. President, the figures show that there are in the country about 2,000,000 young men and young women, boys and girls, who are eligible for National Youth Administration training, but who cannot get the training because there have not been sufficient funds to give them the training. I desire to emphasize that this whole program of the National Youth Administration is an educational program. It is divided into two divisions, as we know. One is what is called the student aid division, and that is where the National Youth Administration provides money for boys and girls going to high schools, colleges, and universities. The National Youth Administration requires these boys and girls to do a certain amount of work and then pays them the money to enable them to go to the schools and the colleges.

The record shows that these boys and girls who are being helped by the National Youth Administration have made far above the average in their grades in their scholastic standings at the schools and colleges.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DANAHER. I wonder if the attention of the Senator has been called to the fact that Mr. Aubrey Williams testified that there are now 997 field positions, but for the 1940 program he contemplates an increase of 1,378 field positions, making a total hereafter of 2,375.

Mr. HILL. For this program to be carried out properly and to be effective requires a great deal of supervision and leadership on the part of the program providing work, under which young men are working on all kinds of different



projects, such as learning machine-shop work, metalwork, foundry work, typewriting and stenography, accounting, book-keeping, filing, construction work, mechanics, nursery technique, engineering, chemistry, home economics. The boys and girls on these different projects not only have the practical work on the project but they are gathered together, so to speak, in classes and given the theoretical side as well as the practical side. It requires a great deal of leadership and supervision to carry out this program.

Mr. DANAHER. To the extent of an increase of 150 percent, obviously. I ask the Senator if he realizes that Mr. Williams also testified, as bearing on the Senator's reference to the youth in the colleges, and the like, that the increase in the cheapest part of the program for such assistance is only \$5,000,000. It was so testified. Does the Senator realize that?

Mr. HILL. The cheapest part, of course, is the chief part. We know some of these boys and girls in colleges and high schools are receiving only five, six, seven, or eight dollars a month. That is a very cheap part of the program, but it is a great educational program, and it is now taking fine, splendid young boys and girls out of idleness and giving them an opportunity not only to work, but to go to school and train and prepare themselves for their life's work. The figures show that the turn-over in this work program is over 10 percent a month, over a hundred percent a year.

We know that the average boy and girl who comes to one of our offices and asks for a position does not know anything about the work, has no particular training, is not qualified for any particular kind of employment. This sort of program, whether it is teaching the boy chemistry, or to be an automobile mechanic, prepares the boy for his life work, it trains him so that he may go out and get a job in private employment. The figures show that is just exactly what is happening. There is a large turn-over, of more than 10 percent a month, of these boys being trained by the Government, preparing themselves so that they may carry on and thereby go out and get employment.

Mr. President, it is the cheapest form of help or assistance the Government is engaged in furnishing today. It costs just one-tenth of what the C. C. C. work costs. We all know how fine the C. C. C. work is, but this work is also fine, and costs just exactly 10 percent of what the C. C. C. work costs. There are some 2,000,000 fine, splendid boys and girls in the United States today who are idle, who are seeking something to do. They are the seed corn of this Nation. We should not permit them to rot; we should give them this opportunity to prepare themselves for work, to prepare themselves to carry on their part in this Nation.

Mr. NEELY. Mr. President, when the honorable and able committee which is responsible for a \$23,000,000 deficiency in the item now before the Senate acted in this matter, it was manifestly under the influence of the philosophy of the elderly woman who decided that she would for the first time in her life ride on a train. She went to the station and said to the agent, "I want a ticket to Springfield." The agent responded: "There are several Springfields—one in Ohio, one in Illinois, and one in Massachusetts. To which Springfield do you want to go?" She retorted: "To whichever one is the cheapest." [Laughter.]

In her opinion the cost of transportation was more important than destination. In the matter of opening the doors of opportunity to the young people of the United States, destination is more vital than cost. There are now 2,000,000 young men and women in this country who are eligible for enrollment by the N. Y. A., but no accommodations are available to them. Three hundred thousand of these have been certified for enrollment. They are imploring the Government to extend them a helping hand. To their supplication deafened ears must not be turned. If there should be a war, the boys who are among these eligibles would, if necessary, be conscripted and sent into the trenches to fight and perhaps to die for their native land. And the girls among the eligibles for enrollment by the National Youth Administra-

tion would be required to work in factories and fields as substitutes for the boys who had gone to war.

We should expect all of them to be loyal to our flag and the glorious institutions for which it stands.

In return for the loyalty we require of them, we should make it possible for them to obtain employment or acquire an education. The most important asset of this Nation is not the silver that is stored at West Point. It is not the money in the Treasury. It is not the hoarded gold in Kentucky. Our boys and girls are more valuable than all of these combined. Because—

Not gold but only men  
Can make a people great and strong;  
Men who for truth and honor's sake,  
Stand fast and suffer long;  
Brave men, who work while others sleep,  
Who fight while others fly;  
They plant a nation's pillars deep  
And raise its banners to the sky.

Let us not shut the door of opportunity in the faces of these young men and women. Let us rescue them from the possibility of becoming failures on earth, or the necessity of begging their bread from door to door. By adopting the pending amendment to provide them an additional sum of \$23,000,000 we shall so demonstrate our determination to be just to them in their necessity that they will patriotically and sincerely proclaim:

My country 'tis of thee  
Sweet land of liberty  
Of thee I sing.

They will wholeheartedly help to plant this Nation's pillars deep and raise its banners to the sky.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. GREEN].

Mr. NEELY. I ask for a division.

On a division, the amendment was agreed to.

Mr. LEE. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 20, line 21, it is proposed to strike out the words "who are in need" and to insert the words "who have been certified as in need of employment and who are qualified and available therefor."

Mr. LEE. Mr. President, the purpose of the amendment is to make effective the provision for veterans' preference. As it is now, the language is "who are in need," and as that has been interpreted it works a disadvantage to the disabled veteran who draws a small income. For instance, the Administration has held that a veteran with a pension of \$15 or \$20 a month is not in need. The amendment changes the provision so as to read "who have been certified as in need of employment" and makes effective the veterans' preference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. LEE]. The amendment was rejected.

Mr. BONE. Mr. President, I tender an amendment which is now on the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 39, line 3, it is proposed to insert the following sentence: "This section shall not apply to municipal electric plants."

Mr. BONE. Mr. President, it clearly appears in the language of section 34 that an effort has been made to prevent any part of W. P. A. funds being used in manufacturing plants which might compete with private industrial operations, but the language is obscure and ambiguous, and I take it that there has been no studied effort on the part of the Senate committee at least to make it impossible to use W. P. A. work in connection with the expansion of electric-light enterprises carried on by a municipal body.

In the Northwest particularly a great many municipal operations are being carried on, which are now in existence,

and it is vitally important that there be nothing in the measure which might be construed as a prohibition against the use of W. P. A. funds in projects associated with that sort of an expansion. It may be that other sections of the country do not care to do this, but in my section of the country, where we have Bonneville and Grand Coulee, this becomes a matter of very vital importance.

I talked to the Senator from Colorado, and he assured me that there was no desire on the part of the Senate committee in charge of the joint resolution to make it possible, by construction of the language, to forbid the use of W. P. A. labor in connection with the expansion of these little plants. They are very small affairs in the West. So I have suggested this language in order to get rid of any ambiguity, and to remove any question which might arise out of an attempt to interpret the act. That is my sole and only purpose in offering the amendment.

I discussed it with the Senator from Nebraska [Mr. NORRIS], who, I am at liberty to say, authorized me to say he is in favor of it. I believe the amendment, which is proposed merely in the interest of clarification and the removal of any question, should be adopted. It does not expand the bill or add anything to it. It simply allows the little plants in my section, of which there are large numbers, to avail themselves of the opportunity to employ W. P. A. workers on projects embraced in the expansion and operation of small plants.

I urge my brethren of the Senate to adopt the amendment. There is nothing in the amendment which adds anything to the cost. It is a decent, purposeful, worth-while thing. If it be said that the language does not forbid the use of W. P. A. labor on those projects, then, Mr. President, there could be no objection to the amendment, because it merely makes impossible an interpretation of the language to the injury of those little plants of which there are a large number in the Northwest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. BONE].

The amendment was agreed to.

Mr. RUSSELL. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 13, line 7, after the comma, following the word "Service", it is proposed to strike out "\$300,000" and to insert in lieu thereof "\$600,000."

Mr. KING. Mr. President, may we have an explanation of the amendment?

Mr. RUSSELL. I was about to make an explanation, Mr. President. I am glad that the temper of the Senate is such that Senators are willing to listen for one moment to what I regard to be one of the most important provisions in connection with this measure. The purpose of the amendment is to appropriate to the Public Health Service the sum of \$600,000 for the supervisory work which that Department of Government does in connection with public-health projects within the several States.

At the present time in 29 States cooperative community sanitation programs are being carried on by the State public health departments in conjunction with the Federal health service operating Works Progress projects. In 17 States there are malaria-control projects, and they are of vital importance to the health of the people of those States.

In the fiscal year 1937 and in 1938 \$1,300,000 was made available for this purpose to the Public Health Service, to give technical advice and engineering service to carry on these worth-while health programs. In this measure only \$300,000 is allowed.

I submit that any such drastic reduction as that is wholly unjustified, and that its effect will be to dry up and starve every public health project in the United States.

I am merely asking for \$600,000, as compared to an appropriation of \$1,300,000 made for the same purpose in 1937 and 1938. I have here and could give a great many

statistics to the Senate showing the vital importance of these public-health projects. Certainly, the labor that we find on the rolls of the Work Projects Administration, the unskilled labor, can be utilized to better advantage in drainage and public-health projects than in almost any other kind of project. It would be nothing short of criminal now to cut them all off and stifle them by this drastic reduction in the appropriation to the Public Health Service of the United States for the supervisory and technical work.

I beg of the Members of the Senate to consider the importance of this small amount of money proposed to be added to the sum we are appropriating to preserve public-health projects in the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. RUSSELL]. [Putting the question.] The "noes" appear to have it.

Mr. RUSSELL. I ask for a division.

On a division, the amendment was agreed to.

Mr. AUSTIN. I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the benefit of the Senate.

The CHIEF CLERK. On page 11, after line 8, it is proposed to insert the following:

"The Bankhead-Jones Farm Tenant Act is amended by inserting at the end of section 3 a new subsection reading as follows:

"(e) Loans may also be made under this title to enable the borrower to refinance an existing mortgage or mortgages on a farm personally occupied and operated by him and for necessary repairs and improvements thereon, in cases where the Secretary determines that such refinancing is necessary and will enable the borrower successfully to operate the farm, and that the borrower cannot obtain credit for such refinancing from any other Federal agency or federally incorporated lending institution. Such loans shall comply with all the provisions of this title: *Provided, however*, That the Secretary may make such loans without regard to the provisions of section 4 of this title, but shall not use for such purpose in excess of 10 percent of the funds made available during any fiscal year for the making of loans under this title."

Mr. AUSTIN. A very brief explanation of the amendment seems to be in order. It is germane to that part of the pending joint resolution which is entitled "Department of Agriculture," and which starts out with the words:

In order to continue to provide assistance through rural rehabilitation and relief to needy farmers—

And so forth. And then, on page 10, it specifically provides that the funds may be used for "farm-debt adjustment service and making and servicing of loans under this section and prior law."

One of those prior laws is the Bankhead-Jones Farm Tenant Act, and the section which I propose to amend is section 3, which provides:

Loans made under this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire—

Notice that word—

to acquire the farm and for necessary repairs and improvements thereon.

And so forth. The point is right on that word "acquire." My amendment provides that "Loans may also be made under this title to enable the borrower to refinance an existing mortgage or mortgages on a farm."

Under this Bankhead-Jones Farm Tenant Act, as drafted, we have section 4 reading as follows:

In making loans under this title, the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

That is the point—"prevalence of tenancy."

Mr. LEE. Mr. President, does the Senator's amendment change that point; and if so, how?

Mr. AUSTIN. It does, in this way:

*Provided, however*, That the Secretary may make such loans without regard to the provisions of section 4 of this title—



That is what I have just read—

but shall not use for such purpose in excess of 10 percent of the funds made available during any fiscal year for the making of loans under this title.

In other words, this is a very simple arrangement which undertakes to make it possible for the Farm Security Administration to go into those States where they are now unable to allocate funds because of the small amount of farm tenancy. This proposal was recommended by the Farm Security Administration. It was drawn by the Farm Security Administration. It is supported by the Farm Security Administration and by the Farm Bureau Federation. It is fair. It adds no burden onto the country, but it enables the Government to aid to rehabilitate the farmers who have titles which they are going to lose because they must meet the heavy interest demand, and because they are unable to meet it on the due date of these obligations.

It is suggested to me that they are land poor. That is one way of saying the same thing I am saying. They are industrious, they are thrifty, they are honest, they pay as they can, but, as Senators all know, their circumstances have been such that they were obliged to default interest and principal on their farm mortgages.

Mr. LEE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield first to the Senator from Nebraska, who has been seeking recognition.

Mr. NORRIS. Mr. President, I will say to the Senator that I think this is a very commendable amendment. However, on page 2, line 1, the language seems to make it necessary for the borrower, before he can avail himself of the benefits of the provision, to prove that he cannot obtain credit from any other Federal agency. Why is it necessary to include that provision?

Mr. AUSTIN. Mr. President, I understand that that is the policy of the Farm Security Administration, and that it is also the policy under the Bankhead-Jones Farm Tenancy Act. In order that the RECORD may show what that policy is, I ask unanimous consent to insert in the RECORD all of section 3 of that act, to which this language refers.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEC. 3. (a) Loans made under this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm.

(b) The instruments under which the loan is made and security given therefor shall—

(1) Provide for the repayment of the loan within an agreed period of not more than 40 years from the making of the loan.

(2) Provide for the payment of interest on the unpaid balance of the loan at the rate of 3 percent per annum.

(3) Provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary.

(4) Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming practices as the Secretary shall prescribe will be carried out.

(5) Provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings.

(6) Provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than 5 years after the making of the loan.

(c) Except as provided in paragraph (6) of subsection (b), no instrument provided for in this section shall prohibit the prepayment of any sum due under it.

(d) No provision of section 75, as amended, of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898 (U. S. C., 1934 ed., title 11, sec. 203; Supp. II, title 11, sec. 203), otherwise applicable in respect of any indebtedness incurred under this title by any

beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 percent thereof.

Mr. NORRIS. I think what the Senator says is probably true; but it has occurred to me that before a farmer can avail himself of this provision he must make some negative proof.

Mr. AUSTIN. That is correct.

Mr. NORRIS. He has to go to the trouble, time, and expense of proving that he has tried this agency, that agency, and the other agency, and that they all turned him down.

Mr. AUSTIN. Yes; that is true.

Mr. NORRIS. I do not like that part of it.

Mr. AUSTIN. Neither do I.

Mr. NORRIS. I would suggest to the Senator that he leave out that part of the language.

Mr. AUSTIN. I am afraid that would run counter to the policy of the Farm Security Administration. When I talked the matter over with representatives of the Farm Security Administration it was claimed that the Administration did not want to become the reservoir of mortgages now held by the Farm Credit Administration or some other of the lending agencies of the Government and have the whole business dumped onto it.

Mr. NORRIS. Before a farmer can obtain any relief under this provision he must almost prove that he is a pauper and that he cannot obtain relief anywhere else. It seems to me the proof he has to offer has a tendency to show that he is a poor risk.

Mr. AUSTIN. Indeed, this kind of relief is to prevent his becoming a pauper, because he is in great danger of that right now. Many of these defaulted mortgages on farms are under foreclosure at the present time, and this type of relief ought to be granted, but it cannot be. The Farm Security Administration comes in with a very beneficial service. There is a humane side to this question, besides the money side. I refer to the side of the farmer.

Of course, it is also an advantage to a creditor in one respect to go to the debtor and negotiate with him upon a settlement which reduces the debt, reduces the interest, and extends the period of payment for a longer period of time, making it possible for the farmer, who thus far has been unable to make his payments, to do so in the future. So there is a saving to these thrifty people who are merely victims of the bad times through which we have been passing.

Mr. LEE and Mr. MILLER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield; and if so, to whom?

Mr. AUSTIN. I yield to the Senator from Oklahoma.

Mr. LEE. A portion of the Senator's amendment disturbs me somewhat. I do not know whether it applies to the purchase of farms for farm tenants, or only to refinancing. I am very much in sympathy with the Senator's amendment to make provision for refinancing farm loans which are in distress, because it is just as much of an advantage to save a farmer from becoming a farm tenant as it is to rehabilitate one who is already a tenant.

What disturbs me is that, as I understand, a provision of the Senator's amendment would strike down the only yardstick or criterion by which these loans are to be made in the different States and different sections. The present Bankhead-Jones law provides that these loans shall be made according to the ratio of farm tenancy to farm population, which provides some guide for making the loans. Part of the Senator's amendment, I think, strikes down the theory of the Bankhead-Jones act. If it applied only to refinancing, I would not see any objection to it. However, if it applies to the sale of farms as well as to refinancing, it seems that we ought not to agree to it, unless the Senator has some other provision which will give us a guide for making these loans.

Mr. AUSTIN. Mr. President, in answer to the learned Senator I assure him that he has misunderstood the amendment. The amendment does not strike down the theory of the Bankhead-Jones Act at all. It leaves section 3 as it was with respect to acquisition. That is dependent upon

the tenancy feature, just as the Senator from Oklahoma wants it to be. That is left undisturbed. The amendment relates solely to adding to section 3 this language:

Loans may also be made under this title to enable the borrower to refinance an existing mortgage or mortgages on a farm personally occupied and operated by him.

That is all. It adds that aid, and it is limited in amount. The amount of money which may be allocated to a State where this condition exists is limited by the proviso:

*Provided, however,* That the Secretary may make such loans without regard to the provisions of section 4 of this title—

Mr. LEE. Is not section 4 the one which gives the Department the guide, which is the ratio of farm tenancy to farm population?

Mr. AUSTIN. That relates only to allocation to the State. Let me read it:

Sec. 4. In making loans under this title the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy as determined by the Secretary.

Mr. LEE. Is that language left in?

Mr. AUSTIN. That language is left in, exactly as it is. It is not changed at all. In those States where that yardstick bars the allocation to them of their equitable ratio of the amount of this appropriation, the proviso comes in to a limited degree, namely, 10 percent:

*Provided, however,* That the Secretary may make such loans without regard to the provisions of section 4 of this title, but it shall not use for such purposes in excess of 10 percent of the funds made available during any fiscal year for the making of loans under this title.

Mr. LEE. Mr. President, will the Senator yield further?

Mr. AUSTIN. I yield further.

Mr. LEE. I am very much in sympathy with the Senator's amendment; and I should like to say that the farm-tenancy bill, which is now on the calendar, has a provision in it for the refinancing of farm mortgages which are in distress.

Mr. AUSTIN. I know about that bill. However, it does not service the social purpose covered by the Farm Security Administration. We want to rehabilitate these families. That can be done by giving attention to them directly, going to the family and discovering what will aid the family to produce a better income with which to retire the debt. That is one aspect of this service.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. AUSTIN. Mr. President, I shall take time on the bill.

The PRESIDING OFFICER. The Senator is recognized on the bill.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Arkansas.

Mr. MILLER. I wish to refer to the proviso in the amendment, making a limitation of 10 percent of the funds made available in one fiscal year. Personally I think the Senator is to be congratulated upon the amendment. I think it will serve a very useful purpose in every State in the Union. It will reach a class of people who cannot be reached in any other way of which I know. Neither the Federal land bank nor any other agency is reaching them. I refer to a class of people who are going on relief daily and constantly. Unless relief is granted, I do not know what is going to become of them. I wonder why the Senator limited the amount of loans to 10 percent of the appropriation.

Mr. AUSTIN. Mr. President, I shall be quite frank about that. It was believed that those States which now enjoy a larger allocation by virtue of the limitation with respect to prevalence of farm tenancy might object if more than 10 percent were diverted to other States in trying to allocate an equitable amount. However, since the appropriation has been increased tonight, I feel certain that that objection cannot possibly be made on any rational basis.

Mr. MILLER. I think it would be a short-sighted policy for any State to object, because the thing which is creating farm

tenancy in this country is the inability of the small landowner to obtain a loan.

Mr. AUSTIN. I thank the Senator.

Mr. President, I submit the amendment.

Mr. RUSSELL. Mr. President, the Senator from Vermont made reference to the fact that the appropriation for the Farm Security Administration had been increased tonight. I voted for that increase. I think it was deserved. However, not one dollar of that money can be used for the purpose of carrying out the purposes of title I of the Bankhead-Jones Act. The appropriation for the purpose of enabling tenant farmers to purchase farms, and which would be available for the purposes of the amendment offered by the Senator from Vermont in the event that amendment is adopted, was carried in the agricultural appropriation bill. Senators will recall that the Senate amended that bill to appropriate the full amount of the authorization of \$50,000,000 for that purpose for the coming fiscal year. The conferees on the part of the Senate supported the Senate position as valiantly as they knew how. We insisted that the House conferees take that amendment back for a separate vote in the House. The House voted it down by a substantial vote. When the action of the House was reported to the Senate, the Senate again insisted on its amendment and threw the matter into conference once more.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AUSTIN. I do not know whether or not I surrendered the floor.

The PRESIDING OFFICER. The Senator did; and the Chair recognized the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. I yield to the Senator in my time.

Mr. AUSTIN. I wish to ask the Senator how he interprets the language on page 10 of the pending measure:

The sums provided in this section shall be available—

Now, come down to line 7:

for farm-debt adjustment service and making and servicing of loans under this section and prior law.

As a lawyer I cannot see why that does not refer directly to the Bankhead-Jones Farm Tenancy Act as prior law. Throughout the provision entitled "Department of Agriculture", we find direct references to it, particularly on page 11, where it is provided that:

The Farm Security Administration within the Department of Agriculture is hereby extended until June 30, 1940,

Why?

to carry out the purposes of this section.

Mr. RUSSELL. That is the very reason why I do not think the funds voted here tonight are available for the purpose of making loans on land. True it is that they are available for the purpose of making loans, and that is the chief function of the Farm Security Administration, but the loans referred to in section (b) are loans which are made to farmers to enable them to make crops, and to purchase livestock and farming implements and things of that nature, and personal property, and do not pertain to the real-estate loans which are provided for in title I of the Bankhead-Jones Act.

By some strange construction or perhaps by some logical construction of the language pointed out by the Senator from Vermont, loans might be made on land; but undoubtedly the references here are to the loans which are made on personal property, and which are made to farmers to enable them to subsist and live during the period in which they are making crops and do not apply to the farm-tenant loans.

I have no quarrel with the amendment offered by the Senator from Vermont. It will doubtless serve a useful purpose. I do think the sum of \$40,000,000, which has just been agreed to in the agricultural appropriation bill, is woefully inadequate for the purpose of dealing with the farm-tenancy program or with the problem of refinancing loans of the type the Senator from Vermont has described. I put the House conferees on notice that if it was possible to do so in any deficiency bill I intended to offer again an amendment



appropriating the \$10,000,000 that the Senate heretofore has voted, to bring this appropriation up to the full amount of the authorization of \$50,000,000; and I therefore offer an amendment to the Senator's amendment, appropriating the \$10,000,000 authorized by law for the purpose of making these loans to tenant farmers to enable them to purchase farms. These funds will also be available for the purpose sought by the Senator from Vermont in his amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia to the amendment of the Senator from Vermont will be stated.

The CHIEF CLERK. It is proposed to add to the amendment of the Senator from Vermont the following:

There is hereby appropriated the sum of \$10,000,000 for the purpose of carrying out the provisions of title I of said Bankhead-Jones Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

Mr. ADAMS. Mr. President, a parliamentary inquiry. Has the relief joint resolution been laid aside and the Bankhead-Jones bill been taken up?

The PRESIDING OFFICER. The Chair rules that that is not a parliamentary inquiry.

Mr. ADAMS. Mr. President, we seem to have before us an amendment to the Bankhead-Jones Act and then another amendment appropriating money to carry out the Bankhead-Jones Act. I do not know anything about the merits of the thing. It seems to me, however, that the relief joint resolution ought in some way to be confined to provisions bearing upon relief.

This amendment starts out:

The Bankhead-Jones Farm Tenant Act is amended by inserting at the end of section 3 a new subsection, reading as follows—

Then I gather that my fellow member of the Appropriations Committee has a provision adding \$10,000,000 for the operation of the Bankhead-Jones Act.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. RUSSELL. I am merely restoring the \$10,000,000 which was twice voted in the Senate, but which we have never been able to get the House to agree to.

Mr. ADAMS. In the Bankhead-Jones Act, or in the relief joint resolution?

Mr. RUSSELL. I am offering it as an amendment to the amendment proposed by the Senator from Vermont [Mr. AUSTIN].

Mr. ADAMS. Which is an amendment to the Bankhead-Jones Act.

Mr. RUSSELL. It is. It is in order, however.

Mr. ADAMS. Oh, it is in order in a purely parliamentary sense.

Mr. LEE. Mr. President, will the Senator yield to me?

Mr. ADAMS. Certainly.

Mr. LEE. If we are able to take a farm family off W. P. A. and put them on a farm that they have a chance to buy, and make the farm purchase itself, that is relief; and if we are able to keep a farm family from losing their farm and going on W. P. A., is not that relief?

Mr. ADAMS. Does the Senator from Oklahoma seriously contend that in the passage of a great relief measure we ought to go back into some other farm bill which is pending before the Agricultural Committee, and has not been reported out from that committee, just because it is a good bill?

I think the Senate ought to exercise a little discretion in handling this measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL] to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Vermont [Mr.

AUSTIN], as amended. [Putting the question.] By the sound the "noes" appear to have it.

Mr. AUSTIN. I ask for the yeas and nays.

Mr. BURKE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Frazier	Lee	Reed
Austin	Gerry	Lodge	Reynolds
Bankhead	Green	Lucas	Russell
Barkley	Guffey	McCarran	Schwellenbach
Bilbo	Gurney	McKellar	Slattery
Bone	Hale	Maloney	Smathers
Bridges	Harrison	Mead	Stewart
Bulow	Hatch	Miller	Taft
Burke	Hayden	Minton	Tobey
Byrd	Herring	Murray	Townsend
Capper	Hill	Neely	Truman
Clark, Mo.	Holman	Norris	Vandenberg
Connally	Holt	Nye	Walsh
Danaher	Hughes	O'Mahoney	Wheeler
Davis	Johnson, Colo.	Pepper	Wiley
Ellender	La Follette	Radcliffe	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, there is a quorum present.

The yeas and nays have been requested by the Senator from Vermont [Mr. AUSTIN] on his amended amendment. Is the request seconded?

The yeas and nays were ordered and the legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the Senator from Vermont [Mr. GIBSON], and will vote. I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before concerning my pair with the Senator from Oregon [Mr. McNARY], I withhold my vote. The roll call was concluded.

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. CARAWAY], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from Utah [Mr. KING], the Senator from Kentucky [Mr. LOGAN], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the Senator from Indiana [Mr. VAN NUYS], and the Senator from New York [Mr. WAGNER] are necessarily detained.

Mr. AUSTIN. The Senator from New Jersey [Mr. BARBOUR] is paired on this question with the Senator from North Carolina [Mr. BAILEY]. If present, the Senator from New Jersey would vote "yea," and the Senator from North Carolina would vote "nay."

The Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

Mr. HALE (after having voted in the negative). My general pair, the Senator from South Carolina [Mr. BYRNES], would vote as I have voted; so I will let my vote stand.

The result was announced—yeas 43, nays 19, as follows:

#### YEAS—43

Austin	Bone	Connally	Frazier
Bankhead	Bridges	Danaher	Guffey
Barkley	Bulow	Davis	Gurney
Bilbo	Capper	Ellender	Hayden

Hill	Mead	O'Mahoney	Smathers
Holman	Miller	Pepper	Stewart
Holt	Minton	Reed	Tobey
La Follette	Murray	Reynolds	Truman
Lee	Neely	Russell	Wheeler
McCarran	Norris	Schwellenbach	Wiley
Maloney	Nye	Slattery	

## NAYS—19

Adams	Green	Johnson, Colo.	Taft
Burke	Hale	Lodge	Townsend
Byrd	Hatch	Lucas	Vandenberg
Clark, Mo.	Herring	McKellar	Walsh
Gerry	Hughes	Radcliffe	

## NOT VOTING—34

Andrews	Clark, Idaho	King	Smith
Ashurst	Donahay	Logan	Thomas, Okla.
Bailey	Downey	Lundeen	Thomas, Utah
Barbour	George	McNary	Tydings
Borah	Gibson	Overton	Van Nuys
Brown	Gillette	Pittman	Wagner
Byrnes	Glass	Schwartz	White
Caraway	Harrison	Sheppard	
Chavez	Johnson, Calif.	Shipstead	

So Mr. AUSTIN's amendment, as amended, was agreed to.

Mr. BARKLEY. Mr. President, I offer an amendment on page 18, line 6, to strike out "\$40,000" and insert "\$75,000." In the amount of money appropriated, the amendment is the same as the one I offered awhile ago which was defeated by a tie vote on a division, except that the amount was \$100,000 then instead of \$75,000. This does not change the amount appropriated in the joint resolution at all.

I have talked with Colonel Harrington about the effect of this \$40,000 limitation, and he says it will disrupt the building program of the W. P. A. in every State of the Union. I know it will in my State, and I am sure it will in all the States. I think the Senate feels that \$40,000 is too little as a limitation, because even with the State or the locality putting up 25 percent of the total cost, it means that the outside limitation on the construction of any commodious high-school building in any community of any size would be limited to about \$50,000 or \$52,000. It is not enough. I hope the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. REYNOLDS. Mr. President, I have an amendment which I send to the desk and ask to have reported.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 23, line 2, after the period it is proposed to insert the following:

If the person filing such affidavit was not born in the United States, the affidavit shall contain a statement as to the time, place, and manner of his entry into the United States and the time and place of his acquisition of said citizenship by naturalization.

Mr. REYNOLDS. Mr. President, on page 22, beginning in line 20, we find the following language:

(e) No alien shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

The amendment would merely be a further assurance on the part of the Government that only duly qualified American citizens should be provided with work under the terms of the pending measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. REYNOLDS. I offer another amendment, which I ask to have stated.

The CHIEF CLERK. On page 25, line 18, before the period, it is proposed to insert "or to any person who participates in any activity the subject matter of which relates to the overthrow of such Government through force or violence."

Mr. REYNOLDS. Mr. President, this is in reference to the matter we had under discussion this afternoon in regard

to communistic activities in the W. P. A. In other words, anyone who participates in activities of the sort mentioned in the amendment would not be entitled to employment under W. P. A.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. HATCH. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 3, line 24, to strike out the word "and" and to insert a comma after the word "recreational", and to strike out the word "work" and the semicolon following the said word "work"; in line 25, to insert a comma after that part of the word "production" which appears in line 25; to strike out the words "of goods for distribution to the needy" and the semicolon following the word "needy" and to insert a comma after the word "service" appearing in line 25, to strike out the words "to the"; and on page 4, line 1, to strike out the word "needy" and the comma following that word.

Mr. HATCH. Mr. President, in explanation of the amendment, I will merely say that striking out the words and making the corrections I have suggested in the amendment restores the language of existing law. In the bill as prepared by the House, I think, striving to strike at the theater project and the art project, a change was made in the language which does and will interfere with work rather than the projects which were sought to be affected. The amendment which I offer merely restores the language of the existing law.

I conferred with the Senator from Colorado earlier in the day, and at that time he agreed as I understood to take the amendment to conference. I am perfectly willing to rely upon the Senator from Colorado.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. PEPPER. I was interested in offering an amendment, and I am anxious to know whether it is not covered perhaps by what the Senator has offered. I propose at the bottom of page 3, after the word "needy," to offer an amendment providing "including men, women, or children receiving treatment or maintenance from charity or from any charitable institution."

Mr. HATCH. One of the purposes of the amendment is to cover cases of that kind.

Mr. PEPPER. They will be covered, and goods from the W. P. A. can be distributed under the Senator's amendment?

Mr. HATCH. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. HATCH].

The amendment was agreed to.

Mr. TAFT. Mr. President, I should like to speak for a few minutes on the joint resolution itself. I intend to vote for it, but I do not like to vote for it without explaining that I do not approve of the principle of the measure—that I think relief ought to be returned to the States. I desire to ask unanimous consent that I may introduce a bill presenting a system which I believe should be adopted, and have it printed as a part of my remarks, it being the bill introduced by the Senator from Michigan [Mr. VANDENBERG], the Senator from New Jersey [Mr. BARBOUR], and myself, presenting substantially the plan which was presented as an amendment to the Byrnes bill earlier in the session.

I do not like to vote against the pending measure because we have a serious relief problem.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CONNALLY. Did I understand the Senator to say that he is against the joint resolution in principle?

Mr. TAFT. I say I am against the principle of the administration of work relief by the Federal Government; yes.



Mr. CONNALLY. Then why is the Senator going to vote for the joint resolution?

Mr. TAFT. Because we face a situation in which a very large number of men—2,000,000 men—will be thrown out of work on the 1st of July unless we take this action now, because it is impossible to change the system except after a very considerable time. The bill which I present proposes that the system be changed on the 1st of July 1940, because it requires the States to adopt a plan of relief which must be approved by the Federal Government, and under which the Federal Government will extend aid to the States to the extent of 66½ percent of the total cost of work relief and direct relief, just as it extends aid for old-age pensions and other uses under the Social Security Act.

In the meantime, until that system can be adopted, I see no alternative except to proceed with the present system.

Mr. CONNALLY. Will the Senator yield for another question?

Mr. TAFT. Certainly.

Mr. CONNALLY. If the Senator has such a fine plan all worked out, why did he not introduce it some months ago, when there would have been some hope of getting it adopted?

Mr. TAFT. Substantially this bill was introduced by the Senator from New Jersey [Mr. BARBOUR] almost the very first day of the session. The committee has not seen fit to give consideration to any such change in plan. We think we have somewhat perfected the bill. The Senator from Michigan [Mr. VANDENBERG], the Senator from New Jersey [Mr. BARBOUR], and myself have joined in presenting at the present time a bill which I hope will be considered at this session, because, as I have said, it will take nearly a year to get the necessary State legislation and the necessary plans if we are to have administration by the States.

Mr. HATCH. Did I understand the Senator to say that he proposes that the Federal Government shall contribute toward the payment of direct relief in the States?

Mr. TAFT. I propose that the work relief and direct relief be one plan, and that the Federal Government contribute approximately 66½ percent of the total cost of work relief and direct relief to the States; yes.

Mr. HATCH. Then the Senator proposes to destroy the principle we have now established, that the Federal Government shall contribute only toward the employment of persons who can work?

Mr. TAFT. Yes; I propose to destroy that distinction. It is a distinction which never should have been made. There is no real distinction between employables and unemployables; and the Federal Government has never carried out the principle laid down originally, that it would employ all employables. There is no distinction. The two ought to be administered together. They should work together, and they should also work together with the unemployment-insurance divisions which are operated by the States. There should be one single administration if we are to have effective relief, and, in my opinion, the Federal Government, if it is to carry out such a system, must contribute the money.

I think relief is a local problem, but I recognize the fact that the localities and the States have no means of taxation sufficient to provide adequate funds. So we must assist them, as we must assist them in the case of old-age pensions.

Mr. HAYDEN. Mr. President, it is my understanding that the cost of direct relief in the United States is about equal to the cost of work relief.

Mr. TAFT. No; I think the cost of work relief is very high. The cost of direct relief is less than 50 percent of the cost of work relief today. I do not know whether if work relief were properly administered, it would not be almost as much, but my impression is that today it is less than 50 percent of the cost of direct relief. The result is that what we are doing today is to make the States contribute 25 percent for the cost of work relief and the whole cost of direct relief, so that today the localities, under the present system, are forced to pay nearly half of the total cost of all relief.

Mr. HAYDEN. Then the Senator's plan proposes to transfer what is now a local burden to the Federal Government. How would he save any money?

Mr. TAFT. I think the administration of relief by localities will be infinitely more economical. There is no city council in this country, there is no State legislature in this country, with the utter lack of financial responsibility demonstrated by this body tonight. There is not another body in this country that I know of which will vote millions and millions of money when they do not know where the money is coming from, when they cannot think of a system of taxation which will provide the money they are spending. If the administration of relief is so changed that the localities will have the responsibility for administering the relief, and providing a percentage of the funds, it will be an infinitely more economical administration. There will be less money spent by the Federal Government.

Mr. McKELLAR. Mr. President, the Senator spoke of the bill in substance having been prepared very early in the session—I believe in January—and introduced. Has there been the slightest effort upon the part of anyone to bring it out of the Committee on Appropriations, so far as the Senator knows?

Mr. TAFT. I do not think it is a matter for the Committee on Appropriations. The Senator from Michigan [Mr. VANDENBERG] also introduced a similar bill.

Mr. McKELLAR. Did it go to our committee?

Mr. TAFT. I do not know to which committee it was referred. The President himself has reiterated that he is entirely opposed to the principle, and apparently so long as the present administration is in power the possibility of adopting this system is not worth the effort, practically, of insisting upon the adoption of the plan by a committee.

Mr. McKELLAR. I merely wanted to let that be understood.

Mr. TAFT. Mr. President, I understand the Byrnes committee has also considered the problem. It has not met their approval, and they have refused to go ahead with any serious consideration of such plans.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CONNALLY. I want to ask one other question. The Senator from Ohio, I understand, says he does not know to what committee this matter was referred. Is that correct? He does not know before what committee it has been pending during all the present session?

Mr. TAFT. I understand the Byrnes Committee on Unemployment Relief has been considering it, but has not given it serious consideration.

The Senator from South Carolina [Mr. BYRNES] himself is opposed to this system, and wrongfully, I think. I think he confuses public works with relief. I do not think they ought to be confused. I think relief is one thing and public works another.

Mr. CONNALLY. I suppose the Senator has asked for a hearing before the Byrd committee?

Mr. TAFT. No; I have no bill pending.

Mr. CONNALLY. Then to what bill is the Senator referring?

Mr. TAFT. The Senator from New Jersey [Mr. BARBOUR] offered a bill as an amendment, and the Senator from Michigan [Mr. VANDENBERG] also offered a bill. All three of us joined in offering amendments to the Byrnes bill when it was before the Senate, which we would have pressed had the Byrnes bill not been laid aside at that time because of the reorganization. I have now proposed a bill which was offered as an amendment to the Byrnes bill at that time. The bill is a combination of two previous bills and one or two additional ideas.

Mr. CONNALLY. The Senator from Ohio is against the Federal Government administering direct work or work relief as a Federal proposal entirely?

Mr. TAFT. Yes.

Mr. CONNALLY. But he is in favor of a bill which would make the States do it, and require the approval of the Fed-

eral Government, and also make the Federal Government pay two-thirds of the cost?

Mr. TAFT. That is correct. Two-thirds for the present. I should hope that as the problem grew less the amount might be lowered.

Mr. CONNALLY. I thought the Senator said awhile ago that direct relief, which is now borne by the localities, is as large as the Works Progress Administration. Is that correct?

Mr. TAFT. No; I said I thought it was less than 50 percent. In my own locality, with which I am familiar, it is only 25 or 30 percent of the cost of W. P. A.

Mr. CONNALLY. If that be true, the Federal Government would be paying about as much under the new plan as it pays now.

Mr. TAFT. If relief and work relief are coordinated under one local administration which is determined to carry out the language in an economical way to suit the will of the people of their own district, instead of suiting the will of some national body and a lot of pressure groups, I say that then the total cost would be much less, and that I would hope that the Federal Government contribution might be less.

Mr. CONNALLY. So the Senator would neither save money nor save Federal participation. About all he would save would be to get his name on the bill.

Mr. TAFT. Not at all. I would make a fundamental change in the whole matter of relief. I hope it would be infinitely more satisfactory.

Mr. President, I will say that if the Senator thinks the Federal Government is going to continue the administration of direct relief for many years to come he is very much mistaken. I do not think the people approve of it. I do not think it is a proper method of administering relief.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PEPPER. Did I understand the Senator from Ohio to say that he did not favor Federal administration of relief?

Mr. TAFT. That is what I said.

Mr. PEPPER. And then did I understand the Senator to say that the purpose of the relief plan which he introduced contemplated the Federal Government contributing 66⅔ percent of the cost of the projects and the local community one-third? Is that correct?

Mr. TAFT. In dealing with projects, the Federal Government would contribute two-thirds of the total cost of relief and work relief, leaving to the local locality the direct relief they might have. I may say that the apportionment plan between the States, which is somewhat similar to the apportionment plan that was in the bill before it was taken out by the Senate committee, is to make sure that no State will get an excessive percentage.

I may say that the plan provides further that the administration in each State must be under civil-service rules, and that it must conform to certain minimum standards.

Mr. PEPPER. Would the Federal Government have any supervision over the construction program in the several States?

Mr. TAFT. None whatever, except that it must conform, as I said, to some fixed qualifications which the State plan must have. This in effect is similar to the unemployment-insurance plan. The State must adopt a plan and must conform to that plan. If it departs from that plan, the Federal Government may withhold the payment of money just as they may in the case of unemployment insurance.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. LUCAS. At the present time Cook County is paying for direct relief at the rate of \$4,000,000 per month. Under the Senator's plan would the Federal Government take care of two-thirds of that \$4,000,000 by transferring the proper sum to the State authorities and then having them pay it to the municipalities?

Mr. TAFT. I do not know. They would add to that the total sum of work relief, which, I suppose, in Chicago may

run to seven or eight million dollars a month. I should think it would be about \$8,000,000 a month, which would make \$12,000,000 a month, which would make the total cost of relief in Chicago nearly \$150,000,000 a year.

I should say that if the city of Chicago were willing to put up \$40,000,000 the Federal Government would put up \$80,000,000, to enable the city to carry out its complete relief plan, providing it did not exceed the total allocation of the State of Illinois, which is provided by the Federal appropriation, and which, of course, may be changed from year to year.

Mr. LUCAS. That is hardly the question. What I was trying to ascertain was whether or not the Senator's plan would cost the Federal Government more, providing it had to put up two-thirds of \$4,000,000 that is now being contributed by the taxpayers direct per month for direct relief.

Mr. TAFT. I would say that in the city of Cleveland, which I know more about, the Federal Government last year was spending in the neighborhood of about \$50,000,000 for W. P. A. The city of Cleveland was spending about \$12,000,000 more, or a total of \$62,000,000. The best authorities in social work that I could find in the city of Cleveland felt that if they had a single administration of relief in Cleveland they could do the whole job for \$40,000,000, in which case the Federal contribution would have been two-thirds, or about \$26,000,000, instead of approximately twice that sum. I say the present method of administering, according to any social worker one may talk to, is the most expensive method of administering relief that we have had in the United States, and we have had some six different methods since the depression of 1929 began.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MINTON. I am looking to 1940. I do not think the Senator ought to monopolize this bill all to himself, or along with the Senator from Michigan [Mr. VANDENBERG] and the Senator from New Jersey [Mr. BARBOUR]. I wonder if he would not take in my friend the Senator from New Hampshire [Mr. BRIDGES]?

Mr. TAFT. I shall be glad to do so.

The bill introduced by Mr. VANDENBERG, Mr. BARBOUR, and Mr. TAFT (S. 2721) to amend the Social Security Act to provide for grants to States for direct relief and work relief was read twice by its title, referred to the Special Committee on Unemployment and Relief, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc., That the Social Security Act is amended by adding at the end thereof the following new title:*

**"TITLE XII—GRANTS TO STATES FOR DIRECT RELIEF AND WORK RELIEF"**

"It is hereby declared to be the policy of the United States Government to discontinue on July 1, 1940, the administration of direct relief and work relief (which shall not be construed to include the activities of the Civilian Conservation Corps) and to assist thereafter only in financing the administration of such relief by the States and the local subdivisions thereof. The Administrator shall cooperate with the States and local subdivisions and assist them to set up the necessary records, personnel, and organization to handle work relief, and on July 1, 1940, he shall discontinue the direct administration of relief.

"(a) The term "needy individual" means any person who lacks self-support and who lacks resources from which may be derived support adequate to provide a reasonable standard of subsistence compatible with decency and health for such individual and for persons legally dependent upon such individual living in the same household, and includes such persons legally dependent upon such individual living in the same household.

"(b) The term "States" shall include the District of Columbia and the Territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

**"APPROPRIATION"**

"SEC. 1202. For the purpose of enabling each State to extend and improve, as far as practicable under the conditions in such State, plans for providing financial assistance, including both direct relief and work relief, to needy individuals not otherwise receiving assistance or benefits as referred to in titles I, II, III, IV, and X of this act, or for whom the assistance or benefits received as referred to in such titles is inadequate to provide a reasonable subsistence compatible with decency and health, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1941, the sum of \$1,250,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States



which have submitted, and had approved by the Board, State plans for such services.

"Sec. 1203. A State plan for direct relief and work relief within the meaning of this act must—

"(1) provide that it shall be in effect in all political subdivisions of the State;

"(2) provide for financial participation by the State, or by political subdivisions thereof, or by both, in the cost of such relief;

"(3) either provide for the administration of the plan by a single permanent State agency or provide for the administration of the plan by agencies of political subdivisions within the State, supervised by such single permanent State agency; and shall provide that such State agency be directed and controlled by a relief board of not less than five persons, no more than a bare majority of whom shall be members of any one political party;

"(4) provide that all officials (except board members) and employees of such State agency, and of all agencies of political subdivisions administering the plan, shall be selected and protected in their tenure of office by civil-service laws of the States;

"(5) provide that the State agency and the agencies of political subdivisions within the State will make such reports in such form and containing such information as the board may from time to time require;

"(6) Provide that there shall be no unreasonable discrimination between needy individuals within the jurisdiction of the State, and particularly no discrimination on account of race or color;

"(7) Provide for the periodic reexamination and reconsideration of all individuals receiving direct relief or work relief under the plan;

"(8) Provide that the State agency may enter into reciprocal agreements with the appropriate agencies in other States for the care, treatment, and readjusting of transient needy individuals; and

"(9) Provide the exact manner in which the share of the State or the subdivisions, or both, shall be paid into the relief fund.

"(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for work relief under the plan—

"(1) Any residence requirement which excludes any resident of the State who has resided therein continuously for 1 year immediately preceding the application; or

"(2) Any citizenship requirement which excludes any citizen of the United States.

"Sec. 1204. (A) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan under this title for each quarter beginning with the quarter commencing July 1, 1940, an amount, which shall be used exclusively as financial assistance, equal to two-thirds of the total of the sums expended during such quarter as financial assistance by the State and the political subdivisions therein under the State plan, in which expenditures shall be counted—

"(1) payments of direct relief, both in cash and in kind, with respect to needy individuals who at the time such payments were made were not inmates of any public institution; and

"(2) the ascertained cost of all work-relief projects on which only needy individuals (other than supervisors) are employed, and 80 percent of all expenditures are direct payments to such needy individuals: *Provided, however,* That the total amount paid to any State for any quarter shall not exceed such State's quota as calculated under paragraph (B) (1) of this section.

"(B) The method of computing and paying such amounts shall be as follows:

"(1) The Board shall, prior to the beginning of each quarter, fix the total amount which it will distribute during such quarter to all the States out of the amount or amounts appropriated by Congress for the entire fiscal year; it shall then calculate the quota of each State for such quarter by apportioning 90 percent or more of the amount it has fixed for all the States, among the several States in the following manner:

"(a) One-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census;

"(b) One-third in the ratio which the number of unemployed individuals in each State bears to the total number of such individuals in all the States, as shown by the latest available Federal census of unemployment, including the unemployment census of 1937, or by the latest available statistics with respect to unemployment supplied by Federal or State agencies.

"(c) One-third in the ratio which the prevailing average of wage rates as determined by the Bureau of Labor Statistics of the Department of Labor in each State bears to the prevailing average of wage rates for all of the States as similarly determined.

"(2) A sum not to exceed 10 percent of the amount or amounts appropriated by Congress for the entire fiscal year may be apportioned among the States or local subdivisions thereof by the Board without regard to any limitations as to amount or percentage prescribed by this title: *Provided,* That such apportionment shall be made only among such States or local subdivisions which have made written application therefor, and only when the Board, after a complete hearing, finds that by reason of disaster, or extraordinary conditions of unemployment, or extraordinary conditions of inability to finance relief, such States or local subdivisions are unable to provide adequate relief within their boundaries, and the President approves such findings.

"(3) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under subsection (A) of this section, but not exceeding the quota fixed under paragraph (B) (1) of this section, plus such sum as may be apportioned under paragraph (B) (2), such estimate to be based on (a) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter; and if such amount is less than one-third of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived; (b) records showing the number of needy individuals in the State; and (c) such other investigation as the Administrator may find necessary.

"(4) The Board shall then certify to the Secretary of the Treasury the amount so estimated by it, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under this act for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

"(5) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified.

"Sec. 1205. In the case of any State plan for financial assistance under this title which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds:

"(1) That the plan has been so changed as to impose any residence, citizenship, or other requirement for relief prohibited by section 3 of this title, or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

"(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 1203 of this title to be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State."

Mr. BONE. Mr. President, is the presentation of an amendment in order?

The PRESIDING OFFICER. It is.

Mr. BONE. I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 3, line 20, after the word "insect" it is proposed to insert a comma and the words "plant and fungus."

Mr. BONE. Mr. President, throughout the forests of the West, and I suspect through most of the timbered sections of the United States, the W. P. A. has carried on certain operations dealing with what is commonly known as blister rust. It has been a recognized activity of W. P. A., and that is particularly true in California, Oregon, Idaho, and Montana.

The purpose of inserting this language is merely to make sure that the handling of blister rust in the forests of the West, especially in the national forests, will not be interfered with, and that it may be continued under W. P. A. operations as a recognized project.

Mr. McCARRAN. Mr. President, may we have the amendment stated again?

The PRESIDING OFFICER. The amendment will again be stated for the information of the Senate.

The CHIEF CLERK. On page 3, line 20, after the word "insect" it is proposed to insert a comma and the words "plant and fungus."

Mr. BONE. I may say that the language of the measure permits the fighting of insect pests, but the fungus that attacks the trees out there, which is known as blister rust, is not an insect pest.

Mr. McCARRAN. May I ask the Senator from Washington whether or not embraced within the term "fungus" there is contemplated the fungus that attacks other plants aside from the trees in the Northwest?

Mr. BONE. I think the term "fungus" is broad enough to include the entire category of fungi. I would assume that to

be true. I think it is broad enough as it would be interpreted to include any legitimate handling of that sort of pests. I do not doubt that it will. I think the language I employ there is sufficiently broad to cover it.

Mr. McCARRAN. What I have in mind, I will say for the purpose of the Record, is that we are throughout the West now contending with a pest known as the alfalfa fungi, and I wondered if the Senator had that in mind when he offered the amendment, or whether he considered that the amendment embraced it.

Mr. BONE. I assume that this work will be done on public lands, and I am not certain whether or not the Senator from Nevada had in mind doing that class of work on private lands. I have in mind the great public forests in the West in which these operations are now being carried on very extensively.

Mr. McCARRAN. I have in mind, I will say to the Senator from Washington, the semi-public land embraced within public or Federal reclamation projects.

Mr. BONE. If it is any form of fungus, I think the language is broad enough to cover it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. BONE].

The amendment was agreed to.

Mr. MEAD. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, line 16, it is proposed to strike out "\$7,000,000" and to insert in lieu thereof "\$10,000,000."

Mr. MEAD. Mr. President, I offer the amendment for the reason that it is in conformity with the request of the Bureau of the Budget, and I recognize the fact that many Senators in the course of the evening's debate have left with us the thought that we ought to be guided to a very great extent by the recommendations of the Bureau of the Budget.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. MEAD. I yield.

Mr. BURKE. Has the Senator from New York followed that program himself?

Mr. MEAD. I will say to the Senator from Nebraska that at the time the Senator was making his strong and forceful argument I was in his corner.

Mr. President, the amendment which I have offered increases from \$7,000,000 to \$10,000,000 the amount of the appropriation for the Puerto Rican Reconstruction Administration. This amount was recommended by the Secretary of the Interior. I read from page 155 of the hearings before the Senate Committee on Appropriations the following statement:

Now, I would like to say just a word in regard to Puerto Rico. The economic situation has become progressively worse in Puerto Rico. The sugar quota has hit Puerto Rico very hard. The trade agreements have hit Puerto Rico very hard, and that leaves a situation for which the Federal Government is responsible.

Secretary Ickes recommends that with the following language:

There is one item I should like to call particular attention to. The Bureau of the Budget set up \$10,000,000 for Puerto Rico, for the Puerto Rican Reconstruction Administration. Puerto Rico must depend upon this appropriation not only for its agricultural relief, but for its urban relief as well.

On page 248 of the hearings there is a statement which goes on to relate the experiences of the island in its attempt to obtain works-progress projects.

The following statement was made by one of the witnesses who appeared before the committee:

We have found it impossible to get the W. P. A. to come down into Puerto Rico to set up W. P. A. projects. Governor Winship time and time again asked the W. P. A. to set up projects, and the Administration felt that it could not do so.

Mr. President, this appropriation, recommended as it was by the Secretary of the Interior, recommended as it has been by the Bureau of the Budget, is essential because of depressed

economic conditions today in Puerto Rico. This organization is now employing about 35,000 people. The appropriations contained in the joint resolution will effect a reduction of that number to 15,000. Last year this agency had \$13,500,000. That sum was made up of the appropriation contained in the legislation, plus the unexpended balance and plus the balance which remained in a revolving fund. Today there is only \$150,000 in the unexpended balance, and we are providing only \$7,000,000, a reduction of \$3,000,000 from the recommendation of the Bureau of the Budget and from the suggestion of the Secretary of the Interior.

The Secretary of the Interior attempted to impress the committee with the desperate plight of the island. He pointed out that he was extremely concerned, and wanted the full appropriation, and yet the committee evidently did nothing about it.

So, Mr. President, I offer the amendment; and I trust it will meet with the approval of the Senate.

Mr. ADAMS. Mr. President, the Committee on Appropriations heard the testimony of the Secretary. We had the same testimony at a previous hearing. The House committee heard the testimony not only of the Secretary but of the representative of the island, and the appropriation included in the joint resolution was in an amount which the committees of both Houses felt to be adequate.

I think one item in the statement of the Secretary ought to be noted. I think perhaps the Senator from Wyoming [Mr. O'MAHONEY] is better equipped to answer the question than I. I refer to the statement that Puerto Rico is suffering by reason of the Sugar Act. As a matter of fact, Puerto Rico is receiving about \$10,000,000 a year in benefit payments by reason of the Sugar Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD]. [Putting the question.] The "noes" appear to have it.

Mr. MEAD. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. BRIDGES. Mr. President, on page 39, under section 34, an amendment was offered by the Senator from Washington [Mr. BONE] which reads as follows:

This section shall not apply to municipal electrical plants.

That particular paragraph in this measure was put forward by the Appropriations Committee so that no funds should be used in a plant, factory, or mill which might come into competition with private business. I think the amendment was put through in pretty rapid fashion, without due explanation. I ask unanimous consent that the vote by which the amendment was agreed to be reconsidered.

Mr. NORRIS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BRIDGES. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. BRIDGES. On that question I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. NORRIS. Mr. President, when the Senator from Washington [Mr. BONE] offered this amendment he said there was doubt that it would prevent the building of a municipal electric-lighting plant if a municipality wanted to build such a plant with assistance from any Federal agency. The fact that the Senator from New Hampshire moves to reconsider the vote by which the amendment was agreed to is a demonstration that the doubt was well-founded.

Mr. President, if the Senate wants to put in a prohibition preventing the use of any instrumentality under this joint resolution, such as the labor which will be employed, in the construction of a municipal lighting plant, municipal water plant, or a municipal sewage-disposal plant, the Senate ought to support the Senator's motion to reconsider.

It is safe to say that the only thing he has in mind is to take the amendment out so that it will be impossible, if his



view of the law is correct, to build a municipal lighting plant. What is the difference between a municipality which votes to take advantage of any provision of the law in building a municipal lighting plant and any other agency which seeks to take advantage of the law?

I had intended to offer a similar amendment until I talked with the Senator from Washington, and it was agreed that he should offer it. I talked with the Senator from Colorado [Mr. ADAMS] about it, and he said he would not object to the amendment. It was agreeable to him because the real intent of the language in this section was that it should not apply to a municipal lighting plant. I have entire sympathy with that intention.

The amendment reads:

No funds appropriated in this joint resolution, whether administered by the Federal Government or by the State or local government agency from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories—

That far, as I see it, there could be no objection to the prohibition. That far, it would perform a useful service. However, the following words are added:

or plants which would manufacture or produce for sale articles, commodities, or products other than those derived from the first processing of agricultural products, in competition with existing industries.

Some testimony was offered by several representatives of the Government on the question whether or not that language would prohibit building a municipal electric-light plant; or, if a municipality had a privately owned water plant that was supplying water, whether or not the municipality could build a municipally owned plant under this section. The testimony of Mr. Fortas explains it. He says:

Section 301—

That is section 34, the one to which this amendment applies—

which is on page 33 of the committee print—

That was a different print from the one we have—

and page 35 of the bill as passed by the House, provides that no funds appropriated in this joint resolution shall be used to purchase, establish, or expand mills or factories or plants which will manufacture or produce for sale articles, commodities, or products in competition with existing industries.

Now, it is my understanding that the origin of this provision is in the first deficiency bill passed this year, and that the provision is in a narrower form and that it was made applicable to the W. P. A. to meet a specific situation where the W. P. A. funds were being used to build competing mills and factories, and the Congress desired to stop that.

This language originated in the first deficiency bill of this year. We did not want that situation to continue. We did not want to get into competition with mills and factories privately owned. We did not want this money to be used to go into that kind of business. In the joint resolution the words "or plants" were added. Those words do not add anything. They are unnecessary. The whole idea is expressed without them.

Mr. Fortas continues:

The provision as presently drafted is applicable to P. W. A. and W. P. A.; we could not do any work on any plant that appears in section 301 or in that whole provision.

He goes on to enumerate various things, such as a sewer system, a water system, or a plant which possibly might compete with an existing industry.

For example, if you had a city which had a private water system that was obsolete and the charges were excessively high and they wanted to put in a modern water system, we might not be able to do work under this provision.

And the same is true of public power development.

That is the secret of it. Nobody objects to the rest of it. The words "or plants" would not be in the joint resolution and they would not be defended by the Senator from New Hampshire if there were any necessity for them, or if the language applied to anything else.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. I wish to finish this reading.

Mr. Fortas continues:

And the same is true of public power developments. It is impossible to tell just exactly what this provision means with the words "or plants" and "or produced." But I think it is clear that it will mean litigation and indirectly increased expenses where funds are appropriated under this bill where a municipality wants to build a water system or wants to improve its water system or build a power plant or improve its power plant.

I concede that it probably never will occur under this joint resolution that that provision will interfere with a water system, because there will not be any built in competition with a privately owned water system; but it will occur all over the United States if the municipalities are to put in publicly owned municipal power plants. If they want to do so, and vote for it, I do not see any reason why Congress should stand in their way.

Farther on in the same testimony, speaking of litigation, somebody asked Secretary Ickes whether or not he would have any objection if they did have litigation. Secretary Ickes said:

We have spent a lot of time in court since 1933—

When they first started out; and I want to tell you that the time spent in court, without any exception, has been when they wanted to build a municipal power plant.

Mr. HOLMAN. How did the words "or plants" get in there?

Mr. NORRIS. I do not know. They cannot do any good. They said, in effect, "If you had good lawyers, it would not make any difference if you did have lawsuits." Secretary Ickes said:

But we have spent a lot of time in court since 1933.

He might have added:

We have spent hundreds of thousands of dollars in legal and court fees, even though we won the suits in the end.

Mr. President, that being true, since it is a matter only of delay—it is a matter taken up here at 1 o'clock in the morning, when we have once had a vote on it, and adopted this amendment—I move to lay the motion on the table.

The PRESIDING OFFICER (Mr. HATCH in the Chair). The question is on the motion of the Senator from Nebraska to lay on the table the motion made by the Senator from New Hampshire [Mr. BRIDGES].

The motion to lay on the table was agreed to.

Mr. BRIDGES. Mr. President, I want to have it clearly understood what the issue here is. Apparently, the United States Senate tonight wants to go on record as favoring taking relief funds from the poor people of the country to use in building and expanding municipal plants in competition with private industry.

Mr. NORRIS. Well, they will do a great deal of good for the poor people if they do.

The PRESIDING OFFICER. Will the Senator suspend while the Chair makes an announcement? There is no question pending before the Senate at this time.

Mr. ADAMS. Mr. President, I thought there was a joint resolution pending before the Senate.

The PRESIDING OFFICER. There is no amendment pending.

Mr. BRIDGES. I have the floor, and there is a joint resolution pending, and I have a right to speak.

The PRESIDING OFFICER. The Senator has a right to speak on the joint resolution. The Chair meant to say that there was no amendment pending.

Mr. BRIDGES. Mr. President, I did not intend to prolong this discussion; but since an effort has been made to shut me off, I may take my 15 minutes now. We have stayed here for some time, and we can stay for a while longer.

This issue is pretty clear. I want to point out what the United States Senate is doing tonight. The Members of this body whose hearts bleed for the poor people of the country are tonight voting to use relief money to build municipal power plants and expand municipal power plants, rather

than letting the relief money go to the poor people of the Nation. That is what it amounts to.

I realize that there are different philosophies in this country. The Senator from Nebraska is entitled to his opinion and his philosophy on the expansion of public power plants; but this is a question of the use of relief funds. I am very glad to see the issue made so clear; but I want to go on record as one Member of the United States Senate who is not in favor of using relief funds to build power plants in this country. I want to go on record further as being one Member of the United States Senate who is not in favor of building with public funds any type of plants, mills, or factories to compete with private industry.

Mr. NORRIS. Mr. President, the Senator has not only gone on record as one Member of the Senate who is trying to save the Nation, but he has gone on record as the one Member outstanding in the Senate of the United States who does just exactly what the Power Trust of America wants done.

Mr. BARKLEY and Mr. BRIDGES addressed the Chair. The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BARKLEY. Mr. President, I do not want to be recognized. I simply want to make the point of order that the Senator from New Hampshire has exhausted his time on the joint resolution and on the amendment.

The PRESIDING OFFICER. There is no amendment pending, and the Senator from New Hampshire has spoken on the joint resolution. The point of order is sustained.

The question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read three times, the question is, Shall it pass?

Mr. BARKLEY. I call for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. HARRISON. I transfer my general pair with the senior Senator from Oregon [Mr. McNARY] to the senior Senator from Iowa [Mr. GILLETTE] and will vote. I vote "yea."

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS] and withhold my vote.

Mr. RADCLIFFE. My colleague the senior Senator from Maryland [Mr. TYDINGS] is unavoidably detained on public business. If present, he would vote "yea."

Mr. MEAD. My colleague the senior Senator from New York [Mr. WAGNER] is unavoidably detained. If present, he would vote "yea."

Mr. BARKLEY. My colleague [Mr. LOGAN] is unavoidably detained. If present, he would vote "yea."

Mr. MINTON. I announce that the Senator from Louisiana [Mr. OVERTON] and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. CARAWAY], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are necessarily detained. I am advised that all of these Senators I have named, if present and voting, would vote "yea."

The Senator from Virginia [Mr. GLASS] is detained because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Utah [Mr. KING] and the Senator from West Virginia [Mr. HOLT] are unavoidably detained.

Mr. AUSTIN. I desire to make some announcements for Senators who are necessarily absent.

The Senator from New Jersey [Mr. BARBOUR], if present, would vote "yea."

The Senator from Idaho [Mr. BORAH] would vote "yea."

The Senator from California [Mr. JOHNSON] would vote "yea."

The Senator from Connecticut [Mr. DANAHER] would vote "yea."

The Senator from Minnesota [Mr. SHIPSTEAD] has a pair with the Senator from Virginia [Mr. GLASS]. If present, the Senator from Minnesota would vote "yea." I am not advised how the Senator from Virginia would vote.

I announce a pair between the Senator from Maine [Mr. HALE] and the Senator from South Carolina [Mr. BYRNES]. I am not advised how those Senators would vote if present.

I announce that my colleague [Mr. GIBSON] would vote "yea" if present.

I announce a general pair between the Senator from Michigan [Mr. VANDENBERG] and the Senator from South Carolina [Mr. SMITH]. I am not advised how those Senators would vote if present.

The result was announced—yeas 55, nays 0, as follows:

#### YEAS—55

Adams	Frazier	Lee	Radcliffe
Andrews	Gerry	Lodge	Reed
Austin	Green	Lucas	Reynolds
Bankhead	Guffey	McCarran	Russell
Barkley	Gurney	McKellar	Schwellenbach
Bilbo	Harrison	Maloney	Slattery
Bone	Hatch	Mead	Smathers
Bulow	Hayden	Miller	Stewart
Burke	Herring	Minton	Tobey
Capper	Hill	Murray	Truman
Clark, Mo.	Holman	Neely	Walsh
Connally	Hughes	Norris	Wheeler
Davis	Johnson, Colo.	O'Mahoney	Wiley
Ellender	La Follette	Pepper	

#### NOT VOTING—41

Ashurst	Danaher	Logan	Thomas, Okla.
Bailey	Donahey	Lundeen	Thomas, Utah
Barbour	Downey	McNary	Townsend
Borah	George	Nye	Tydings
Bridges	Gibson	Overton	Vandenberg
Brown	Gillette	Pittman	Van Nuys
Byrd	Glass	Schwartz	Wagner
Byrnes	Hale	Sheppard	White
Caraway	Holt	Shipstead	
Chavez	Johnson, Calif.	Smith	
Clark, Idaho	King	Taft	

So the joint resolution (H. J. Res. 326) was passed.

The title was amended so as to read: "Joint resolution making appropriations for work relief and relief, for the fiscal year ending June 30, 1940."

Mr. HOLT subsequently said on Thursday morning, June 29, 1939,

Mr. President, I desire the RECORD to show that last night I was advised that there would be no yea-and-nay vote on the relief joint resolution. I left the floor, and before I could return the vote had been taken. Had I been present, I should have voted for the relief joint resolution.

If there is no objection, I desire to have this statement inserted in the permanent RECORD at a point following the roll call.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ADAMS. I ask unanimous consent that the clerks may be authorized to correct the totals in the joint resolution in accordance with the text of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. I move that the Senate insist upon its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN,



Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

#### PERSONAL PRIVILEGE

Mr. BRIDGES. Mr. President, I rise to a question of personal privilege.

I understood, as I listened to the last remark of the Senator from Nebraska [Mr. NORRIS], that he impugned the motives of the Senator from New Hampshire. As I understand, that is against the rules of the United States Senate. A man as old in the service of the Senate as is the Senator from Nebraska should know better than to make such a remark.

Mr. NORRIS. Mr. President, what remark? I did not hear all that the Senator said. What remark does he refer to?

Mr. BRIDGES. I refer to the last remark the Senator made about the Power Trust.

Mr. NORRIS. All right; let the RECORD show what I said. I shall be glad to stand by it.

The PRESIDING OFFICER. The statement of the Senator from Nebraska will appear in the RECORD, and the statement of the Senator from New Hampshire will also appear in the RECORD.

#### ADDITIONAL REPORT OF A COMMITTEE

Mr. HAYDEN, from the Committee on Mines and Mining, to which was referred the bill (H. R. 6977) to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938, reported it with an amendment and submitted a report (No. 698) thereon.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of John M. Carmody, of New York, to be Federal Works Administrator, to be effective July 1, 1939.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the following nominations:

Paul H. Alling, of Connecticut, to be a Foreign Service officer of class 4, a consul, and a secretary in the Diplomatic Service; and

Louis G. Dreyfus, Jr., of California, now a Foreign Service officer of class 1 and a counselor of Embassy at Lima, Peru, to be Envoy Extraordinary and Minister Plenipotentiary to Iran.

Mr. PITTMAN also, from the Committee on Foreign Relations, reported without reservation Executive N, Seventy-sixth Congress, first session, an agreement between the Government of the United States and the Government of the United Kingdom for the exchange of certain stocks of cotton and rubber, signed at London on June 23, 1939, and submitted a report (Ex. Rept. No. 9) thereon.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

#### NOTICE OF MOTION TO SUSPEND THE RULE

Mr. REYNOLDS (for Mr. LUNDEEN) submitted the following notice in writing:

In accordance with the provisions of rule 40 of the Standing Rules of the Senate, I hereby give notice in writing of my intention hereafter to move to suspend paragraphs 1 and 4 of rule 16 for the purpose of proposing, for the Senator from Minnesota [Mr. LUNDEEN], to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, the following amendment, viz: At the end of the bill to insert a new section, as follows:

"SEC. —. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the boards of county commissioners of the

counties of Hennepin and Anoka in the State of Minnesota, in such proportions as the Secretary may deem appropriate, the sum of \$100,000, to be used for the relief of the victims of the tornado which occurred in such counties on June 18, 1939.

"SEC. —. Any sum paid to a board of county commissioners under the provisions of the first section of this act shall be apportioned by such board, in such proportions as it deems appropriate, to the villages and cities within such county which were affected by such tornado. Any sum so apportioned to a village or city shall be expended, under the joint direction of such board and of the municipal government of the village or city to which apportioned, for the relief of the victims of such tornado residing within, or in the neighborhood of, such village or city."

#### NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT

Mr. O'MAHONEY submitted the following notice in writing:

In accordance with the provisions of rule 40 of the Standing Rules of the Senate, I hereby give notice in writing of my intention hereafter to move to suspend paragraph 4 of rule 16 for the purpose of proposing to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, the following amendment, viz: At the proper place in the bill to insert the following new section:

"SEC. —. That section 6 of the Treasury and Post Office Departments Appropriation Act, fiscal year 1940 (Public, No. 65, 76th Cong.), approved May 6, 1939, is hereby amended to read as follows:

"Sec. 6. On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within 30 days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities."

Mr. O'MAHONEY submitted an amendment intended to be proposed by him to House bill 6970, which was ordered to lie on the table and to be printed.

(For text of amendment referred to see the foregoing notice.)

#### THE MEANING OF CIVIL LIBERTY—ADDRESS BY ATTORNEY GENERAL MURPHY

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered on June 21, 1939, by Hon. Frank Murphy, Attorney General of the United States, at the commencement exercises of John Marshall College, Jersey City, N. J., on the subject *The Meaning of Civil Liberty*, which will appear hereafter in the Appendix.]

#### ADJOURNMENT

Mr. BARKLEY. I move that the Senate adjourn until 12 o'clock noon today.

The motion was agreed to; and (at 1 o'clock and 15 minutes a. m., Thursday, June 29), the Senate adjourned until 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 28, 1939

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who maketh the clouds Thy chariot, who walketh on the wings of the wind and maketh Thy ministers a flaming fire, deepen in our hearts the acceptance of the simple words, "Our Father who art in heaven." We pray Thee, in the name of Him who bore the burden and endured the cross, do Thou inspire our lives with the significance of Thy life and the reality of Thy being. Thou who upholdest the world, uphold Thou us; Thou who art the light of the sun, grant us sight of Thy sight; walk with us and replenish our altar fires from above. Call us to that large manhood that includes conscience, honor, sympathy, and aspiration; sanctify in us these instruments of power, and may we ever disown the things that minister to malice and evil. In the holy name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5427) entitled "An act making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes," and agrees to the amendment of the House to the amendment of the Senate No. 1 to said bill.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6577. An act to provide revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. KING, Mr. TYDINGS, Mr. McCARRAN, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1302. An act to make permanently effective the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended, and for other purposes.

## CALL OF THE HOUSE

Mr. SABATH. Mr. Speaker, I ask recognition to call up House Resolution 233.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present. Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 108]

Beam	Chapman	Ellis	Kelly
Boehne	Connery	Engel	Keogh
Buckley, N. Y.	Cooley	Evans	Kerr
Byron	Culkin	Fitzpatrick	Lesinski
Cannon, Fla.	Curley	Grant, Ala.	Luce
Cannon, Mo.	Darden	Harrington	McGranery
Cartwright	Dies	Hartley	McLeod
Case, S. Dak.	Drewry	Hennings	McReynolds
Casey, Mass.	Eaton, Calif.	Hook	Magnuson

Mapes	Satterfield	Smith, Ill.	Taber
Marshall	Scrugham	Smith, Maine	Vinson, Ga.
O'Toole	Seger	Smith, W. Va.	Whelchel
Peterson, Ga.	Shannon	Sumners, Tex.	Wood

The SPEAKER. Three hundred and seventy-seven Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the New York Enquirer on the subject of war debts.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein an editorial under date of June 23 appearing in the San Carlos Bulletin.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THILL asked and was given permission to extend his own remarks in the RECORD.

Mr. THORKEKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. THOMAS of New Jersey. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman on what subject he is going to extend his remarks?

Mr. THORKEKELSON. Why does the gentleman want to know that? These are my remarks.

Mr. THOMAS of New Jersey. I have a right to ask on what subject the gentleman is going to extend his remarks.

Mr. THORKEKELSON. I do not believe so. I represent the State of Montana and I have the same rights as this gentleman here.

Mr. THOMAS of New Jersey. I object, Mr. Speaker.

Mr. ALLEN of Louisiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address recently delivered by Elliott Roosevelt over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## WOOL PRODUCTS LABELING BILL

Mr. BOREN. Mr. Speaker, I ask unanimous consent to file minority views on the bill H. R. 944, known as the wool-products labeling bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## EXTENSION OF REMARKS

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial appearing in the Livingston Enterprise on neutrality legislation.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

## STABILIZATION FUND AND ALTERATION OF THE WEIGHT OF THE DOLLAR

Mr. SABATH. Mr. Speaker, I call up House Resolution 233.

The Clerk read as follows:

## House Resolution 233

Resolved, That immediately upon the adoption of this resolution the bill H. R. 3325 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to by the



House; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to by the House; and that the Speaker shall immediately appoint conferees without intervening motion.

Mr. SABATH. Does the gentleman from New York desire any time on the resolution?

Mr. FISH. I would like half the time.

Mr. SABATH. Mr. Speaker, I will yield later 30 minutes to the gentleman from New York.

Mr. Speaker, due to the fact that objection has been raised on the part of some Member to granting unanimous consent to taking the bill H. R. 3325 from the Speaker's desk and sending it to conference, it has become necessary to bring in a special rule.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. For the sake of accuracy, as far as the record is concerned, will the gentleman tell us who did object to granting such consent?

Mr. SABATH. I really do not know.

Mr. MARTIN of Massachusetts. As a matter of information, if the gentleman will yield, because I know he wants to be set right on the subject, I may say that no one objected.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Texas, the majority leader.

Mr. RAYBURN. I was informed that there would be objection, so the request was not made.

Mr. MARTIN of Massachusetts. That is a different matter. The gentleman anticipated that there might be objection.

Mr. SABATH. It has been rumored and promised that some gentlemen would object; therefore, it became necessary for the Rules Committee to meet and bring in this rule. The rule will not deprive any Member of any rights. It authorizes the Speaker, as I have stated, to name conferees, as requested by the Senate. As the House has gone on record by a very substantial majority for its bill, the House cannot agree to the Senate amendments. Consequently, the conferees will have to come back to the House for instructions, and, upon so doing, any Member will have the right to offer a preferential motion to agree to any of the Senate amendments. If such a motion is made, I hope it will not be agreed to, because the House bill is a real, constructive measure.

Personally, I cannot quite understand why there should be any objection to the bill being sent to conference, and I do not know of any reason why the House conferees should not be able to convince the other conferees that the House bill, as passed here by a substantial majority, should be made the law of the land.

Personally, I have the highest admiration for some of the gentlemen from the silver States, and I congratulate them, and especially the Democrats, because at all times they are doing everything they can for their people and their section of the country, but, unfortunately, this bill, as it has been emasculated over in the other body, is a bill that I cannot see how they themselves could support or vote for. Therefore, I hope that the rule will be agreed to and the bill will be sent to conference so that early action can be had by the Congress.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. TREADWAY. I would like to ask the gentleman whether he knows whether or not this bill, if it goes to conference, will involve in the conference the question of a tax on bullion silver.

Mr. SABATH. As I recall, there was nothing of that sort in the House bill and I do not think there is anything along that line in the emasculated Senate bill. In view of that fact, the conferees would have no jurisdiction to take up any such matter unless it was in the House bill or in the Senate bill.

Mr. TREADWAY. The subject of taxation is brought into the Senate bill and, therefore, would not that par-

ticular matter naturally be brought up in conference? Is it not a parliamentary question that the conferees will have to decide?

Mr. SABATH. Yes, it is; but I doubt very much whether that question could be taken up by the conferees. The conferees cannot go any further than the action of the House or the Senate.

Mr. TREADWAY. I realize that fact, but as long as the question of taxation comes into the picture, it seems to me, perhaps, it is a fair parliamentary question to be decided by the conferees.

Mr. SABATH. To be candid, I have not studied the Senate amendment because I did not feel it deserved very much study. I feel that the Senate amendments are unfair, and therefore the bill should go to conference, and the Senate amendment should be eliminated so that final action on the legislation can be had.

Mr. TREADWAY. I hope that question can be brought up in the conference within the limits of what appears in the Senate bill.

Mr. SABATH. I do not think the conferees will have such jurisdiction.

Mr. Speaker, in view of the fact that there are a large number of Members who desire time to speak in favor of the adoption of this rule, I will content myself with what President Roosevelt has to say with respect to the Senate action on this legislation, which appeared in this morning's papers, believing that he has been correctly quoted:

The Senate action would, in effect, be an open invitation to international foreign-exchange speculators to manipulate the dollar with resultant injury to United States foreign trade. The national defense is weakened, he observed, if the national economy is weakened.

Mr. Speaker, whether we are Democrats, Republicans, Independents, or what not, we must concede, if we are honest, that the President has acted prudently and wisely in devaluing the dollar as he has. To take away from him that power, as is contemplated, would be injurious to America, would be injurious to our trade, and injurious to the best interests of our Nation.

It must be conceded, and it is conceded by even the arch enemies of the President, that today the American dollar commands a premium throughout the world. We know that the policy of President Roosevelt, under the act of Congress, has reestablished and increased our export business and at the same time has brought about a credit never before had by our country, a credit whereby under present conditions we can frequently obtain money at one-twentieth of 1 percent. I dispute the charge that the bill will give greater power to the President. It will not give him any greater power than that he has enjoyed since the enactment of the original act in 1934, and which power he has exercised intelligently and effectively to the best interests of our country. I am convinced that this bill which proposes to extend the life of the Gold Reserve Act of 1934 is absolutely needed in order to hold the international bankers and money speculators in check. What has been accomplished by this administration should not be destroyed and the President's position should not be weakened. I think the act, as it has been passed here—and I may say many of you Republican gentlemen voted for it—should be extended. Therefore I hope the resolution will be adopted by a unanimous vote of the House. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is a very important measure, brought up under a rule with only 1 hour of debate. The Members of the House will have the opportunity, if they so desire, to restore the control and regulation of the value of money to the Congress by voting down the previous question.

For the first time in over 150 years Congress surrendered this far-reaching and important power to the President of the United States. We now have an opportunity, by voting down the previous question, to get a direct vote on whether we want to take back this power by instructing our conferees to agree with the action of the Senate.

Article I, section 8, of the Constitution reads as follows:

The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

That is the constitutional prerogative of the Congress. We have yielded the power of the Congress to the President to devalue the dollar in an emergency. The Senate, in its wisdom, has taken back that power. It will give us an opportunity to express our sentiments if we vote down the previous question.

Furthermore, if we vote down the previous question, we will get an opportunity to agree with the action of the Senate which prohibits from now on the buying of silver from foreign nations. In all sincerity, I do not believe there is a single Member of Congress who wants to continue this fallacy. It is the most absurd of all the wand-waving, crystal-gazing ideas of the New Deal. I do not believe a single Member of Congress will defend it today. We have been buying this silver by the hundreds of millions of dollars from foreign countries at twice the cost of production, and then burying it again in the ground in our own country, where it serves no useful purpose. We might just as well buy seaweed or ocean salt water as to buy silver from foreign lands. Yet we were told at the time that such a silver-purchasing program was the road to recovery and the employment of labor and would increase the price of agricultural products. It is the most gigantic failure of the New Deal, and there is not a single new dealer that I know of who will even defend it today and ask that we continue this policy of throwing American dollars into the sewer to buy silver from foreign lands.

By voting down the previous question we could then get a vote on that. Then comes the other question of whether we want to vote to increase the price of silver in our own country some 10 cents. I do not mind giving a subsidy to our own silver producers so that they can produce more silver in our own country. I am not opposed to that if it gives them protection, and it will only cost some \$7,000,000 if the Senate proposal is adopted.

As far as I know, there is no coalition between the Republicans in the House who want to take back from the President the power to regulate the value of money, and those Members from the silver States who want an increase in the price of domestic silver. No one has approached me, but I do know that practically every Republican Member of Congress wants to take back from the President this power, and restore representative government in the United States of America. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, this is just as important now as it was when this bill was before us. At the time this bill was before us for consideration, the committee to study the extraordinary powers of the President made certain recommendations. Those recommendations have largely been written into the Senate amendments, with the exception of the fact that the Senate raised the price which the Treasury would pay for domestic silver from 64.64 to 77.5 cents per ounce.

I want to comment briefly, and I hope without too much partisan rancor, on the statement made by the President yesterday, that the adoption of the Senate amendment would virtually turn the country over to Wall Street. I do not think the President gave very serious consideration to his words when he made that statement.

As the gentleman from New York [Mr. FISH] has said, ours is the duty to coin and regulate the value of money.

For a great many years there have been straw men in America, as there have been straw men in Soviet Russia, in Nazi Germany and Fascist Italy. In Soviet Russia the straw men to be destroyed, to perpetuate dictatorships, are the capitalistic nations. In Fascist Italy, the straw men are the democracies of the world to be destroyed, that dictatorships may be perpetuated. In Nazi Germany the Jews and, in many instances, the Catholics are the straw men, built up to

be destroyed in order that dictatorships may be perpetuated. In this country the straw men to be destroyed to perpetuate power are not capitalistic nations, they are not the democracies of the world, and thank heaven they are not the Jews and Catholics, but here the Wall Street bankers, the international bankers, successful businessmen, and farmers who are the straw men to be destroyed in order that power might be perpetuated. That is the reason, I presume, for the statement made yesterday that because certain of the powers which had been delegated to the President were about to be taken away that the country was to be turned over to the Wall Street bankers.

We should not continue to devalue gold, because every economist in the United States worthy of the name has repudiated the theory that the dollar price of commodities follows the dollar price of gold. Professor Warren and Professor Pearson advocated that. Professor Warren has now gone to the Great Beyond, and Professor Pearson I am given to understand is weakening in the light of experience, but if he still clings to the idea that the dollar price of commodities follows the dollar price of gold he stands alone among the economists of the United States in the advocacy of that theory. So we should take the initiative to establish the price of gold, to stabilize somewhere; and the adoption of the Senate amendment stabilizes the price of gold at \$35 an ounce. The nations of Europe, Asia, and of the world at large can tie to the American dollar, with the price of gold stabilized; and instead of destroying our trade there will be an incentive toward an increase in trade because of that.

What about silver, what about the purchase of foreign silver? Rene Leon, a great silver expert, appeared before our committee and testified that this would aid our trade with China, that it would give them a purchasing power through which they might buy American goods. What happened? We forced China off the silver standard, we forced her to tie to the British pound sterling; and we should bear in mind the fact that if the United States participates in a war in Asia it will be an economic war to protect the commerce of Great Britain with China. Every purchase which China makes from the United States because of our fallacious silver policy must now be done through the back door of London, England. I was told that by no less an authority than a gentleman connected with the Chinese Treasury Department, who corresponds to the Assistant Secretary of the Treasury in our country.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 3 additional minutes to the gentleman from Michigan.

Mr. WOLCOTT. All of our trade with China must be through the back door of London, England, because of this fallacious silver policy. We should not deplete the monetary stocks of foreign countries by purchasing foreign silver. One of the greatest economists, Dr. Sprague, who was formerly an adviser to the Bank of England, before we entered upon this policy, had advised the Government of Great Britain and the Bank of England that there was too much monetary silver in India, it was wholly out of proportion to the monetary use to which it should be put. The net result of our fallacious silver policy was to bail out Great Britain by purchasing the surplus silver stock of India and thereby helping to stabilize the British pound sterling to the prejudice of the American dollar. In order to continue this policy we must continue to assume that the purchase of silver and the devaluation of gold is necessary to help our foreign trade. It is not. Every economist in the United States worthy of the name has repudiated that theory and is on record as having repudiated it. What we need in foreign exchange today is not a war among the nations to see which one can cheapen its money the most, but it is stability, it is stability in international exchange. [Applause.] I have advocated the freezing of the value of gold at \$35 an ounce, as we do in this bill; and I have advocated the discontinuance of the buying of foreign silver, believing very firmly that by doing so we would have stabilized to that extent and that by our example the other nations of the world would stabilize and



improve not only our foreign trade but the trade of all the nations of the world. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, we have just heard the gentleman from Michigan [Mr. Wolcott] compare Wall Street to a straw man, as if we were attacking Wall Street as a straw man when we are trying to keep them from turning the fiscal affairs of this Government over to Wall Street again as they did in 1920 and probably throw this country into another panic with the same results.

He says that Congress should do this, regulating the value of money and not leave it to the President. I am sorry to admit that I have come to the conclusion that Congress either does not have the courage or else does not have the ability to go ahead and regulate the value of our money as the Constitution provides. Some of you sat here in 1929 and saw the country go to the dogs, and never attempted to solve this problem. Was Wall Street a straw man then?

I advocated turning this power over to the President in 1933 because Congress would not exercise it. Something had to be done, and Congress had refused to act.

What is the trouble? We are in a money panic, and have been since 1927. We are gradually nosing out, but if you take this power away from the President and turn it back to Wall Street, to the money changers who now have control of the Federal Reserve System, I shudder to think what will happen to the agricultural people of this country within the next 12 months. Look what happened to them in 1920 and in 1932.

The gentleman from New York [Mr. Fish] asked about increasing the price of domestic silver. He surely is not going to touch that, because it was passed in the Senate by Republican votes; surely he will not touch that ark of the covenant. But he opposes continuing the President's power to devalue the gold dollar. Every country under the shining sun that amounts to anything has long since devalued its gold currency, reduced the amount of gold in its currency more than we have devalued the United States dollar. If you take this power away from the President and deny him the power to issue currency against the gold we have, you are likely to throw this country into a panic in 1940 the like of which has never been seen; and the farmers of this Nation, the producers of this Nation, the toiling masses, and the small-business men will pay the price.

I know it is stated that we bury this gold in the ground.

Mr. KNUTSON rose.

Mr. RANKIN. I trust the gentleman from Minnesota will not interrupt me. He was here in 1929 and never opened his mouth when Wall Street was financing the jamboree on the stock market and the farmers of this country were going bankrupt.

Miss SUMNER of Illinois. Will the gentleman yield?

Mr. RANKIN. No; I cannot yield.

Mr. Speaker, they say the President has not exercised this power to issue currency against our gold reserve. I am sorry he has not. I wish he had issued \$3,000,000,000 in gold certificates or United States notes and put them in circulation in 1933. If he had done that, in my opinion it would have ended the depression. We would have got out of it long ago; and if he will do that now, it will still do more to restore prosperity than all the legislation we are now passing. If you take this power from him, if you take away from him this power, you turn it over to the international bankers, to Wall Street, the same crowd that brought on the panic in 1920 and in 1929-32.

Mr. Speaker, I trust the previous question will not be voted down, but that this rule will be passed and the bill sent to conference. I hope this power will be retained in the hands of the President to protect us against such calamity as we have experienced in former years. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. REED], the ranking Republican member of the Committee on Coinage, Weights, and Measures.

Mr. REED of Illinois. Mr. Speaker, several weeks ago when this legislation was up in the House of Representatives for consideration, one of the ablest and most respected Members of this body stated that it was and would be the most important legislation to be considered by this body during the present session of the Congress.

When the Committee on Coinage, Weights, and Measures had this measure under consideration it held hearings which lasted for several weeks. The bill was brought upon the floor of the House and 7 hours of debate were devoted to a discussion of its merits and demerits. The bill as it finally passed the House consisted practically of two propositions. One section of the bill continued in force the existence of the stabilization fund. The other prolonged the power in the President to devalue the dollar. Those were practically the only sections of the bill. They were almost identical with the provisions of the bill that had been enacted 2 years previously and similar to one enacted in 1934.

When the bill under discussion reached the Senate, extensive hearings were held by the Committee on Banking and Currency, which hearings consumed several weeks. Debate on the floor of the Senate occupied several days. The action which the Senate took last Monday leaves one section of the bill practically intact, to wit, the provision continuing for 2 years the existence and operation of the stabilization fund; however, the Senate eliminated that portion of the House bill which gave to the President the power to devalue the dollar and added an amendment providing that the President and the Secretary of the Treasury may purchase domestic newly mined silver for 77 cents per ounce. A further amendment terminates the authority to purchase foreign silver.

It is now up to the House of Representatives to determine whether it will accept the amendments of the Senate or, practically speaking, allow the whole legislation to die a natural death. It will die by operation of law if some action is not taken before Friday night because the existing statutes creating the stabilization fund and the power to devalue contain in themselves a provision that the power and authority therein granted will expire on the 30th day of June this year. I have believed in the existence of this stabilization fund. I believe it should be continued in force. I have my doubts as to the rest of the bill. But I believe the Congress, and this House of Representatives in particular, should stand upon its own feet today and this House should take the opportunity afforded it to instruct its conferees as to its wishes. I am not afraid of the bugaboo that we have heard for so many years that Wall Street is running the United States Government. I have faith in the ability, the intelligence, and the integrity of my fellow Members of the House of Representatives. I believe there is not a man here who is a tool of Wall Street. We are capable of legislating wisely, freely, and constitutionally.

The judgment of 435 Representatives of the people must be sound. The conference committee should have the benefit of that judgment.

Mr. Speaker, I hope the House will vote down the previous question. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Voorhis].

Mr. VOORHIS of California. Mr. Speaker, when anybody tries to make people believe that depriving the President of his power to devalue the gold dollar is "restoring" any power whatsoever to the Congress, he is committing a pure act of deception. It does no such thing. Anybody who sincerely wanted to advocate the exercise of monetary powers by the Congress would make such criticism as he made on the ground that we have not utilized as a base for credit or money the metal that has been purchased. He cannot make an argument against the purchase of that metal or against the power of the President to devalue the dollar. Nobody from an agricultural community in this House can possibly afford to have this power shorn from the President. Rather, for the sake of agriculture we might require the President would use his power. The gentleman from Michigan nor anybody else

can give us the slightest assurance that any other nation in the world will desist from taking advantage of the action of the United States in freezing the gold content of the dollar to debase their currency and deprive us of such trade as we have left. [Applause.]

Such action on the part of other nations will, in effect, mean that our farmers will be paying the costs of their production with more valuable dollars, in terms of other currencies, than was the case before.

It is, in my opinion, of basic importance that we face this issue exactly as it really is. I think my views on this monetary question are very well known. I firmly believe that we should now, at the very least, make constructive use of such free gold and silver as our Treasury possesses of such metal, with no obligations whatsoever against it. We have over \$3,000,000,000 worth. Certainly it could be employed in the retirement of a portion of the public debt, or we could use it as a credit base for the making of the loans provided in the President's proposed lending program. But this has nothing whatsoever to do with the question at issue here today. I cannot see how gentlemen can believe that the right avenue to take is to deprive a governmental official like the President of the United States of the only protection we have under present circumstances against monetary action by foreign nations, and above all things we should not deprive him of his power to further devalue the dollar. When gentlemen talk about stabilizing the currencies of the world by having the United States tie its own hands, they are talking about something that is absolutely beyond the realm of possibility, because that is the very thing that will prevent stabilization of the currencies of the world by making it the evident interest of other nations to devalue further than they have yet done.

Let us face one problem at a time. Let us not get all balled up with a lot of things that have nothing to do with the question at issue. Personally, I should like to see the Congress set up a monetary authority under congressional mandate to be the sole agency in the Nation bringing money into circulation and regulating its value. To such an agency I should like to see all these powers transferred. But pending that time I prefer to have the power in the hands of a Government official such as the President, rather than in the hands of private speculators and international bankers, and I am as convinced as I can be that that is exactly where it would go. [Applause.]

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. The suggestion has been made here that domestic silver and foreign silver are at cross purposes in this issue. Does not the gentleman believe that we might properly continue the purchase of domestic silver and give up the purchase of foreign silver? I am willing to reduce or stop our purchase of foreign silver, but I insist on the continuing purchase of domestic silver at a higher price.

Mr. VOORHIS of California. Yes; I think we certainly can buy domestic silver without obligating ourselves to take all foreign offerings, if we want to do that. I would say, however, once again that the more important thing is to make constructive monetary use of the foreign silver after we have purchased it. And I want to say this one further thing. It has been brought out in this House before that if you want to have foreign commerce you must find some way to get American exchange into the hands of foreign buyers. There are only three ways to do it that I know of. One of them is to pay them for services, another is to import from them, and another is to purchase these metals. [Applause.]

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, let none of us on this side of the aisle—Democratic—deceive ourselves. This is a direct attack politically on the President of the United States. When the original bill was passed in 1934 the roll-call vote by which the bill was passed was 360 to 40. Today the gentleman from New York [Mr. FISH]—and, by the way, he voted

against it on that occasion, although the gentleman from Michigan [Mr. Wolcott] voted for it today—the gentleman from New York said—and, of course, I do not believe any Member accepted his statement on its face value—that there was no coalition between the Republicans and certain other Members of the Senate that put through the amendment in relation to the devaluation of the gold content of the dollar. Everybody knows what happened in the Senate. It is chronicled in the newspapers. Why, it is already being chronicled as one of the most outstanding—I will say it mildly—of coalitions, and I quote the newspapers.

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that the gentleman is talking about the august body on the other side of the Capitol, which is contrary to the rules of the House.

The SPEAKER. The gentleman from Massachusetts will proceed in order.

Mr. McCORMACK. Quoting what I have read in the newspapers as written by various columnists, why, even Republican Senators—and I quote them from the newspapers, not what they said in the Senate, and if I understand the rules correctly I have a perfect right to quote them when they talk in the press—Senator VANDENBERG admitted that he and two other Republican Senators—

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

Mr. McCORMACK. Admitted in the newspapers, in a statement outside of a speech made in the Senate—

Mr. MARTIN of Massachusetts. Mr. Speaker, I believe my distinguished and good friend from Massachusetts is in error in his deduction.

The SPEAKER. The gentleman will state his point of order.

Mr. MARTIN of Massachusetts. Mr. Speaker, my point of order is that the gentleman is talking about Members of the Senate and the Senate itself, and the actions of the Senate, and he cannot do that in the House.

Mr. RAYBURN. Mr. Speaker, certainly no one would contend that a Member of the House cannot refer to a statement or a speech made by a Senator outside the United States Senate, and that is what the gentleman from Massachusetts is now doing.

Mr. MARTIN of Massachusetts. The rules of the House prevent him from criticizing a Member of another body.

Mr. RAYBURN. The gentleman is not criticizing the Senator, he is criticizing what he said.

The SPEAKER. The Chair will read the rule:

It is a breach of order in debate to notice what has been said on the same subject in the other House.

The gentleman will proceed in order.

Mr. McCORMACK. In order to satisfy the disturbed feelings of my distinguished friend from Massachusetts, whom I admire, and whom I am glad to see is the minority leader, and who would make a good candidate of the Republican Party for President [applause]—and I mean it.

Mr. CLASON. Will the gentleman vote for him?

Mr. McCORMACK. That is not the question. The Republican Party cannot do any better than to put the gentleman from Massachusetts [Mr. MARTIN] on its national ticket. [Applause.] Do not blame me, Joe, if I have started a Presidential campaign for you.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I am afraid the gentleman has now disarmed me completely.

Mr. McCORMACK. Quoting the gentleman from New York [Mr. FISH], he said there was no coalition. I contend there was a coalition, and the coalition is for the political purpose of discrediting the President of the United States in the eyes of the American public. [Applause.]

[Here the gavel fell.]



Mr. FISH. Mr. Speaker, I yield myself one-quarter of a minute.

Mr. Speaker, just for the sake of accuracy in the RECORD, I made no reference whatever to a coalition in the Senate. I know nothing about that august body. I merely said there was no coalition in the House.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I am somewhat disturbed at the attitude of my good friend from Mississippi [Mr. RANKIN] and what he had to say in regard to the possibilities should this legislation be repealed. He probably does not remember that in 1934, the first year of the New Deal's monetary policy, the cotton farmers of this country shipped out more than 8,000,000 bales of cotton. During the 4 years when this policy has been in effect the cotton exports have decreased from around 8,000,000 bales to a little over 3,000,000 bales this year, and then the gentleman talks about this legislation helping the farmers of the United States or helping the cotton farmers in his area. Does he recall that the prices on cotton have fallen from over 12 cents a pound in 1934 down to under 9 cents a pound? Does he recall that under this New Deal monetary policy the prices of wheat have fallen from \$1.40 a bushel down to 65 cents a bushel in my home State? Does he recall the falling of agricultural prices that have taken place under this New Deal monetary policy?

So, apparently, this policy has not helped American agriculture, but, on the contrary, it has helped the foreign producers and aided them in selling their products in our American market to the detriment of our farmers.

I always want to help the American people. I am not interested in continuing a policy of government that has for its primary purpose the aiding of foreign individuals, and that is all this monetary policy does—to give aid, bounty, and gifts to foreign speculators.

Under this policy and monetary program the United States Treasury has purchased nearly 2,000,000,000 ounces of foreign silver at a cost of around \$1,000,000,000. Do you know that under this policy since January 1, 1934, this country of ours has purchased more than \$9,000,000,000 of gold, foreign gold, and has paid a premium of nearly \$3,600,000,000 on it, an outright gift of nearly \$5,000,000,000 from the American people to the people in the foreign countries of the world, mostly foreign gold and silver speculators who are getting the advantage of a good-neighbor policy established by the New Deal administration?

I am for helping American citizens, American workmen, and American farmers, and when I see that a policy is wrong we should be big enough to repeal or change it, and get back to sanity and reason for the benefit of our own American workers and people.

President Roosevelt said yesterday in criticizing the Senate vote on the stabilization and devaluation bill, that its action restored control over money to Wall Street speculators and international bankers.

If the return to Congress of its constitutional right to fix and regulate the value of money means Wall Street control of money, as stated by the President, then the people had better abolish Congress and representative government.

What a sad commentary on the part of the Chief Executive as to the integrity of Congress. His attitude toward the membership of Congress can be briefly stated. When Congress "rubber stamps" his edicts, then it functions properly, but when Congress attempts to exercise its constitutional prerogatives, the President calls it a tool of Wall Street or begins a far-reaching purge.

The right to fix and regulate the value of money, under the Constitution, belongs solely to Congress. Today, we have the opportunity of recapturing that power by voting down the "previous question" on the rule, and concurring in the Senate amendments to the bill before us. The people of

the country demand this action today in behalf of constitutional and representative government.

What is the effect of the action taken by the Senate on the stabilization bill as passed by the House in April of this year?

First. Senate action provides for the continuation of stabilization fund as approved by the House.

Second. Senate action takes away from the President, and restores to Congress, the constitutional power to regulate and fix the value of money (gold). Senate vote—ayes 47, noes 31.

Third. Senate action discontinues the purchase of foreign silver by the United States Treasury. No record vote taken in Senate. Vote overwhelming in favor of discontinuance.

Fourth. Senate action provides for the purchase of domestically mined silver at 77.57 cents per ounce. Senate vote—ayes 48, noes 30. The price of 77.57 was paid by the Treasury for domestic silver for several years prior to the present price of 64.64 cents per ounce, which closed many mines in this country and threw thousands of miners out of work.

The concurrence of the House in the Senate amendments will be one step toward the restoration of business confidence and a return of faith of our people in representative government.

It is about time that the American people stop playing Santa Claus to the rest of the world.

Foreign governments owe us more than \$12,000,000,000 from the days of the World War. This staggering sum will never be paid and the New Deal administration has made no attempt to collect any of it. The little country of Finland has paid voluntarily, but other foreign governments have declined to meet their obligations.

Despite this enormous obligation, the New Deal has gone out of its way in giving away our domestic markets to cheap foreign production, and in making gifts of goods and money to foreign speculators and producers during the past 6½ years.

Since January 1, 1934, under President Roosevelt's "good neighbor" policy, the Treasury has purchased more than \$9,000,000,000 in foreign gold. America's gift to foreign gold miners and speculators on these purchases amounts to more than \$3,600,000,000.

Instead of spending this gift for our farm and manufactured products, foreign recipients of New Deal bounty, have piled up more than \$7,000,000,000 in bank deposits and security investments in this country. They can break our market or cause a complete collapse any day by making heavy withdrawals of their funds, which are now temporarily in American institutions. In other words, foreign speculators and international bankers now have the American people by the neck.

#### FOREIGN AND DOMESTIC SILVER

Under existing law the President can pay up to \$1.29 per ounce for domestic silver. The Treasury has paid as high as 77.57 cents for silver. The Senate amendment requiring the purchase of domestic silver at 77.57 cents per ounce is a small price to pay to domestic producers and workers in order to get rid of the purchase of foreign silver. Domestic production of silver for 1938 approximated 58,000,000 ounces. Maximum production in any year under the New Deal totaled 71,000,000 ounces.

Under the New Deal silver-purchase program the Treasury has purchased nearly 2,000,000,000 ounces of foreign silver at a cost to the American people of approximately \$1,000,000,000. This silver is not used for monetary purposes and now lies buried in the ground at West Point. Our King Midas gold hoard of \$16,000,000,000 is buried in the hills of Kentucky. In reality, we have made an outright gift to foreign silver speculators of more than \$1,000,000,000, as this silver has not been used for monetary or any other purpose and is being piled up to build another mountain of silver. It is no good to us. We cannot sell it or use it.

President Roosevelt has fixed and maintained the price of gold and silver for the entire world, yet he is against fixing and maintaining prices on agricultural commodities produced by American farmers. There would be more sense in maintaining prices on food products.

Power of the President to devalue and purchase foreign silver has nothing to do with the so-called tripartite agreement. This agreement with Great Britain and France, according to Mr. Morgenthau, deals exclusively with the stabilization fund, which is continued in the bill.

The authority of the President under existing law expires at midnight on June 30. The overwhelming vote cast in the Senate for the amendments before us plainly shows that there will be no compromise.

The House should now concur in the Senate amendments to H. R. 3325 and restore to itself its constitutional right to fix and regulate the value of money and to discontinue the pernicious role of playing Santa Claus for foreign speculators and international bankers at the expense of the American people.

I urge you to vote down the previous question so that the House may concur in the Senate amendments now before us. [Applause.]

Mr. SABATH. Mr. Speaker, I move the previous question on the adoption of the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 216, nays 164, not voting 50, as follows:

[Roll No. 109]

YEAS—216

Allen, La.	Duncan	Kennedy, Md.	Randolph
Allen, Pa.	Dunn	Kennedy, Michael	Rankin
Anderson, Mo.	Durham	Kirwan	Rayburn
Arnold	Eberharter	Kitchens	Richards
Barden	Elliott	Kocialkowski	Robertson
Barnes	Ellis	Kramer	Robinson, Utah
Barry	Faddis	Larrabee	Rogers, Okla.
Bates, Ky.	Fay	Lea	Romjue
Beckworth	Ferguson	Leavy	Ryan
Bell	Fernandez	Lewis, Colo.	Sabath
Bloom	Flaherty	Ludlow	Sacks
Boland	Flannagan	McAndrews	Sasscer
Boren	Flannery	McCormack	Satterfield
Boykin	Folger	McGehee	Schaefer, Ill.
Bradley, Pa.	Ford, Miss.	McKeough	Schuetz
Brooks	Ford, Thomas F.	McLaughlin	Schulte
Brown, Ga.	Fries	McMillan, John L.	Schwert
Bryson	Fulmer	McMillan, Thos. S.	Scrugham
Buck	Garrett	Maciejewski	Shanley
Buckler, Minn.	Gathings	Mahon	Sheppard
Burch	Gavagan	Maloney	Sirovich
Burdick	Gehrmann	Mansfield	Smith, Conn.
Burgin	Geyer, Calif.	Marcantonio	Smith, Va.
Byrne, N. Y.	Gibbs	Martin, Colo.	Smith, Wash.
Byrns, Tenn.	Gore	Martin, Ill.	Snyder
Caldwell	Gossett	Massingale	Somers, N. Y.
Celler	Grant, Ala.	May	South
Chandler	Green	Merritt	Sparkman
Clark	Gregory	Mills, Ark.	Spence
Claypool	Griffith	Mills, La.	Starnes, Ala.
Cochran	Hare	Mitchell	Steagall
Coffee, Wash.	Harrington	Monroney	Sullivan
Cole, Md.	Hart	Moser	Sutphin
Collins	Harter, Ohio	Mouton	Sweeney
Colmer	Havenner	Murdock, Ariz.	Tarver
Cooley	Healey	Murdock, Utah	Taylor, Colo.
Cooper	Hendricks	Nelson	Tenerowicz
Courtney	Hill	Nichols	Terry
Cox	Hobbs	Norrell	Thomas, Tex.
Creal	Hook	O'Connor	Thomason
Crosser	Houston	O'Day	Tolan
Crowe	Hull	O'Neal	Vincent, Ky.
Cullen	Hunter	Pace	Voorhis, Calif.
Cummings	Izac	Parsons	Wallgren
D'Alessandro	Jacobsen	Patman	Walter
Delaney	Jarman	Patrick	Warren
Dempsey	Johnson, Luther A.	Patton	Weaver
DeRouen	Johnson, Lyndon	Pearson	Whelchel
Dickstein	Johnson, Okla.	Peterson, Fla.	White, Idaho
Dingell	Johnson, W. Va.	Peterson, Ga.	Whittington
Disney	Jones, Tex.	Pierce, Oreg.	Williams, Mo.
Doughton	Kee	Polk	Woodrum, Va.
Doxey	Keller	Rabaut	Zimmerman
Drewry	Kennedy, Martin	Ramspeck	

NAYS—164

Alexander	Dworshak	Keefe	Rodgers, Pa.
Allen, Ill.	Eaton, N. J.	Kilday	Rogers, Mass.
Andersen, H. Carl	Elston	Klinzer	Routzohn
Anderson, Calif.	Englebright	Kleberg	Rutherford
Andresen, A. H.	Fenton	Knutson	Sandager
Andrews	Fish	Kunkel	Schafer, Wis.
Angell	Ford, Leland M.	Lambertson	Schiffler
Arends	Gamble	Landis	Secombe
Ashbrook	Gearhart	Lanham	Secrest
Austin	Gerlach	LeCompte	Seger
Ball	Gifford	Lemke	Shafer, Mich.
Barton	Gilchrist	Lewis, Ohio	Short
Bates, Mass.	Gillie	McDowell	Simpson
Bender	Graham	McLean	Smith, Maine
Blackney	Grant, Ind.	Maas	Smith, Ohio
Bolles	Griswold	Marshall	Springer
Bolton	Gross	Martin, Iowa	Stearns, N. H.
Bradley, Mich.	Guyer, Kans.	Martin, Mass.	Stefan
Brewster	Hall	Mason	Sumner, Ill.
Brown, Ohio	Halleck	Michener	Talle
Carlson	Hancock	Miller	Taylor, Tenn.
Carter	Harness	Monkiewicz	Thill
Case, S. Dak.	Harter, N. Y.	Mott	Thomas, N. J.
Chipperfield	Hawks	Mundt	Thorkelson
Church	Heinke	Murray	Tibbott
Clason	Hess	O'Brien	Tinkham
Clevenger	Hinshaw	Oliver	Treadway
Cluett	Hoffman	Osmer	Van Zandt
Coffee, Nebr.	Holmes	Pierce, N. Y.	Vorys, Ohio
Cole, N. Y.	Hope	Pittenger	Vreeland
Corbett	Horton	Plumley	Wadsworth
Crawford	Jarrett	Poage	West
Crowther	Jeffries	Powers	Wheat
Culkin	Jenkins, Ohio	Reece, Tenn.	White, Ohio
Curtis	Jenks, N. H.	Reed, Ill.	Wigglesworth
Darrow	Jensen	Reed, N. Y.	Williams, Del.
Dirksen	Johns	Rees, Kans.	Winter
Ditter	Johnson, Ill.	Rich	Wolcott
Dondero	Johnson, Ind.	Risk	Wolfenden, Pa.
Douglas	Jones, Ohio	Robison, Ky.	Wolverton, N. J.
Dowell	Kean	Rockefeller	Youngdahl

NOT VOTING—50

Beam	Curley	Keogh	O'Toole
Bland	Darden	Kerr	Pfeifer
Boehne	Dies	Lesinski	Shannon
Buckley, N. Y.	Eaton, Calif.	Luce	Smith, Ill.
Bulwinkle	Edmiston	McArdle	Smith, W. Va.
Byron	Engel	McGranery	Sumners, Tex.
Cannon, Fla.	Evans	McLeod	Taber
Cannon, Mo.	Fitzpatrick	McReynolds	Vinson, Ga.
Cartwright	Gartner	Magnuson	Welch
Casey, Mass.	Gwynne	Mapes	Wood
Chapman	Hartley	Myers	Woodruff, Mich.
Connery	Hennings	Norton	
Costello	Kelly	O'Leary	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Vinson of Georgia (for) with Mr. Taber (against).  
 Mr. Keogh (for) with Mr. Hartley (against).  
 Mr. Cannon of Florida (for) with Mr. Luce (against).  
 Mr. Pfeifer (for) with Mr. Gartner (against).  
 Mr. Bland (for) with Mr. Gwynne (against).  
 Mr. O'Leary (for) with Mr. McLeod (against).  
 Mr. O'Toole (for) with Mr. Woodruff of Michigan (against).

General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
 Mr. Darden with Mr. Engel.  
 Mr. Bulwinkle with Mr. Welch.  
 Mr. Boehne with Mr. Eaton of California.  
 Mr. Smith of West Virginia with Mr. Evans.  
 Mr. Cartwright with Mr. Myers.  
 Mr. Buckley of New York with Mr. Costello.  
 Mr. Magnuson with Mr. McArdle.  
 Mr. Kerr with Mr. Byron.  
 Mr. Beam with Mr. Shannon.  
 Mr. Smith of Illinois with Mr. Lesinski.  
 Mr. Kelly with Mr. Chapman.  
 Mr. Fitzpatrick with Mr. Connery.  
 Mr. Hennings with Mr. McGranery.  
 Mr. Sumners of Texas with Mr. Edmiston.  
 Mr. McReynolds with Mr. Casey of Massachusetts.  
 Mr. Dies with Mr. Wood.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—yeas 162, noes 117.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.



The question was taken; and there were—yeas 211, nays 162, answered "present" 2, not voting 55, as follows:

## [Roll No. 110]

## YEAS—211

Allen, La.	Durham	Kitchens	Rayburn
Allen, Pa.	Eberharter	Kocialkowski	Richards
Anderson, Mo.	Elliott	Kramer	Robertson
Arnold	Ellis	Larrabee	Robinson, Utah
Barden	Faddis	Lea	Rogers, Okla.
Barnes	Fay	Leavy	Romjue
Barry	Ferguson	Lewis, Colo.	Ryan
Bates, Ky.	Fernandez	Ludlow	Sabath
Beckworth	Flaherty	McAndrews	Sacks
Bell	Flannagan	McCormack	Satterfield
Bloom	Flannery	McGehee	Schaefer, Ill.
Boland	Folger	McKeough	Schuetz
Boren	Ford, Thomas F.	McLaughlin	Schulte
Boykin	Fries	McMillan, John L.	Schwert
Bradley, Pa.	Fulmer	McMillan, Thos. S.	Scrugham
Brooks	Garrett	Maclejewski	Secrest
Brown, Ga.	Gathings	Mahon	Shanley
Bryson	Gavagan	Maloney	Sheppard
Buck	Gehrmann	Mansfield	Sirovich
Buckler, Minn.	Geyer, Calif.	Marcantonio	Smith, Conn.
Burch	Gibbs	Martin, Colo.	Smith, Va.
Burdick	Gore	Martin, Ill.	Smith, Wash.
Burgin	Gossett	Massingale	Snyder
Byrne, N. Y.	Grant, Ala.	May	Somers, N. Y.
Byrns, Tenn.	Green	Merritt	South
Caldwell	Gregory	Mills, Ark.	Sparkman
Celler	Griffith	Mills, La.	Spence
Chandler	Hare	Mitchell	Starnes, Ala.
Clark	Harrington	Monroney	Stearns
Claypool	Hart	Mouton	Sullivan
Cochran	Harter, Ohio	Murdock, Ariz.	Sutphin
Coffee, Nebr.	Havener	Murdock, Utah	Sweeney
Cole, Md.	Healey	Nelson	Tarver
Collins	Hennings	Nichols	Taylor, Colo.
Colmer	Hill	Norrell	Tenerowicz
Cooley	Hobbs	O'Connor	Terry
Costello	Hook	O'Day	Thomas, Tex.
Courtney	Houston	O'Neal	Thomason
Creal	Hull	Pace	Tolan
Crosser	Hunter	Parsons	Vincent, Ky.
Crowe	Izac	Patman	Voorhis, Calif.
Cullen	Jacobsen	Patrick	Wallgren
Cummings	Jarman	Patton	Walter
D'Alesandro	Johnson, Luther A.	Pearson	Ward
Delaney	Johnson, Lyndon	Peterson, Fla.	Warren
Dempsey	Johnson, Okla.	Peterson, Ga.	Weaver
Dickstein	Johnson, W. Va.	Pfeifer	Whelchel
Dingell	Jones, Tex.	Pierce, Oreg.	White, Idaho
Disney	Kee	Polk	Whittington
Doxey	Kennedy, Martin	Rabaut	Williams, Mo.
Drewry	Kennedy, Michael	Ramspeck	Woodrum, Va.
Duncan	Kennedy, Md.	Randolph	Zimmerman
Dunn	Kirwan	Rankin	

## NAYS—162

Alexander	Eaton, N. J.	Kinzer	Routzohn
Allen, Ill.	Elston	Kieberg	Rutherford
Andersen, H. Carl	Englebright	Knutson	Sandager
Anderson, Calif.	Fenton	Kunkel	Sasser
Andresen, A. H.	Fish	Lambertson	Schaefer, Wis.
Andrews	Ford, Leland M.	Landis	Schiffler
Angell	Gamble	Lanham	Secombe
Arends	Gerlach	LeCompte	Seger
Ashbrook	Gifford	Lemke	Shafer, Mich.
Austin	Gilchrist	Lewis, Ohio	Short
Ball	Gillie	McDowell	Simpson
Barton	Graham	McLean	Smith, Maine
Bates, Mass.	Grant, Ind.	Maas	Smith, Ohio
Bender	Grissold	Marshall	Springer
Blackney	Gross	Martin, Iowa	Stearns, N. H.
Bolles	Guyer, Kans.	Martin, Mass.	Stefan
Bolton	Hall	Mason	Sumner, Ill.
Bradley, Mich.	Halleck	Michener	Talle
Brewster	Hancock	Miller	Taylor, Tenn.
Brown, Ohio	Harness	Monkiewicz	Thill
Carlson	Harter, N. Y.	Moser	Thomas, N. J.
Carter	Hawks	Mott	Thorkelson
Case, S. Dak.	Heinke	Mundt	Tibbott
Chapfield	Hess	Murray	Tinkham
Church	Hinshaw	O'Brien	Van Zandt
Clason	Hoffman	Oliver	Vorys, Ohio
Clevenger	Holmes	Osmers	Vreeland
Cluett	Hope	Pierce, N. Y.	Wadsworth
Cole, N. Y.	Horton	Pittenger	West
Corbett	Jarrett	Plumley	White, Ohio
Crawford	Jeffries	Poage	Wigglesworth
Crowther	Jenkins, Ohio	Powers	Williams, Del.
Culkin	Jenks, N. H.	Reece, Tenn.	Winter
Curtis	Jensen	Reed, Ill.	Wolcott
Darrow	Johns	Rees, Kans.	Wolfenden, Pa.
Dirksen	Johnson, Ill.	Rich	Wolverton, N. J.
Ditter	Johnson, Ind.	Risk	Woodruff, Mich.
Dondero	Jones, Ohio	Robison, Ky.	Youngdahl
Douglas	Kean	Rockefeller	
Dowell	Keefe	Rodgers, Pa.	
Dworshak	Kilday	Rogers, Mass.	

## ANSWERED "PRESENT"—2

Reed, N. Y. Treadway

## NOT VOTING—55

Beam	Cox	Gwynne	Mapes
Bland	Curley	Hartley	Myers
Boehne	Darden	Hendricks	Norton
Buckley, N. Y.	DeRouen	Keller	O'Leary
Bulwinkle	Dies	Kelly	O'Toole
Byron	Doughton	Keogh	Shannon
Cannon, Fla.	Eaton, Calif.	Kerr	Smith, Ill.
Cannon, Mo.	Edmiston	Lesinski	Smith, W. Va.
Cartwright	Engel	Luce	Sumners, Tex.
Casey, Mass.	Evans	McArdle	Taber
Chapman	Fitzpatrick	McGranery	Vinson, Ga.
Coffee, Wash.	Ford, Miss.	McLeod	Welch
Connery	Gartner	McReynolds	Wood
Cooper	Gearhart	Magnuson	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cooper (for) with Mr. Reed of New York (against).  
 Mr. Doughton (for) with Mr. Treadway (against).  
 Mr. Vinson of Georgia (for) with Mr. Taber (against).  
 Mr. Cannon of Florida (for) with Mr. Luce (against).  
 Mr. Keogh (for) with Mr. Hartley (against).  
 Mr. Bland (for) with Mr. Gwynne (against).  
 Mr. O'Leary (for) with Mr. McLeod (against).  
 Mr. O'Toole (for) with Mr. Gartner (against).

General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
 Mr. Darden with Mr. Engel.  
 Mr. Bulwinkle with Mr. Welch.  
 Mr. Boehne with Mr. Eaton of California.  
 Mr. Cox with Mr. Gearhart.  
 Mr. Beam with Mr. Hendricks.  
 Mr. Smith of West Virginia with Mr. Evans.  
 Mr. Kelly with Mr. Chapman.  
 Mr. Fitzpatrick with Mr. Connery.  
 Mr. Sumners of Texas with Mr. Edmiston.  
 Mr. McReynolds with Mr. Casey of Massachusetts.  
 Mr. Dies with Mr. Wood.  
 Mr. Magnuson with Mr. McArdle.  
 Mr. Cartwright with Mr. Myers.  
 Mr. Kerr with Mr. Byron.  
 Mr. Smith of Illinois with Mr. Lesinski.  
 Mr. McGranery with Mr. Shannon.  
 Mr. DeRouen with Mr. Buckley of New York.  
 Mrs. Norton with Mr. Keller.

Mr. REED of New York. Mr. Speaker, I have a pair with the gentleman from Tennessee [Mr. COOPER], who was temporarily detained during the roll call. If present, he would have voted "yea." Therefore I wish to withdraw my vote of "nay" and vote "present."

Mr. TREADWAY. Mr. Speaker, I have a pair with the gentleman from North Carolina [Mr. DOUGHTON]. I desire to withdraw my vote of "nay" and vote "present," as the gentleman from North Carolina [Mr. DOUGHTON] would have voted "yea" if present.

The result of the vote was announced as above recorded.

The Chair appointed the following conferees on the part of the House: Mr. SOMERS of New York, Mr. COCHRAN, Mr. LARRABEE, Mr. REED of Illinois, and Mr. AUGUST H. ANDRESEN.

## \* REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6577, with Senate amendment thereto, disagree to the Senate amendment and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection, and the Chair appointed the following conferees on the part of the House: Mr. NICHOLS, Mr. RANDOLPH, Mr. KENNEDY of Maryland, Mr. DIRKSEN, and Mr. BATES of Massachusetts.

## ANNOUNCEMENT OF VOTE

Mr. SACKS. Mr. Speaker, my colleagues the gentlemen from Pennsylvania, Mr. GRANERY and Mr. MYERS, are absent on account of official business. If present, they would have voted "yea" on the recent roll call.

## EXTENSION OF REMARKS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by me on May 21.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article on neutrality.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MASON]?

Mr. THORKELOSON. Mr. Speaker, I object.

DEPARTMENT OF AGRICULTURE AND FARM CREDIT ADMINISTRATION  
APPROPRIATION BILL, 1940

Mr. TARVER. Mr. Speaker, I call up the conference report on the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate and amendments of the House to certain amendments of the Senate to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 114.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19 and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "\$203,000"; and the Senate agree to the same.

Amendment numbered 21: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 21 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$13,769,418"; and the House agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$14,697,732"; and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 27 and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$26,704,297"; and the House agree to the same.

Amendment numbered 115: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 115.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$681,610"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "\$40,000,000"; and the Senate agree to the same.

Amendment numbered 148: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment, insert "\$46,965,730"; and the House agree to the same.

The committee of conference report in disagreement amendments numbered 32, 33, 141, 142, and 158.

M. C. TARVER,  
EDWARD T. TAYLOR,  
CHAS. H. LEAVY,  
DAVID D. TERRY,  
W. P. LAMBERTSON,

Managers on the part of the House.

RICHARD B. RUSSELL,  
CARL HAYDEN,  
M. E. TYDINGS,  
J. H. BANKHEAD,  
GERALD P. NYE,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments Nos. 19, 32, 114, 116, 141, 142, 147, and 158 and the amendments of the House to amendments of the Senate Nos. 21, 26, 27, 33, 115, and 148 to the bill (H. R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, submit the following statement in explanation of the effect of the action recommended and agreed upon as to such amendments in the accompanying conference report, namely:

The following amendments are in adjustment of totals and allocations in conformity with the action on other amendments, namely, Nos. 21, 26, 27, 115, 116, and 148.

On amendment No. 19, Extension Service, additional cooperative work: Appropriates \$203,000, instead of \$300,000, as proposed by the Senate.

On amendment No. 114, wildlife restoration: Appropriates \$1,500,000, as proposed by the House, instead of \$2,000,000, as proposed by the Senate.

On amendment No. 147, farm tenant loans: Appropriates \$40,000,000, instead of \$24,984,500, as proposed by the House, and \$49,984,500, as proposed by the Senate.

In disagreement

The committee of conference have not agreed to the following Senate amendments:

On amendment No. 32, appropriating \$250,000 for a new Weather Bureau building.

On amendment No. 141, fire-erosion control, Everglades, Fla.: Appropriates \$75,000 for fire-erosion control in the Everglades region in the State of Florida.

On amendment No. 158, Farm Credit Administration: Inserts language providing that employees are not to be held personally liable for fraud or misrepresentation of applicants or borrowers where the Governor of the Farm Credit Administration determines that such employees have exercised reasonable care.

M. C. TARVER,  
EDWARD T. TAYLOR,  
CHAS. H. LEAVY,  
DAVID D. TERRY,  
W. P. LAMBERTSON,

Managers on the part of the House.

Mr. TARVER. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 32: Page 22, after line 17, insert:

"WEATHER BUREAU BUILDING, WASHINGTON, D. C.

"Weather Bureau Building: For the construction and equipment, on the site of the Weather Bureau in the District of Columbia, of the first unit of an extensible building for the use of said Bureau, including necessary alterations in the existing Weather Bureau buildings, to remain available until expended, \$250,000."

Mr. TARVER. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, at this late date, with the necessity for this bill to get to the White House for signature before the close of the fiscal year, I am not specially disposed to oppose the bill. However, I would feel remiss in my duty if I did not call attention to the fact that the item now pending, on which the House proposes to recede and concur, calls for an appropriation of \$250,000 for the first unit of an extensible Weather Bureau building. I have not seen the facilities that are being used by the Weather Bureau at the present time, but I understand they are quite adequate. I simply want to impress upon the House that we are today committing ourselves to the first of a series of expenditures for an extensible building that is going to involve infinitely more money than the \$250,000 now carried in the bill. The proposal now pending before you is to recede and concur in the Senate amendment. If you approve it, it means that you place the seal of your approval upon this proposal. If you turn it down, it means that we will further confer on the matter and determine whether or not this unit ought to be undertaken.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.



Mr. RICH. Does not the gentleman believe the New Deal ought to have a Weather Bureau to tell which way the wind is blowing?

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I wish to call the attention of the House to the statement made in the hearings before the House committee on pages 286 and 287 explaining this item. This building is 51 years old. It has been occupied by the Weather Bureau for 40 years. It was constructed for the Mexican Embassy and was never intended for use as an office building. The officials who occupy it are so crowded for space that it is necessary to stack their files in the corridors of the building. Whereas standard regulations require that at least 100 square feet be available for each employee, there are in this building available only 68 square feet per employee.

The total amount involved in the construction of the three units which will be necessary in order to afford this Bureau the facilities it needs is \$815,000, of which only \$250,000 is being made available by this appropriation if it is agreed to by the House.

The Weather Bureau, according to the evidence before our committee, is the worst-housed of any bureau in the Department of Agriculture. It is today expending several thousand dollars per year in the rental of space outside of this building. There can be no question but that the additional construction sought here is very necessary. I can conceive of no reason why the passage of this bill, which has now been substantially agreed upon in all controversial particulars, should be delayed further by reason of a controversy over an item of this sort. I sincerely hope that the House will agree to the motion, agreed to in conference by all the conferees, as far as I am advised, with the possible exception of the gentleman from Illinois [Mr. DIRKSEN], to recede and concur in the Senate amendment.

Mr. WIGGLESWORTH. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Will the gentleman inform the House what is the total cost of the building we are embarking upon?

Mr. TARVER. I stated that a moment ago, but the gentleman probably did not hear me. It is contemplated to construct three units. This appropriation of \$250,000 provides for the first unit. The total cost of construction, to be apportioned over at least 3 years, will be \$815,000.

May I point out to the gentleman and to the House that recently the Congress has very substantially increased the appropriations for the Weather Bureau, partly in order to enable it to make meteorological investigations in connection with commercial aviation. The number of its employees and the extent of its activities have been vastly increased. There can be no question but that provision must be made for additional space either by the construction of new buildings to replace these old, worn-out quarters or by the rental of proper quarters elsewhere in the District of Columbia.

Mr. WIGGLESWORTH. Is not this the identical amendment the House voted down when the report was here before?

Mr. TARVER. Yes. The House voted against receding and concurring in the amendment; but may I say to the gentleman that it would never be possible to secure legislation of the character involved in the passage of an appropriation bill unless one House or the other, with regard to disputed items, should be willing to make concessions. It is not possible for this House of itself alone to pass an appropriation bill, neither is it possible for the Senate to do that. This conference report and the action the committee of conference is recommending on these amendments that are not included in the report represent the judgment of the conferees upon these various disputed items, in an effort to arrive at a conclusion that would be reasonably satisfactory. There is no member of the conference who is absolutely pleased with everything that has been done. We have sought to reach a

conclusion, however, that would fairly represent the wishes of the House.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. RAYBURN). The question is on the motion of the gentleman from Georgia that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 98, noes 82.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 33: On page 22, after line 25, insert "Total, Weather Bureau, \$7,181,570."

Mr. TARVER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TARVER moves that the House further insist upon its amendment to the amendment of the Senate No. 33.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 141: Page 92, after line 11, insert:

"Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil conservation control measures, including fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida for the same purposes."

Mr. TARVER. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment which I send to the desk.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil conservation control measures, including research and demonstration work in fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida for the same purposes."

Mr. TARVER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, just to make a record on this proposal, this amendment No. 141 provides \$75,000 for fire-control research and demonstration and emergency erosion control in the Everglades of Florida.

The strict fact of the matter is that nobody made any appearance before the House Subcommittee on Appropriations for Agriculture to request this sum. There was no testimony in our hearings. It was not until the matter came to the Senate side that it was presented, and the Senate finally wrote it in with a proviso, of course, that the money had to be matched by the State of Florida. This, of course, is a legislative provision written into the bill by the Senate, and therefore had to come back to the House for a separate vote.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman.

Mr. GREEN. The fact that the Legislature of Florida met too late to appropriate its portion was the cause of the delay.

Mr. DIRKSEN. What I wanted to make emphatic, I will say to the gentleman from Florida, is that there has been no estimate for this. There was no testimony in the hearings and there was no request made of the House committee for this item. I appreciate, of course, it only involves \$75,000, and I am not disposed to oppose it too emphatically at this time; but I believe in the interest of legislative integrity the House ought to be advised as to what the situation is and how this item got into the bill.

Mr. TARVER. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman.

Mr. TARVER. My understanding is, and it was so stated by the Senate conferees, that this condition in Florida which

necessitated this appropriation arose after the hearings in the House had been concluded, and it was for this reason that the matter was not presented to the House committee.

Mr. DIRKSEN. We were so informed, I will say to the gentleman from Georgia, although that does not appear in the testimony on the House side.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. H. CARL ANDERSEN) there were—ayes 87, noes 68.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 142: Page 92, after line 20, strike out "\$23,645,-584" and insert "\$23,720,584."

Mr. TARVER. Mr. Speaker, this simply corrects a total. I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 158: On page 108, line 5, after the parenthesis, insert a colon and the following proviso: "Provided, That no employee of the United States on whose certificate or approval loans under said act of January 29, 1937, as amended, or other acts of the same general character, are or have been made, shall be held personally liable for any loss or deficiency occasioned by the fraud or misrepresentation of applicants or borrowers, if the Governor of the Farm Credit Administration shall determine that such employee has exercised reasonable care in the circumstances, and has complied with the regulations of the Farm Credit Administration in executing such certificate or giving such approval."

Mr. TARVER. Mr. Speaker, I move to recede and concur in Senate amendment No. 158, with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. TARVER moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, add the following:

"Notwithstanding any such determination by the Governor of the Farm Credit Administration, this provision shall not be construed to prevent any criminal process against any person who was a party to or had guilty knowledge of such fraud or misrepresentation."

Mr. COCHRAN. Will the gentleman from Georgia yield to me to offer an amendment?

Mr. TARVER. Mr. Speaker, may I say that this is the last item in a bill which has required a great deal of time in conference. This is an amendment which was satisfactory both to the Republican and Democratic conferees, and I do not think the committee on this side should be requested not to follow the usual procedure at this time and allow the offering of a substitute proposition.

This is a proposal that all the conferees have agreed upon.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield me 3 minutes?

Mr. TARVER. I will be pleased to yield the gentleman 3 minutes.

Mr. COCHRAN. Mr. Speaker, this proviso gives to the Governor of the Farm Credit Administration the privilege of determining whether or not any employee should be held liable for any loss that might be occasioned through fraud or misrepresentation on the part of applicants or borrowers.

The House, on various occasions, has given unlimited power to the agencies administering farm measures, even going so far as to permit them to audit their own accounts or to have the last word to say in reference to the expenditure of hundreds of millions of dollars. As far as I am concerned, if I can prevent it, the House is not going to do this again.

It seems to me some other agency should also pass upon the recommendation of the Farm Credit Administration as to whether these officials should be held liable. If I had been granted the privilege I asked for, I would add to this proviso that the Comptroller General should also approve. We

should not be letting spending agencies do their own auditing nor relieve their own officers of shortages that may occur in the administration of laws where they are spending large amounts of money, but there should be a check on them.

I realize that the hour is late to bring up this question, but the conference report has just been called up. I do hope the committee will be extremely careful in the future. The gentleman from Georgia [Mr. TARVER] knows what happened under the law letting one farm agency audit its own accounts, because there was a hearing before his subcommittee. Fortunately, the Committee on Expenditures was able to settle that matter by getting the General Accounting Office in the picture, and as a result about \$500,000 will be returned to the Treasury on June 30 that would otherwise have been wasted. All members of the subcommittee handling the Agriculture appropriation bill agreed to that proposition. Again I say it is wrong to let a spending agency decide for itself whether or not any of its officials have been at fault in the handling of public money. That is what we have a Comptroller General for. He should be consulted and review the cases acted on, and if he finds the official was in no way involved, well and good.

In view of the lateness of the hour, I will not offer any objection to this compromise that the conferees have agreed on; but I serve notice in the future I am going to oppose legislation letting the spending agency settle such proposals. [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield myself 2 minutes.

If the House will carefully examine the language of Senate amendment No. 158, they will find that it does not propose to absolve employees of the Farm Credit Administration from responsibility for any fraud or dereliction on their own part. It only relates to their being held responsible for fraud or misrepresentation committed by applicants for loans from the emergency crop and feed loan funds.

Recently the Comptroller General, in a decision which was somewhat surprising to me, because I did not believe, and do not believe now, that it clearly represents the law on the subject, held that an employee of the Farm Credit Administration who, upon the basis of a recommendation made by a county committee on the application of an applicant for a loan, certified to the correctness of the statements made in the application, with no fault on his part and no knowledge that there was any incorrect statement made in the application, was personally liable if the applicant, without his knowledge, had been guilty of fraud. It seems to me that is such a manifestly unfair situation that it ought to be corrected. While we have added some language by amendment to the Senate amendment which will further protect the Government in such matters, the amendment as it is now proposed certainly ought not to attract opposition.

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. JONES]. I want him to explain his views on this matter.

Mr. JONES of Texas. Mr. Speaker, of course, every precaution should be taken to prevent fraud. There is no institution within the Government more nearly free from any sort of questionable transaction than the Farm Credit Administration. No agency has operated on a more efficient basis. This amendment does not apply to the regular work of the Farm Credit Administration, but only applies to what is known as the seed and feed loans. That is an appropriation which was made to finance farmers who cannot secure credit elsewhere. The loans usually average less than \$100. More than 100,000 of these loans are made each year. They provide just a bare pittance that enables the farmer who cannot get credit elsewhere, to make a crop, when he otherwise could not make it. Many of these loans are made in the drought and flood areas, where there is great need for an immediate small loan. If this application were left so that the disbursing would have to make inquiry and be responsible on a \$25 or \$50 loan for representations made by



local committees or by the farmers, it would make it practically impossible of administration. They are current loans. If a man were going to disburse \$50, if he were going to be personally responsible for it, it would be necessary for him to check up on every statement made by every applicant on these several hundred thousand loans. Generally there should be thorough responsibility. But this is a practical matter that calls for practical administration.

These have been very important loans. They have, in many instances, saved the farmers. It would be utterly ridiculous in connection with a \$40 or \$50 loan to go to the expense of sending somebody out 20 or 30 miles to check up on the individual statements made by the local committee or by the applicant himself.

Here is an interesting thing: There have only been very few cases of fraud in the hundreds of thousands of loans that have been made beginning away back in the twenties when the other party was in power. The loans have proved to be so valuable that both sides have provided for them practically unanimously every year. They are administered by one of the most capable and efficient field organizations to be found anywhere. It would be a tragedy to have their fine work handicapped by regulations that would so delay their work as to make it almost wholly useless.

I hope the House will agree to the motion of the gentleman from Georgia [Mr. TARVER].

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield to the gentleman from Georgia [Mr. PACE] such time as he may desire.

Mr. PACE. Mr. Speaker, I feel that the members of the conference committees of the House and Senate are entitled to the thanks of the Members of the House and richly deserve the sincere gratitude of the farmers of the Nation for the time and effort they have expended in bringing this agricultural appropriation bill to a successful conclusion. In view of my deep interest in the funds carried in this bill, I have kept in constant contact with the members of the conference committees and can testify to the devotion which they have shown to those millions who till the soil.

Of course, it is pleasing to me that a Senator and Representative from my own State were permitted to participate in these conferences, and I am convinced that many of the items carried in this bill are the result of their individual efforts. The junior Senator from Georgia, Hon. RICHARD B. RUSSELL, was the chairman of the conference committee in the Senate, and the Representative from the Seventh Congressional District of Georgia, Hon. M. C. TARVER, was the second ranking member of the committee on the part of the House. Working with Senator RUSSELL was Senator JOHN H. BANKHEAD, of Alabama, whose interest in our agricultural problems has been an inspiration to me. Their untiring efforts have contributed a great deal in securing the successful passage of this bill. Of course, I am equally grateful to the other members of the conference committees for their efforts in behalf of the 32,000,000 people of this Nation who look to agriculture for a livelihood.

Now ready for final passage, the bill carries \$225,000,000 for parity payments to the producers of cotton, corn, wheat, rice, and tobacco in 1940. It will be recalled that in the last session we secured an appropriation of \$212,000,000 for parity payments for this year, and which the Department advises me will be distributed in August or September. This bill also carries \$203,000,000 for use by the Secretary of Agriculture in the purchase and distribution of surplus agricultural commodities. I believe that this appropriation is going to prove very helpful in solving one of our most distressing problems—that is, in finding a market for the surplus crops and meeting the need of those in want. Most of this fund will be expended in handling those crops with the greatest surplus, particularly cotton, wheat, citrus fruits, peanuts, and dairy products.

In my section, peanuts have become a major crop. Last year, the Department of Agriculture authorized a peanut diversion program and it produced magnificent returns to the peanut producers. While the program cost over \$3,000,000, it increased the receipts of the peanut producers by approxi-

mately \$20,000,000, and I do not know of any Government program that has shown as fine returns for the amount invested. In the program last year the price of peanuts was fixed at \$65 per ton and I understand there has been some doubt in the minds of officials of the Department of Agriculture as to whether they would be able to maintain that price for the crop this year. It was for that reason that many of us worked so vigorously for this \$203,000,000, so as to be sure that ample funds would be available for another peanut diversion program and at a price at least as good if not better than the price fixed last year.

In this connection, I think it should be understood by all that this \$203,000,000 appropriated in this bill for the handling of surplus agricultural commodities, including cotton and peanuts, is taken from customs receipts paid at our ports on foreign goods shipped into this country under our tariff laws.

The tariff has been a burden to the farmers for 150 years and I feel that the Congress is fully justified in appropriating for use by the farmers not only this \$203,000,000, but the full amount received as customs receipts under our tariff laws.

It is also pleasing to me that we have been able to write into this bill an appropriation of \$40,000,000 for the farm-tenant purchase program. Many of us have worked for weeks to make the amount \$50,000,000, and I think that amount should have been appropriated, and we intend to insist upon that amount next year, but for the present have consented to accept the \$40,000,000 agreed upon by the conference committee, for which Senator RUSSELL and Senator BANKHEAD have worked so diligently. I believe this farm-tenant purchase program is going to mean a great deal in the future for the farming population of this Nation. I can think of no life more discouraging than that faced by a tenant farmer—to be required to move from year to year, to change schools, churches, and friends, and never know what tomorrow will bring forth. I can think of no finer contribution to American citizenship than to provide a method whereby deserving tenants can buy a farm of their own, to be permanently established and have a home to love, to work for and to fight for.

The newspapers of the Nation have repeatedly printed articles with reference to this bill to the effect that it was a \$1,200,000,000 bill for the farmers, and I think it is time that this impression was corrected. It is true that the money appropriated in this bill totals nearly \$1,200,000,000, but if you will examine the bill carefully, you will find many items that cannot be regarded as of direct benefit to the people on the farm or treated as an agricultural appropriation. For instance, this bill appropriates \$191,000,000 to the Bureau of Public Roads for the building of paved roads in every part of the Nation. Certainly, it should not be said that this \$191,000,000 is for the sole benefit of the farmers, for industry and the general public receive just as much or more benefit from these paved roads than does the farmer. Also the bill appropriates \$17,000,000 for the purchase of forest lands and \$14,000,000 for the building of roads and trails through the forests. None of this should be charged to the farmer. The bill carries \$7,000,000 for the Weather Bureau, and certainly the city man, the railroads, the shipping interests, the air lines and the general public receive more important benefits from this appropriation than does the farmer.

I have taken the time to go through the bill carefully and here are the items carried in this bill which should not be charged against the farmers of the Nation, totaling \$253,000,000, and which brings the appropriations for the direct benefit of the farmers under \$1,000,000,000:

Weather Bureau .....	\$7,181,570
To enforce Meat Inspection Act .....	5,433,000
Greenhouses .....	77,372
Diseases of ornamental trees and shrubs .....	265,392
Arboretum .....	54,587
Improvement and diseases of rubber plants .....	46,749
Acquisition of forest lands .....	17,004,000
Water rights in national forests .....	20,000
Fighting fires in national forests .....	100,000
Wood-using industries .....	100,000

Forest investigations, etc.	\$678,403
Forest management	245,935
Test of forest products	700,000
Forest survey	250,000
Forest economics	149,295
Forest influences	139,152
West Indies Forest Experiment Station	30,000
Forest administration	607,500
Soil control in national forests	71,000
Lands for Tahoe National Forest	325,000
Forest insects	253,000
Dutch Elm disease	500,000
Fur investigations	91,000
Buildings, etc., for wildlife investigation	186,000
Protection of migratory birds	365,000
Enforce Alaska game laws	130,798
Maintenance wildlife refuges	680,000
Migratory-bird refuges	79,753
Wildlife administrative expenses	118,000
Upper Mississippi wildlife refuge	60,000
Acquisition of migratory-bird sanctuaries	125,000
Aid to States in wildlife projects	2,000,000
Wildlife administration and investigation	186,140
Bureau of Public Roads	191,000,000
Food and Drug Administration	2,932,758
Liquidation of resettlement projects	1,987,400
Retirement of submarginal lands	4,978,330
Beltville Center	90,000
Forest roads and trails	14,000,000
Total	253,242,134

May I say in conclusion that I hope the day will soon come when it will not be necessary to draw upon the United States Treasury to supplement the income of the farmers of this Nation; but the Congress has passed numerous laws favoring industry and other classes of our population which have had the effect of reducing the returns from farm commodities, and until this inequality is corrected I feel fully justified in asking and expecting the Congress to make provision for the farmers of this Nation, who are in fact the foundation of our democracy.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and to include a paragraph from a report by the House Committee on Agriculture.

The SPEAKER. Without objection it is so ordered. There was no objection.

#### AGRICULTURE EXTENSION SERVICE

Mr. CASE of South Dakota. Mr. Speaker, I rise briefly to thank the conferees for the consideration given to the item of \$203,000 for the Agriculture Extension Service. The purpose of this appropriation was fully covered in the debate on the original conference report in the House last week.

The amount originally requested was \$300,000; that was the amount authorized by S. 518 which was adopted by Congress a few weeks ago. Of that amount, \$97,000 was to increase the agricultural extension work with settlers on Federal reclamation projects, as recommended by the Repayment Commission, appointed by the Secretary of the Interior pursuant to a direction of the Congress. That is a worthy item and I hope that it may be included when next appropriations are made for a new fiscal year.

The remaining \$203,000, the amount in the supplementary conference report adopted today, is the amount needed to maintain the regular extension service of county agents and home extension workers in 21 States at the level they have had for many years. Members will remember that authorization was given in S. 518 adopted by this Congress after the original agriculture appropriation bill had been considered.

The full \$300,000 was then added to the appropriation bill by the Senate. The agreement on the \$203,000 compromise will be appreciated by the farmers and farmers' wives who recognize the county agent and home extension work as a truly constructive service to agriculture.

Assuming the acceptance of the \$203,000 figure means that the item as it now stands is for the regular extension work, I insert at this point the allotments to States concerned indicated in the report of the House Agriculture Committee on S. 518 (H. Rept. 384, 76th Cong., 1st sess.):

Arizona	\$6,954.81
Colorado	15,430.86
Connecticut	8,038.48
Florida	8,463.97
Idaho	9,452.27
Maine	3,842.36
Maryland	3,742.21
Massachusetts	7,130.11
Montana	19,672.10
Nebraska	6,683.54
Nevada	12,426.57
New Hampshire	4,151.71
New Jersey	13,949.41
New Mexico	8,330.89
North Dakota	6,418.37
Oregon	16,784.58
South Dakota	21,409.07
Utah	8,735.46
Vermont	1,521.83
Washington	906.24
Wyoming	18,996.48

The report further says:

These 21 States have received practically no increases in Federal funds for extension work since the initial Bankhead-Jones appropriation for the fiscal year 1936, while the remaining 27 States and Hawaii, because their shares of Bankhead-Jones increases exceeded reductions made in the other two funds, have received net increases each year.

Mr. THORKEKELSON rose.

Mr. TARVER. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

Mr. THORKEKELSON. Mr. Speaker, I ask unanimous consent—

The SPEAKER. The gentleman from Oklahoma [Mr. JOHNSON] is recognized.

Mr. THORKEKELSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THORKEKELSON. May I ask why I am not recognized to submit a request to extend my remarks?

The SPEAKER. Time in consideration of this amendment is under the control of the gentleman from Georgia. The gentleman from Oklahoma [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I desire to join other Members in congratulating the conferees and the House committee on reaching an agreement with the conferees of the Senate that appears to be generally satisfactory. I assume, of course, that there will be no serious objection to this particular motion. I agree with the gentleman from Texas [Mr. JONES] that this is really a very important matter. It is money well spent, and so far as I know, there has been little or no objection to it.

While I am on the floor, permit me to say that I am especially pleased that this House, a few moments ago, approved the compromise agreement reached by our House conferees with conferees from the other body to appropriate \$40,000,000 the next fiscal year to continue the splendid farm-tenant program under the Bankhead-Jones Act.

Of course, I am disappointed that the farm-tenant program is to be cut \$10,000,000 below the amount authorized by the Congress for the next year. It just occurs to me that any cut below what has been definitely promised during the ensuing year in this important program cannot possibly be justified. But I am sure many will rejoice that a final agreement has been reached and acted upon by this House. I predict that every dollar of the \$40,000,000 will be wisely loaned to deserving farmers during the coming year, and that all of it will come back to the Treasury with interest.

May I add that I am glad to have had a part in the fight to continue the farm-tenant program in the United States. It has been no small struggle to secure adequate funds to carry out the provisions of the Bankhead-Jones Farm Tenant Act. Many appear to be under the misapprehension that this is an outright gift instead of a self-liquidating loan. May I express the hope that this great worth-while program will expand until every deserving tenant farmer of Oklahoma, as well as in other States where farm tenancy has grown to be a problem, who really desires to own his own farm, may have



the opportunity of proudly becoming a home owner. [Applause.]

Mr. TARVER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, once more, to preserve the integrity of the RECORD, let me say that as the bill left the House it included \$25,000,000 for farm-tenancy loans. The Senate added a like amount—not the whole amount but merely another \$25,000,000. In the final conference the amount was reduced to \$40,000,000 instead of \$50,000,000. I could not let this opportunity go by without expressing my views on the matter; and I did so vote in conference. I voted so because the testimony before the House committee showed that 40,000 farmers were either slipping into tenancy or had been dispossessed and were on the road to tenancy every year. Now, we come along and vote a very substantial amount of money to be used for the purpose of reducing farm tenancy, rehabilitating perhaps 4,000 or 5,000 farmers every year when 40,000 are being reduced to tenancy.

My objection to the program and my objection to the proposal made by the President in the recent spend-lend letter to Senator BYRNES relative to more money for farm tenancy is that we are barging out into a problem that is of astronomical proportions. I am not willing to commit myself, or my people, or this Congress, to that kind of program that will end not in \$100,000,000 but in the billions if you follow it through logically. My basic opposition lies in the fact that it is a huge problem of which we can only scratch the surface. I do not believe, in spite of the fact that several votes have been had on this question in recent years, that the Congress quite knows what it is getting into in this farm-tenancy program.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Oklahoma. The gentleman knows that the House has gone on record several times and voted the full amount; and just a few moments ago the House confirmed the amount of \$40,000,000 in this bill.

Mr. DIRKSEN. I am not unmindful of the fact that we have voted on it several times, but in spite of that I express the feeling that perhaps a great many Members did not quite see through this program or understand its full implications or perhaps the way in which this money was distributed.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield further?

Mr. DIRKSEN. With pleasure.

Mr. JOHNSON of Oklahoma. In view of the vote just a few moments ago, approving the \$40,000,000, does not the gentleman think that is confirmation of this program by the House at this time?

Mr. DIRKSEN. I know they voted approval, but I can only reiterate what I have said that any measure the House has proposed is merely a scratch on the surface of this tremendous problem.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. HOFFMAN. Does the gentleman recall that Secretary Wallace testified before the Committee on Agriculture just as the gentleman stated that 40,000 farmers are being reduced to tenancy each year?

Mr. DIRKSEN. The gentleman is correct.

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject under discussion.

Mr. THORKEKELSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Montana objects.

Mr. TARVER. Mr. Speaker, I yield to the gentleman from Texas [Mr. MAHON] such time as he may desire.

Mr. MAHON. As a Member of the House and as a member of the Appropriations Committee, I have been very much interested in the item which the House has just approved regarding farm tenancy. When this matter was presented to the House several days ago, I fully supported the motion of my good friend, the gentleman from Oklahoma [Mr. JOHNSON] which provided that we appropriate the whole \$50,000,000 which Congress had previously authorized for this work next year. Failing to secure the \$50,000,000, I am glad we at least have \$40,000,000. This ought to provide for a substantial increase in the farm-tenancy program next year.

Certainly nothing could be much more important to the stability of the Nation than widespread rural-home ownership. Two out of every three farmers in many of our agricultural areas are tenants. This is a bad situation, and I feel that it is the duty of Congress to do everything possible to assist the program of home ownership on the farms. Home ownership promotes good citizenship, it promotes soil conservation and rural stability, it promotes most of those virtues upon which this Nation must rely for its future security.

Mind you, under this legislation we merely lend money at a low-interest rate to deserving farmers for the purpose of assisting them in the purchase of farm homes. The selections are made by the Farm Security Administration with the greatest care, and I am positively convinced that these loans will be repaid to the Treasury. In fact the purchasers paid last year 138 percent of the amount of maturities.

Every incentive to home ownership must be promoted. Nobody is deceived into believing that this appropriation of \$40,000,000 will enable every farm family to own a home. But it will give further encouragement to our rural population and help in providing a solution to one of our major farm problems.

As long as I serve in Congress I shall do everything in my power to increase the farm income and to promote home ownership. I know something about the weary road that many of those who seek to live by tilling the soil must follow. The Government cannot provide a substitute for hard work, but the Government can well afford to encourage home ownership through this farm-tenancy program. I am for it strong. I am hoping we can do a much more extensive and a much better job of it in the future.

Mr. THORKEKELSON. Mr. Speaker, I withdraw my objection.

Mr. TARVER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GIFFORD] 2 minutes.

Mr. GIFFORD. Mr. Speaker, I do not rise in opposition, but I do wish to remark, following the statement of the gentleman from Texas [Mr. JONES], that often I have recited on the floor of the House that the Treasury report lists as assets the notes of farmers dating back to 1921 for seed loans. It does not appear that they have ever marked off a loss, but still carry them as assets.

I cannot help but doubt that they have ever tried to enforce reimbursement on anybody if fraud on the part of the applicant had been proven. I simply reiterate these so-called assets, and I do wish that some committee would take action to mark off these losses. I do not think anybody wants to continue carrying losses as assets.

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. MURRAY].

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, how do you go about it, under the rules, to get a minute to talk on this thing?

The SPEAKER pro tempore. You do not unless the gentleman from Georgia yields.

Mr. HOFFMAN. That is what you call arbitrary control?

The SPEAKER pro tempore. That is correct.

Mr. HOFFMAN. I thank you.

Mr. TARVER. Mr. Speaker, I may say that the gentleman from Michigan has not requested any time.

Mr. HOFFMAN. Yes; I did a minute ago.

Mr. TARVER. I am sorry. The gentleman usually is sufficiently vociferous that I can hear him very easily, but I did not hear him.

The regular order was demanded.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. MURRAY] is recognized for 1 minute.

Mr. HOFFMAN. Mr. Speaker, I guess I will rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman cannot do that now. The gentleman from Wisconsin [Mr. MURRAY] has been recognized.

Mr. MURRAY. Mr. Speaker, I call your attention to the fact that I have been here 6 months and I have spent pretty nearly all of that time studying these various agricultural matters. I do not believe there is a Member in this room or on this floor who can stand up here and tell us what the Farm Security Administration has done with the money that has been appropriated to them already or what it is going to do with what it gets under this bill. I do not think there is a Member here today who would want to vote for the Farm Security Administration starting new farmers off with farms and giving them the money for 40 years at 3 percent and then go to the average farmer and expect him to vote for you next time when that farmer knows you are charging him 4 percent for the same money that the other farmer gets at 3 percent.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. MURRAY. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Then the gentleman feels that the average farmer takes the position of the dog in the manger. If he has to pay 4 or 5 percent he does not want his brother farmer to get anything for 3 percent?

Mr. MURRAY. If it is not, it should be that way.

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I did not sign the big conference report. This is a bill that exceeds in appropriations for agriculture any that we have ever had before. It was testified in the hearings by the Secretary of Agriculture that the total income of the farmers for the Nation was about \$8,000,000,000. The appropriation for the Department of Agriculture is about one-eighth of the total income of the farmers of the United States. This does not include appropriations made by the State departments and aid to land-grant colleges. This just gives you an idea of what the percentage of the total farm income is that is appropriated in this bill.

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HOFFMAN]. [Applause.]

Mr. HOFFMAN. Mr. Speaker, permit me, with proper humility, to thank the gentleman from Georgia [Mr. TARVER] for his graciousness and generosity in yielding to me 1 minute of the time which he controls.

Bear with me, please, while appreciation of the applause which just greeted me is expressed and let me convey to you the thought that there is a realization on my part that a part of it at least was at my expense, rather than as a tribute.

However, he who frequently and frankly states his views on highly controversial questions with more than the usual degree of positiveness should expect that others will follow a similar course.

The gentleman from Georgia [Mr. TARVER] a few moments ago, when I was seeking information as to the method of obtaining time to speak on this occasion, somewhat facetiously said, in substance, that I speak frequently and vociferously. He was correct in that statement.

Those talks have at least one merit. They usually are limited to 1 minute. The vociferousness may be due in part to the difficulty of making one's self heard while audible conversation is being carried on by the Members of the House; in part, to the sincerity of my convictions.

The frequency of those utterances may be accounted for by the fact that day after day numerous complaints come

to me from the men who ordinarily provide the jobs in this country and at this time would give employment, and as well from men who want to work, who would work, at the jobs which industry under ordinary circumstances would be able to provide, but who cannot work because of the National Labor Relations Act and the manner in which it is interpreted and administered by the National Labor Relations Board.

Sometimes, too, in these 1-minute talks I but act as the mouthpiece of some Member of the majority who conveys to me a thought or an unfortunate or a disagreeable experience which has happened to an employee or an employer in his own district, with the suggestion that I bring it to the attention of the House. Always am I glad to give utterance to these complaints. I realize that, under the present administration, even though experiences of constituents of Members on the majority side lead the Members irresistibly to the conviction that the N. L. R. A. must be amended and no matter how courageous the complaining Member may be, in view of the purge put on during the last campaign and the ever-increasing power and vindictiveness of the administration, many a man who would otherwise express his convictions on the floor knows that the exercise of discretion is the better course; that any other course might lead to his defeat, to his replacement by a less competent, less patriotic man.

It is regrettable that such a situation exists. It exists only because of misplaced trust, and it is my hope that after the next election no longer will the man who then sits in the White House be able to follow a policy of rule or ruin; that after 1940 the good old American custom of being permitted to express an opinion on the floor of the House without political reprisal will again be the privilege of Congressmen.

The country is asking, the country is demanding, that the Wagner law, so-called, be either repealed or drastically amended. Until the House takes up for consideration and disposes of this question of repeal or amendment of the Wagner law it is my present intention to, as often as may be permissible, call the attention of the House to the intolerable situation.

With reference to this farm proposition Secretary Wallace, testifying before the Agriculture Committee, said in substance that each year saw the failure of some 40,000 farmers; that each year some 40,000 farmers, if they continued to follow their occupation, became tenants instead of farm owners. If that be true, and the Secretary should know what he is talking about, where then is the logic or the good sense in appropriating some \$40,000,000 to purchase farms to put men with their families into an occupation when we know that the end of each year will see more men fail at that occupation than we are able to put back into it?

Why ask men, men with families, to engage in an occupation before we have removed the causes which each year bring about the failure of 40,000 farmers? [Applause.]

[Here the gavel fell.]

Mr. TARVER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the hearings indicate that while 40,000 tenant farmers are being added to the tenant population of the country annually, that is not occasioned altogether by the loss of ownership of farms, but is brought about by the coming to majority of young men of the tenant-farmer class, who themselves become tenant farmers after arriving at manhood. This does not mean that the tenant population of the country has been materially increased by reason of the loss of farms by those who have theretofore been landowners.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia [Mr. TARVER].

The motion was agreed to.

A motion to reconsider the votes by which the various motions were agreed to was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill



(H. R. 5610) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 15, 39, 41, 55, 75, 122, and 127; further insists upon its amendments Nos. 1, 59 to 71, inclusive, and 101 to the foregoing bill, disagreed to by the House; requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. BURKE, Mr. KING, Mr. NYE, and Mr. BRIDGES to be the conferees on the part of the Senate.

#### NEUTRALITY ACT OF 1939

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, with Mr. CLARK in the Chair.

The Clerk read the title of the bill.

Mr. BLOOM. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, I am in thorough accord with the statement repeatedly made heretofore on this floor to the effect that the whole people of America are keenly desirous of remaining aloof from war. I cannot conceive of any responsible group of our people not sharing that ambition. I believe that is the unanimous attitude of the Members of this body and of the body across yonder. There is certainly no one of us who would wish to bring on a general world war or the participation of the United States in it should it occur, the only difference of opinion being the difference in ideas as to the proper approach to that end, and these ideas are quite varied, indeed. This is by no means a partisan question. Every man and woman is entitled to his or her opinion. I concede to everyone the belief that his or her attitude, if carried out, would bring about that end.

What is the situation which confronts this Congress? It has been mentioned several times on the floor that we now have a piecemeal neutrality law but, as far as I have heard, reference has not been made to the fact that the Congress has never attempted to pass an ironclad, permanent neutrality law. I am sure this applies as well to yesteryears, since the laws and policies formulated then are not still in force, as it does to recent years.

In 1935, as you who were here will recall, the Congress passed the first modern neutrality law. The first section of that law was an embargo against the shipment of arms, ammunition, and implements of war. But was that a permanent provision? No; at the end of it there was the requirement that the section cease to exist on February 29, 1936. On that very day, February 29, 1936, the Congress amended the neutrality law and in doing so stipulated that that provision should expire on May 1, 1937, I believe, showing very plainly that the embargo against the shipment of arms was never intended to be a permanent part of the law of our land.

In 1937 the Congress passed an entirely new neutrality law and added to and coupled with that embargo a cash-and-carry feature, new at that time. At the end of that paragraph appeared the provision that the cash-and-carry feature should expire on May 1, 1939, again indicating that there was nothing sacred about the law, and not only that it was not sacred but that it was not intended as permanent legislation. So we were confronted this year with the knowledge that the cash-and-carry feature would expire automatically on May 1 of this year, and with the knowledge that when that happened we would be left with a piece of a neutrality

law—a piecemeal law which was very dangerous as it was left.

Consequently the Committees on Foreign Affairs of both the Houses and the other body arranged to hold, and did hold, very extended hearings—open hearings—to which all concerned were invited. Everyone who had any idea about neutrality legislation was welcomed before that committee in the House, and I am sure the same was true in the Senate.

The hearings continued for approximately 30 days, as I recall, in an effort to do what? First, to remedy the situation resulting from the expiration of a part of this temporary neutrality law; and, second, to create a law which we propose as the first permanent law the Congress has ever passed on the subject of neutrality, and which we hope will tend to keep us out of war should war come.

I say permanent because it will be the first neutrality law without a provision for the expiration of some phase of it. Of course, changed conditions may prompt some future Congress to change it. And bear in mind that it is being proposed at a time when the countries of the world are at least ostensibly at peace. I am impressed with the thought that no one can legitimately charge that this proposed change in a temporary law before war occurs would indicate a desire on our country's part to favor one country or another in any prospective war. On the other hand, we are trying to establish permanent rules of the game now before war occurs so that in the event it does, we hope it will not prove necessary to change the rules in the midst of the game and thereby indulge in an unneutral act toward the country such change does not seem to favor.

After these hearings a bill was dropped in the hopper by the acting chairman of our committee. Something was said here yesterday about whether or not that was his bill. I wish first to pay tribute to the very excellent and able way in which the acting chairman of our committee, in my opinion, has handled the very difficult situation which confronted him. He has been indefatigable in his efforts, and always eager to be fair, absolutely fair, to everyone concerned. I want to go on record as being of the opinion that he has done a difficult task well. He introduced this bill and, as I say, the question was raised whether it was his bill or the bill of the State Department. I have not asked Chairman BLOOM who wrote that bill. It bears his name. But I do say this: If I had in mind introducing a neutrality bill, I certainly would not ask the advice of the Treasury Department or the Department of Justice or the Agriculture Department about how I should formulate it, just as I would not consult the doctor about a legal case or an attorney if I had typhoid fever. On the other hand, I would go to those professionally versed, those technically experienced in that peculiar line of endeavor, those familiar with foreign affairs. I presume that Chairman BLOOM in his good judgment did that very thing.

Every one of us fully realizes that with a body of 435 Members here and 96 Members across the building it is absolutely impossible for anyone to be entirely familiar, and it is ridiculous for one to claim that with all of his multitudinous duties he can be thoroughly familiar, with all phases of everything that is happening here.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 5 additional minutes to the gentleman from Alabama.

Mr. JARMAN. Consequently, we must trust to the leadership and guidance of someone familiar with foreign affairs. It is natural to look to the Secretary of State, just as it is natural in connection with other matters to turn to the heads of the departments concerned, or others professionally and technically qualified. For my part, I am perfectly willing to trust in matters of foreign affairs that very distinguished gentleman who so long and so ably served in this body, who served similarly in the other body for a number of years, and who, in my opinion, will go down in history as one of the great Secretaries of State of this Nation. [Applause.] I am perfectly willing to follow the suggestions of Secretary of State Cordell Hull in such matters, particularly at a time

so serious as we fear this to be. I say further that if Secretary Stimson were Secretary of State when an important matter such as this was involved, I would feel the same way. I do not believe we have ever had a Secretary of State or a President of the United States who would deliberately lead us down the road to war for an ulterior purpose. I do not think President Roosevelt would do it; I do not think President Coolidge would have done it, President Hoover, Harding, Wilson, or any other President. As a matter of fact, my confidence in the American people is such that I just do not believe men of that type, who would deliberately involve us in war against the wishes of our people, ever become President or Secretary of State. At any rate, this bill, no matter who authored it, we think in the committee is a good bill, which will contribute toward the peace of America.

Time is not available for me to discuss the details of the measure. Suffice it to say that it does, and very naturally so, I think, in the main carry out the ideas of the State Department. In case of war it requires a proclamation naming the states involved in it; the restriction of travel by American citizens on belligerent vessels; transfer of title before departure of goods destined for belligerents; continuation of existing legislation restricting loans and credit; regulation of solicitation and collection in this country of funds for belligerents; continuation of National Munitions Control Board and system of arms export and import licenses. In other words, it is practically the same as the present legislation with the exception that it drops the arms embargo in section 1 and substitutes what is tantamount to cash for the cash-and-carry provision which expired on May 1, but for the elimination of section 3 which has recently been agreed to, there would have remained much of the carry provision, but as it is, it only eliminates the embargo and retains the cash of the cash-and-carry.

Now, with what reception has the proposed legislation met in the country? As I read the press of the Nation, the responsible press, I think it has met with rather universal commendation. I read a paragraph from the June 15 issue of the Providence (R. I.) Journal. I do not know whether it is a Democratic or a Republican publication. I do not care, for this is not a partisan matter. I think it is rather typical of the press comment which has occurred:

The neutrality bill, favorably reported by the House Foreign Affairs Committee, is not the best measure Congress could adopt, but it is so much better than the existing law that it should be passed at the earliest opportunity. It is, at best, a compromise, but a compromise in the right direction, for, as a fixed legislative neutrality policy, it would be infinitely safer and more effective than the present law.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. JARMAN. Yes; I yield.

Mr. MAHON. I am very much interested in this legislation. There is one point I would like for the gentleman to discuss for my benefit and that is the cash-and-carry provision. If this bill passes and it would transfer title at the water's edge if the belligerent nations want to buy our goods, what will be the status of the ships that carry this contraband of war, say it is carried in American vessels?

Mr. JARMAN. They will do so at their own risk in accordance with international law.

Mr. MAHON. Is there any legislation that states that or is that on the basis of international law only?

Mr. JARMAN. International law, insofar as the vessels are concerned. Section 2 after the proposed amendment will stipulate that citizens of the United States shall travel on belligerent vessels only at their own risk but it makes no reference to American vessels.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman from Alabama 1 additional minute.

Mr. JARMAN. In conclusion, Mr. Chairman, I hope that my dear, old friend, Dr. EATON, beside whom it is my pleasure to greatly enjoy sitting on the committee, and those who have given expression to a similar attitude, are correct in the belief that it matters not what legislation we pass here this week. I hope that no war is in the picture, no general

war, and if one occurs I, above all, hope that America will not become involved in it. I must confess, however, that it is impossible for me to view the situation so optimistically. On the other hand, I feel that the situation confronting us here is probably one of the most serious ones which has confronted the Congress since World War days, and that the vote you will cast in a day or two will probably be the most important one that you gentlemen who were here in 1918 have cast since that time and certainly the most important one that we younger Members have ever cast. Consequently, I beseech you to have in mind when contemplating that vote only the best interests of this great country and people of ours. Please do not consider whether a certain vote would be beneficial to the Democratic or Republican Party, for or against President Roosevelt, or for or against Great Britain, France, Germany, Italy or any other country. I cannot too strongly urge you to have in mind only the performance of your duty under the oath you took in January to serve our country to the best of your ability. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. ALEXANDER].

#### IS NEUTRALITY FOR PEACE OR FOR WAR?

Mr. ALEXANDER. Mr. Chairman, as I have listened to the debate on this neutrality bill, House Joint Resolution 306, I have been more and more impressed with the thought that the problem of neutrality is just a matter of exercising common sense and good judgment. That is what George Washington did, likewise James Monroe and other Presidents who were faced with the problem of foreign wars and international entanglements. Did they have any neutrality laws to guide them? No; they had only their fine, inherent, American common sense, and that is mainly what we need today.

We do not need to pass a so-called neutrality law. We do not need to continue year after year and Congress after Congress to take up our time and waste our energy in considering and debating bills of this sort which are of a very negative and questionable value.

The fallacy and ineffectiveness of such a pursuit is shown by the results of such attempts during the World War. Also, I have searched the pages of history for the past 300 years, and in every case where neutrality was sought to be invoked as a national program as a safeguard of peace, or as a guaranty against war, it failed. Either war resulted as an effect of the plans evolved, such as in the case of Catherine, Empress of Russia, back in the eighteenth century, or the international situation became so involved that it was necessary to resort to the most extreme measures to avoid more disastrous results.

Not that the ideal of neutrality as such is not a worthy one, and not that it would not be highly desirable and effective, if it could be applied according to the rule laid down in the dictionary. But rules governing human relations, and especially relations of an international character such as war, cannot be either so precisely defined or exactly applied as the ideal expressed by Webster's Dictionary.

His definition says "it is the condition of being uninvolved in contests or controversies between others—the state of refraining from taking part on either side."

By the nature of things, especially from the angle of business and nationalities in this country, we are not able to be neutral, and we cannot fit that definition. We are already taking sides in a real or in an imaginary war in Europe. We are already to a large degree either pro-British or pro-German in this country. We were in 1917. There must be something wrong with our national mind, including our so-called leaders of thought and action, when we can continue to mislead ourselves by talking about neutrality year after year as a means to such a highly desirable end as peace is.

#### WHAT IS THE TROUBLE WITH OUR THINKING?

What is the trouble with our thinking on this subject? The main trouble is, if you want my opinion, that we make the mistake of considering that the variable-meaning word



"neutrality" is synonymous with peace. History proves that it is not so at all. And in the United States today there are at least three main kinds of neutrality. To one person neutrality means one thing and to another it is still a different thing; but to us who are unsuspecting and who like nice-sounding catchwords and phrases it means peace, or at least a way to peace.

The three main kinds of neutrality in America indicate easily and clearly that at least two of the proponents of their type of neutrality are as far apart as the East is from the West, which condition certainly by no stretch of the imagination can be said to be conducive to or synonymous with peace. There is the dictionary kind of neutrality, which I have already pointed out we do not have in a nation so constituted as ours; secondly, there is the pro-English type of neutrality; and thirdly, the anti-English type. Which one are you for? This bill, expressing, as it does, the cash-and-carry theory of neutrality, is said to be the pro-British type. I assume that it is also, therefore, pro-Japanese, since these two nations alone in the world, except for the United States, are most able to buy goods, ship it on their own boats, and provide naval armament for the protection of their purchases in transit as provided for under cash-and-carry neutrality.

Is it not evident that any neutrality which favors one side or one nation over another is, by the very nature of the thing, not neutrality? What will the other side to which the act is detrimental say and do? No, such neutrality is neither synonymous with peace nor is it properly termed "neutrality." It might more appropriately be termed a "plan for war."

What we need in this country is not a neutrality act of this sort in the guise of peace but rather a constructive movement for peace. The people of this Nation want peace, and their democratic demands should be heard. Those who place their hopes for peace on any neutrality measure which the various factions in this Nation will make into law are due to be disappointed, I anticipate, for it will be only a vain hope, a snare, and an illusion, like a mirage beckoning a lost and thirsty traveler across an endless desert. And the end will be only the same—death, dried bones, destruction, and desolation.

Perhaps we could take a lesson in such problems from Holland, Denmark, Sweden, and Norway, who kept out of the World War, although they were much closer to it than we were, and who also had to stay neutral. They really did it, and thereby set for us an example. In delving into their problem and trying to ascertain the secret of their success in that respect, I found that they lost large numbers of ships and of people, but still they persisted in real neutrality. For instance, little Holland lost 290 vessels, with 201,797 gross tons, or 16 percent of the total tonnage of their fleet. They lost 1,025 men, leaving 568 widows, 1,648 children, 125 fathers and mothers, and 40 other dependent relatives, or 3,281 people altogether. We lost 343,090 tons; so Holland lost almost as much as we did, but she did not go to war. Norway lost 976,576 tons; Denmark, 210,880; Sweden, 180,415; but they used their common sense.

It has been said in the course of the debate on this bill that it is impossible to magnify the importance of this bill. That may be true; but there, again, the speakers are insinuating or making the bill connote peace. Ask yourself, "Is neutrality as in this bill really neutrality, and, therefore, is it really peace? Is this bill aimed at preventing or at heading off war?" No. An examination of it indicates that it is aimed at exactly the opposite; that is, at participation, by trade, in war—at aiding and abetting war. I presume, for that reason, it is very acceptable to the war profiteers and war mongers. In fact, all neutrality legislation has always aimed at aiding in the prosecution of war. In other words, the assumption of the proponents of neutrality legislation is that there will be a war; and they are making plans, if not to profit handsomely by it, then at least to take as much advantage as possible out of it.

In fact, I think it might be generally stated that the trouble with all or most of our peace plans and war preventatives is that they are not war preventatives; they are only

peace plans of a selfish, introvert type to be utilized after war has broken out and the carnage rages.

#### OUR REAL PROBLEM NOT CONSIDERED

Another aspect of this whole matter of war and peace is entirely left out of consideration in this bill, and it seems to me that it is a much more important and serious matter as far as we are concerned. That is the situation in the Orient—the Far East—where we need to watch our step, not only because of our interest in China but also because of our interest and stake in the Philippines. Apparently the sponsors of this bill are contemplating only the European aspects. In other words, putting out the fire in the shed while the barn burns down. Any neutrality legislation to be worth while must attack and solve the Japanese problem. We need never become involved in Europe—but we are already involved in the Pacific with our \$840,000,000 of investments in the Philippines and our sovereignty over those very rich islands, which, under the present law, is to continue until 1946.

Much has been said in the past about an impending Pacific era. Few of our people now realize that with Japan's invasion of China, which is in fact one of the most momentous events in all history, the Pacific era has been ushered in. It is here. Henceforth, what may transpire in this section of the world is likely to be of even greater concern to us as a nation than what may happen on the other side of the Atlantic.

America is essentially more of a Pacific than an Atlantic power. It is feasible to construct a bridge across the Behring Straits whereby it may be possible to drive our motor cars across onto the Asiatic Continent. In fact, the shortest distance from St. Louis, in the Mississippi Valley, to Hankow, in the Yangtze Valley, is along the great circle traversing the Behring Straits. Furthermore, we have a greater Pacific coast line than has any other occidental nation.

Modern means of communications have brought our Asiatic neighbors into a stone's throw of us. We can now hail them across the water. We cannot any longer build up walls of isolation shutting us away from the rest of the world. The Pacific Ocean is no longer a formidable barrier separating us from the Far East—better now called the Far West.

Because of the pull of destiny, we have spent hundreds of millions of dollars and sent tens of thousands of our nationals to China and Japan in efforts to carry American ideals and ideas to the Far East. Millions of Chinese and Japanese speak, read, and write English, and understand us and our institutions. How many Americans are there who possess a substantial knowledge of China and Japan and understand the psychology of the Chinese and Japanese?

Many Americans with little background in things Japanese but prominent in our business, industrial, professional, and other walks of life have visited Japan, and their Japanese hosts found it easy to fit them with Japanese glasses and ear trumpets, which enable them to see and hear the Japanese versions of far eastern matters. Some of these, after returning to America, continue to wear these Japanese glasses and ear trumpets, indicating quite clearly that our whole educational system is at fault in not furnishing our people with the means of a good education in the fundamentals of the civilizations and institutions of these important Asiatic people.

Japan moved into Manchuria, a territory larger than Germany and France combined, and now threatens to occupy an area greater than the United States with a population nearly three times larger, yet we show more concern over the taking of a few hundred square miles in Europe by a European power than we manifest toward what constitutes a major threat to our entire civilization.

If Japan succeeds in its conquest of China, it will not stop there. Japan's occupation of Hainan Island and the Spratly Islands indicates that it has greater ambitions. It aims to set itself up as master of the Pacific. With 150,000 Japanese in the Hawaiian Islands, how long will it be before it will demand that the Japanese flag be hoisted over this important American outpost in the Pacific?

Japan has exhibited a persistent interest in the rich fishing resources in the Alaskan waters. How long will it be, should it succeed in its ambitions on the Asiatic Continent, before Japan pushes its fishing fleet into our northern waters and begins colonization in Alaska?

With a Japanized China, here is where America will be hoodwinked into believing that it is going to get some good business. Exact long-term credits, the Japanese will take American machinery, but only to build up industries whereby they may use Chinese labor on mere subsistence wages, so as to outdo the rest of the world in production costs and then flood the world with their cheap manufactured products. We shall then be faced with a real "yellow peril." Thus we shall be invited to furnish capital and equipment to help Japan undermine our wage scales and standards of living. Furthermore, Japan will be especially concerned with building up war industries on the Asiatic Continent, so that we shall be asked to help finance these, as we have been helping Japan to build up war industries in Manchuria. What sort of investments will these present for American capital? And still we seek to pass a neutrality law which fails to take this situation into consideration.

And so in conclusion, let us beware, beware of placing our hope in false cures, in neutrality which is not neutral according to a definition of common sense, and in peace measures which are really war abettors, for the day will surely come if we do not, when we will be weighed in the scales and found wanting. Unless we do an about face in these great problems, our people will continue to cry "Peace! Peace!" and there will be no peace. [Applause.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Chairman, this is an example of an all too prevalent American idea that you can do anything you want by merely passing a law. Peace cannot be guaranteed by law. No neutrality act we can pass can keep us out of war, if our foreign policy is unneutral. Congress cannot limit the constitutional powers of the President of the United States in foreign affairs. Congress can, however, keep from him additional powers to be unneutral, such as are granted him by the Bloom bill.

It has been said that no new powers are granted under this bill. Under the Bloom bill, with the four amendments that have been suggested, the President can sell arms to one belligerent on credit and require another belligerent to pay cash. Under this bill he can bar shipments of arms or other supplies—get that—other supplies to any belligerent when he suspects, but cannot prove, that they are going to be transferred to a tender or supply ship, whatever that is, by requiring a prohibitive bond under section 7, while permitting shipments of arms to go to another belligerent in American vessels.

These powers are given because this law consists of 2 new sections and 14 sections from the old law, which contemplated an arms embargo. With the arms embargo in the law, the other sections fit. With the arms embargo out, the bill becomes a new means for unneutral acts on the part of the President, if he desires to be unneutral.

The psychological effect of this bill may be enormous. I, for one, hope that consideration of this bill will not take the form of a referendum as to whether we are pro-British or pro-Hitler. I hope that our consideration of this bill will tell to our people and to the world that we are against war; that we are for peace; that we are pro-American and not pro anything else; and that we are united.

I want to suggest that if this bill is disposed of one way or the other by a close vote it will show an apparent division in our people and on this floor that does not in fact exist.

The real issue in this bill arises from a fundamental difference as to the way to peace. The President's policy is to use the threat of our power to preserve a balance of power in Europe. Opposed to this is the traditional American belief that the way to peace is for us to be neutral, not biased; friendly, and not threatening. The President's theory is that if we stop war from starting we will not get into war.

If we make a strong enough bluff we can prevent war from starting. The President has no more intention of taking us into war than he had 6 years ago of taking us into debt; but we have learned that despite good intentions, if you spend enough you get into debt, and if you threaten enough you get into war. [Applause.]

The road to war is paved with threats.

I have two criticisms to make of this policy. First, we have no assurance that the threat of our force will be sufficient to stop war in Europe. No one can give us that assurance.

Second, if the bluff does not work, we will inevitably go into war. When any international incident takes place on the faith of our promise to one side or threat to the other, the pressure to make good our bluff, to back up our commitment will be irresistible. If you think that our eventual entry into the next war is inevitable, then vote for the Bloom bill as is. The Nazis say it is going to be total war or total peace. If you believe that and believe we are going in if it starts—arms, ammunition, ships, and men—then vote for the Bloom bill as a desperate attempt to stop the starting of our war by a threat to one side and a promise to the other that if it starts "we're coming over, and we won't come back till it's over over there." But do not fool yourselves or our people or foreign nations. If we make this threat and it does not work, if our bluff is called, if this warlike bid for peace fails, if in spite of our threats or because of our promises, war starts, then we will never back up and we will never back down. That is the chance you take in the administration's gamble.

Now, I am opposed to taking that gamble. I think the way to peace is not to promise or threaten to fight anybody or help fight anybody. We cannot decide what other nations will do. But no matter what they do, we are not going over to the next war. They will have to bring it over here before we fight. [Applause.]

We cannot guarantee peace to the world. We cannot even guarantee that our policy will keep us out of war, but if you think that our entry into the next war is not inevitable, but is a possibility that you want to resist with all your might, early and late, vote against the Bloom bill as is. If you believe we have a duty toward world peace, and that duty is to stay out of war and war economy and war psychology, so that when other nations are exhausted, either by war or by frenzied preparation for war, to the state that they are ready to sit down around the table again and try to restore international peace and order and justice, we can then go to that table as the strong and neutral and friendly big brother of them all, and not the weakened and biased and hateful partner of one side—if that is what you believe, then vote against the Bloom bill as is. [Applause.]

The test will come on restoring the arms embargo. America has come to believe that the sale of arms to belligerents is immoral, un-Christian, and leads to war. Most experts on international law favor retention of the arms embargo. For instance, Professor Borchard, Dr. Lage, Walsh and Healey, of the School of Foreign Affairs, and Charles A. Beard, the eminent historian. Mr. Hull says that he can see no difference between the selling of arms to belligerents and the selling of anything else they may need. That is because he thinks of neutrality in terms of helping or hindering some other nation and not in terms of helping ourselves. [Applause.]

I emphasize this particularly: There is no principle of international law that requires us to sell arms to anybody.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. SHANLEY. Did I understand the gentleman to say that Professor Borchard is against the arms and ammunition embargo?

Mr. VORYS of Ohio. He is in favor of the arms and ammunition embargo.

Mr. SHANLEY. Has the gentleman authority for that statement?

Mr. VORYS of Ohio. One of my colleagues will give the gentleman the authority for the statement.



Remember, Mr. Chairman, there is no principle of international law that requires us to sell arms to anybody in order to be neutral. There is a principle that requires us, if we sell anything, to do it impartially, and if we sell arms there is one way of getting into trouble.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, in view of the very compelling speech the gentleman is making I yield him 5 additional minutes.

Mr. VORYS of Ohio. Mr. Hull admits, however, that under international law arms are "absolute contraband"—I quote him—"subject to seizure by a belligerent."

Everyone admits that the international law of search and seizure has been repealed by the airplane and the submarine.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. WADSWORTH. By what authority may the airplane or the submarine repeal international law.

Mr. VORYS of Ohio. I shall state the answer.

Mr. WADSWORTH. Does the gentleman realize that that statement involves an entire surrender of all the ideals of civilization?

Mr. VORYS of Ohio. I do.

Mr. WADSWORTH. I am astounded at that statement.

Mr. VORYS of Ohio. Every expert who has appeared before our committee has admitted that the airplane and the submarine completely change the law of search and seizure, because you cannot search and seize a surface vessel from the air or from under water. If you know it is a neutral vessel not carrying means of murder but a peaceful cargo, you will hesitate to molest it and offend a neutral. If, on the other hand, you know it is laden with arms, "cooperating with similarly minded governments," to use the President's term, you will sink it, for you will know you have nothing to lose, you will not be offending a real neutral, and you will be sinking absolute contraband.

There is a clear distinction between the selling of arms, which can only be used for murder, and other commerce which may be helpful to belligerents for peace or war. Everyone recognizes the difference in law and in morals between the sale of whisky by a saloonkeeper and the sale of a load of corn by a farmer, even though whisky can be made out of corn. That is the distinction between the sale of arms and the sale of anything else. Our purpose in an arms embargo is not to help or hurt any other nation but to protect ourselves, to keep ourselves at peace.

Mr. Hull and some of our colleagues apparently feel that we should arm the victims of aggressors. I feel that we should stop arming aggressors. The results of Mr. Hull's mistaken policy are apparent in the Orient where the evasion of our arms embargo law has resulted in the arming of Japan. I think we are making a great mistake trying to determine our possible conduct in a future war in Europe before we determine our present conduct in a present struggle in the Orient. [Applause.] We have let our excitement about what may happen to our remote interests in Europe blind us to what is happening to our immediate interests in the Orient, where our treaty rights are being violated daily. We should stop arming Japan instead of planning to arm Europe. [Applause.]

We have been told that the reason for repealing the arms embargo is that Germany has taken over 27 munition plants in Austria and 11 plus the Skoda works in Czechoslovakia. This argument came to us from the State Department and through administration spokesmen on this floor. Does that mean that we are to become the arsenal of Europe? I am going to vote against that.

There was no evidence before our committee that any nation wanted us to do this. The embroiled nations of Europe have changed their economy so as to produce all the arms they need. Within the past few days Chamberlain and Daladier have spoken of their tremendous capacity to produce arms. I think we should not change our peace economy

into a war economy. We should furnish to all nations the products of peace and assert our rights as a friendly neutral to do so. We should furnish to no nation the means of murder in wartime. [Applause.] There is no proof that our munitions industry needs the stimulus of such a foreign war boom for our national defense. That sort of boom was described by our President in 1936 as "fool's gold" when he said:

To resist the clamor of that greed, if war should come, would require the unswerving support of all Americans who love peace.

Let us use these words of our President from 1936 to defeat the warlike policy of our President of 1939. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. SCHIFFLER].

Mr. SCHIFFLER. Mr. Chairman, we have before us for consideration at this time House Joint Resolution 306. We are called upon by this resolution to repeal and modify the existing law relating to neutrality. I am convinced that every Member of Congress is deeply conscious of the responsibility involved in dealing with this important subject. I also want to feel that every Member of the House is sincere in his or her convictions. Neutrality is something that cannot be invented, neither can it, in its strictest sense, be completely legislated. True neutrality comes from the enactment of clear-cut, unequivocal declarations of the policy and laws of a nation, impartially and unbiasedly executed by its Executive.

In the light of our past experience and with our knowledge of human nature, our unbiased and impartial conduct is highly essential to a conscientious discharge of our solemn obligations. Let us forget partisanship; let us forget every "ism" and every nation, save and except Americanism and America. Having turned our eyes heavenward for guidance at this momentous time and cleansing our thoughts of every unclean emotion, we must dedicate ourselves to the task at hand with utmost sincerity. I have implicit faith that we can legislate in a truly American manner. To allow fear, prejudice, partiality, or any other emotionalism to control our conduct, rather than calm judicious reasoning, is to be unfaithful to our trust.

I regard Judge John Bassett Moore and Prof. Edwin Borchard as the outstanding American authorities on international law and neutrality and want to quote the words of Prof. Edwin Borchard relating to neutrality. These views in the main are supported by Judge Moore. Speaking upon the subject of neutrality, Professor Borchard said:

After 1914 a marked change occurred, especially in relation to Europe. For a variety of causes set out in numerous books, America lost its bearings. The magnitude of the European contest, association of cultural and economic interests with one side, and extraordinary ineptness in dealing with the legal problems involved, ultimately induced a state of hysteria which plunged the Nation into war. The European feud, more senseless than its predecessors of earlier centuries, was pictured as a struggle between morality and immorality, and in the search for an explanation to the American public for the country's departure from its fundamental traditions, there was invented at the last minute that curious battle cry of making the world "safe for democracy." This must have surprised some of the Allied Governments. It was in that era that there was born the ideal of allied force in the service of righteousness, later called "collective security," which has done so much to prolong the world's misery by viewing the world through the doctrinaire spectacles of political theology instead of with the open-minded detachment of a physician seeking a correct diagnosis of a social disease. The war produced a psychosis, continued in the Treaty of Versailles and its aftermath, of which articles 10 and 16 of the Covenant were an exemplification rather than an antidote. Historians and psychologists will in due course explain why some of the principal governments of the western world so long divorced themselves from reason and experience and immersed in illusions, permitted the corrosion of the political and economic structure.

For it is an unfortunate fact that the attempt to maintain the adventitious status quo of 1919 through devices of the Covenant and by more formal military alliance resulted in an intensification of nationalism almost unprecedented. At the same time, the less informed were led to believe that phrases such as "collective security" interpreted by the League of Nations, manifested a growing internationalism and disposition to adopt peaceful processes in the adjustment of international differences. The disintegration, however, was a fact, the pacification but a fiction. When we consider the progress that had been made in the nineteenth and early

twentieth centuries in the development of arbitration and conciliation, it seems deplorable that since 1917 the world's moving forces should have come under the domination of a psychology which encouraged treaties and pacts signally devoid of conditions essential to international appeasement, while cherishing the delusion that peace was being promoted by arrangements for the use of combined force against any revolter against the status quo, vilified in advance by the opprobrious name of "aggressors." Of this process perhaps the most unfortunate phase was the popular illusion that peace might be assured by bestowing seductive names such as "collective security," "preventing war," "international co-operation," on contrivances, like sanctions, which were hostile and warlike in character. In defense of this form of deception, it can only be said that it was not new. Article 47 of the Treaty of Westphalia, 1648, embodied a similar device. As Judge John Bassett Moore has said, all human history is characterized by the tendency to seek salvation in phrases rather than in acts.

We were told during the Great War that the balance of power and military alliances were the source of the world's ills and that these ills could be cured by replacing alliances with a league of nations—once inadvertently called a "disentangling alliance." But just as an alliance is a combination of two or more nations seeking certain common ends, so the "collective security" of the League was marked by an identical characteristic—it sought the attainment of common ends by the use of coercion and military force. But it is to be feared that the education of men's minds to be compulsive features of "collective security" has had disastrous effects. It has diminished appreciation and respect for the less dramatic peaceful processes of effecting change and settling disputes.

But is it a fact that the destructiveness of modern war makes it more important than ever to avoid its recurrence. What has been done since 1917 is no contribution to that end. The interdependence of a narrowing world might have been remembered at Versailles. If the constant danger of war is to be surmounted, thought should be given to the revival of the well-tried methods of restoring trust among the nations and then working to develop the existing institutions for cooperative effort to appease, conciliate, and adjust conflicting claims. The task is now infinitely more difficult than it was before April 6, 1917, when the United States officially abandoned neutrality.

In the revision of the Neutrality Act, which will probably be undertaken in the January 1939 session of Congress, it is believed that Congress should either (a) repeal the entire act and depend on the rules of international law, the existing neutrality statutes, and the constitutional duty of the President not to involve the United States in a foreign war, or (b) reserving to itself, with the President, the privilege of determining the existence of a "state of war," Congress should retain the present act, amending it in the particulars above mentioned only. The second alternative is preferable.

I am firmly convinced of the wisdom of Professor Borah's views. I do not believe that we can substitute anything more sound and advantageous to the United States.

The resolution, as presented to us, omits the arms embargo. This has been considered vital and necessary by this administration for the past 4 years. What, if any, reason exists for its abolition at this time? The only reason thus far appearing and advanced by those sponsoring the dropping of the embargo is that the Berlin-Rome axis is superior in armaments and also superior in capacity to produce armaments and munitions of war. This is a matter of testimony before the Committee on Foreign Affairs. We have also been told in that committee that Britain and France cannot meet the present armaments of the Berlin-Rome axis, nor the productive capacity of the munition plants now in possession of such axis. To my mind this does not present a sufficient reason for the United States to become involved. In view of this expressed attitude, it amounts to an outright alliance with the so-called democracies of Europe. Is this justifiable? Is it neutral? I say to you that every conscientious American citizen who knows the importance of such action and of its consequent outright alliance with the so-called democracies of Europe is unalterably opposed to the repeal of our arms embargo law. I most firmly and unalterably oppose the repeal of our arms embargo law. We have deep sympathies in this country, much sympathy at this time for those of many nations. It is regrettable that conditions over the world are so chaotic and with so much hatred prevalent. Shall we become involved in this seething mass of distraction and ultimate destruction?

Never in the history of the United States have the words of our first President advising against meddling and entangling alliances been more valued and applicable than today. No American boy, with my vote, will ever cross the seas to engage in another futile war. My motto is, and has been, "not one drop of American blood shed elsewhere than

in defense of America on American soil, and the last drop of blood of every American for the preservation of American ideals, institutions, and country."

As one of the family of nations today, we recognize certain obligations to all others within that family. This cannot be discharged by the mere shrugging of shoulders at what occurs in the world, neither can it be discharged by becoming involved. Our potential value lies in the fact that by remaining neutral, strictly neutral, and in exerting our continued efforts in behalf of peace, we may mediate as an impartial arbiter the troubles of others, but such mediation can only come, and our greatest value be utilized, when and if we approach all involved nations as their mutual friend.

Granting that ambitions exist in Europe, and granting further, whether or not they are justifiable, is it not far better that we, as one of the signatories of the Kellogg and Nine Power Pacts, and as the leading uninvolved nation can render far more valuable service to civilization by remaining absolutely neutral and placing ourselves in a position to offer peaceable settlement? Would it not be better to ascertain the objectives of Japan as well as the objectives of Germany, of Italy, and of all other so-called war desiring nations, and most carefully weigh the result of such inquiries and ascertain their reasonableness and prospects of amicable settlements? Is the world today without reason? Is the world without competent leadership to strive to attain such peace by logical and reasonable methods? Must the nations of the world continue to look upon war as inevitable, well knowing that in the end war utterly destroys and is the creature of impotent hatred, illogical and unnecessary? Our position, if we stop long enough to appraise it, is the favored. We are blessed with the opportunity of being the peacemaker. Shall we cast aside our opportunity?

The law we seek to enact is neutrality and impartiality, not an alliance and partnership that will inevitably lead us to a war soon after such becomes a reality. Not a single, sane, American citizen, notwithstanding that his or her sympathy may be with one or more of foreign countries, will ever again involve this Nation in a war, other than for defense of American soil, or in defense of our Territories, and in support of our obligations under the Monroe Doctrine.

I have not heard a single, sound, sensible, or patriotic reason suggested for the change of our law at this time. My sympathy goes to the unfortunates in other parts of the world. I am deeply sorry for them and regret that circumstances and conditions, in many instances, beyond the control of the affected individual, causes them to suffer. As a friendly Nation, interested in the preservation of the peace of the world, and manifesting as an indication of good faith, our impartiality and neutrality in its every constructive phase, we can and should use that good influence throughout the world to maintain such peace. The proposed resolution would utterly destroy for us every advantage we now have of this character. It is unnecessary for me to say that the next major war will carry civilization back hundreds of years, and, when ended, leave the world prostrate, impotent, and humiliated in the sight of our God. It is unpardonable. Our acts, motivated by the noblest intentions, can and should prevent such from occurring.

I am quite firmly convinced that we should approach this legislation calmly, patiently, and with the purest of motives, bringing into use our highest intelligence and seeking the light that will give to us the most highly satisfactory result.

I shall introduce an amendment to the pending resolution. That amendment will provide for the reenactment of the so-called cash-and-carry provision of our existing neutrality law, and which provision is the only one that expired May 1 of this year, and which will leave, as the same now exists upon the statute books, our neutrality law. This is done with the sincere hope that after calm and unemotional deliberation, we of the House will have done our duty in a manner that best befits the honor and integrity of our country.

I urge you at this momentous time to give of your very best intelligence and judgment to this proposition.



Mr. MASON. Will the gentleman yield?

Mr. SCHIFFLER. I yield to the gentleman from Illinois.

Mr. MASON. Does the statement the gentleman read from Professor Borchard state clearly that it is his view that we should retain the present embargo upon arms which is in the present act and not, as has been suggested, throw it away?

Mr. SCHIFFLER. His language is that the Congress should retain the present act, amending it in the particulars above mentioned, he says, reserving to itself with the President the privilege of determining the existence of a state of war.

Mr. SHANLEY. Will the gentleman yield?

Mr. SCHIFFLER. I yield to the gentleman from Connecticut.

Mr. SHANLEY. Has the gentleman the entire speech there?

Mr. SCHIFFLER. I have not all of it.

Mr. SHANLEY. There is another sentence. May I use your time to make this statement?

Mr. SCHIFFLER. No; I cannot yield for that.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman 1 additional minute to answer a question.

Mr. SHANLEY. I happen to have had correspondence from Professor Borchard and I certainly do not want to put it in the RECORD without his express permission. I think I can enlighten the gentleman. The quotation the gentleman has given is correct, because I have a copy of it here. May I say, though, I will give the House the benefit, if I can obtain permission from Professor Borchard, of exactly how he feels on the present neutrality bill, the Bloom bill, and also the amendments. I trust that his general thought on embargoes, which I am trying to express, his long-range policies, divorced from all outside things, will be driven home to the Members of the House by the statement I just made. Later on I will develop that thought. I sincerely thank the gentleman for allowing me to take his time.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. SCHIFFLER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. The gentleman will remember that Professor Borchard in 1936 appeared before the Foreign Affairs Committee, and in speaking about the neutrality law said, "It will contain an arms embargo provision as well as a prohibition of loans."

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. CURTIS] such time as he may desire.

Mr. CURTIS. Mr. Chairman, this particular legislation now before the House of Representatives is not a neutrality bill. On the contrary, it embodies two adverse principles. In the first place, it repeals the arms embargo. In other words, the munition makers of the United States are definitely interested in this bill to the end that they might sell implements of death and mass murder to the nations of the world. In the second place, it is a delegation of further powers to the President.

It has been well said that "in this short bill there are 29 places in which we find such phrases as 'when the President deems it wise,' or 'when the President proclaims,' or 'when the President shall find.'"

Section 1 of the bill begins with these words:

That whenever the President shall find.

Section 2 of the bill contains this language:

Except in accordance with such rules and regulations as the President shall prescribe.

Section 3 contains a like statement. Section 4 deals with bonds, securities, and other obligations of the government of any state involved in war, and it ends with this proviso:

Provided, That if the President shall find that such action will serve to protect the commercial or other interest of the United States, he may, at his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credit and short-time obligations in aid of legal transactions and of the character customarily used in normal peacetime commercial transactions.

Said section 4 contains two further delegations of the President to make rules and regulations.

Section 5 authorized the President to make such rules and regulations as he shall prescribe. Section 6 merely excepts American republics from the act.

Section 7 of the bill contains this language:

If the President, or any person thereunto authorized by him, shall find, \* \* \* he may prohibit.

Section 8 begins with these words:

Whenever during any war in which the United States is neutral, the President shall find.

And the same section carries a provision that exceptions may be made by the President.

Sections 9 and 10 grant no specific authority to the President, but section 11 begins with these words:

The President may from time to time promulgate such rules and regulations, not inconsistent with law, as may be necessary to properly carry out any of the provisions of this joint resolution.

The remaining sections of the bill deal with the penalties, definitions, appropriations, and repeal of the prior act.

While the proponents of this bill flatly deny that this is a delegation of power to the President, the gentleman from Pennsylvania [Mr. ALLEN] attempted to encourage us with these words:

I would rather, however, have the destiny of this Nation and its foreign affairs in the hands of Franklin D. Roosevelt than in the hands of Adolph Hitler, Benito Mussolini, or that son of heaven over in the Orient.

This is, indeed, encouraging, and I want to thank the gentleman for calling it to our attention.

That same gentleman from Pennsylvania did make a statement with which I can agree 100 percent. He said:

Neutrality is a matter of human behavior.

I wonder how he would classify the behavior of the President of the United States and some of the members of his Cabinet in some of their recent statements, wherein they have preached a doctrine of hate against certain European nations. I wonder how he would classify the behavior of the proponents of this bill, who repeatedly have taken the floor and with passion kindled the fires of hate against Germany, Japan, and other nations of the world. That same gentleman bemoans the fact that the arms embargo is an aid to aggressor nations. I, then, assume that by his behavior he has already selected the aggressors. Yet in another breath he says that it is not our fault that some nations of the world do not have a navy with which to come and buy arms and ammunition. But in that case it is all right to aid and assist the nations who do control the seas. He contends that it is unneutral to create a situation which aids a nation with a large army, but a neutral act to aid a nation that has a large navy. That gentleman, in commenting upon the aid that this bill will give to Great Britain, said:

I prefer indirectly to aid those nations which have demonstrated a friendly attitude toward us than to abet the onward march of totalitarian powers.

If neutrality is a matter of human behavior, is such a declaration a neutral one?

It is well that we ponder the statement of the gentleman from Massachusetts [Mr. TINKHAM] when he said—

If communistic Russia enters into an alliance with Great Britain, as now seems probable, the bill becomes also a Russian munitions bill.

We are at peace with all nations. I contend that our attitude should be one of peace toward all nations including Germany, Japan, Italy, France, and England, and all the rest of them. The people of those countries are all good people. It is the people who fight the wars not the governments. Admitting that modern transportation and communication have brought the world close together, we should take a lesson from those great, far-seeing, Christian nations of Denmark, Sweden, and Norway who steered clear of the folly of the last World War. I hope that the Congress will pursue a policy

of peace toward all nations and will reject this bill. [Applause.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BARTON].

Mr. BARTON. Mr. Chairman, I desire at the outset to depart for a moment from my prepared remarks in order to refer to a matter which is germane to the present discussion and of vital importance. We are here considering a bill by which we hope to contribute to the unity of the people of the United States, and to secure for them the blessings of peace. There can be no effective unity and no promise of permanent peace that does not rest upon tolerance, mutual respect, and the broadest possible friendship among all classes and groups of Americans, regardless of race, creed, or color.

This morning my attention was called to certain remarks on the subject of communism which were inserted in the Appendix of the CONGRESSIONAL RECORD, page 2804, by a Member of my own side of the House. In the course of his address, and with no apparent relevance of justification, he proceeded to read off a list of the names of committee chairmen who are members of the Jewish faith. I quote the paragraph:

The leaders in Congress are well known, but the chairmen of the committees often remain in obscurity. We have the following distinguished gentlemen occupying the following important positions as chairmen and ranking members of committees: The gentleman from New York [Mr. BLOOM], now acting chairman of Foreign Affairs Committee; the gentleman from Illinois [Mr. SABATH], chairman of the Rules Committee; the gentleman from New York [Mr. DICKSTEIN], chairman of the Immigration and Naturalization Committee; the gentleman from New York [Mr. SIROVICH], chairman of the Patents Committee and ranking member on the Civil Service and Merchant Marine and Fisheries Committees; and the gentleman from New York [Mr. CELLER], ranking member on the Judiciary Committee.

Mr. Chairman, I cheerfully acquit my colleague of any intent to question the patriotic character of these our fellow Members or to infer that they are in any way associated with or sympathetic to any "ism" of whatever kind or description. Such a suggestion would be infamous. Yet even the gentleman will admit that his reference, taken in relation to its context, lends itself to a shockingly untrue and cruel inference. Even the shadow of that inference must be removed. Some voice of protest and apology must be raised from my side of the aisle.

I have the honor to be one of the Representatives of the greatest cosmopolitan city in the world. It owes its creation, its prosperity, its character, and its infinite variety to the fact that people of every race, creed, and color have contributed to it their industry and peculiar genius. In my own district I last year had occasion to deliver a high-school commencement address to a class of 450 pupils, and I was told by the principal that it included representatives of 59 nationalities. Fifty-nine different racial cultures, but all Americans. Picturing the lands from which the parents of those boys and girls had come, the hope and joy with which they had turned their eyes toward these shores of freedom and opportunity, I felt that that was the most inspiring audience I had ever faced. It was an epitome of America; a symbol of our country at its best.

Among the 22 Members of this House who represent that great city I am the only Republican. I am, I believe, the only Protestant. I would be unworthy of my city, untrue to the confidence of the people who sent me here, if I did not take this occasion to utter on behalf of these colleagues of ours, most of them from New York, the profound regret which I know is in the hearts of us all. The glory of America is that in a world of intolerance and hate we here have kept bright the torch of tolerance. In this House sit men of every creed and color, and this is not true of any other great legislative body in the world. We glory in this distinction. That any remark, however innocently intended, should stain the pages of our CONGRESSIONAL RECORD by seeming even remotely to countenance race or religious intolerance, is an occurrence which must have brought to all of us a sense of profound regret and sorrow. [Applause.]

Now, Mr. Chairman, if I may, I will address myself very briefly to the bill.

Nearly 50 earnest patriotic Americans, including recognized authorities on international law and leaders of organizations devoted to peace, appeared before the Committee on Foreign Affairs. Whatever the views of any Member of the House may be on neutrality legislation, he can find in the printed volume of the committee hearings eminent authority to support his position. If you favor the Neutrality Act now on the statute books, you are in distinguished company. If you prefer the bill here proposed, you need feel no embarrassment; leading international lawyers agree with you. If you would have no Neutrality Act at all, wise and famous folk are on your side. An eminent professor of international law who poured into our ears 30 minutes of fervid appeal for the act of 1937 was followed immediately by an equally eminent scholar who flatly contradicted everything the first gentleman had said.

Where the doctors so violently disagree the layman may be pardoned if he approaches the whole question in a spirit of humility and with a certain degree of skepticism. Let us consider briefly what common-sense facts there are on which we might all agree.

First, we are certainly unanimous in the conviction that never again must American boys be sent across the sea to fight on foreign soil. That certainly is a unanimous sentiment in both Houses of this Congress. The World War cured us permanently of any naive belief that we can by war effect a permanent peace. It was said on this floor yesterday that we ask nothing as a result of the war and got exactly what we asked for. Eugene Debs expressed it better. He said all we got out of the war was influenza and the income tax. He was right and was sent to jail for it. [Laughter.]

Second, we are confronted with the fact that we are not here weighing the merits of the proposed bill against a perfect neutrality act. There can be no perfect neutrality act. We are considering the proposed bill against the law now on the statute books—a law providing a mandatory embargo without the cash-and-carry provision. If we vote down the proposed bill, the present act will continue to be the law.

It has been said again and again that the operation of the present act does not result in neutrality.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BARTON].

Mr. BARTON. I thank the gentleman.

Mr. Chairman, I repeat, the operation of the present act does not result in neutrality.

It favors strong nations as against weaker nations, and warlike nations against peace-seeking nations. The strong warlike nations are already armed and supplied with munitions. Under international law the weaker or peace-seeking nations have a right to purchase their means of defense in the markets of the world, our own included. The present law denies them that right. As the gentleman from New York [Mr. WADSWORTH] observed in his testimony before the committee, if France had had a similar act during the struggle of our American colonies for independence, that struggle would probably have been lost.

The first question to be decided, therefore, is this: Do we want this session to Congress to adjourn with the present Neutrality Act on the books, knowing that it is not a real neutrality act at all but is, in fact, a law that makes us a silent partner of nations that have prearmed?

Mr. TINKHAM. Mr. Chairman, will the honorable Representative from New York yield?

Mr. BARTON. I shall be happy to yield after I conclude the main part of my statement.

This is my second question, and I would like the members of the Committee to favor me with their special attention on this: Is not the proposed act, the act which we are now considering, after all, a much more realistic thing than the law



now on the books? I do not see how we can get anywhere if we are not frank about these matters. Let me give you an illustration that I advanced in the committee hearings. It takes into account a new factor in the international situation to which little reference has been made but a factor with which I have been familiar for many years in my own business activity; I refer to the radio. Have you ever stopped to think that if another world war were to come it would not be fought alone on Flanders fields but would be fought in every home, apartment house, and farmhouse in America? We would not see it with our eyes but we would hear it. Thirty million radios would bring it to our very firesides.

Suppose that this Congress should adjourn on August 1. Suppose that on August 2 London or Paris should be bombed from the air. I am not naming any aggressor nation. Just suppose that either of those beautiful historic capitals were suddenly and without warning attacked. Suppose that out of our 30,000,000 radios should come the crash of the dome of St. Paul's Cathedral or the tower of Notre Dame. Imagine the screams of women and the cries of children piercing the air of our living rooms. Does anyone in this House believe that any mere statute could stand a single day against the tidal wave of moral indignation that would sweep across our land? Would not an outraged public opinion compel the President to call us into immediate emergency session for the repeal of section 1 of the present law? Is not this a realistic appraisal of the situation? [Applause.] If it is realistic, if the odds are overwhelming that we would be called upon to repeal section 1 after hostilities started, why is it not wiser to effect the repeal now before any hostilities begin and while our action may perhaps serve in some small measure to prevent their beginning? If we wait until the war has started, our action becomes an act of war. Will that not more seriously threaten our peace than as though we face the facts and act now?

The amendments mentioned yesterday will remove certain objections which might have compelled many of us to oppose the bill. I congratulate the majority members of the Committee on Foreign Affairs on their wisdom and open-mindedness toward suggestions from the minority. There is one other amendment which I understand may be offered tomorrow, and which, I hope, will have the thoughtful consideration of the Committee. It will propose a modified embargo, relating not to the broad classifications of "arms, munitions, and implements of war," which are phrases that can be stretched to include almost any product or material, but limited only to "lethal weapons."

What our people object to principally is the manufacture and shipment of the guns and shells with which slaughter is accomplished. They object for two reasons. First, they do not want to be partners directly in the shedding of human blood. Second, they do not want to dislocate their own economy to build up a huge industry in the manufacture of ammunition and arms. Now we are speaking frankly, and I think honestly there is not the same general objection to the purchase by foreigners of our airplanes, trucks, automobiles, petroleum, cotton, or even scrap iron, though it is recognized that these are essential to the successful conduct of war. These are not primarily lethal weapons. An embargo limited to lethal weapons might well satisfy the desires of those of our fellow citizens to whom the embargo idea has become a symbol and a hope. On the other hand, the foreign nations which may find themselves attacked are not short of lethal weapons. They have already dislocated their economy to erect vast plants for the making of guns and ammunition. What they need are the other materials and products that we have in abundance.

If a compromise is possible on the middle ground of a modified embargo, it would surely represent a consummation devoutly to be hoped for. It would comfort our own people. It would be an adequate warning to aggressor nations, and at least a partial reassurance to nations likely to be attacked. It would render obsolete 3 months of high-powered oratory which has already been manufactured for discharge in another body. An atmosphere of peace and

goodwill would descend upon the Capitol and we could all go home.

I earnestly commend this further compromise to the majority members of the Committee on Foreign Affairs.

Yesterday, along with many other able speeches, we were enlightened and inspired by the remarks of the genial gentleman from New Jersey, Dr. EATON. I gathered from his observations that he regards all neutrality laws as a delusion, but as between two evils he would choose the lesser. I am happy to find myself in such distinguished fellowship, for his views and mine are much alike. My chief objection to so-called neutrality legislation is that it tends to lull the Nation into a false sense of security. The habit has grown in the past 6 years of deluding our people with the notion that age-old problems can be waved away by the too simple expedient of passing a law. A good test of any proposed piece of legislation is this: Does it offer an easy solution to a problem rooted deep in human nature and human experience? If the answer is yes, the proposal is probably of little or no real value. Expedients such as manipulating the currency, increasing public debt, and price fixing by bureaucratic decree have all been tried again and again. They seek to substitute legislative legerdemain for sound thought, hard work, and a realistic facing of the facts. Inevitably, they fail.

The same criticism lies against so-called neutrality laws. They offer too much at too cheap a price. The real price of peace is eternal vigilance against propaganda, foreign or domestic, and a stern determination to resist all waves of mass hysteria.

To this must be added a willingness on the part of the American people to sacrifice time, thought, and effort for the election of representatives whose devotion to peace is beyond all doubt. Said the President on August 14, 1936:

The effective maintenance of American neutrality depends today, as in the past, on the wisdom and determination of whoever at the moment occupy the offices of President and the Secretary of State.

These are true words and no legislation can change them. Peace should be an issue in every national campaign. The true safeguard of peace is not to seek to tie the hands of the people's elected representatives but to elect representatives whose judgment and self-control the people are not afraid to trust. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. TINKHAM. Mr. Chairman, the honorable Representative from New York is well aware that the situation in Europe has developed to the point that there are two groups of nations, "axes," as they are called in modern parlance—Moscow-Paris-London and Rome-Berlin-Tokyo. The gentleman says that the President should have as much authority as possible.

Mr. BARTON. I say the President does have.

Mr. TINKHAM. Does have.

Mr. BARTON. Under the Constitution.

Mr. TINKHAM. Under the Constitution. Laws can be passed, however, which can curtail some of the powers. What I desire to ask the gentleman is this: Has not the President reiterated statements, and has not the Secretary of State likewise stated, where their position is and with what axis it is?

Mr. BARTON. I do not so interpret the messages of the President. I am willing to go along to the point of believing that every President of the United States, whether he has come from our side of the House or the other side of the House [applause]—

Mr. TINKHAM. That makes no difference.

Mr. BARTON. Has sought to keep this country out of war.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. BARTON. I yield.

Mr. BARRY. The President of the United States made a speech at Chicago in which he wanted to quarantine certain nations.

Mr. BARTON. I think he did.

Mr. FISH. Will the gentleman yield?

Mr. BARTON. I yield to the gentleman from New York.

Mr. FISH. The gentleman made a statement in which he said he thought that there would be reaction on the part of people listening to the radio in case Paris or London was bombed. Would not the same thing happen if St. Peter's in Rome or the Vatican was bombed?

Mr. BARTON. I think there would be the same reaction. I think that when you are here trying to enact an embargo with the idea that it can stand up against an outraged public opinion, manufactured through 30,000,000 radios, you are dealing in something utterly unrealistic.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. MILLER], a distinguished World War veteran.

Mr. MILLER. Mr. Chairman, it is rather difficult to intelligently discuss this neutrality bill, inasmuch as we have been informed that the bill as it will be finally presented is not the bill now before the Committee. Apparently it has been agreed to accept four rather important amendments. May I say to the distinguished gentleman from Connecticut, so that he will not be misled by the applause from the Republican side, that we are not unanimous over here that we want to go back to international law if by so doing it means going back to international world conditions as they existed from 1914 to 1917.

At the outset may I state that I do not pose as an authority on international law. I am not even a common garden variety of lawyer, but I am here as a Representative of 421,000 men, women, and children now residing in Hartford County, State of Connecticut. As the Representative of those people, I consider it my solemn duty to aid in the enactment of any law that will lessen the likelihood of our becoming involved in any future war, and the opposition to the enactment of any law that increases the likelihood of our becoming involved in a foreign war.

I am convinced that the enactment of House Joint Resolution 306, now before us, will definitely increase our chances of participating in another war, and for that reason alone I shall vote against this resolution. In the first place, it is my sincere belief that if we enact this resolution we will have placed our country right back where it was in 1914. We will have made of the United States a huge ammunitions dump. What have we left from that great crusade of 1917? We entered the World War to fight a war to end all wars—to make the world safe for democracy. We won the war but lost the peace; we failed to carry our objective. Hence, all we have left to our advantage is the lesson we should have learned from our past experiences, especially our experience during 1914 to 1919.

I say to the Members of the House that if we today are going to forget the lesson of the World War, then the sacrifices of those who participated in that war will have been in vain. Who is there here today who will say that the shipping of munitions and other supplies to Europe was not a factor in our becoming involved in the World War. Within my district are many manufacturers of munitions and war materials; that industry is a perfectly legal one, employing hundreds of men and women, but I feel confident that if they felt that selling munitions to a foreign country which was engaged in a war would increase the danger of our becoming involved in a war, they would not want to sell such munitions. The owners and employees of those factories are loyal peace-loving Americans, but they are not war mongers.

In any discussion of the question of neutrality it is essential that one bear in mind the strict definition of the word itself. A standard dictionary defines neutrality as "that state of being a neutral nation during a war. Neutrals may not lend money to either side, guarantee a loan, or allow the passage of belligerent troops through their borders. A neutral refrains from interference in a contest; is friendly to each of two or more belligerents or at least does not take the part of either or any belligerent." Such is real

neutrality, and if we are to be successful in drafting a bill which will maintain such neutrality, we must keep this definition always before us.

It is my opinion that our neutrality law should act automatically to prohibit the sale of war materials to both belligerents in the event of either a declared or undeclared war, and should even extend, in essential cases, to the complete cessation of all trade with belligerents. Our neutrality law should not empower any one person to determine the existence of a state of war, as the Bloom bill would do, for immediately thereby the idea of neutrality may be nullified by an unneutral personality. In this regard, I would amend section 1 (a) of the Bloom bill, which now reads—

That whenever the President shall find that there exists a state of war between foreign states—

to read—

That whenever there exists a state of war between foreign states.

And for the purpose of clear definition, a state of war should mean not only aggression and active combat but the more subtle modern type of invasion whereby troops of one power invade and possess territory of another power, overpowering resistance.

I earnestly feel that an effective neutrality law can be drafted only if that law strictly prohibits commerce with belligerents, and financial aid, either directly or indirectly. In this regard I would make only the exception of permitting traffic in medical supplies with belligerents. For purposes of regulation, the authority to determine the application of a neutrality law should be automatic and should not be left to the discretion of any individual. The act should be so drafted, and all terms should be so defined that an embargo would immediately become effective on war materials, general commerce and travel would be prohibited, and all financial dealings with each belligerent would be prohibited.

As a signatory of the Kellogg Pact to outlaw war, the United States pledged itself to deny aggression as a means to the settlement of international disputes. In this regard then, is it not compatible with the American spirit that we draft a neutrality law providing for the severance of trade relations with belligerent nations? Only by a complete withdrawal of American interests from foreign disputes can we preserve an American neutrality. It is purely a question of gambling the loss of dollars in trade against the loss of life, morale, and property as a sacrifice for neutrality.

It would appear that the entire crux of the question is centered in the idea of control—whether or not it is wise to place the power to regulate the application of neutrality in the hands of any one person. There may have been a time when it was wise and necessary for Congress to give broad discretionary powers to the President, but the need of granting such powers certainly does not exist today. In case of emergency Congress, with our rapid transportation, can be assembled within 36 hours. If we are to have a neutrality act which is to function for the avowed purpose of keeping America out of war, would it not be better to frame an act which would be automatic, which would function of itself, and would thereby eliminate the element of personal control? Human nature is fallible, and to leave within the power of any one person complete control over the lives of the citizens of a nation is an idea which has been alien to the American system of democracy and government throughout its history. Would it not be better to frame an act which definitely limits and defines the ideas which the American people wish to see put forth as a basis for the establishment of this country as a neutral nation? It is not a question of politics or personalities but it is a question of vital importance to the future of our country and the well-being of our people. If we can legislate in a manner to preserve peace for our Nation, let us so legislate as to be certain of the accomplishment of our aim. If the day ever comes when the democracies of the world are threatened, let the President come before Congress



and say just what nations he wants to aid and to what extent.

Certainly our country has gained little from its participation in the World War. We have profited not at all either materially or spiritually, and it is a sad commentary if we should prove by our actions here at this time that we have not even profited by the experience. Victimized by rampant propaganda and carried forward by enthusiasm of expanding trade and commerce, we found ourselves involved in 1917 in a war which was not of our making. If, 22 years later, we have not learned to recognize those elements which embroiled us at that time, and if we cannot so regulate our actions as to prevent a repetition of the tragedy of 1917, then our participation in the World War can be written off only as a complete loss.

Neutrality is by very nature a spiritual quality, intangible but real. By this very fact it might seem fallacious to attempt legislation to control neutrality. However, by the very passage of a sound and reasonable neutrality act, one which contains within itself adequate provisions and limitations of a strictly defined nature, we would crystallize and give expression to the preponderant spirit of the American people. It would seem only logical, therefore, that the power to interpret and regulate the application of any neutrality legislation should be preserved to Congress itself, to those persons who by their very position are in close touch with the spirit of the average American citizen.

I should like to see a neutrality act which would carry of itself specific authority and regulation of our commerce, our financial relations, and the general attitude and actions of our citizens with respect to belligerent countries. Such an act should definitely limit to the extent of complete curtailment all trade and financial assistance to any and all belligerents in the event of either a declared or undeclared war. I would even go so far as to provide that all passports issued for travel in countries in a state of war or endangered by war should carry the proviso that such travel is completely at the risk of the individual and his protection will not be guaranteed by this Government. These provisions might be criticized as being too stringent, but we must bear in mind that most wars arise from the so-called "international incident," and that strangely enough it is often the curiosity of John Doe traveling in foreign countries with the bland assurance that as a citizen of the United States he is secure in all circumstances that bring about these incidents.

There is no question in my mind but what this is the most important and far-reaching legislation that we will be called upon to consider during this session. I have had hundreds of letters from constituents and, almost without exception, they have urged me to vote against this so-called Bloom bill. These letters do not come from an organized minority, they come from average citizens—men and women who vividly recall the heartaches they endured during the World War; fathers and mothers who have sons now of military age, and who have no desire to see those sons called upon to participate in a foreign war. I am convinced that the citizens of the United States long years ago determined that never again should our young men be called upon to fight on a foreign battlefield. If the adoption of this bill increases the possibility of our becoming involved in a war, then certainly every Member of this House is justified in voting to defeat the measure. [Applause.]

Mr. TREADWAY. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN (Mr. COOPER). The Chair will count. [After counting.] One hundred and twenty-one Members are present, a quorum.

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, the hour is growing late and I appreciate fully that many members of the committee desire to go to their offices, complete the work of the day, then go to their homes. Of course, under the time limitation it would be impossible for me to discuss this whole matter thoroughly, but under these peculiar circumstances I do not regret the time limitation because it would be an

imposition upon the Members of this body to demand that they stay here for any great length of time at this late hour.

Mr. Chairman, the present so-called Neutrality Act reached the statute books in 1937. On March 18 of that year the measure was debated on the floor of the House. I took part in that debate and registered my profound conviction that the portion of the act which has to do with the embargo against the exportation of munitions would inevitably place the United States in an embarrassing position in the future, that it would inevitably ally the United States, unwittingly of course, with the more powerful and aggressor nations as against the weak and struggling and that in such a situation lay a grave danger to the peace of the United States. I spoke as best I could in that tone and expressed my regret at the inevitable passage of the bill at that time. Upon the roll call I was one of 13 Members of the House to vote against it. I am still of that opinion. I believe the existence of that embargo against the exportation of munitions in the permanent law is a source of danger. With all my heart I hope it will be eliminated.

If certain highly objectionable features of this bill now pending before the Committee, especially that feature known as section 3 having to do with the area of combat operations, are removed from this bill, and the repeal of the embargo provision still remains in it, I shall vote for the bill.

That attitude is not a new one upon my part. Perhaps I am justified in repeating it on this occasion, because at least it can be said to be consistent with my record in the past.

Mr. Chairman, I desire, if I can in my inadequate way, to bring certain considerations before the members of the Committee. Frankly, I have never had any faith in the ability of the Congress to write into the statutes of our country a rule of conduct which will be proof against all future events. I think it impossible for us to do so, although I am willing to admit there is a body of public opinion that seems to believe it can be done—that by the mere passage of a law the country can be kept out of war.

No two wars have sprung from the same origin. History teaches us that. Nor have any two wars ever proceeded along parallel lines. Each had its own peculiar outstanding characteristics and sudden and unexpected developments. No two wars have ever been confined to the same geographical area. Sudden departures from war-torn areas occur and the scene shifts to new areas hitherto free from the curse of war. It is beyond our power to judge the future with sufficient accuracy to warrant us stating in a statute just exactly what the United States will do in the face of all events to come.

From the beginning of all these discussions, commencing in 1935, I have entertained that conviction, and upon more than one occasion in public and in private have ventured to express it. It is a dangerous thing for us to write down a rule of conduct binding and inflexible and then to find, as we inevitably will find when some unexpected and unpredictable crisis overtakes us, that our rule is out of date and worthless; indeed, dangerous; and, finding that, change the rule by our own act. The change will inevitably inure to the advantage of one belligerent and the disadvantage of his opponents. We may not intend it so, but it will be so. And when we change the rule—and in this respect I do not quite agree with the gentleman from Connecticut [Mr. SHANLEY]—when we change a rule that we ourselves have made, after the game starts, then we have done an unneutral act.

I am not speaking about the rules of international law. I am speaking about the rules that we propose to adopt to govern our own conduct, our own rules. When we change those after the conflict starts we are in grave danger of getting into trouble.

Much has been said about the function of the President in the conduct of foreign relations. It is superfluous to remind you that the President speaks for the Nation in the face of the world. Under the Constitution he is the only one who can do so officially. True, every wise President consults not only those in his Cabinet but leaders in the Congress before he makes some tremendously important utterance. But it is his utterance, and in the power to make those

utterances he possesses under our Constitution a very great power over our destiny and over the destiny, perhaps, of the world itself, in view of the position to which we have now risen in the family of nations.

I have been opposed from the beginning to the delegation of discretionary powers to the President in these so-called neutrality acts.

Perhaps my reason for this opposition may seem a little unusual; at least, it has not been emphasized in the debate up to this point. It is not because I distrust American Presidents that I dislike seeing extraconstitutional powers delegated to them in these neutrality acts, but it is rather because I have such a regard for the Presidency and fear so greatly that by these thoughtless delegations of power we shall undermine the integrity of the Presidential office in the face of the nations of the earth.

What do I mean by that? I mean just this. All these bills we have been having here for the last 4 years have sought to delegate and have delegated discretionary powers to the President; in fact, I think it impossible to draw a so-called neutrality act without delegating such powers. I cannot quite agree with the gentleman who preceded me in this debate, the gentleman from Connecticut [Mr. MILLER], that we can draw an act that will enforce itself automatically. I do not believe that can be done. I think it is an impossibility as a matter of bill drafting. If we are to have neutrality acts, we cannot avoid depositing power with the Chief Executive to invoke their rules and regulations, and that is the granting of a discretionary power which I think is bad for the Presidency.

Whoever occupies the White House in a time of world trouble undergoes a terrific strain. His mind should be clear. Of course he thinks first of his country. Yes, first, last, and all the time he thinks of his country, his country as one unit. He knows that when he speaks not only his home country listens but all the nations of the earth listen.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 10 additional minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, place upon the President of the United States some of these extraordinary discretionary powers and, according to my way of thinking, you put him upon a spot not only before his own people but before the peoples of the earth. You say to him in one of these neutrality acts, "You may use your discretion as to whether or not a state of war exists upon some spot of the earth. If you think a war exists, then an embargo goes into effect. If you do not think it exists, an embargo does not go into effect." You say to him that under certain circumstances which the Congress recites, "If you make up your mind that your act will inure to the peace or the neutrality of the United States you may invoke certain cash-and-carry rules and regulations covering the commerce of the United States."

It has even been suggested, although it is not contained in this legislation, that the President of the United States be authorized to select the aggressor, to name the aggressor. I am against that as I am against all the other delegations of discretionary power, for once you force the President into possession of discretionary power extraconstitutional in character you open up the way for him to be pulled and hauled in every conceivable direction by warring groups and factions. [Applause.] You open up the way for propaganda, domestic and foreign, propaganda moving through devious channels, with plausible motives, propaganda all designed to reach the White House and get the President. And he must stand there in the gaze of all mankind, a mankind that knows he possesses these extraordinary powers, these discretionary powers, with everybody waiting to see which way he will jump. I tell you it is an unhealthy thing for the Presidential office, as well as being an extraconstitutional power and contrary to the spirit of our institutions.

The President of the United States should not be subjected to any such strain. He carries a heavy enough bur-

den as it is, God knows, when the world is afire. We should not add to that burden by forcing him, through the passage of legislation such as certain provisions of this bill, to make decisions all alone, which decisions may have the most profound effect not only upon the history of his country, but the history of the world.

I am a great admirer of the Presidential office in the American scheme of government. It was a blessed thought on the part of the men who wrote the Constitution of the United States to establish such an office, under the Constitution, and for 150 years its occupants have performed their constitutional duty with respect to foreign relations and have enjoyed the respect of mankind. Let us never legislate in any such fashion as will even tend to undermine the integrity and the influence, world-wide, if you please, of the Presidency of the United States. [Applause.] This is my principal reason for opposing the delegation of discretionary powers, as I said a moment ago, not because I distrust the motives of Presidents, but because I have such a deep concern for the integrity and influence of that great office.

It may not seem to you to be analogous, but may I remind you for a few moments of the battle that occurred in the United States Senate in connection with the proposal that the United States become a member of the League of Nations under a covenant. I opposed the United States going into the League of Nations under the terms of that covenant, because I wanted my country to be free to do what was best for the United States come what may, unbound by any agreement or contract, implied, direct, or indirect. I feel just the same way about these so-called neutrality acts. The thing that disturbs me most about them is the fact that when we pass them we are deliberately, to the extent proposed in the law which we do pass, tying the hands of the Government of the United States. We are announcing in advance that we will do a certain thing under circumstances which we cannot anticipate. We try to describe those circumstances in the act, but we cannot come anywhere near it, and yet we give assurance to the world in these acts that we will do a certain thing. I do not think that we should ever promise the world to do a certain specific thing in advance of an unpredictable crisis. [Applause.]

Many people are of the belief, and I honor their beliefs, that in neutrality laws lies safety. I disagree. I think the safety and the peace of the people of the United States lie in their retention of the right to do what is best for America when the time comes. [Applause.] My plea is for freedom of action, and that is all. Freedom to do what is best for us, no binding rules, no inflexible regulations, maintain our self-respect, work our best for peace, but be forever free.

I feel that way about these neutrality acts, just as I did about the Covenant of the League of Nations. That was a proposal to take away from America a portion of her freedom of action, and these neutrality acts, by implication at least, propose that we shall announce in advance that we no longer demand or shall exercise complete freedom of action.

I would welcome the proposal of an amendment upon this floor to this bill striking out the whole of the bill except the last section [applause], repealing all existing neutrality acts and declining to enact any additional ones, and go back to the principles of international law which the whole world understands and under which we maintain our freedom to do what is best for us and our destiny.

This is not a partisan question. By no means is it a partisan question. It is a question which may affect the destiny of the greatest Nation upon the face of the earth—the last great Nation—perhaps there are one or two others, in which the institutions of liberty are still secure; and the best way, in my humble judgment, to keep our free institutions secure is to maintain our freedom to act as we think best for those institutions. So I make my plea, which I have done upon many an occasion in the past, that we acknowledge our inability to write a neutrality act with any degree of faith in us that it will work.



Mr. BLOOM. Mr. Chairman, I yield the gentleman 6 additional minutes.

Mr. TINKHAM. Mr. Chairman, will the honorable gentleman answer a question?

Mr. WADSWORTH. In just a moment.

I have faith in our people. I have faith in our Congress. I have faith in the occupants of the White House as they have come and gone. I believe we can use our best judgment when we see exactly what is facing us, but I challenge the assertion that we can use accurate judgment with respect to the unpredictable, and that is what these neutrality acts invite us to do. Which is the sounder judgment, the judgment reached by the Congress and the President jointly in the face of an emergency, the whole dimensions of which we can measure at the moment, or the judgment of the Congress far in advance of unpredictable emergencies? If we have faith in ourselves, faith in our people, we will abandon these attempts, and we will do just what we did prior to 1935, and maintain for ourselves freedom of action. True, we may make mistakes from time to time, but what human being does not, and what group of human beings does not? But that is the American way. The freedom of America is the thing we have at heart, and we cannot gain it, neither can we sustain it by bartering it away by suggestions, direct or implied, that such-and-such a neutrality policy will help one country as against another.

Already we have heard in this debate that this bill is to the advantage of a certain group of countries and to the disadvantage of another group of countries. That is a poisonous suggestion to come before the Congress; yet it is inevitable if you are going to proceed with neutrality laws. If we had no neutrality laws, that issue would not come before the Congress of the United States. When it fails to come, when we keep it out of these doors, we are a free people—free to govern our own destiny. That is all I have to say. [Applause.]

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. TINKHAM. I want to ask only one question of the honorable Representative from New York. In view of his statement, is he opposed to the proposed law now before us?

Mr. WADSWORTH. I stated at the beginning of my remarks that if section 3, which is the area of combat operations provision, which I regard as highly dangerous and a perfect example of unwise delegation of discretionary power, against which I have been inveighing—if that is taken out I shall then rejoice that the embargo section, the embargo against the exportation of munitions, is repealed. I have always been against that embargo.

Mr. TINKHAM. But you will vote—

Mr. WADSWORTH. I will vote for the bill.

Mr. TINKHAM. You will vote for a neutrality bill?

Mr. WADSWORTH. Yes. May I enlarge upon that?

Mr. TINKHAM. Yes; I wish you would. I think you are inconsistent.

Mr. WADSWORTH. I think I have made it plain that with section 3 out of the bill and the repeal of the embargo left in the bill I shall vote for it, but I have always made it plain that I do not think even what is left will serve the United States. [Applause.]

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. VORYS of Ohio. Under the conditions which the gentleman has named, with section 3 out and the other three amendments that have been suggested in the bill, it would then be possible for our President to permit the sale of arms on credit to one belligerent and require cash from another; to prohibit, by means of a prohibitory bond, the shipment of supplies to one belligerent when he suspects that it is going by way of a tender, while permitting such supplies and arms to go on American ships to another belligerent. No such powers have ever before, even under existing neutrality legislation, been given to a President. Does the gentleman feel

that such responsibilities should be placed upon the occupant of the Presidential chair by voting for this bill after the amendments have been placed in the bill?

Mr. WADSWORTH. I do not believe that the President should have those powers; no. It is a question in my mind of weighing the advantage of getting the embargo out of the law and having less dangerous features remain in the law. If I had my way I would wipe out the whole thing.

Mr. TINKHAM. Why not vote against it, then?

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. BARRY. The gentleman has said that if section 16, which repeals all neutrality law, were substituted for the entire bill, he would be for it?

Mr. WADSWORTH. Yes.

Mr. BARRY. Has the gentleman any objection to offering that, which I believe will carry in this House?

Mr. WADSWORTH. I am a great believer, even in this case which I regard as nonpartisan, in majority responsibility, and personally I would prefer to see such an amendment offered by a gentleman on your side of the House. I will certainly support it. [Applause.]

Mr. DWORSHAK. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. DWORSHAK. From 1914 until 1917 billions of dollars worth of munitions and war supplies were shipped by the United States to the Allies in the World War. Was that policy in any way responsible for our final participation in that war?

Mr. WADSWORTH. There is divided opinion upon that. Some people say "yes." The gentleman from Massachusetts [Mr. TINKHAM] believes that that and similar things dragged us into the war. Others believe that was not the reason for our going in. I am one of those. But we can do anything we please about it, when the time comes if you do not bind yourselves in advance. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, for many years I have been watching the current of international affairs. For 50 years I have visited Europe, and in 1912 I predicted a great war between England and Germany.

I was educated to be a professor and writer of history. I am thoroughly convinced, with my 50 years' experience in Europe and my reading of history, that if this bill is approved by this House and finally becomes law it means war for the United States. [Applause.]

For more than a year and a half the President has been talking constantly of war. First came his so-called "quarantine speech" at Chicago in October of 1937, in which he said that there was no escape for the United States through mere "isolation or neutrality." Then he went on to say that the "peace-loving nations must make a concerted effort to quarantine and stop aggressors."

Last January, in a message to the Congress, President Roosevelt stated that whereas words were futile, there were many methods of bringing aggressor nations to account. He failed to explain, however, how hostile methods could be kept from provoking war.

A few weeks later, at a secret meeting at the White House of members of the Senate Committee on Military Affairs, the President was reported to have said that America's first line of defense was in France. Was that unneutral or was it not? Was it looking to war or was it not? Was this not a complete abandonment of the American traditional policy of no entangling alliances and of no intervention in the political affairs of Europe?

In April, on his return from Warm Springs, Ga., as a sequel to his widely quoted remark: "I'll be back in the fall if we don't have a war," the President publicly adopted an editorial in the Washington Post as stating "exactly" his foreign policy.

This editorial which he adopted as stating "exactly" his foreign policy:

By "we" he undoubtedly meant western civilization. \* \* \* In using the collective "we" the President told Hitler and Mussolini that the tremendous force of the United States must be a factor in their current thinking.

Was that a suggestion of neutrality?

During all this time President Roosevelt and members of his Cabinet have been deliberately attempting to implant in the minds of the American people a hatred of certain foreign nations with which we are at peace, and are doing their best to foster the belief that if Great Britain or France were attacked, the United States would have to take part to save the democracies of the world. He made no reference to Russia, of course; yet Russia is allied with France, and France is allied with England, and it now seems highly probable that Russia will become directly allied with England. The United States would not be fighting for democracy with Russia an ally of France and of England. And how long would the country support a Congress that placed at this disposal of communistic Russia the resources, the blood, and the treasure of the United States to maintain the communistic system of government and the communistic political power?

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a brief question?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that only a few months ago the French Government was in complete control of the Communist-Socialist coalition under Mr. Blum, spelled B-l-u-m?

Mr. TINKHAM. That is true; but they have since changed to a dictatorship. They have appointed a Premier to have full authority. They have surrendered parliamentary control to a dictator. They are no longer a democracy.

I say to this House that the issue of war is now before us and that we should not allow ourselves to be deluded by fallacious arguments into taking absolutely wrong positions as we did 20 years ago. [Applause.]

Mr. FISH. I yield the gentleman 1 additional minute.

Mr. TINKHAM. Mr. Chairman, why should the United States arm the rest of the world? I should like that question answered.

Why should the United States give belligerent power to Russia? If Russia is in alliance with England and England controls the sea, then Russian boats can come here and get war supplies if you repeal the salutary provision in the present neutrality law which forbids the exportation of such supplies.

Why should we consider the interests of any other country except our own? The one question to be answered is, Is it in the interest of the United States and of United States peace, of the integrity of our country and of her institutions, that we send arms and ammunition abroad?

The sale of arms and ammunition was the first long step taken by the United States toward our involvement in the World War in 1917. If permitted again it may well once more involve the United States in a European war.

As a matter of common sense and rationality, we know that the elimination of the arms embargo cannot promote our peace.

It has been repeatedly argued that there is no distinction between the sale of arms and ammunition to belligerent nations and the sale of many other materials which can be made into arms and ammunition. The following article which recently appeared in the press answers such arguments completely:

In recent public statements regarding the administration's amendment of the Neutrality Act to permit the sale of arms and ammunition to belligerent nations, administration spokesmen such as Secretary Hull and Senator PITTMAN have advanced the argument that there is no logical difference between the selling of such articles as high explosives and machine guns and the selling of commodities like wheat, cotton, motorcars, or typewriters.

Therefore, they say, unless we are prepared to forego exporting our cotton and our wheat, logic compels us to abandon our present policy of regarding the sale of arms to belligerents as unneutral and to adopt instead a policy of selling arms to belligerents just as we would permit the sale to them of cotton shirting, wheat flour, or canned peaches.

This argument, it is submitted, is specious, sophistical, and dangerous nonsense. It is based on a premise which is false in history and false in fact.

The fact is that arms and ammunition are by their nature highly specialized commodities, which are specifically and primarily designed for the destruction of human life and the destruction of property, and which are adaptable to very little else. As such they have a very special status in commerce, a status which is fundamentally different from that of the ordinary objects of trade which are useful in peace as well as in war.

This fundamental difference of character between arms and other objects of trade has been recognized throughout the history of international law in the form of the distinction made between absolute contraband and conditional contraband of war. A neutral shipping arms to a belligerent has always done so at his own risk. The arms he ships are subject to seizure and forfeiture as absolute contraband of war by other belligerents. His government is unable to protest such seizure without incurring the charge that by seeking to protect the unneutral conduct of one of its citizens it is itself acting unneutrally.

All the more fully is this charge incurred when the Government itself is the moving force in the shipment of arms. In such cases a government which seeks to arm one belligerent as against another is generally regarded as acting unneutrally and as inviting by its own act the possibility of warlike reprisal on the part of the offended nation. As in 1917, a nation which falls in the performance of its neutral duties may well find itself involved in a war which a more meticulous observance of neutrality might have avoided, a danger which will not be escaped by trick transfers of title which deceive no one.

Against this, the right of a neutral to ship ordinary articles of commerce to belligerent nations has always existed on an entirely different footing. In theory, such shipments are immune from seizure, provided it can be shown they are not destined for use by the armed forces of a belligerent. And in practice neutrals have been successful in maintaining this right, depending on their military and naval strength and their determination to assert their rights as neutrals. Mr. Hull himself has justified a recent loan to invaded China on the ground that it would not be used for belligerent purposes and has apparently succeeded in imposing his point of view upon Japan in this instance.

It is true that in recent years the development of war on a "total" scale has largely obliterated most outward distinctions in the treatment of absolute contraband and that of conditional contraband. Nevertheless, the mere fact that absolute and conditional contraband are often treated alike in modern warfare does not make them alike in fact or affect the fundamental difference in their nature.

Arms and ammunition are fundamentally different from other articles of commerce, no matter how the contraband lists of warring nations may read. To maintain that they are not is to ignore both history and common sense; as well say that a bushel of grain and a quart of rye whisky are essentially one and the same thing. They are not the same thing by nature and cannot be made so by fiat with any profitable result.

Secretary Hull and Senator PITTMAN presumably know this; to think otherwise would be to insult their intelligence. But if they do know it, surely they should not allow themselves to be used to confuse our thinking at a time when we are weighing the grave issues of war and peace which are involved in the administration's current attempt to scrap neutrality as an effective national policy of the United States.

A very serious alteration of national policy is under consideration. It should be decided on the basis of truth and facts, not upon glib demonstrations that black is white.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, because of the condition of my throat I am unable to address the Committee. I therefore ask unanimous consent to extend my own remarks at this point in the RECORD.

The CHAIRMAN (Mr. GORE). Is there objection to the request of the gentleman from Pennsylvania [Mr. FADDIS]?

There was no objection.

Mr. FADDIS. Mr. Chairman, isolation is an institution for impotent nations. The road which leads to this institution is a one-way road and over its gates should be engraved these words of Dante, "Abandon all hope, ye who enter here." If we ever permit ourselves to be committed to this institution, either by a domestic policy begotten of ignorance, short-sightedness, or timidity, or if we allow foreign influences born of an avaricious desire for economic supremacy to force us into it, then we are lost as a nation. In either case, if we are



confined within the somber bounds of isolation, we will fall a speedy victim to the cancer of internal disorders.

There are powerful influences from without, which are endeavoring by every possible means to neutralize our influence in the world, either in peace or in war. These influences have been active with their propaganda ever since the World War, seeking to sell the idea to the American people that our participation in the World War was actuated by unworthy motives. To this one they say, we were duped into the war to pull Great Britain's chestnuts out of the fire. To another they say we went to war to save our international bankers. To another they say that France was the aggressor nation. They even dupe some of our own prominent citizens into making the charge that our munitions manufacturers dragged us into the war in order to provide a market for their lethal appliances.

Although they have never produced one iota of proof in support of this statement, it has through much repetition been accepted as truth by many of our overcredulous citizens, and incidentally has been a fertile source of revenue for some of its proponents. The debts owed us by France and Great Britain have been kept fresh in the minds of the American taxpayer; but the debts owed us by Germany and nations under German influence have been discreetly kept in the background.

For all that has been said regarding our entry into the World War, in the light of recent events in Europe, there should be little doubt in the mind of anyone what would be the conditions in Europe today if Germany had been the victor in that struggle. If we had not entered the war, there is no doubt but that Europe would have been under the iron heel of Germany these last 20 years. Germany made no effort to conceal the fact that her intention was to make France pay the cost of the war and to reduce her to a state of slavery. It was also her intention to demand the surrender of the British Fleet and thereby bring England into a state of subjection. Can we now doubt that she would have used this fleet to impose her will upon every nation within its cruising radius and would have soon come into conflict with the Monroe Doctrine?

What the fate of the other conquered nations would have been is made clear by the Treaty of Brest Litovsk after the collapse of Russia in 1917. This was the most ruthless treaty of modern times, the conditions of which were ended only by the Allies' victory on the western front. By this treaty the Ukraine, from which Russia receives 70 percent of her iron and coal and 50 percent of her wheat, was taken from Russia and required to furnish the Central Powers 1,000,000 tons of foodstuffs annually. The indemnities and territorial seizures of the Franco-Prussian War are also matters of history. The terms of the treaty following that victory of German arms was for its time many times more severe than the terms of the Treaty of Versailles, but they were met by the French without tears or pleas for mercy.

Her declaration of February 1, 1917, that any ship of any nationality found within 100 miles at sea from the British coast would be torpedoed without warning, was what brought the United States into the war. This meant that we were not privileged to carry on trade with any of the neutral nations of Europe. It meant a restriction of our rights as a neutral nation. We were denied access to the markets of a portion of the world.

Six months before we entered the war German submarines sank four foreign vessels off the coast of Massachusetts. The real facts of those days have been forgotten, while the misstatement of the propagandist has been remembered. The many acts of sabotage committed in our own territory against our own industrial plants seem to have been forgotten, as well as her brazen attempts to endanger our relations with Mexico.

It was too much. The press, the church, the overwhelming mass of our citizens demanded the protection of our national rights and war was declared. For anyone to maintain that such was not the case, is a confession of ignorance or an admission of a disregard for the truth and an insult to the

good judgment, the integrity, and patriotism of the overwhelming majority of both Houses of Congress who voted to declare war.

Some of those engaged in promoting this theory of an isolated Utopia have the audacity to say that we would have been better off if Germany had won the World War. Some even make the statement that we entered the war on the wrong side. With them it is not a matter of peace or war; isolation or commercial intercourse; but a matter of "whose ox was gored." There can, however, be no doubt in the mind of any responsible student of international affairs, either past or present, that life in the United States would have been radically altered if we had not intervened in the World War.

Then, of course, under our very liberal laws and more liberal attitude of tolerance, organizations have sprung up which seek to bind racial groups together for purposes which, to say the least, are of a very questionable nature.

Organizations have been very cleverly brought into being for the purpose of arousing antagonism in this Nation against our citizens of Jewish extraction, with the hope of justifying the actions of other nations in their barbarous treatment of these people. They have been materially aided in this program by the activities of some members of the Jewish race in promoting subversive doctrines; which has prompted counter activities from some of our citizens, who having finished their careers find time hanging heavy on their hands and are more burdened with patriotism than they are with sound judgment.

I must say that this propaganda seems to have been widely accepted, at its face value, without any attempt on the part of its credulous acceptors to analyze either the propaganda or the motives or the extent of the knowledge of those who distribute it. Apparently it is circulated to keep this Nation out of war. If its instigators were sincere and unselfish, their efforts would be commendable. Their intention, however, is to cripple this Nation in order that we will be unable to protect our national interests and our lawful rights, either in peace or in war. They know, what the average citizen too often forgets, that the purpose of war is not war as such; but only as a means to an end. That end is the control of markets, sources of raw material, and the trade lanes leading to them. Wars are but commercial contests grown out of normal control.

These propagandists seek to leave the impression that any effort to protect our commercial interests is a blot upon our national escutcheon. They would instill into the American mind the idea that trade is a low-down occupation, something akin to procuring or dope peddling and unworthy of national protection.

They coin the phrase "dollar diplomacy" and weep about the fancied defacement of the American flag with the dollar sign. The fact of the matter is, we are a commercial nation and we live by commerce. Commercial considerations guided the hands which wrote the Declaration of Independence; steadied the eyes which sighted the guns at Saratoga, Trenton, and Yorktown, and inspired the brains which drafted our Constitution. Commerce is as American as corn mush, bourbon whisky, turkey and cranberries, or well-cared-for teeth.

The commerce of the Nation is the commerce of the people of the Nation. It is the commerce of those who labor in the mines, in the mills, and on the farms, as well as that of the bankers, the importers, and exporters. It is not alone the commerce of Wall Street; but just as much that of Main Street and the streets across the railroad tracks. It is the commerce of the Smiths and the Joneses, the Murphys, and the Cohens, the Strobinskis and the Picolonics, and also that of the Morgans, the Schwabs, and the Grundys. If we permit our commerce to be destroyed, or even to be restricted, either by propaganda or by the sword, our whole people will suffer; but those who will suffer the most severely will be those who labor with their hands. Their standard of living will fall as it fell when our own tariff destroyed our foreign trade and they will revert to status of the peasants of medieval Europe.

There was a day when the American clipper ship carried the trade of the world. The far corners of the globe and the smallest islands of the lonely seas saw the Stars and Stripes flying over holds filled with the products of American farms and mills. These ships brought back to our shores in exchange the products of distant lands which contributed to the upbuilding of this Nation. Those were the days when an infant nation sent its few ships half way across the world to force the Barbary pirates to respect our commercial rights on the Mediterranean Sea. A few years later we refused to allow either a timid domestic or a hostile foreign policy to curtail our freedom of the seas, and our sailors, cutlass in hand, carried the issue to the decks of the British Navy and won.

For a hundred years our right to the freedom of the seas was never questioned. No nation had the hardihood to challenge it. The attitude of this Nation toward the protection of commerce was too well known. We were a healthy growing nation and our people were too occupied to be ashamed of their commercial instincts. The slavery question had absorbed the minds of the professional reformers until after the Civil War; their attention was then focused on the question of equal rights for the freed Negroes for the next 20 years and then came the noble experiment.

Never looking behind to observe the failure of their achievements, these self-appointed guardians of the public conscience flew into the peace-at-any-price movement with all of their customary contempt for either truth or fact. A new crusade was on. From across the seas various influences having axes to grind sensed the willingness of strong arms to turn the grindstones. Among these influences, those which for obvious reasons wished to discredit our entrance into the World War were quick to take advantage of the situation. An unholy alliance sprang up between the advocates of subversive doctrines and many of the advocates of the gospel. Each desired disarmament for a different reason, but the desire was a common denominator which brought about a disregard for the real interest of the Nation.

Then comes the proselyte preaching the virtues of those systems of government from which every vestige of democracy has been eradicated. Supposedly they advocate a policy of national self-sufficiency arrived at by a rigid system of regimentation which has wiped out the individual in thought, action, or desire, and which will achieve a national economic security which will enable a nation to live indefinitely, as a hibernating bear lives over winter—on its own fat. Such an economic security may be attained by destroying the freedom of the individual, but such security would be a reversion to the serfdom of the Dark Ages, and we hope America is headed forward. A policy of isolation would result in a similar loss of individual liberty to our citizens.

We are by no means a self-sufficient nation either in war or in peace, and we can only become so by the surrender of many of those commodities which we hold to be essential today. We are the world's largest consumer of tin, but produce none. Manganese, tungsten, chromium, nickel, and many other essential metals are almost in the same class. Coffee, tea, silk, and many of our drugs must be imported. If we are to procure those commodities which we lack, we must export commodities to pay for them. Such a simple, fundamental axiom of economics should be apparent to everyone.

It is high time that the American people began to think for themselves. It is high time that they exert themselves enough to shove aside the veil of propaganda and review the history of their Nation for the past 150 years. There they will see what influences contributed to the unprecedented upbuilding of this Nation. Ahead of us is a future as brilliant as is the past—providing we do not heed the siren call of the propaganda-inspired isolationist, who believes that the solution of all of our problems, foreign and domestic, is to be found in an ostrichlike policy of isolation.

We cannot solve our international obligations by a policy of isolation any more than an individual can satisfy his creditors by evading them. We can, of course, adopt the

policy of the man who, having lost his ambition or desire to face the responsibilities of citizenship and desiring to shun them, becomes a hermit. It is doubtful, however, if we would be allowed to pursue such a policy in peace, if we were to adopt it. We did not allow Japan to do so, and many other like examples exist in the history of the world. If we are to keep step with the march of progress and advance in the scale of civilization, we must associate ourselves with those nations whose institutions, political philosophy, and social customs are compatible with our own. As opposed to the theory that "right makes might," which can do nothing except foment strife in this world, we must express our intention to assist those nations which stand for international as well as national justice.

If we wish to be an influence for good in this world, we cannot be so unless we are free to act to protect our interests as the occasion may demand. We cannot be in position to do this if we are committed in advance to any certain method of procedure. For our own protection, we should always be in position to retain the initiative. We cannot do so if we are bound by so-called neutrality laws. We existed as a nation for a century and a half without such laws. We grew and prospered during that time. I therefore propose an outright repeal of all of our present laws relating to neutrality, in order that we may once again be free, unhampered, and uncommitted in this respect.

Mr. FISH. Mr. Chairman, I yield 11 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I confess a feeling of very great humility in coming before this body to discuss a most important issue, and especially in view of the remarkable and able presentation by both sides on this question. I am sure that every Member who has been on the floor of the House this afternoon has had a very liberal education in the subject of neutrality and in international law.

I am simply going to take this occasion to introduce a few thoughts in reference to neutrality, to make some comparisons that perhaps will throw a little light on the path we are traveling in enacting or attempting to enact this so-called neutrality legislation.

Mr. Chairman, I believe the people of the United States are opposed to any legislation that takes from the Congress the power by which it alone may decide whether the Nation shall enter war or remain at peace. It was the intention of those who framed the Constitution that the power of Congress "to declare war" should exclude all power on the part of the Executive to make war; otherwise, the provision is meaningless.

Abraham Lincoln recognized the wisdom of the purpose of those who framed the Constitution that the power to declare war or to make war should never be entrusted to one man but, on the contrary, should be vested in the Congress. I quote what Lincoln had to say on this point:

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Convention understood to be the most oppressive of all kingly oppressions, and they resolved so to frame the Constitution that no man should hold the power of bringing this oppression upon us.

President Wilson, speaking at Chicago, January 31, 1916, gave expression to the same doctrine in these words:

This war (the World War) was brought on by rulers, not by the people, and thank God that there is no man in America who has the authority to bring on war without the consent of the people.

Again on the following night, at Des Moines, he reiterated more at length the same thought:

I was saying the other night that I know of no case where one people made war upon another people. No government can make war in the United States. The people make war through their representatives. The Constitution of the United States does not give the President even a participating part in the making of war. War can be declared only by Congress, by an action which the President does not take part in and cannot veto. I am literally, by constitutional arrangement, the mere servant of the people's representatives.



Mr. Chairman, it is one thing for an Executive to enunciate a doctrine and quite another for him to adhere strictly to it. I am sure that the membership of the House will recall that long before President Wilson had uttered the words which I have quoted he had said in a letter to Floor Leader Underwood that—

The foreign policy of the Government \* \* \* lies outside the field of legislation.

This communication was directed to Floor Leader Underwood in October 1914.

Mr. Chairman, he stated a fact and he stated the law. I say, without disrespect or partisan bias, that neutrality is far safer in the hands of the Congress, where the Constitution places it, than it can be if entrusted to the power and discretion of any Executive. It is far easier for nations at war to bring pressure and influence to bear on one man than it is to make it felt upon 531 House and Senate legislators, registering the will of 130,000,000 peace-loving people.

I say without fear of successful contradiction that once a President yields to the influence of foreign propaganda and assumes an unneutral attitude, all the executive propaganda agencies reflect and react to it and immediately swing into action in support of the position taken by their Chief. The facilities of education and communication now under the control of the executive branch of the Government, and financed largely by the public, for the manufacture of public opinion surpass that of any propaganda agency in the world. This power, unless wisely and discreetly used, constitutes a serious threat to the safety of the Republic, and if used to foment a spirit of war under powers delegated to one man, the consequences to free government and to harmonious relations with foreign governments are not pleasant to contemplate.

It was Henry Clay, I believe, who once said:

Either Congress or the President must have the right to determine upon the objects for which a war shall be prosecuted. There is no other alternative. If the President possess it \* \* \* where is the difference between our free government and that of any other nation, which may be governed by an absolute czar, emperor, or king?

Mr. Chairman, this so-called Bloom neutrality bill disclosed the real purpose of the Executive as it was first drawn, but which has recently been modified to quiet the fears it has aroused in the minds of thoughtful persons throughout the land. The light of experience should guide this House, never losing sight of the beacon light of the Constitution which, when followed, has marked the course of safety for the Republic.

I have referred to the power of foreign war propaganda as a source of danger and, therefore, a warning against Congress attempting to delegate one iota of its power to declare war or make war to the President of the United States.

Do the Members of this House not recall that President Wilson, speaking in Milwaukee in 1916, assured his audience of his peaceful intentions in these stirring words:

I pledge you that, God helping me, I will keep you out of war.

I believe then as I believe now that he voiced the sentiment and the hope of the vast majority of the people of this country.

I remind the Members of the House that as late as January 30, 1916, President Wilson, in an address to the New York Press Club, interpreted the prevailing sentiment when he said:

I get letters from unknown men, from humble women, from people whose names have never been heard and will never be recorded, and there is but one prayer in all of these letters: "Mr. President, do not allow anybody to persuade you that the people of this country want war with anybody."

This, please remember, was the state of public opinion 9 months and 7 days prior to a declaration of war by the Congress. Throughout all this period foreign propaganda was doing its deadly work and it was chiefly centered upon the executive branch of the Government.

In Paris, July 4, 1917, Lloyd George in an interview made the statement:

We not only desired the entrance of the United States into the war; we solicited it.

Mr. Chairman, in view of the pacific utterances of President Wilson in the early part of 1916, it is interesting to trace the psychological change that took place under the pressure and influence and solicitation from abroad. When President Wilson saw the various attacks by German submarines on American vessels and felt the effects of the intensive propaganda of the Allies he laid the groundwork for the declaration of war by Congress.

In support of this statement let me quote from the speeches made by President Wilson in the 1916 preparedness campaign. Here is the argument he used in a speech made in Pittsburgh.

Please do not misunderstand me. I make the statement now that President Wilson, I believe, was acting in the best of faith. I am of the opinion that he sacrificed his health and his life in what he assumed was a patriotic cause; but he was not infallible, any more than any other President has been or is likely to be. He was simply a fallible man, the victim of foreign propaganda and persuasive, persevering diplomacy. Here is what President Wilson said at Pittsburgh:

I should feel that I was guilty of an unpardonable omission if I did not go out and tell my fellow countrymen that new circumstances have arisen which make it absolutely necessary that this country should prepare herself.

Mr. Chairman, does this have a familiar ring to it? Have recent preparedness authorizations and appropriations been made as a result of a similar appeal? There is something familiar about recent utterances emanating from the White House and the statement made by President Wilson in Kansas City in 1916 when he warned:

I cannot tell 24 hours at a time whether there is going to be trouble or not.

Have we heard anything within recent months from administration sources relative to protecting our commerce from aggressor nations? You will recall that as the war spirit gathered momentum in 1916 our commerce and its preservation entered the picture. At St. Louis President Wilson appealed to the interests of that area of the country in terms of commerce in these significant words:

One commander of a submarine \* \* \* might set the world on fire. \* \* \* There are cargoes of cotton on the seas; there are cargoes of manufactured articles on the seas; and any one of the cargoes may be the point of ignition.

Again at Topeka, Kans., he made a direct appeal to the self-interest of the wheat farmers and also to the cotton farmers. President Wilson's approach to the subject of commerce, as now stressed by the administration, causes me to quote him briefly:

There is one thing Kansas ought to be interested in, and that is that we must maintain our rights to sell our products to any neutral country anywhere in the world. We should be allowed to send the wheat that grows in the Kansas fields and this cotton in our Southern States to neutrals who need them, without interference from any of the warring nations.

If I may be permitted to inject a thought here, I shall remind the House that not long ago the trade agreements were to restore permanent peace, good will, and prosperity among nations, but now, as in 1916, we hear it proclaimed vociferously and belligerently that our rapidly declining export trade must be expanded and our foreign markets protected from penetration and domination by aggressor nations.

I do not want to see the alleged interference with foreign commerce used as an excuse for any unneutral act on the part of this Government as it was in 1917. I believe the course for this Nation to pursue in the event of a foreign war is one of strict neutrality under international law. All powers relating to this subject should remain in the hands of Congress. The Congress should guard against any delegation of power to the Executive by which he can make war.

If there is any doubt in the mind of any Member of this House that foreign propaganda directed at one man, clothed with uncurbed power, can lead a peaceful people into war, then I respectfully submit additional proof of the fact.

Mr. Chairman, there were three speeches made in the British Parliament April 18, 1917, lauding President Wilson and acclaiming the participation of the United States in the War:

Earl Curzon said:

A twice elected President, representing 100,000,000 people of the most peace-loving and least aggressive nation of the earth, has summoned his people to arms with a trumpet call.

Mr. Asquith in his speech said:

What, then, has enabled the President, after waiting with the patience which Pitt described as the first virtue of statesmanship—to carry with him a united nation into the hazards and horrors of the greatest war in history?

John Dillon, speaking on the same occasion and to the same point, said:

The difficulties with which President Wilson has been confronted in the last 2½ years have not been sufficiently appreciated in this country. He had to keep the Nation united and bring it united into this war. He had to deal with a people who had a deep-seated and ineradicable hatred of war. To bring the United States into the war was to make them go against the deepest instincts of the soul of the race.

Mr. Chairman, the Bloom bill before us, even in its present deleted form, ought not to be enacted into law. It should be recommitted.

I repeat that this bill should be recommitted and that Congress should deal with the subject of neutrality when and if a foreign war develops. At present this Republic is at peace with every nation in the world. But, unfortunately, unneutral and highly inflammatory statements have been made by some of the high officials of this Government and by the Chief Executive as well, which will cause those nations so criticized and condemned to question the sincerity of the professions of impartiality on the part of the United States Government toward them in the event of their becoming involved in war.

The unfriendly and belligerent sentiment expressed by the executive branch of the Government toward nations with which the United States enjoys peaceful relations will subject every word and every delegation of power in the Bloom bill to the closest scrutiny to ascertain wherein its provisions favor one nation against the interest of another.

The efforts of the Congress to enact neutrality legislation has been frustrated, made utterly futile by the reckless public utterances of the very officials this bill proposes to clothe with powers to execute and enforce its provisions. I deplore the fact that the Congress should be placed in such an embarrassing position; but such being the situation, I firmly believe that if Congress feels impelled to speak on the subject, then a declaration by the Congress to adhere to the rules of neutrality under international law would be the only safe, fair, open, and above-board course to follow. This, at least, would be notice to all nations that the House of Representatives, reflecting the sentiment of 130,000,000 people, proposes that the United States, impelled by the traditions of the past, convinced by the logic of experience, and actuated by the hope that eventually nations will build upon the foundations of law and not force—that the United States will hold itself apart from conflicts that may arise among nations with which this Republic is at peace. This would be a contribution to a better feeling among nations.

It is impossible to enact this legislation, tainted as it is with an effort to yield the issue of impartiality into biased and hostile hands, without placing the United States in a most compromising position. Under the Bloom bill the President is given unlimited power. It gives him dictatorial power to decide the issue of peace or war. If the House is determined to pass the Bloom proposal for the purpose of Executive appeasement, then the measure should be amended by adding provisions to keep this country out of war. I would not give the President power to decide combat areas

or the issue of war or peace, but if such a provision is to be included, then let it be defined, for example, "when and if armed forces cross the boundaries of another country." The President acted on that fact in Ethiopia but he did not so act upon the same fact in the case of China.

Let it be provided in the bill that Americans who sail on belligerent ships do so at their own risk and provide that this be written into their passports. If the membership of this House shall insist that this Nation shall become the arsenal for favored belligerents, then provide that all contraband goods shall be sold on a cash-and-carry basis.

I repeat again that this Bloom bill should be recommitted. The closing days of a session of Congress is not the time to hurriedly formulate and rush through legislation of such transcendent and far-reaching importance.

I would respectfully remind my colleagues that much of the distress to which this Nation has been subjected had its inception in our departure, during the World War, from the traditional policy of neutrality under international law. I wish to fix the exact time and the circumstances when the Government took this fatal step. If you will examine the Democratic Congressional Campaign Book of 1914 you will find an explanation by Secretary of State William J. Bryan of the Wilson position on neutrality. Here is what Secretary Bryan said:

It is inconsistent with the spirit of neutrality for a neutral nation to make loans to belligerent nations, for money is the worst of contrabands—it commands all other things. A very forcible illustration has been used in support of this proposition, namely, that, as a neutral government does all in its power to discourage its citizens from enlisting in the armies of other countries, it should discourage those who by loaning money, would do more harm than they could do by enlisting. The Government withdraws the protection of citizenship from those who enlist under other flags—why should it give protection to money when it enters into foreign military service? There is only one answer.

This position on neutrality, taken in 1914, was abandoned in 1915 when President Wilson gave his consent to the first Anglo-French loan. I say here and now that the essence of neutrality is the equal treatment of the opposing sides, and whenever a nation that assumes to be neutral deviates from this course it sooner or later becomes involved as one of the belligerents.

The only escape the people have from participating in a foreign war is to preserve strict neutrality, and the constitutional means to that end is through the legislative branch of the Government. I hope this House will today assume its full constitutional responsibility as the guardian of the peace of this country. This can be done by the defeat of the Bloom bill or by its recommitment to insure a return to our traditional practice of insisting upon neutrality as defined and enforced by international law. I am opposed to the Bloom bill as a dangerous departure from real neutrality.

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. GRANT].

Mr. GRANT of Indiana. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana, [Mr. GRANT]?

There was no objection.

Mr. GRANT of Indiana. Mr. Chairman, 20 years ago today the Treaty of Versailles was signed. It was erroneously called a treaty of peace, a settlement of the war "to make the world safe for democracy," the "war to end wars." After the signing of the treaty Woodrow Wilson cabled the American people that the treaty would be "the charter for a new order of affairs in the world." He envisioned the United States as a member of the League of Nations, thereby binding our country to help enforce the provisions of that treaty that was founded, not on peace, but upon the hatred and the conflicts that had been a part of the life of the nations of the Old World for more than a thousand years.

During the time of the writing of this treaty, and during the controversy in the Senate of the United States over its



ratification, President Roosevelt was a part of the Wilson administration in the capacity of an Assistant Secretary of the Navy. Then too he occupied that position in the administration during the fight to drag the United States into the League of Nations. As a candidate for Vice President in 1920 he advocated our entrance into the League.

Today, as President of the United States, Franklin D. Roosevelt carries on the theorist's dream that would make us a part of the jealousies and strife of the Old World.

The pending so-called neutrality resolution is known to have the support of the administration. It was reported favorably by the Committee on Foreign Affairs, with the recommendation that the resolution be passed.

Section 3 of the resolution provides, as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 (a)—

Finding that there exists a state of war between foreign states, and so forth—

and he shall thereafter find that the protection of citizens of the United States so requires, he shall issue a proclamation, whereupon it shall be unlawful, except under such limitations not inconsistent with the provisions of this joint resolution as the President may prescribe, for citizens of the United States or vessels flying the flag of the United States to proceed through any areas defined from time to time by the President to be areas of combat operations and as specified in his proclamation.

As is pointed out in the minority report of the committee:

Under this authority the President may also prescribe any limitations or exceptions he may desire upon the travel of American citizens or vessels any place in the world, outside an American republic. This power is without precedent in American history; with this power the President can effectively quarantine an aggressor from American ships and citizens by simply naming the aggressor as a "combat area."

We well remember that speeches in which talk of "determining the aggressor" and threats of "quarantine" and resort to "methods short of war" were heard. We all know that economic war can be just as deadly and end just as disastrously as any war begun with bullets. The policy of the administration to the contrary notwithstanding, the United States and especially its President, whether he be Woodrow Wilson or Franklin D. Roosevelt, or whoever he may be, is not destined to superimpose any judgment on foreign nations in their age-old controversies and, further, has no commission—except perhaps self-styled—to play the role of policeman to the world.

Mr. Chairman, we want no part of the dictatorships of the Old World. May the day never come in America when any one man, be he ever so great and ever so good, shall have the power, lonehanded, to involve us in a conflict that will only end with the marching off to slaughter of the youth of America.

We cannot assure neutrality for America by the mere enactment of laws. It is not possible to write a neutrality law that will keep us out of war if our foreign policy is unneutral, if we continue to talk of and endeavor to put into operation "economic sanctions," "quarantine," and "methods short of war."

Wars do not begin in these days by formal declarations. Rather they begin with the movement of troops and the crack of rifles. If we involve ourselves in the controversies of foreign nations we will have a war, despite all our efforts at writing neutrality laws, and all the strifes and controversies of Europe and Asia combined are not worth the shedding of the blood of American men and women.

We will have more at stake in the next war than the loss of physical assets—even more than the loss of lives of those men and women who would answer the call when their country called. Democracy is on trial. Since the close of the World War more than 20 democracies have "folded up." The future of democracy depends upon its success in the United States. We can do more for the peace and the happiness of the world by making democracy work at home than by assuming the role of policeman for the world and in so doing jeopardize those very rights and liberties that some seem anxious to have us fight to preserve.

More than added laws on our statute books, America needs men in public office who will not throw bitter epithets across the seas—men who realize their own limitations and do not feel the impulse to rule the world—men who are endowed with a little of that sense of brotherhood and respect for the rights and opinions of others that are so essential to the realization of peace, not only in the world, but here at home as well. [Applause.]

Mr. FISH. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin [Mr. BOLLES].

Mr. BOLLES. Mr. Chairman, I rise in opposition to the Bloom neutrality bill inviting us to get into another world war. I voice the protest of practically every citizen of my district. Not one has asked me to support it. I have here scores of letters and a list of 870 names of people who have written me, and I may say these letters have come in within the past 2 days, all opposing this bill. Not one single soul in the State of Wisconsin has written asking me to support this bill.

I speak for more than that. The voiceless lips and silent tongues of 50,000 American soldiers and sailor dead call to me to oppose this bill leading us into war.

We do not check depredations of international outlaws by reading them statutory homilies on neutrality. This law would be ineffective and as impotent as was the Covenant of the League of Nations—the world's greatest gesture at a neutrality law—to save Manchuria, to preserve Ethiopia, to guaranty the territorial integrity of Czechoslovakia, or to hold back the bloody surgery of Japan in its dismemberment of China.

Why give up our own to stand on foreign ground?

On this question of neutrality there is a saving grace from casuistry, sophistry, and fatal promise, in the words of James Madison:

We are always to keep in mind that it is safer to trust the consequences of a right principle than reassurances in support of a bad one.

In our relations with foreign nations we have a right principle, international law; the bad one, un-American in its conception, useless in its application, statutory neutrality.

I may here call the attention of the chairman of the Foreign Affairs Committee to the singular fact that his quotations from Washington, which he read to bolster his support of his bill, referred basically to the international code and to no statutory regulations. President Washington was speaking in an advisory capacity as well. The treatises of Grotius had been written a hundred years. That was the first attempt to set down international law in orderly form.

Mr. Chairman, I have here a volume of the United States Statutes of the Thirteenth and Seventeenth Congresses, from 1813 to 1823. On page 447 you will find a neutrality law, which is the law of 1818. It had to do with the shipment of arms. It was an embargo against the shipment of arms and was the statutory law of the United States on neutrality until 1937, although, may I say, it was scrapped by President Wilson in order to provide him with an excuse to get into the World War in 1917.

Diplomacy and its code—international law—are the outgrowth of the conflict of nations in recent centuries, the slow but steady development and triumph of justice and the principles of humanity over tyranny and force, resulting in the amelioration of the horrors of war and the greater reign of reason. Diplomatic history treats of high motives and the progress of just principles, and in recent times the wars of the nations and their political disputes have resulted in the evolution of a recognized code of universal and impartial justice as applied to the governments of the world. There is no more striking illustration of this fact than the diplomatic history of the United States. A new nation in a new world, untrammelled by the traditions and institutions of past ages, born to power and greatness almost in a day—from the beginning of its political existence it made itself the champion of a freer commerce, of a sincere and genuine neutrality, of respect for private property in war, of the most advanced ideas of natural

rights and justice; and in its brief existence of a century, by its example and its persistent diplomatic advocacy, it has exerted a greater influence in the recognition of these elevated principles than any other nation of the world.

Before the Constitution was adopted Benjamin Franklin had long advocated principles of neutrality, which was to mind our own business. He advocated an end to privateering and the exemption of private property on the sea from confiscation in war. It was called "a beautiful abstraction," "a dream of the philosopher who thought to mitigate the cruelties of war." These provisions were incorporated in our first treaty with Prussia in 1785. When the treaty came to be renewed in 1799, these provisions were omitted.

In the declaration of Paris in 1856, adopted by the great powers of Europe, privateering was abolished. We advocated at that time as an amendment that private property of belligerents at sea be exempt from capture. Because of refusal of the great powers to admit that principle, the adhesion of the United States to the Paris declaration was withheld. While many treaties were adopted before the Constitution, they have strong influence upon our early diplomacy and relationship with other nations. We were willing to consecrate these advanced principles with greater guaranties and privileges to commerce and the recognition of a genuine neutrality not born of statute law but as a measure instigated by a recognition of international rights and to alleviate the horrors of war with restraint upon its destructive propensities.

We began in this world as a new Nation, with a definitely declared idea that difficulties between nations involving ourselves might better be settled by arbitration.

Suddenly the United States was confronted with its first and greatest decision. The new nation must either become an ally of a nation in Europe or choose isolation without entangling foreign alliances. It was a critical moment. France in war with most of Europe demanded we discharge our obligation under the treaty of 1778. Great Britain said if we did it would be tantamount to a war against her. Enter then the people. There was a great popular cry to support their friend of the Revolution.

But a change came. The bloody excesses of the French Revolution smeared the treaty of 1778 and blotted it out. Jefferson alone stood for keeping our obligation. The conflict raged. Washington thereupon issued a proclamation of neutrality. What the chairman of the committee read here yesterday as that proclamation was written by Attorney General Edmund Randolph. It was not produced under any statutory law but under international law as a base, but also molding a new structure and having a greater influence on international law than any single document in a hundred years. It was the first neutrality proclamation ever issued by any head of any nation in the world's history.

And there was no Bloom bill to guide either Edmund Randolph or George Washington.

Madison expressed his extreme regret at the President's action and declared:

The proclamation was in truth a most unfortunate error. \* \* \* It will be a millstone which would sink any other character.

Jefferson expressed his disgust at the proclamation.

The power of the President to issue such a proclamation, without any domestic legislation respecting offenses against neutrality, was seriously questioned, and the next year, in 1794, an act was passed defining what were offenses against neutrality. That was our first real neutrality act. It had its foundation on international law. It was carefully revised in 1818 and remained unaltered until the passage of the neutrality law of 1936.

This law forbids any person to enlist within the United States to serve against a country at peace with the United States; to fit out or aid in fitting out vessels; or to set on foot, or prepare the means to set on foot, any military expedition against a friendly nation. It, however, does not prohibit the sale and shipment of arms or warlike supplies, this being recognized as a legitimate commercial enterprise, but such articles become subject to confiscation by the belligerents as contraband of war.

During this period of 100 years since 1818 to 1918 Europe fought a score of wars. We got into none of them. Territories were annexed, boundaries changed, kingdoms were absorbed; Poland and Hungary, Greece and Italy, Spain and France, Prussia and Austria, Russia and Turkey, all were in wars. Schleswig-Holstein was lost to Denmark, Alsace-Lorraine to France.

Did the White House issue letters or proclamations? No. We minded our own business, kept our home fires burning, busy in building the greatest Nation since God said, "Let there be light."

The Holy Alliance died, the flags of Spain and Portugal were hauled down from the flagstaffs of the American Continent, the Monroe Doctrine was born.

Our ships sailed the seven seas carrying our commerce. We kept our fingers out of the international buzz saw.

Only once did we go out with our Navy to do police duty. The daring Decatur, glamorous figure of our Navy, with a few soldiers and sailors brought the Barbary pirates to their knees and halted for all time the exaction of tribute.

Having these pages of history in mind, having the picture of the utter failure of our neutrality in the World War—even the law of 1818—and since the adoption of the present law, why proceed to the reassurances of a questionable law?

Neutrality is a question of national honor. You cannot legislate honor into anybody. You may incite enmity or establish fear—not honor.

Neutrality is no remedy for war. It will not stop war. It is more likely to incite war when written into statute law and power be given to an Executive to administer it.

It is appalling to know that from the day Christ was crucified on Calvary there has never been a year without a conflict of arms, either a civil war, international duel, or one involving many nations; and the two moving causes of war have been attributes of human nature expressed in individuals and spread to groups and later to be all-embracing for all peoples. They are: Greed—to get what others have; self-defense—to hold what one has and get more if possible.

Greed has been the impulse of war. It conquered and enslaved. It hitched human beings to chariot wheels. It looted cities and carried off women and slew the men. It made armies and navies. It filled a room full of gold belonging to the Incas and treacherously slew the giver. It stole from savage Indian and cheated him in payments. It tortured and squeezed and trampled, ravaged, and raped, steaming its face in the hot blood of a thousand million victims. It died as it lived, perished as it performed, by the sword. It made Alexander weep and filled Caesar with ambition. Greed is like the Illinois farmer who said he wanted no more land, "only what j'ined his'n." On the other hand, the nation attacked summoned its array and defended frequently to make sortie, win a war, and levy tribute on the aggressor.

Let us expand these two causes of war and see if there is a justification for any war that has been fought, if we can visualize the aggressor and the other party to war.

- (1) Desire for power and territory.
- (2) Desire for plunder and loot.
- (3) Ambition to rule in place of another.
- (4) Religious wars—Moslem and Christian.
- (5) Desire for greater self-expression culminating in revolution.
- (6) Support of a ruling family in some nation other than the one making wars.
- (7) No just cause but under treaty contract to become an ally.
- (8) Desire for trade monopoly.
- (9) Protection of a nation's interests in another country.
- (10) Protection of concessions made by one nation to another.
- (11) Pique, pride, and egotism.

I know of no other causes that are not expansions of these 12. All are based on the original two I have named. We have written our histories in blood. The procession of the years has pages blotted with sanguinary illustration. We have apotheosized heroes of conflict until we have forgotten about the common people. I want to know more about



those masses, those great populations who toiled and staggered under taxation to make armor and armies. I want to know how these men and women with families, sordid and simple, it is true as they were, filled with superstition and fear—how they looked upon war. I would like to know how this common man liked the toil of march and the terror of battle. Did he welcome death as a release? Did he rejoice in conquest as his leader did—in drunkenness and debauchery and lechery, his exploits sung by a court fool to the music of the lyre. I do not know that he was awed by every natural phenomena and omens and signs were his daily portion. What matter now that we have reduced to mathematical formulas those things that were considered manifestations of a Jehovah or of a demon. We are still afraid. We have made war more terrible. Saul slew his thousands, David his ten thousands, but modern mechanized war slays its millions. It is this fear of war that brings war and so long as there is that physical fear we shall in wisdom be prepared to fend off an enemy.

Fear served its purpose during our colonial days. We joined in the wars which ravaged Europe by fighting for England in America. We went forth on the high seas as privateers seeking Spanish galleons and were just a little short of piracy in the law of admiralty. We fought the French and Indians because they were allies against Britain. We took scalps because that was a token of our prowess. We became as savage as the savage because of war's brutalities. We did heroic, dangerous, and daring things for that was in our blood to so perform. We met treachery with honesty. We wore our own home-made uniforms and fought for King William and Queen Anne and King George. We helped make a present of Canada to the British to have and to hold forever, but we also opened the way to the Ohio for Yankee pioneers by saving Braddock's army from utter rout.

Napoleon said, in his cold blood, that one could not make an omelet without breaking eggs. We could not have peace, independence, a constitution, or a government over here unless we had fought the war of the American Revolution. The alternative was being a subject people and there was little in the atmosphere here which would permit such an existence.

I am not apologizing for that war. I say that if there is any glory in being a citizen of the United States, it came from that war. It wrote something into the minds of the people that had never been there before. It was the expression, "We the people." Magna Carta wrested from King John by the barons of England did not have that as an expression meaning what it did after Yorktown. That war lighted the lamp of liberty, set it on a high hill, a beacon to all nations. "Take hope," it said to all outraged people. "The star of liberty is shining for you. There will come a day when you can think and speak and not be sent to prison or executed." From that day to this mankind has been traveling upward with plodding though often with weary feet to the establishment of freedom for humanity. Often we have seen only "as through a glass darkly" but some day we shall be face to face. And we fought another war to preserve the geography as well as the principles of that nation so ordained.

I am opposed to war as a settlement of any question arising between established nations. Any such war can be settled by peaceful arbitration.

For any of these purposes before recited a nation starting a war will be guilty per se of international offenses. How can a nation be stopped if in its management it desires war? What will stop it? It cannot be done by a neutrality law. There are responsible nations as well as irresponsible ones. Nations are exactly like people in every community. When human beings are perfect, when man no longer is selfish, when Christ's Golden Rule animates the human race, when we have erased poverty and greed and stupendous riches that flaunt themselves in the faces of the poor and capable, when we have given greater time to giving than we have to getting, we may be able to shout to nations spread all over the world

that we want peace and intend to have it, for in peace we have the highest expression of man's spiritual elevation and Christ-like interpretation of consideration for the rights of others.

Until then there will always be danger of war somewhere. When the footsteps of man are walking, the path lighted from the incandescence of the Holy Grail, we shall have no more wars. When we can sleep without policemen we shall have no wars. When bandits cease to rob and kill we shall have no more war. When thieves no longer break through and steal we shall have no more war. When we are willing to live with neighbors without lawsuits we shall have no more war. When we are more concerned with giving than grabbing we shall have peace. Not until then—never. Until then we shall always have the danger hanging over us. There are reckless drivers on the international highways even as there are reckless ones on the roads of America.

Our answer must be an America for Americans. Every letter I receive, hundreds of them, plead with me to give the President no more power for war. They cry out to let Congress and the people decide.

I shall vote to support the people and George Washington. Mr. FISH. Mr. Chairman, I yield the gentleman from Maine [Mr. OLIVER] such time as he may desire.

Mr. OLIVER. Mr. Chairman, I am unalterably and unequivocally opposed to this bill. I am opposed to it because it is not a neutrality bill but rather is it an un-American, 10 Downing Street bill. It is a most brazen attempt to write into law a policy of intervention in the existing international racket of finance and munitions manufacturing. It is a deliberate and considered legislative proposal which will lead this Nation into the snare and the delusion of British political and financial chicanery and treachery. It is a practical legislative answer to the prayer of British propagandists that we repeal or effectively annul the present barriers to American involvement in the European mire once again. Mark me well, Mr. Chairman, the next British proposal to this House, and in the near future, will be a play for debt settlement on the basis of a dime on the dollar. First, this British attempt to make the United States an arms and munitions hell for her own purposes and then the next logical step will develop whereby we shall be asked to soften the provision of the Johnson Act to finance our poor, innocent British cousins in their struggle to continue their position of domination in world trade and world finance. I am not going to be a sucker for the devilish intrigue and propaganda now being dished out to us once again as window dressing for the purpose of a repeat sale of the 1917 gold brick.

In conformity with this attitude, on the 6th of June I introduced in this House a bill to amend the so-called Johnson Act, an act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States." The purpose of my bill was twofold. First, it defined the term "default" by inserting under section 2 of the aforesaid act the following new subsection:

(b) For the purposes of this act, a foreign government, political subdivision, organization, or association shall be deemed to be in default in the payment of its obligations to the United States whenever any amount of principal or interest of any such obligation is due and unpaid according to the terms of such obligation. Such default shall not be deemed to be cured or to have been cured by renewal, adjustment, waiver, part or token payment, or any other act constituting less than full and complete payment of such obligation according to its terms.

Secondly, my bill proposes further to amend such act by inserting at the end thereof the following new section:

SEC. 3. In the event that any foreign government or political subdivision thereof or any organization or association acting for or on behalf of a foreign government or political subdivision thereof which is in default in the payment of its obligations or any part thereof to the Government of the United States, cures such default as provided for in subsection (b) of section 2 as hereinabove amended, the provisions of section 1 of the act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States," approved April 13, 1934, as herein amended, shall continue to apply until a period of time, equal to the period of time between the original date of

default and the date of curing such default as hereinabove provided for, shall have elapsed subsequent to such curing of default.

The purpose of my proposed amendments to the so-called Johnson Act, Mr. Chairman, is to insure that no financial legerdemain be performed by schemers at home or abroad to tear down the protection of that act by paying pennies where dollars are due, and to provide that these long-forgetful but now suddenly penitent foreign debt defaulters, should they, in any way, shape, or manner, make settlement of these debts to us, be made to wait as long thereafter to borrow from us as they waited to pay after existing debts were due. The intent is to let them make settlement, if they will, and then permit them to prove the sincerity of their new-found honesty by waiting awhile before again attempting to make suckers of the people of the United States.

My bill is now in the hands of the Committee on Foreign Affairs where, because of the approaching termination of this session, I fear, even as the international bankers and the scheming diplomats of Europe undoubtedly fervently hope, it will die.

It was my intention, Mr. Chairman, to offer that same proposal as an amendment to this misnamed neutrality bill, but the Parliamentarian of the House has deemed its subject matter not germane to the pending bill. I bow, therefore, to the superior wisdom of the Parliamentarian insofar as parliamentary limitations are concerned. But I say to you, Mr. Chairman, and to the gentlemen of this House that the question of defaulted debts and the whole subject of financial relations between this Nation and its European debtors are not only germane to any discussion of neutrality and the preservation thereof but are predominantly vital factors in any such discussion. And I say to you that the movement is and has long been under way so to align this Nation with certain foreign debt defaulters as to make the United States the avowed ally of those foreign debt defaulters and their protector against their enemies—a movement so far advanced that, by means of stringent legislation to defeat financial trickery alone, may we hope to preserve even the ghost of neutrality or swerve this Nation from a path inevitably destined to plunge us into war.

Upon the occasion of my introduction of this bill to amend the Johnson act, Mr. Chairman, I invited the attention of this House to the then awaited visit of the King and Queen of England, a visit in my opinion deliberately planned to set the stage for the opening of debt-settlement discussions, probably on a dime-on-the-dollar basis. I invited attention to the fact that any such settlement would tear away the protection of the Johnson Act and enable these war-threatening Europeans to raid our Treasury anew for their warring, leaving Uncle Sam to hold the bag as they did two decades ago. And, Mr. Chairman, I asked what intelligent American, guiltless of ulterior motive, is willing to see that protection destroyed and to send our wealth again to the warmongers of Europe, to set aflame the seething hell of hates and touch off the volcano of destruction, to permit these foreigners to squander first our money for their warring and then the flower of our manhood to snatch them from their self-dug pit.

I held then, and I hold now, that the visit of royalty was but part and parcel of a deliberate plan to effect such picaresque settlement of Great Britain's long-defaulted debt to us as would enable that nation to victimize Uncle Sam anew. Let the skeptic but weigh the indisputable evidence blazoned for all to see in the public press. If there be doubt that this visit of royalty was impelled, not by sincere friendliness, such as motivates the visit of a good neighbor, but by the selfish desire of Britain's schemers to open the way to financial dealings directed toward destroying the protection of the Johnson Act, let the doubter but read the International News Service dispatch sent from London under date of June 22 containing the following:

Harried by totalitarian foes on both ends of Eurasia, Great Britain today negotiated a move to seek a debt settlement with the United States and thereby consolidate advantages gained by the King's visit to America on the day of His Majesty's return.

Instructions already have been sent to Sir Ronald Lindsay, the Ambassador in Washington, to approach Secretary of State Cordell Hull and Secretary of the Treasury Henry Morgenthau, Jr., and negotiate a solution satisfactory to both countries.

Sir Ronald was told to point out that while the debt cannot be paid in full, either the principal or interest might be paid, preferably the principal.

The Cabinet was understood to be in agreement that it might be necessary, because of the heavy rearmament drain on British finances, to raise a loan to begin reservicing the American debt.

Such a loan also would be available to Americans on the assumption that renewal of payments would lower the bars of the Johnson Act.

There we have it, Mr. Chairman, out in the open and rancid with unabashed British gall. "A move to seek a debt settlement, and thereby consolidate advantages gained by the King's visit to America." "Negotiate a solution satisfactory to both countries." "While the debt cannot be paid in full." "To raise a loan to begin reservicing the American debt." And, with unmitigated gall, the British propose to make that loan available to Americans "on the assumption that renewal of payments would lower the bars of the Johnson Act." They propose to let our own citizens lend them the money with which to pay off such fraction of what they owe this Government as will enable them to lower the bars of the Johnson Act and so be free to raid our wealth anew. "And thereby consolidate advantages gained by the King's visit to America."

And, if that evidence proves insufficient to convince the skeptic, Mr. Chairman, let him weigh the King's own words, spoken at a state luncheon in London on June 23, 1939, as reported in a dispatch by the Associated Press:

King George reported formally today on this regal job of selling Great Britain to the United States \* \* \* by modestly asserting that he and Queen Elizabeth had "in some sort succeeded" in their mission.

What sort of friends are these, Mr. Chairman, who speak of advantages gained from a neighborly visit and refer to that visit as a mission in some sort successful? What good neighbor, guiltless of ulterior motive, visits his neighbors with intent to gain advantages over them or refers to such visits as "missions"? What sort of neighbor would men deem such a one as came under the guise of neighborly affection only to confess his visit but a brazen attempt to take advantage of them and openly to boast of having succeeded in that mission?

Why continue such transparent hypocrisy when we and all other intelligent Americans well know that the advantages sought by the recently staged Charlie McCarthy act with wily Chamberlain in the role of Bergen were opportunities to tear down the protection of the Johnson Act, to inveigle this Government into letting Great Britain escape paying her long-defaulted debt in honest fashion, to open the way for a new assault upon first our material resources and then our finances and, inevitably at last, upon our sympathy to the end that the might of our arms be turned once again to save Great Britain from the fruit of the folly of her leaders?

Nor is this desire to make dupes of the American people confined to British minds alone, Mr. Chairman. Already the propagandists of the international bankers and of others seeking profit bring forth their song of Circe in eagerness to befuddle and beguile the minds of the American people, to soften them for the killing.

Speaking of propaganda, it is my intention to ask for unanimous consent in the House to insert at this point certain statements with reference to propaganda of the past and propaganda which we may expect in the future as this war and munitions racket becomes more intensely developed.

The excerpts to which I refer are taken from publication No. 10 of volume 2 of the Propaganda Analysis, published by the Institute for Propaganda Analysis, Inc., 130 Morningside Drive, New York City, which is entitled "Britain Woos America" and reads as follows:

Propaganda alone will not win the next war, but it will help. Of this all statesmen are convinced. Day by day, since 1914, propaganda has become more and more important to government, and especially in time of war. No sooner did we declare war against Germany in 1917, for example, than President Wilson appointed



George Creel to organize the Committee on Public Information; and on the Committee he put the Secretary of the Navy, the Secretary of War, and the Secretary of State. Lord Northcliffe's work in the British Ministry of Propaganda helped to crack German resistance, not alone in the front-line trenches but also behind the lines. When the Italian armies went into Ethiopia, with them went specially trained propaganda experts, who could speak English, French, and German and had first-hand acquaintance with American, French, and British newspaper methods.

In Germany, where the war machine is most highly developed and where all industry already is organized for war, the leading figure, next to Adolf Hitler and Field Marshal Hermann Goering, is Dr. Paul Joseph Goebbels, the Minister of Propaganda and Public Enlightenment. And rightly so, for propaganda has been Germany's advance guard in her Drang nach Osten. If Germany walked into Austria, Sudetenland, and Czechoslovakia without resistance, it was partly because her propaganda had undermined resistance first.

Britain knows this only too well. It cannot have been entirely by accident that Propaganda in the Next War, by Capt. Sidney Rogerson, is third in the series of books on The Next War, edited by Capt. Liddell Hart, Britain's foremost writer on military affairs. First in the series is Sea Power in the Next War; Britain's strength lies in her control of the seas. Second is Air Power in the Next War; air power is considered the "great imponderable." Then comes Propaganda in the Next War. The next war, says Captain Rogerson, "will greatly increase the importance of propaganda, especially among the citizens of the home front, not only to stiffen their morale against the threat from the air, but to instruct them in the technique for meeting it."

Already Britain has begun to build up her propaganda armaments, though in much the same leisurely fashion in which she is building up her military armaments. For years German and Italian radio stations have been whipping up Egypt and the Near East with propaganda broadcasts in Arabic. In self-defense Britain last year inaugurated Arabic-language broadcasts, too. Since the Munich crisis the short-wave station at Daventry has been sending out news broadcasts in German, broadcasts which are causing so much trouble for the Nazi Government that when Adolph Hitler delivered his Wilhelmshaven address every newspaper in Germany is reported to have reprinted the penalties for repeating or publishing them.

Moreover, there is talk in Britain of reviving the old Ministry of Propaganda. "We need it to fill a glaring gap in our defense system," noted Commander Stephen King-Hall's news letter recently.

If war comes, Britain's propagandists will have to fight on four different fronts. At home they will have to bolster morale, prod the people into hatred of the enemy, keep them from cracking as casualties mount and terrifying air raids blast homes and factories to debris. Behind the enemy lines they will fight to destroy morale. Abroad, in the colonies and in the dominions, they will fight to put down unrest, wipe out disloyalty to King and mother country. In Egypt, in Palestine, throughout India, and even in some of the dominions there are those who hate British rule. For years they have been agitating to shake it off. If Britain goes to war, will not these malcontents seize their opportunity to revolt?

The United States will be the fourth great propaganda battleground, as, indeed, will be all the neutral countries. Britain might have been able to defeat Germany in 1918 even if the United States had not entered the war. But if Britain could not have borrowed money here, if Britain could not have bought food and munitions, the peace treaty might have been made at Berlin, not Versailles. It may be that Britain and her allies will have an easier time in the next war than in the last. Nevertheless, they will feel infinitely more confident if they have what Captain Rogerson calls our "benevolent neutrality." At the very least, the British would probably like the United States to repeal the Johnson Act, to amend—if not repeal—the Neutrality Act. Britain would like to borrow from us and to buy munitions from us, and it can do neither if those acts remain in force.

At this time I will quote for the purpose of emphasis one paragraph which I believe is particularly interesting in view of my pending amendments to the Johnson Act which comprise the basis for these remarks of mine:

The United States will be the fourth great propaganda battleground as indeed will be all the neutral countries. Britain might have been able to defeat Germany in 1918 even if the United States had not entered the war. But if Britain could not have borrowed money here, if Britain could not have bought food and munitions, the peace treaty might have been made at Berlin, not Versailles. It may be that Britain and her allies will have an easier time in the next war than in the last. Nevertheless, they will feel infinitely more confident if they have what Captain Rogerson calls our "benevolent neutrality." At the very least, the British would probably like the United States to repeal the Johnson Act, to amend—if not repeal—the Neutrality Act. Britain would like to borrow from us, and to buy munitions from us, and it can do neither if those acts remain in force.

So far has this poison spread that a United Press dispatch from Tulsa, Okla., dated June 24, tells us that the United States Junior Chamber of Commerce in convention assembled had before it a resolution approving "a plan for creating a war-debt commission to examine methods suggested for payment of war debts." Could there be any relationship between

that resolution and another likewise before the junior chamber recommending military training of enrollees in all C. C. C. camps?

What profits any discussion of neutrality or any effort to insure neutrality which ignores the deadly peril lurking behind this talk of war-debt settlement? What profits such discussion or effort in the face of the fact that all men know the fondness displayed by this administration for Great Britain and her allies as against the totalitarian countries? The constant presence of our Ambassador at the conferences of Britain's leaders during the crisis attendant upon the shame of Munich, the blustering of our President as he cried to the totalitarian countries the threat of meeting force with force, the magnificence of the welcome accorded Britain's King and Queen, and now this sudden desire to settle debts long ignored and to make friends of a people long sneered at as Shylocks, where, Mr. Chairman, can such manifestations find place in a picture of neutrality?

I say to you that they can find no place in such picture. And I say to you that no neutrality legislation can be worth a continental unless that legislation considers and embraces such financial aspects of the relations between this and other nations as are represented by these long-defaulted debts and this sudden fanfare concerning settlement.

In closing, Mr. Chairman, it seems quite apparent to me that we have only two courses to pursue in the light of our experience of 1917 and the international situation which exists today:

One is the course of intervention by the United States in world politics, world intrigue, and world prejudices. The pending bill and the announced program of the President and the Secretary of State will inevitably lead us along this road to involvement and intervention.

On the other hand, we have the traditional American course of isolation. This course is predicated on our historical position of no entangling foreign alliances. If we choose to take this course, then we should establish more mandatory embargoes on arms, munitions, and materials of warfare. We should determine our own program and our own destiny on a nationalistic basis. We should force ourselves to a complete severance from the involving processes incident to and necessary for the continuation of the racket of international finance, economy, and double-crossing diplomacy. My vote will be recorded not only in support of isolation but also in support of measures which will insulate that isolation.

A law strengthening the loan prohibition of the Johnson Act would be a long step forward in the development of that insulation.

What better measure of assurance of neutrality and the prolongation of world peace could be devised than that which would prohibit the acquisition of that money and that support without which the guns of Europe must remain mute?

The Johnson Act is a tremendous headache to those who would involve us in the international maelstrom. In the interests of neutrality and isolation it must be strengthened. Let the pending bill be defeated and let us enact legislation designed to keep this Nation out of foreign wars.

The amendments which I have proposed to the Johnson Act will help materially to effect this purpose. [Applause.]

Mr. FISH. Mr. Chairman, I yield the gentleman from Texas [Mr. MAHON] such time as he may desire.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made this afternoon on the agricultural appropriation bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, the district which I represent, in the very heart of Ohio, is a typical American district. It is one of the great agricultural districts of America. While it has no large cities within its borders, it does contain numerous small industrial centers, the products of which are known and used throughout the world. Settled more than a

hundred and twenty-five years ago by pioneers from Virginia, Pennsylvania, and New England, the citizenship of the district is almost entirely native-born. We have no foreign population; no class ties with lands across the seas; no attachments to any other flag or government except the American flag and the Government of the United States. Our citizens have proven their patriotism and their love of country by answering the call to the colors in every conflict in which the United States has taken part. Gallant sons lie buried on every battlefield where the American flag has led our troops.

My constituents hate war. They love peace.

It is in such a citizenship that I believe you can find the truly American viewpoint concerning the problem that confronts us today. The farmers, the workmen, the businessmen, and all the other citizens of my district realize the threat of war that hangs like a black cloud over the so-called civilized world in which we live. They are fully informed as to the content, the intent, and the portent of the legislation we are now considering here. They know the recorded history of the 6,000 years of warfare in the Orient and are fully aware that for almost 3,000 years Europe has echoed to the march of armed men and has been ruled by military might and power.

The World War and the sacrifices it demanded are still a vivid memory. The futile attempt of the League of Nations to bring peace and order is known to all. They watched as the civilized world stood by during the ravishment of defenseless Ethiopia. They have shuddered at the atrocities of the undeclared war in China, as that helpless nation fell victim before the armed might of an invader despite the solemn pledges of nine great civilized powers to protect her territorial and political integrity. They remember the fate of Austria and Albania. The crisis of last September and the total disregard of solemn treaties that brought about the sacrifice of gallant little Czechoslovakia on the altar of European power politics is still a fresh memory.

They know that free and representative government has practically disappeared across the seas. They realize that another great holocaust of war threatens civilization.

They know we have had a neutrality law in the past—one which gave to the President power and authority to declare a state of war existing, and that placed an embargo on the shipment of war materials to warring nations. They know, too, that the President has not yet, officially at least, recognized that a state of war exists in China. They do not question but that our President of today wants peace to continue. However, they cannot help but remember that another President was reelected in 1916 on the campaign cry of "He kept us out of war," and that within 6 months thereafter America entered the World War.

They believe that many of the statements in reference to the international situation attributed to the President have not been diplomatic or conducive to peaceful foreign relations. Remembering the words of Washington, they are opposed to foreign entanglements. Still suffering from American losses of men, money, and materials in the World War, they are determined that we not become involved in another. Realizing that our country is the last stronghold of democracy, they believe we can best serve democracy by protecting and preserving it rather than by risking it as a pawn in the game of internationalism in which we have no real national interest. Believing in constitutional government, they demand and insist that the Congress retain unto itself the power, the right, and the responsibility to speak for the people as to war or peace. They insist that the power of the President of the United States be limited to that given the Chief Executive by the Constitution.

The people of my district are opposed to the Bloom neutrality bill. They know we cannot legislate peace, but that we may legislate war. They insist that America play no part in the power politics of Europe. They believe the way for us to stay out of war is to keep out of European and international affairs; to attend to our own business and to permit

other nations to attend to theirs; to straighten out our own domestic affairs before attempting to dictate to the peoples of other lands; to be prepared to fight to the death to defend our own land, but to refuse to send a single American soldier to fight on foreign soil.

Such are the almost unanimous opinions and desires of the people of a typical American district. I believe the great proportion of all American citizens have the same opinions and desires.

Therefore, I shall vote against this bill.

Mr. BLOOM. Mr. Chairman, I yield the gentleman from California [Mr. GEYER] such time as he may desire.

Mr. GEYER of California. Mr. Chairman, when we vote on this bill tomorrow or the next day our vote will be heard around the world. Our responsibility to the American people is a very heavy one. The Congress of the United States alone has the power to declare war. But today history has granted us an opportunity to prevent war, to so influence the course of world events that war in other parts of the world will be avoided and our own peace thereby assured.

Some of my colleagues on the other side of the aisle, and particularly the gentleman from New York [Mr. FISH], think the United States should not try to influence other nations. But the fact is that we have no choice in the matter. If we fail to pass this bill, if we follow the gentleman from New York, we shall none the less exert a profound influence on the decisions of other nations. We shall tell them, "If you want to plunge the whole world into war, that is all right with us. We mind our own business. Whatever you do, the United States will avert its eyes and with its hands tied behind its back give you free reign to rule and ruin the world." That is the message that Hitler and Mussolini and the Japanese war machine are waiting for. That is the signal they hope to get from these shores; the green light for war they hope will be flashed from this House.

That is what the gentleman from New York and others call "refraining from influencing the decisions of other nations."

The American people are also awaiting our action.

They have already expressed themselves in thousands of letters, resolutions, petitions, and in the various polls of public opinion. The increasing popularity of President Roosevelt testifies to the popular support for his foreign policy which grows with the people's growing understanding of world events.

The majority of the American people overwhelmingly favor repeal of the mandatory arms embargo. They read the papers. They read of wars and the threat of more wars. They read that small nations have lost their independence and other small nations are threatened with invasion and annexation. They read that millions of soldiers are under arms and more millions being mobilized. And when they are told that the seat of the war danger is in the White House in Washington, the American people indignantly repudiate such slanders against their Government and their great President. They know better. They know the war makers.

The American people are not afraid to have the United States "influence" the decisions of the war makers. On the contrary, they demand that their country, the most rich and powerful in all the world, exercise to the full its moral and economic power to influence the decision for peace.

I am reluctant to believe that the Members of this distinguished body have less common sense than the people as a whole. All of us surely know that the war danger is real, and not a figment of the Roosevelt imagination. Did the President invent the death of independent Austria? Was the dismemberment of Czechoslovakia a hallucination of the Secretary of State? Is it just a New Deal nightmare that Poland is in danger? Is it only to the inward eye of Democrats that the war clouds are discernible today?

Even the most confirmed isolationists cannot deny the plain facts. But they evade the implications of those facts. The gentleman from New York yesterday cried out that the



President and Secretary Hull are and always have been "internationalists." That is supposed to be the worst name you can call a good American. The rich vocabulary of the gentleman from New York contains no worse epithet than "internationalist."

But let us look at this terrible word and see what it really means. An internationalist is one who admits that there are lands beyond the borders of the United States. He even admits that what happens in those lands may affect the American people, their trade, their prosperity, and their peace. Secretary Hull once voiced this terrible doctrine of internationalism in a very simple sentence. He said, "War anywhere threatens peace everywhere."

The Bloom bill also recognizes that war anywhere threatens peace everywhere. And in my opinion the passage of this bill will serve the interests of peace everywhere, by to some extent lessening the danger of war in Europe. To my mind the best proof that the Bloom bill will have this effect is to be found in the press of those nations which are today mobilizing and preparing for war. The American people, and the devotees of peace in every land, will welcome the passage of this bill as a step toward peace. But Rome and Berlin are shrieking that it is a form of "war-mongering," and Hitler and Mussolini, through their controlled press, tell us to vote down the Bloom bill. With whom are you going to vote? With the American people; or with the war lords of fascism?

The Bloom bill is a step toward peace. But in my opinion it is a hesitant step. I would prefer to see this country step out more firmly, more boldly, in the direction of blocking the way of those who prepare the mad adventure of war.

I hope that this House will write into the Bloom bill a statement of policy, along the lines of the bill introduced in the Senate by the distinguished Senator from Utah, Senator THOMAS, and in the House by myself. I hope we will incorporate in the Bloom bill some statement to the effect that it is contrary to the policy of the United States to sell arms, ammunition, or the raw materials of war to any nation which engages in an act of aggression against another nation. I hope we will make it a cardinal principle of American foreign policy to distinguish between treaty violators and those who adhere to their treaty obligations. I believe that the United States has the right, the duty, and the will to distinguish between right and wrong, between the innocent and the guilty. I believe it has the power and the prestige to make its moral judgments felt in the world, without resort to arms.

I realize that the majority of the House does not share my views on this question, at least at the present time. But in respect to the far eastern situation I believe that the majority of the House, like the majority of the American people, has passed judgment. According to the last Gallup poll, 72 percent of the American people want an embargo against shipment of arms and raw materials to Japan. Are we going to implement the will of the people by amending the Bloom bill to end our participation in Japan's war guilt? I sincerely hope that we will.

At the present time the United States is the main arsenal from which Japan obtains the sinews of war. Without our complicity she could not continue to invade China and destroy the homes and the lives of millions of Chinese people. In my own district, out of the harbor of Los Angeles, I have watched the boats set sail loaded with oil, not for the lamps of China, but for the airplanes of Japan. I have seen the boats go out loaded with scrap iron, with precious cargoes of automobile parts, machinery for making arms, alloys, airplanes, and airplane parts. The Japanese plane which bombed the *Panay* moved under the power of American oil. The people of my district want this death trade stopped. They see with their own eyes how we build up and encourage the aggressor in the Far East. They want to end this suicidal policy, and they want to end it now.

In 1938 we supplied 56 percent of the most important war materials imported by Japan. This was an increase over

54.54 percent in 1937. We are selling more oil, more aircraft parts to Japan all the time. The more our own vital interests are involved in the Japanese aggressions in the Far East, the more fully we participate in helping the Japanese war machine to cut our own throats.

Recent developments in the Far East and the newest provocations of the Japanese militarists have been directed most dramatically against the interests of Great Britain. But there is no question that our own vital interests are also involved. I suppose we shall hear some more in the course of this debate of that old chestnut about pulling England's chestnuts out of the fire. I am not interested in England's chestnuts. But I am interested in the security of America. The policy of the present British Government is one which I cannot but regret. I should dislike very much to see us tie our own foreign policy to that of Mr. Chamberlain. But that is exactly what we shall be doing if we refuse to defend our own Far Eastern interests merely because Great Britain refuses to act. I hope that we shall pursue an independent and wholly American course in the Far East. I hope that regardless of what other nations do or fail to do, we shall wash our own hands clean of our present share in Japan's war guilt.

While I regard it as unfortunate that the Bloom bill as reported out of committee does not provide for an embargo against Japan, I believe that indirectly it will, even in its present form, influence events in Asia as well as in Europe. Japan remains tied to the Rome-Berlin-Tokyo axis and operates as an axis partner. Therefore the Bloom bill, by giving pause to Rome and Berlin, will inevitably make itself felt in Tokyo as well. I shall vote for any amendments to strengthen the Bloom bill further by incorporating in it specific legislation dealing with the Far East. But even if such amendments are defeated, I shall certainly vote for the Bloom bill as an instrument for peace and national defense. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. MARTIN J. KENNEDY].

Mr. MARTIN J. KENNEDY. Mr. Chairman, I am opposed to the adoption of House Joint Resolution 306 now under consideration by the House. The preamble of this resolution reads as follows:

Whereas the policy of the United States in foreign wars not affecting the defense of the United States is a policy of neutrality in accordance with the rules of international law; and

Whereas the United States stands for restating and strengthening the rights of neutrals at the earliest practicable time; and

Whereas it seems advisable, until these rights can be restated, to diminish the risk of this Nation becoming involved in foreign wars by restricting the exercise of certain neutral rights of our citizens.

The resolution restates in substance the existing neutrality law. However, there are a few vital changes proposed in the resolution under debate, but the first and most important change is the one that omits the "arms embargo" contained in the present law. To avoid confusion in this discussion I would like to direct your attention to the existing law, section 1 (a), Public Resolution No. 27, Seventy-fifth Congress:

Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall therefore be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

This is contained in Public Resolution No. 27, Seventy-fifth Congress, and is chapter 146, first session (S. J. Res. 51).

I have read the hearings before the Committee on Foreign Affairs of the House entitled "American Neutrality Policy." These hearings started on April 11, 1939, and continued up to and including May 2, 1939, and they cover 639 printed pages. I regret that the hearings before the Foreign Affairs Committee were not confined to this resolution. It would appear that more than 16 different resolutions and bills were discussed by the various witnesses, with the result that we are free to select the testimony which appeals to our individual fancy.

This is an extremely important resolution and it should only be considered on a purely patriotic basis. I am sure that every Member of this House is concerned about the future of our country, and I am hopeful that your vote will be cast as the result of serious and mature consideration of the facts presented, being mindful only of the welfare of our beloved country.

I am sorry that this legislation did not originate in the Senate, because the Senate has peculiar knowledge of foreign affairs derived from participation in the making of treaties with foreign governments. The debate in the Senate would serve as a guide for Members of the House, but, without the information and advice of the Senators it is incumbent upon every Representative to exercise unusual care in arriving at his decision.

From what I learn there will be several amendments offered by the Committee to this resolution, none of which will be directed to section 1, which, in my opinion, is the most controversial section.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. MARTIN J. KENNEDY. I yield to the gentleman from New York.

Mr. BLOOM. I just wish to say that the present neutrality act was written in the House and not in the Senate.

Mr. MARTIN J. KENNEDY. If the gentleman had followed what I said he would know that I was not referring to the present act at all. I was referring to the knowledge of the Senate on all matters affecting foreign affairs.

I do not know what prompts the proposed amendments, but I do hope that when an amendment is offered to restore section 1, arms embargo, of the present law, that it will be accepted by the committee.

As long as I can remember, matters of foreign affairs have always been the subject of great mystery. Treaties were arranged, loans were made, help was extended to foreign countries, and all sorts of things were done under the name of diplomacy. Frequently months passed before the people of the country knew what had transpired. A biased press, a high-pressure campaign of false propaganda, and unfaithful public officials have often conspired against the best interests of the people of our country. This great mystery still persists.

We are not debating a novel or new question. In the preamble of this resolution, in the first paragraph, it states "in accordance with the rules of international law."

In 1625 there was published a book by Hugo Grotius, a Dutch jurist, entitled "*De jure belli ac pacis*"—of the law of war and peace. In that book Grotius laid down the following principles:

- (1) War should be carried on only for a just cause, and for the purpose of defense.
- (2) Do no more injury to the vanquished than is strictly necessary.
- (3) Force alone ought not to regulate the relations of peoples, for there is justice between States as well as between individuals.
- (4) To observe treaties is the wisest practice and the greatest strength of sovereigns.

In 1814 this work was translated from the original Latin by the Reverend A. C. Campbell, A. M.

Since Grotius wrote this famous treatise, there has been little change in international law. The principles established by him have been generally accepted by all nations. Our understanding of international law is predicated upon these same principles.

I believe that it is of utmost importance for us to make progress in this very delicate and involved situation by going slowly. In my experience as a member of legislative bodies, dating back to 1924, I have been impressed by the flurry and excitement that usually accompanies consideration of this type of legislation. Men who never crossed the ocean or shouldered a gun and men who never had any interest outside the confines of their district will issue pronouncements of far-reaching consequences and will demand support for legislation on the ground of party loyalty, while in reality

the question to be decided is a most nonpartisan issue as well as being international in scope. Some of us who have had slightly more experience in these matters know that human nature is pretty much the same all over the world and regardless of a man's political or religious belief or non-belief, he is moved by the same impulses, but his reaction depends upon his place of birth. If his native land is involved, he probably accepts the doctrine of Decatur—

Our country in her intercourse with foreign nations, may she always be in the right, but our country right or wrong.

I stand solidly behind the well-established policy of neutrality as contained in international law, and I hope that my country shall always be guided by these well-established practices rather than by the question of the hour, or by political expediency.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. FISH. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. MARTIN J. KENNEDY. I feel confident that if the resolution (H. Con. Res. 21) introduced by me on May 3, 1939, were adopted, the position of our country, namely, that we would not declare war unless attacked or the principles of the Monroe Doctrine jeopardized, would be so well known in every chancellery throughout the entire world that we would have no reason to consider the pending resolution. I regret that support of this resolution has been made on the ground of party loyalty because there is nothing in the platform of the Democratic Party that imposes any obligation upon Democrats to support this resolution. At this time I want to make it clear that my decision to oppose this resolution has been reached after careful study and consideration. Deep down in my heart I believe it would be a serious mistake to adopt the present resolution, but if we must have a change I believe it would be far better to repeal the entire law. The people of my district are scared to death that this resolution will lead to war. God knows they have enough to worry about without this problem. For all of these reasons, I hope the resolution will not be adopted. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield one-half minute additional to the gentleman in order that I may ask him a question.

Did I understand the gentleman to say that he would vote to repeal all the neutrality legislation and go back to international law?

Mr. MARTIN J. KENNEDY. I stated that unless we allowed section 1 as it exists to remain in the law and amended certain other sections I would be opposed to the proposed resolution.

Mr. BLOOM. I am asking the same question I asked of the gentleman from New York [Mr. WADSWORTH].

Mr. MARTIN J. KENNEDY. I am not bound by Mr. WADSWORTH's answer, nor influenced by his personal views.

Mr. BLOOM. I would like to know what is in the gentleman's mind, what his thoughts are with reference to neutrality?

Mr. MARTIN J. KENNEDY. I shall be pleased to restate my views for the gentleman. Briefly, I do not believe it possible for any man, whether he is the President of the United States, the King of England, or any other ruler, to carry out the provisions of this proposed legislation, but I do favor legislation dictated by common sense and actual experience.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman another half minute.

Will the gentleman answer "yes" or "no"; if an amendment is offered by someone to strike out everything in the bill, leaving only section 16, which repeals the laws passed in 1935, 1936, and 1937, would the gentleman vote for that?



Mr. MARTIN J. KENNEDY. Do I understand from your question that you intend going back to the law as it has existed for 145 years?

Mr. BLOOM. Yes.

Mr. MARTIN J. KENNEDY. Yes; I believe I would vote for that change rather than the present proposal.

Mr. BLOOM. The gentleman would vote for it? The answer is "yes"?

Mr. HOFFMAN. Regular order, Mr. Chairman.

[Here the gavel fell.]

Mr. BLOOM. The regular order is that I have the floor.

Mr. HOFFMAN. Yes; but the gentleman yielded half a minute to Mr. MARTIN J. KENNEDY and was talking himself.

Mr. BLOOM. I yield the gentleman another half minute, Mr. Chairman.

Mr. MARTIN J. KENNEDY. My answer to the gentleman is I am against all legislation which makes a mystery of or leaves in any doubt the present foreign or international policy of our country. [Applause.] Let the world know where we stand and let that stand be against war and in favor of peace. The American people and my constituents in particular are peace loving and hate war. I intend to be guided by their wishes and shall oppose and vote against any legislation which in any way might endanger the future safety of our citizens or the security of our beloved country.

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. BLACKNEY].

Mr. BLACKNEY. Mr. Chairman, the question of neutrality, which the House is now discussing, is one of the paramount issues before the American people today because it concerns the welfare of the United States and of the 122,000,000 of people residing therein. I have received hundreds of letters from my constituents from the Sixth District of Michigan on the subject of neutrality, the great majority of which have been opposed to the pending resolution—House Joint Resolution 306—because of the delegation of power therein contained.

Historically the fundamental position which America was to take among the nations of the world was laid down by Washington in his Farewell Address. This Congress and preceding Congresses have fully appreciated the important truths contained in Washington's Farewell Address. Each year on Washington's Birthday the House listens to the reading of that famous message, and each year pertinent truths therein contained are forced upon our minds indelibly. In this Farewell Address Washington advises "Justice toward all nations, avoidance of inveterate antipathies against particular nations, and passionate attachments for other nations."

In this message he cautions the American people to avoid entangling European alliances as follows:

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

The message to avoid entangling alliances is especially pertinent today. Friendships between nations may be severed just as the friendships between individuals are severed by misunderstanding, by personal ambition, or otherwise. We have had a recent experience, as the result of our entrance into the World War, with the ingratitude of certain European powers with whom we were associated in that great European struggle. I am not only alluding to the nonpayment of those debts owed to us through our World War affiliations, but I am also alluding to other matters that have arisen. I think that it is self-evident that we will never have any guaranty of isolation from war unless we are willing to pay for it.

The best way to keep out of future wars is to remove as many as possible of the causes that contributed to our involvement in past wars. This is the prime purpose of our neutrality legislation. It should be American legislation,

designed to help preserve the peace of America. There is no proper place in such legislation for futile and dangerous attempts to insure peace throughout the world, to punish far-distant aggressors, or to equalize the existing inequities between nations. Picking the aggressor is a most difficult and dangerous task. The unequal application of our neutrality laws is not neutrality, but nonintervention, which almost inevitably would defeat the prime purpose of this legislation to help keep us out of foreign wars. Such proposals amount to sanctions. Sanctions have been tried and have failed.

We are not going to have freedom from war unless we are willing to give up the trade profits that drag us into war. Is it not better to give up millions in war profits, if that be necessary, without the surrender of a single life, rather than go into a war that will cost billions in money, the deaths of untold numbers of fine American youth, and that may mean the ultimate destruction of our free Government?

Any bill that would take the war power out of the hands of Congress and place it in the hands of the President, who already has too much power in respect to making war, is an unwise bill. The power to fix the guilt of a foreign nation is too dangerous a power to exercise, unless we are ready to follow it up immediately with our battleships. A vast trade in war supplies built up with a belligerent would be a tremendous force to upset the neutrality of the United States. It stands to reason that the beneficiaries of such trade would expect our Government to protect their profitable business, and all this would add to our difficulties in maintaining a status of neutrality and would certainly greatly increase the probability of America's becoming involved in war.

Let us turn for a moment to the crisis formulating in the Far East, due to further Japanese aggression. I wish to call the attention of Congress to the part that American trade with Japan plays in the whole Sino-Japanese drama. In 1938, the United States exported to Japan \$10,142,000 worth of automobiles and trucks, most of which were used in the undeclared war on China. In the same year we supplied Japan with \$52,850,000 worth of cotton, much of which presumably was transformed into explosives. We also sold to Japan in 1938, \$5,728,000 worth of chemicals, \$27,000,000 worth of American oil and gasoline, \$22,000,000 worth of iron and steel, including scrap material, which Japan made into bombs and shells, guns, and other implements of war.

The Washington Post, in a pertinent editorial in their issue of June 23, has this to say with reference to the Japanese proposition:

It should be fairly obvious that the United States, by adhering to a dispassionate noninterventionist policy in the Far East conflict, has found itself, nevertheless, in the unenviable role of silent partner to the Japanese invaders. American manufactured and raw materials have undeniably enabled Japan to prolong and intensify her subjugation of China. And as her campaign has progressed, Japan's arrogant defiance of international treaties and her disregard of the rights of other interests in war-torn China have reached unprecedented heights. While accepting all she can get in the way of war supplies from other powers, Japan has attempted by high-handed tactics, which in any previous era would have called for prompt and drastic reprisals, to cut off all foreign trade with her luckless victim.

At the outbreak of the Russo-Japanese War, Theodore Roosevelt said:

All officials of the Government—civil, military, and naval—are instructed to abstain from either action or speech which can cause irritation to either combatant. It is always unfortunate to bring Old-World antipathies and jealousies into our life, or by speech or conduct to excite anger or resentment toward our Nation in friendly, foreign lands; but, in a Government employee, whose official position makes him, in a sense, the representative of the people, the mischief of such actions is greatly increased.

The President, being the representative of the people, especially in foreign eyes, might well take note of these words uttered by his illustrious namesake.

Our greatest guaranty of peace is to mind our own business, keep out of the quarrels of European or Asiatic na-

tions, and to maintain such a navy, air force, and army as will insure this hemisphere against aggression. If the United States adheres closely to Washington's caution of avoiding entangling European alliances, and also adheres to the old, historic Monroe Doctrine, her position in the New World will be greatly safeguarded.

In the views of the minority, set forth in the report of the Neutrality Act of 1939, it is stated:

No neutrality law at all would be better than this resolution, which, in the name of neutrality and under the guise of preventing provocative acts of American citizens, gives the President additional powers to be unneutral.

Under this resolution as it comes from committee, the President, after making a "neutrality" proclamation, can authorize the sale of arms on "ordinary commercial" credit to one side and deny such sales to the other side; he can permit our vessels to enter the ports of one belligerent loaded with needed supplies, while barring our vessels from the ports of another belligerent; he can prevent a foreign vessel carrying arms from leaving our ports by requiring a prohibitive bond whenever he suspects that the shipment will be transferred to a tender belonging to a belligerent but "the evidence is not deemed sufficient to justify forbidding the departure of the vessel," while permitting exactly the same sort of a shipment to proceed to another belligerent.

No President ever had such power before. The President has no such power under our Constitution or under international law. Congress alone can give him this power. To urge that the President would not misuse this power is not to state a reason for granting it.

The views of the minority further states:

In spite of the mandatory requirements of existing law, the President has failed to "find" the existence of the gigantic war in China. We, therefore, believe that any neutrality law should provide for the finding of a state of war between foreign states by the Congress, as well as by the President.

Further:

We all want to keep out of war. We cannot do this by passing laws. Congress alone has power to declare war, but modern wars are no longer declared. The execution of our foreign policy, the conduct of our foreign affairs, is the responsibility of the President under our Constitution.

With all of his great power, however, the President has no power to keep our citizens from doing many things which experience teaches us may be provocative of war. Congress alone has this power.

The overwhelming majority of the people of this country wants us to keep America out of war. The overwhelming majority of the Congress wants to keep America out of any foreign war. Therefore, thoughtful care should be given to any neutrality bill before it becomes the law of the Nation.

I shall vote against House Joint Resolution 306 unless the delegation of power therein conveyed to the President be modified and the bill otherwise perfected. [Applause.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. Morr].

Mr. MOTT. Mr. Chairman, it should be apparent to everyone by this time that whatever else this bill may be and whatever may be its merits or its faults, there is at least one thing which it is not. It is not a neutrality bill. It was a mistake to call it that in the first place and we ought to be candid enough to cease referring to it as a neutrality bill during the remainder of this debate.

Everyone who is familiar with the President's foreign policy, insofar as it undertakes to lay down a course of conduct for the United States in its relations with belligerent foreign powers, knows that the purpose of this bill is to give the President the authority to put that policy into effect, without the necessity of further consulting the Congress in the future regarding the things he has repeatedly declared he intends to do in the carrying out of that policy.

Let us as intelligent, responsible legislators not futilely try to deceive ourselves in this regard. Let us not be so naive as to pretend that the object of this bill has anything to do with neutrality. Let us take it and consider it and debate it and vote upon it for exactly what it is—a bill demanded by the President and prepared under the order of the President to put a new and novel foreign policy invented by the President into actual and immediate operation. Read the bill section by section and line by line and you can find in it no other purpose and no other object.

Now many persons honestly agree with the President's declared policy as to what our relations with belligerent nations ought to be. Others just as honestly oppose it. But no one can honestly say that he does not know what that policy is and no informed person can seriously contend that neutrality has any place whatever in that policy. The very basis of his policy is one of unneutrality, and at no time has he overlooked the opportunity in his numerous statements upon the subject very frankly to make that fact perfectly clear to everyone.

Compare the President's famous Chicago speech a year ago with his recent message to the Congress in which he formally advised us of his intention to send in this bill. Compare these two declarations of the President, so widely separated in point of time, with every other declaration he has made and every action he has taken upon this particular subject in the meantime, and you will find no difference in any of them.

In his Chicago speech the President made the first official announcement of his policy, which shocked the country from one end to the other and which brought forth an almost unanimous adverse reaction from the people. It was in that speech that he proposed to quarantine the aggressor nations through a program of parallel action between the United States and the democracies of Europe. It was not that the people did not despise these dictators as much as the President did, for there is no true American whose soul is not filled with revulsion against their actions and their whole theory of government. But the people realized that however reprehensible the dictators may be the quarrels between them and the democratic states of Europe were not our quarrels, that whatever our individual feelings might be, as a nation we should and must mind our own business. And they realized further that to translate the President's proposal into an active national policy would be tantamount to an act of war. The people did not intend and they do not now intend to become a party to the eternal quarrels and wars of any of the European nations whether they be dictatorships or democracies.

Now, Mr. Chairman, we all know, and I assure you I am not talking politics or even criticizing the President when I say this—we all know that opposition never yet has caused the President to change his mind or his course of action once he has determined upon that course. And so, from the date of the Chicago speech right down to this minute the President has never ceased to insist that the welfare of this Nation demands that we take sides, definite sides, with one group of countries as against the other; that we inaugurate this policy and announce it to the world not merely after hostilities in Europe begin but before they begin; and he has declared repeatedly that he needed and wanted sufficient and ample authority by law to do this.

In his recent message to the Congress, which was the forerunner of this bill and in which he demanded this legislation, he again declared his intention of bringing the dictators to bay through parallel action with the European governments aligned against the dictators. He said, of course, that he did not propose to lead this Nation into war, but that he intended to accomplish his purpose "by methods less than war but more effective than words." The authority by which he then proposed to do this is the bill, House Joint Resolution 306, which we are now debating, under the wholly misleading title of a neutrality bill.

Mr. Chairman, I oppose this bill because my study not only of the bill itself but of its background and of the mistakable reason for its introduction has convinced me in my own mind that the President's declared policy is wrong, and that it is an unprecedented departure from all of the historic traditions and policies which have made for the peace and independence of this land. Certainly I do not believe that the President wants to lead us into a war. Nobody believes that. On the contrary, I have always been of the opinion that the President sincerely believes that the adoption and announcement of a definitely unneutral foreign policy in advance of war will



enable us to avoid war by cooperating with the democratic governments to stop their neighboring dictators now. As I say, I believe the President is sincere in thinking this, but I am just as sincerely convinced that he is wrong.

I oppose this bill because, in my humble judgment, it is inherently calculated, rather, to lead us into war than to keep us out of it. I believe that through the exercise of the powers the President says he wants to exercise in this regard, and which this bill gives him blanket authority to exercise, the commission of an act of war by this Government in event of general European hostilities, in spite of all our efforts to avoid it, is well-nigh inevitable.

The fact that it is proposed here to furnish the implements of war to any belligerent nation which may be able to come to our shores and get them, coupled with the deliberately considered and admitted fact that only one group of nations would possibly be in position to do that, namely, that group with which the President has declared he intends to cooperate by every method short of war, is a fact which should give cause to every Member in his consideration of this bill. And it is a fact which should forever dispel from his mind any illusion he may heretofore have had that neutrality is the purpose of the bill. It is a fact which should cause him soberly to inquire of his own reason and his own judgment whether the policy to be established by this bill will not point the United States definitely on the road to war—a road which nobody wants to take, and a road which at the present time there is no utter excuse or reason for taking.

Time, I regret, will permit me to say nothing about the other provisions of the bill, except that they are without precedent in the whole legislative history of our country. Under these provisions the President is given the power virtually to order the lives and the conduct of our people in whatever manner he may choose; not merely in event of a war to which this Nation is a party, but in any war between any belligerent states. It is a power and a discretionary authority that has never been given to any President and which no other President has ever asked for.

Mr. Chairman, there may come a time when this Nation in defense of its own rights will go to war. And when that time comes we will go not only willingly but enthusiastically. But we will go to defend our own democracy and not for the futile purpose of again trying to make the world safe for democracy.

In the meantime, Mr. Chairman, this Nation is at peace. In spite of all the propaganda and the hysteria to the contrary, there is no reason why we cannot and should not remain at peace, at least so long as our rights as American citizens are not interfered with or threatened, if only we will continue to look to our own defense instead of to the defense of those European nations who are perfectly able to take care of themselves, and who will take care of themselves if once we let them understand that their quarrels are not ours and that we do not intend to become a party to them.

It is my conviction that the vote on this bill will decide whether from now on, as a nation, we are going to mind our own business and whether we shall continue to follow the admonitions of Washington and of Jefferson to keep free from all entangling European alliances, whether they be with democracies or dictators. If the people of this country, having full understanding of the question here involved, could speak with authority for themselves today, I think I know what their verdict would be. As one of those who represents them in this body, and who is responsible to them, and to them alone, I intend to vote to sustain that verdict. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GERLACH] such time as he may desire.

Mr. GERLACH. Mr. Chairman, members of the Committee, ladies, and gentlemen, I oppose the passage of this bill because it is contrary to the American way of doing things.

The Constitution itself grants the power to declare war to Congress, and I believe that authority should be jealously retained by Congress; also, the power to name aggressors or

to outline "unsafe zones" too dangerous for American travelers, American ships, or American exporters amounts; in fact, to the power to make war.

As Walter Lippmann says:

It is not to be denied that the power to name an aggressor and to seek to injure him is war, though it has been described as "something short of war."

I think the bill confers too much war-making power on the Chief Executive. Here in this great democracy of America we know that war power is always safer in the hands of the people. We want to keep it as near there as possible; at least, we should keep this responsibility with the peoples' chosen representatives in Congress, where it was vested by the framers of our Constitution.

God forbid that we who, under our tradition of government, rule supreme and make of this a government of the people, by the people, and for the people, should ever relinquish that right and give to one sole, single individual this greatest power of all.

Let me remind you that many historians claim that some of our Presidents have deliberately manufactured war. Let us safeguard our Nation so that hereafter no one could do that if he would.

As Senator BORAH said when he questioned the wisdom of permitting the sale of arms to nations at war, "it would make an arsenal out of the United States."

For the life of me, I cannot see where it would serve the cause of peace or humanity in any way. I feel sure that only harm, great harm, would come from it.

Under the sale of arms proposal in this bill, we would have to stand prepared to supply guns and ammunition and airplanes to any nation engaged in conflict, subject, to the proviso, that the arms customer must come to our shores in his own ships to get them. In practice this would mean that we would become the armory for the belligerent who had control of the seas. The question is, Can we occupy such a status and fail to become involved in the conflict ourselves? I fear not. In other words, is this state of affairs neutrality? I answer emphatically no. It is the very opposite of neutrality.

On the other hand, our present act, without these new and untried measures proposed in this bill, may act as a guaranty to keep us out of a European conflict, if we will. America needs only to invoke the present act to halt shipments of arms and implements of war, loans and credits to belligerents and to remain definitely neutral, if we will.

The people of this country are overwhelmingly determined to stay out of war, and I think it can be done if we only maintain the will to do it and safeguard the maintenance of the vital interests of a free, independent United States through traditional American methods.

We all want world peace, of course, if we can get it; but we must not overlook the fact that it is our responsibility—our solemn duty, if you please—to promote North American peace. We must think of those who will carry the guns and pay the bills if war comes. That is why I am so irrevocably opposed to the passage of this bill. That is why I trust that the Members here will not be influenced by the emotions, the sympathies and the fears of a world crisis and commit a great wrong by the passage of this act.

After all, neutrality legislation is nothing new. The first act in America was introduced by George Washington in 1794, and the principles of that neutrality were so well founded that they have been adopted as a standard of conduct by the majority of nations, and are just as true today as the day they were first uttered.

This is no time for hysteria. It is no time to change the fundamental way of doing things. It is no time to broadcast to any nation in Europe that we are on its side. Our side is still these United States of America and safeguarding American blood and American treasures, even the priceless treasure of the American spirit, are our first responsibility.

It seems to me, ladies and gentlemen, that this bill is a concession to the gods of war and I, who worked in a munitions factory during the last war, know full well what vengeful

gods they are. Their creed is profits, blood money though it be, and they are dedicated to the destruction of human life. Surely it would be a backward step for this Nation to open avenues now closed by our present neutrality act for the sale of implements of death.

As proof that this bill is not a neutrality bill and that it definitely places us in the unneutral class let me quote. The Associated Press says that under this bill "if war should come to Europe, America's vast resources would concededly be available to Great Britain, France, and their allies."

If this bill were to pass, and in the event of war our war implements would be available to a nation, who could "cash and carry"? We all know what nation would qualify. Great Britain would have the money, or know where to get it, and in all probability she would have control of the sea. Therefore, under this misnamed, "misdubbed" Neutrality Act, America's resources would be available to Great Britain. Neutrality, indeed. What wrongs may be committed in your name.

In this connection it might be well to remind you of Sherwood Eddy's statement:

Preparedness prepares for war but does not prevent it.

It is that thought which makes me so anxious to see the defeat of this measure, for I sincerely believe that the passage of this bill, with the present situation as it is, will be a definite step away from real neutrality. It will be contrary to our American tradition and will serve as fuel to war rather than to deter it. I fear its passage will delay the time when the Golden Rule is the universal law and all nations live in peace with one another. [Applause]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GILLIE].

#### THE ROOSEVELT-BLOOM BILL

Mr. GILLIE. Mr. Chairman, after the confusion which has largely marked neutrality hearings before Senate and House committees, it strikes me that we are faced today with a peculiarly solemn responsibility to begin at the beginning of the whole problem, and to cut through a tangled underbrush of catch-phrases to find for the country a pathway to real and permanent peace. It seems obviously desirable that we take as our starting point the accepted definition of neutrality—if it is our sincere purpose to achieve neutrality.

Neutrality, properly understood, means impartiality, the refusal to take sides, the refusal to help either side to any foreign war. It could mean a willingness to help all sides alike; but geographical and other circumstances beyond our control make an equal extension of aid to all parties to any foreign war a practical impossibility. So, recognizing actualities, neutrality must mean for us a refusal to aid either side.

It is highly important, at the outset, to note that every alternative to such a refusal is sponsored by persons or elements who have made no secret of their partisan preference to one side of a possible war in Europe. Nor is this preference erased or concealed by any amount of fancy rhetoric.

Noting this as pertinent background to the immediate controversy, it is vital that we ask ourselves certain questions:

First, in the event of a war in Europe, do we actually want to enact legislation calculated to give expression to this obvious will of the people to remain neutral?

Second, if so, then how deep, sincere, and earnest is that desire?

Third, are we willing to limit our attitude to a meaningless gesture?

Fourth, or are we determined to make whatever sacrifices may be necessary to accomplish this natural desire for peace?

Bearing these questions in mind, let us address ourselves to the various courses open to us at this time. And let us consider, in the light of logic and the lessons of history, what are the probable consequences of each course.

Completely unacceptable to persons with a memory of what occurred from 1914 to 1917 is the proposal by certain legislators to repeal all neutrality legislation and to rely upon the body of international law which prescribes both the rights and responsibilities of neutrals.

When the World War broke out 25 years ago there was no neutrality legislation on our statute books. With complete freedom, there was a disgraceful unneutral management of our neutral obligations. Our foreign policy was made to follow the lines laid down by the British Foreign Office. Favoritism toward the Allies, plus a shocking amount of State Department muddling, produced tensions which led us straight into involvement as a belligerent. With an even more unneutral Executive to reckon with today, we dare not trust to international law alone.

Under consideration by the House today is the Roosevelt-Bloom bill. I will not call it a neutrality bill because it does not provide for neutrality. It is worse than no bill at all. Proponents of real neutrality should have nothing to do with it.

This bill, which the President has ordered us to pass, would open up unrestricted trade to all belligerents on a credit-and-carry basis—the title to the goods to pass to the purchaser before the goods shall leave an American port. What this bill would do, therefore, relative to war in Europe, would be to make the United States the effective ally and source of supply for Great Britain and France against those countries' enemies—because Great Britain and France have command of the seas and the ocean-carrying facilities with which to come to American shores and carry away American goods.

This is entirely consistent with the President's well-known favoritism for France and Britain. It is not, however, consistent with his equally well-known dislike for Japan; for it would favor Japan in the Pacific as much as it would favor Britain and France in the Atlantic—and this despite the fact that Japan leans toward the enemies of Britain and France. Thus would we be, to say the very least, working at cross purposes.

At its worst, however, the Roosevelt-Bloom bill would have, inevitably, the effect so well described by my distinguished colleague from Indiana, the Honorable Louis Ludlow, when he said:

A vast trade in war supplies built up with a belligerent would be a tremendous force to upset the neutrality of the United States. It would have the effect of a million hawsters, pulling America into the war on the side of the belligerent with whom our citizens would have these favorable trade relations. It is nothing more or less than human that the beneficiaries of such trade would bear down upon our Government to protect their enormously profitable business; and all of this would add to the complexities of maintaining a status of neutrality, and would certainly enhance the probability of America becoming involved in war.

There remains, then, just one general course of action practically capable of providing us with reasonable certainty of actual neutrality.

If we dare not trust to international law alone, if we cannot afford to take the risks of a cash-and-carry policy which would have the actual effect of one-sidedness, then we must seek neutrality in a negative direction. That is to say, we must simply refuse to give any support to either or any side of a foreign war. Only thus can we hope to remain truly neutral.

In the Senate legislation to this end has been sponsored by Senators NYE, BONE, and CLARK of Missouri. Friends of real peace have enthusiastically endorsed that legislation. But their equal endorsement has been consistently and intelligently accorded to similar legislation, commendably simplified, which was offered in the House at the beginning of this session by Representative LUDLOW.

The Ludlow bill, H. R. 163, was buried in committee. It provides that:

Upon the outbreak of war between two or more foreign nations the President shall issue a proclamation forbidding (1) exports of all kinds and (2) loans and credits to said belligerent countries or to the nationals of said belligerent countries.

Along with a preponderant majority of my constituents who by the thousands have made their wishes known to me, I share Mr. Ludlow's confidence that this bill would do more than any other neutrality bill that has been proposed in



either House to keep the United States free of foreign entanglements and free of any part in the mass murder that is war.

There are those who state that the United States cannot avoid being drawn into the next world war regardless of what type of neutrality legislation we adopt. But Dr. Charles A. Beard, eminent historian and political scientist, has lately declared:

In my opinion, the United States should and can stay out of the next war in Europe, and the wars that follow the next war. \* \* \* If it is the duty of the United States Government to promote, protect, and defend the security and welfare of the American people, then its foreign policy should be determined with reference to that objective. \* \* \* It should not dabble in quarrels and squabbles in Europe or Asia, about the origins of which it knows little or nothing. It should make known to the world, clearly and positively, that it does not propose to take part in any European or Asiatic war over any European or Asiatic interests.

If the President is indisposed to such a policy, then it becomes the solemn obligation of the people's Congress, by means of mandatory neutrality legislation, to require him to do so. Opponents of mandatory neutrality complain that it will "tie the President's hands." It will not tie them from the execution of peace. It will tie them from the execution of war. For such special safeguards, one would like to believe, the President would be grateful. But, grateful or not, those safeguards should, in the interests of this Nation and its people, be provided.

Advocates of strict, mandatory neutrality are by no means insensitive to the fact that democracy is in danger. We must, indeed, defend it. But it is principally endangered by war. As Americans it is our first responsibility to see to it that that threat is averted. For if it once disappears from America democracy will, in all probability, be banished from the earth.

For modern war does not thrive in a democratic atmosphere; that atmosphere must disappear as the first requisite of waging a modern war. Indeed, in this very House there are today a set of bills comprising the administration's so-called industrial mobilization plan, which are ready for adoption the instant this country shall be drawn into a state of war. And that industrial mobilization plan, theoretically implementing a war to make the world safe for democracy, would actually constitute an end of democracy and an enthronement of military fascism the like of which America has never known.

We cannot defend democracy by destroying it at home. We cannot end fascism by extending its scope to include the American Republic.

The price for peace to me seems reasonable. But at its highest, it is small indeed by comparison with the horrible price which war exacts. But the price for peace can be paid in only one currency—the currency of strict, honest, straightforward, sincere, mandatory neutrality. The Roosevelt-Bloom bill does not prescribe that brand of neutrality. The Roosevelt-Bloom bill, indeed, does not promise us any neutrality policy worthy of the name. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to use to the gentleman from North Carolina [Mr. BURGIN].

Mr. BURGIN. Mr. Chairman, I would like to invite your attention to the preamble in House Joint Resolution 306, and particularly to this expression:

That the policy of the United States is one of neutrality, in accord with the rules of international law, and that, in order to carry out this policy, we are willing to place certain restrictions on certain natural rights of our citizens.

The United States wants peace. There can be no doubt about that. I believe that feeling exists in the heart of all of our people, regardless of party, race, or creed. We want to keep war out of the United States, and we want war kept out of the world. I believe this will or desire for peace permeates the thinking of every man in public life, from President Roosevelt down to the least and last man. No one, I think, in this House will vote for any legislation except with this in mind. I believe the President's action in the past trying times has been a potent factor in discouraging the spread of the war spirit in other parts of the world.

Since we want to live in peace with our sister nations, we are willing to abridge some of our natural rights by

making it unlawful to do something that we have a natural right to do. In trying to carry out the desire of our citizens to keep out of war, we have enacted a law that we call the Neutrality Act. No other government in the world has so restricted the actions of its citizens in this particular as has our own Government. A prominent citizen, testifying before the Senate Foreign Affairs Committee, made the assertion in regard to neutrality that "there ain't no such animal." This I believe to be a true statement, even if the grammar is bad. We must be realistic, and face the fact that neutrality means being impartial. It is impossible for individuals to be impartial in regard to any contest, and particularly when it is between nations. Congress can enact a statute of impartiality, and that is what this bill is intended to do.

The act that we are considering today provides certain changes in the present neutrality law. These changes conform largely to the suggestions made by our able Secretary of State, Cordell Hull, on May 27. Secretary Hull has shown himself to be actuated by the highest principles and motives in the conduct of his office. The suggestions that he has made, which are embodied in H. J. Res. 306, have met with wide approval by the press of the United States, regardless of political affiliation.

I realize, as Secretary Hull did, that no law which we can write can be guaranteed to keep us out of war. All we can do is to see to it that our legislation, first, minimizes the chance that war will break out at all—the only really safe way of keeping out of war; and second, if it does break out, that it will not involve us.

The most important change suggested to the present neutrality law by House Joint Resolution 306 is the repeal of the arms embargo. The United States has had a long experience with embargoes, and a very unhappy one, though some of the honorable gentlemen seem not to have discovered that fact. On the one occasion when we tried it on a large scale—1807—it first nearly wrecked the country; later, reenacted in a different form, it brought us into direct conflict with both France and England, who were then engaged in the Napoleonic wars. It was tried again a third time, and the effect was that it led us directly into the War of 1812. When, as some people now urge, an arms embargo is proposed as a method of keeping the peace, I should like to point out that all the evidence of history suggests that it is not a panacea for keeping us out of war.

We have also heard a lot of talk about keeping the United States "truly neutral." This is a familiar argument for an arms embargo. Yet, actually, the effect of an arms embargo is the equivalent of presenting one or two nations with an Atlantic fleet and a free blockade.

A third point sometimes made is that in case we sell arms abroad, the United States will become an arsenal for warring powers. It is true there might be an increased manufacture of arms and ammunition, but that is not the kind of thing which would really be sought. What warring powers need today, even more than arms, are supplies of oil, of automobiles and motors, of machines, of machine tools, or chemicals and the like. Nobody here is offering to embargo those. In the last war we sold \$9 worth of supplies to belligerents for every \$1 worth of arms, and today we know that the proportion of arms would be far less, since the recognized armies of today want machinery even more than rifles.

In my opinion, Secretary Hull has worked out the best formula, and it is substantially this: Let our trade of all kinds be open to anyone. Keep American nationals, so far as possible, out of the line of fire, so that we are not involved. Arrange matters so that goods traveling to belligerents on the high seas shall be owned and paid for by foreigners, and what happens to them is their affair and not ours. In other words, mind our own business, and do not, by embargoes, use our laws to supplement and assist warlike powers in blockading their enemies. This more nearly approximates the settled international practice and settled international law. I submit, accordingly, that House Joint Resolution 306, as now before the House, should pass. [Applause.]

Mr. BLOOM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LEWIS of Colorado] having assumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the House Joint Resolution 306, Neutrality Act of 1939, had come to no resolution thereon.

#### STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5269) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," and agrees to the amendments of the House to the amendments of the Senate Nos. 33, 141, and 158 to said bill.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MAGNUSON, indefinitely, on account of illness.

#### EXTENSION OF REMARKS

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from Pat Shields, assistant financial secretary of the Montgomery County (Ohio) Fish and Game Protection Association.

The SPEAKER pro tempore (Mr. LEWIS of Colorado). Without objection, it is so ordered.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects: First, the State of Colorado, and the other the Taylor Grazing Act.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein certain figures that I have compiled on reciprocal trade agreements.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent in connection with the remarks I made this afternoon with regard to the neutrality bill, to incorporate certain extraneous information.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on a measure before the House today.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks on one subject in the RECORD, and I ask permission for another extension in which I may include two very brief resolutions by the California Legislature.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a statement on unemployment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an editorial from the New York Journal-American on Selling America Down the River.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### HOURLY OF MEETING

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5427. An act making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 6392. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Department of Commerce, for the fiscal year ending June 30, 1940, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1302. An act to continue in effect until June 30, 1942, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended; and

S. 1805. An act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens.

#### ADJOURNMENT

Mr. BLOOM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.), pursuant to the order heretofore made, the House adjourned until tomorrow, Thursday, June 29, 1939, at 11 o'clock a. m.

#### COMMITTEE HEARINGS

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m. Thursday, June 29, 1939, for the consideration of H. R. 6572, relating to marine war-risk insurance.

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m. Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Ship Owners' Liability (sick and injured seamen) Convention, 1936.

##### COMMITTEE ON THE JUDICIARY

On Friday, June 30, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Court; and for other purposes.

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. Thursday, June 29, 1939, for the consideration of H. R. 6830.

##### COMMITTEE ON IRRIGATION AND RECLAMATION

There will be an executive session of the Committee on Irrigation and Reclamation at 10:30 a. m. Thursday, June



29, 1939, for the further consideration of H. R. 6984. Committee meeting in room 128, House Office Building.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, June 30, 1939, for the public consideration of H. R. 5726, to amend the Interstate Commerce Act by providing that the shipper shall be liable for charges in certain cases.

#### COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads Friday, June 30, 1939, at 10 a. m., for the consideration of H. R. 2748, to provide power-boat service in Alaska.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

912. A letter from the Secretary of War, transmitting a compilation of all the laws of the United States relating to the improvement of rivers and harbors passed between March 4, 1913, until and including the third session of the Seventy-fifth Congress, January 3, 1939 (H. Doc. No. 379); to the Committee on Rivers and Harbors and ordered to be printed.

913. A letter from the Attorney General, transmitting the draft of a proposed bill to amend section 812 of the Code of Law of the District of Columbia, as amended, relating to kidnaping; to the Committee on the District of Columbia.

914. A letter from the Secretary of War, transmitting the draft of a proposed bill to amend section 45 of the United States Criminal Code; to the Committee on the Judiciary.

915. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 13, 1939, submitting a report, together with accompanying papers, on a preliminary examination and survey of Salmon River, Oreg., authorized by the Flood Control Act, approved June 22, 1936; to the Committee on Flood Control.

916. A letter from the Chairman of the Securities and Exchange Commission, transmitting a report on investment trusts in Great Britain which supplements the Commission's over-all report on its study of investment trusts and investment companies made pursuant to section 30 of the Public Utility Holding Company Act of 1935 (H. Doc. No. 380); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SIROVICH: Committee on Patents. H. R. 6874. A bill to repeal section 4896 of the Revised Statutes (U. S. C., title 35, sec. 8), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78); with amendment (Rept. No. 969). Referred to the Committee of the Whole House on the state of the Union.

Mr. SIROVICH: Committee on Patents. H. R. 6875. A bill to amend section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51); with amendment (Rept. No. 970). Referred to the House Calendar.

Mr. FADDIS: Committee on Military Affairs. H. R. 4783. A bill to provide a right-of-way; without amendment (Rept. No. 971). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. H. R. 4784. A bill to provide a right-of-way; without amendment (Rept. No. 972). Referred to the Committee of the Whole House on the state of the Union.

Mr. CLASON: Committee on Military Affairs. H. R. 6870. A bill to grant to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass.; without amendment (Rept. No. 973). Re-

ferred to the Committee of the Whole House on the state of the Union.

Mr. HARTER of Ohio: Committee on Military Affairs. H. R. 6925. A bill to waive the age limit for appointment as second lieutenant, Regular Army, of certain persons now on active duty with the Air Corps; without amendment (Rept. No. 974). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 6913. A bill to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes; without amendment (Rept. No. 975). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN: Committee on Interstate and Foreign Commerce. S. 955. An act creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.; with amendment (Rept. No. 976). Referred to the House Calendar.

Mr. MARTIN of Colorado: Committee on Interstate and Foreign Commerce. S. 1907. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Poplar, Mont.; without amendment (Rept. No. 977). Referred to the House Calendar.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. H. R. 5781. A bill to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.; with amendment (Rept. No. 978). Referred to the House Calendar.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. H. R. 5785. A bill granting the consent of Congress to the State of Mississippi to construct and operate a free highway bridge across Pearl River at or near Georgetown, Miss.; with amendment (Rept. No. 979). Referred to the House Calendar.

Mr. PATRICK: Committee on Interstate and Foreign Commerce. H. R. 5786. A bill granting the consent of Congress to the State of Mississippi, or Madison County, Miss., to construct, maintain, and operate a free highway bridge across Pearl River at or near Ratliffs Ferry in Madison County, Miss.; with amendment (Rept. No. 980). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 5963. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Walsh Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; with amendment (Rept. No. 981). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 5964. A bill to extend the time for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.; with amendment (Rept. No. 982). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 5984. A bill to authorize the construction and operation of certain bridges across the Monongahela River in the county of Allegheny, Pa.; with amendment (Rept. No. 983). Referred to the House Calendar.

Mr. YOUNGDAHL: Committee on Interstate and Foreign Commerce. H. R. 6049. A bill authorizing the village of Cassville, Wis., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cassville, Wis., and to a place at or near the village of Guttenberg, Iowa; with amendment (Rept. No. 984). Referred to the House Calendar.

Mr. BOREN: Committee on Interstate and Foreign Commerce. H. R. 6079. A bill granting the consent of Congress

to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark.; without amendment (Rept. No. 985). Referred to the House Calendar.

Mr. RYAN: Committee on Interstate and Foreign Commerce. H. R. 6111. A bill to extend the times for commencing and completing the construction of a bridge across the Red River at or near a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17; with amendment (Rept. No. 986). Referred to the House Calendar.

Mr. O'TOOLE: Committee on Interstate and Foreign Commerce. H. R. 6353. A bill granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Conn.; with amendment (Rept. No. 987). Referred to the House Calendar.

Mr. YOUNGDAHL: Committee on Interstate and Foreign Commerce. H. R. 6475. A bill to authorize the city of Duluth, in the State of Minnesota, to construct a toll bridge across the St. Louis River, between the States of Minnesota and Wisconsin, and for other purposes; with amendment (Rept. No. 988). Referred to the House Calendar.

Mr. RYAN: Committee on Interstate and Foreign Commerce. H. R. 6502. A bill granting the consent of Congress to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Little Falls, Minn.; without amendment (Rept. No. 989). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 6527. A bill granting the consent of Congress to the commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed, across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio; with amendment (Rept. No. 990). Referred to the House Calendar.

Mr. YOUNGDAHL: Committee on Interstate and Foreign Commerce. H. R. 6578. A bill granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River; without amendment (Rept. No. 991). Referred to the House Calendar.

Mr. RYAN: Committee on Interstate and Foreign Commerce. H. R. 6748. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.; without amendment (Rept. No. 992). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 7015. A bill to reenact section 259 of the Judicial Code, relating to the traveling and subsistence expenses of circuit and district judges; to the Committee on the Judiciary.

By Mr. CULLEN:

H. R. 7016. A bill to amend the revenue law; to the Committee on Ways and Means.

By Mr. ROBINSON of Utah:

H. R. 7017. A bill to authorize the participation of States in revenues from national parks, national monuments, and reservations under the jurisdiction of the National Park Service; to the Committee on the Public Lands.

By Mr. CELLER:

H. R. 7018. A bill to amend section 289 of the Criminal Code; to the Committee on the Judiciary.

H. R. 7019. A bill to amend section 1 of the act providing punishment for the killing or assaulting of Federal officers; to the Committee on the Judiciary.

H. R. 7020. A bill to amend section 2 of the act of March 4, 1931 (46 Stat. 1528) in regard to service of process on the United States in foreclosure actions; to the Committee on the Judiciary.

By Mr. DINGELL:

H. R. 7021. A bill to provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States at Warsaw, Poland; to the Committee on Foreign Affairs.

By Mr. SCHWERT:

H. J. Res. 340. Joint resolution providing that the farmers' market in blocks 354 and 355 in the District of Columbia shall not be used for other purposes; to the Committee on the District of Columbia.

By Mr. LARRABEE:

H. Res. 234. Resolution providing a method for acquiring data to determine the feasibility of using power in excess of 50 kilowatts in standard broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado:

H. Res. 235. Resolution to provide an additional allocation for carrying out the provisions of House Resolution No. 130; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Kentucky:

H. R. 7022. A bill granting a pension to Cora McGuire; to the Committee on Invalid Pensions.

By Mr. BUCKLEY of New York:

H. R. 7023. A bill to record the lawful admission to the United States for permanent residence of Solomon Kreitman; to the Committee on Immigration and Naturalization.

By Mr. MARTIN J. KENNEDY:

H. R. 7024. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Marcel T. Kahn; to the Committee on the District of Columbia.

By Mr. REECE of Tennessee:

H. R. 7025. A bill for the relief of Charles C. Williams; to the Committee on Military Affairs.

H. R. 7026. A bill for the relief of Alfred Arrowood; to the Committee on Military Affairs.

By Mr. SCHWERT:

H. R. 7027. A bill for the relief of Casimer Borowiak; to the Committee on Military Affairs.

By Miss SUMNER of Illinois:

H. R. 7028. A bill granting a pension to Tennessee R. Ashworth; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4075. By Mr. BARRY: Resolution of the board of estimate of the city of New York, regarding deletion from the relief bill of the allocation of \$125,000,000 to Public Works Administration; to the Committee on Appropriations.

4076. By Mr. ENGLEBRIGHT: Senate Joint Resolution No. 28, relative to Eel River flood control and channel rectification; to the Committee on Flood Control.

4077. Also, Senate Joint Resolution No. 14, relative to the Voorhis bill, and memorializing the President and Congress of the United States to take immediate steps for the passage of such bill; to the Committee on Appropriations.

4078. Also, Senate Joint Resolution No. 13, relative to the holding of an interstate conference on agricultural refugees, and memorializing the President and Congress of the United



States to sponsor such conference; to the Committee on Appropriations.

4079. Also, Senate Joint Resolution No. 29, relative to memorializing Congress regarding the national-park system in California; to the Committee on Appropriations.

4080. By Mr. FAY: Memorial of the Board of Estimate of the City of New York, memorializing the Congress of the United States to delete from the 1940 relief bill the provisions which would reduce the appropriation for public works to \$125,000,000 and which would cause other deprivations; to the Committee on Appropriations.

4081. By Mr. HALL: Petition of sundry citizens of Long Island, members of Local 43, U. F. W. of A., urging enactment of House bill 960, extending civil service and classification; to the Committee on the Civil Service.

4082. Also, petition of sundry citizens of Long Island, N. Y., urging enactment of House bill 5620, the so-called General Welfare Act; to the Committee on Ways and Means.

4083. By Mr. MARTIN J. KENNEDY: Petition of the Board of Estimate of the City of New York, urging Congress to delete from the 1940 relief bill the provisions which would reduce the appropriation for public works to \$125,000,000 and which would cause other deprivations; to the Committee on Appropriations.

4084. By Mr. MICHAEL J. KENNEDY: Petition of the American Manufacturing Co. of Brooklyn, N. Y., urging passage of Philippine legislation now before the House Committee on Insular Affairs, provided it contains a provision limiting all imports of Philippine-made cordage and twine to 6,000,000 pounds annually; also supporting the Welch amendment relative to allocation; to the Committee on Interstate and Foreign Commerce.

4085. Also, petition of the Asbestos Workers' Local No. 12, favoring the relief bill and also the Starnes bill, providing for the increase of funds for Public Works Administration; to the Committee on Appropriations.

4086. Also, petition of Justus D. Doenecke & Son, Inc., Brooklyn, N. Y., opposing the Bloom neutrality bill; to the Committee on Foreign Affairs.

4087. Also, petition of the National Grange, expressing opposition to Senate bill 2009, pertaining to the regulation of transportation by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

4088. Also, petition of Iowa Bankers' Association, protesting against the inclusion of bankers under the terms of the Wage and Hour Act; to the Committee on Labor.

4089. Also, petition of the New York Board of Trade, favoring enactment of Senate bill 1871, known as the Hatch bill, to prevent pernicious political activities; to the Committee on the Judiciary.

4090. Also, petition of the Dairymen's League Cooperative Association, Inc., pertaining to public hearings for producers and others affected by House bill 6316, known as Schulte milk bill; to the Committee on the District of Columbia.

4091. Also, petition of the Social Service Employees' Union, U. O. P. W. A., of New York City, urging enactment of the Wagner-Rogers bill; to the Committee on Labor.

4092. Also, petition of the Paul Revere Sentinels of New York City, opposing enactment of the Bloom neutrality bill; to the Committee on Foreign Affairs.

4093. By Mr. KEOGH: Petition of the New York Board of Trade, Inc., New York City, favoring the passage of the Hatch bill (S. 1871); to the Committee on the Judiciary.

4094. Also, petition of the Chamber of Commerce of the State of New York, concerning the enactment of the Hatch bill; to the Committee on the Judiciary.

4095. Also, petition of the American Manufacturing Co., Brooklyn, N. Y., favoring the passage of the Philippine legislation limiting all imports of Philippine-made cordage and twine to 6,000,000 pounds annually; to the Committee on Insular Affairs.

4096. By Mr. MERRITT: Resolution of the Board of Estimate of the City of New York, respectfully memorializing the Congress of the United States to delete from the 1940 relief bill the objectionable provisions as proposed by the

Appropriations Subcommittee headed by Representative WOODRUM of Virginia; to the Committee on Appropriations.

4097. By Mr. WELCH: Joint Resolution No. 29, of the California Senate, relative to memorializing Congress regarding the national-park system in California; to the Committee on the Public Lands.

4098. Also, Joint Resolution No. 28, of the California Senate, relative to Eel River flood control and channel rectification; to the Committee on Flood Control.

4099. By Mr. VOORHIS of California: Petition of Mr. S. Howard Leech, of Baldwin Park, Calif., and 147 others, comprising various lines of business, trades, and professions, stating that every qualified American citizen 60 years of age and over should receive as a matter of right and not of charity a monthly pension, annuity, or dividend, of a sufficient amount to enable that citizen to have sufficient buying power to purchase good food, good clothing, have a comfortable home, and to enjoy the common necessities and comforts of life; and requesting that House bill 5620, which is known as the General Welfare Act, be reported out to the floor of the House for a full and free discussion; to the Committee on Ways and Means.

4100. By the SPEAKER: Petition of Paul K. Blakkan, of San Francisco, Calif., and others, petitioning consideration of their resolution with reference to House bill 6470, Works Progress Administration appropriation; to the Committee on Appropriations.

4101. Also, petition of the city of Cleveland, Ohio, petitioning consideration of their resolution with reference to Works Progress Administration legislation; to the Committee on Appropriations.

## SENATE

THURSDAY, JUNE 29, 1939

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who hast appointed our times and the bounds of our habitation, who openest for us doors which no man can shut, and who searchest out all the hidden things of men: Help us in these moments of dedication, as we cast ourselves on Thee, to realize the greatness which is ours as children of the highest.

Give us ever true discernment for the hour, that we may seek freely the day's truth and compass heartily the day's duty. In the examination of great questions, keep us serene and calm, and make us ever mindful of the fact that kindness is strength and candor is the courage of the soul. Make us able to go whither our sense of right would lead us; and grant that in the stormy days of manhood's striving, as in the shadowed peace of sunset's glow, we may cherish in our souls visions of the things that shall be hereafter, when all of life's tomorrows shall be sunlit with Thy love. We ask it in our Saviour's name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Wednesday, June 28, 1939, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.  
The VICE PRESIDENT. The clerk will call the roll.  
The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Frazier	Hayden
Andrews	Byrd	George	Herring
Ashurst	Byrnes	Gerry	Hill
Austin	Capper	Gibson	Holman
Bailey	Clark, Idaho	Gillette	Holt
Bankhead	Clark, Mo.	Glass	Hughes
Barbour	Connally	Green	Johnson, Calif.
Barkley	Danaher	Guffey	Johnson, Colo.
Bilbo	Davis	Gurney	King
Bone	Donahey	Hale	La Follette
Borah	Downey	Harrison	Lee
Bulow	Ellender	Hatch	Lodge

Logan	Norris	Schwellenbach	Tydings
Lucas	Nye	Shipstead	Vandenberg
McCarran	O'Mahoney	Slattery	Van Nuys
McKellar	Overton	Smathers	Wagner
Maloney	Pepper	Stewart	Walsh
Mead	Pittman	Taft	Wheeler
Miller	Radcliffe	Thomas, Okla.	White
Minton	Reed	Tobey	Wiley
Murray	Reynolds	Townsend	
Neely	Russell	Truman	

Mr. MINTON. I announce that the Senator from Wyoming [Mr. SCHWARTZ] is detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Minnesota [Mr. LUNDEEN] are necessarily detained.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY] is absent because of illness.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

#### VISIT OF CROWN PRINCE AND CROWN PRINCESS OF NORWAY

Mr. BARKLEY. Mr. President, although Norway is a kingdom it has a constitution not altogether dissimilar to our own, in which the Government of that country is divided into three branches. We are honored today by a visit of the Crown Prince and Crown Princess of Norway, who are seated in the diplomatic gallery of this Chamber. We welcome them to our country; we welcome them to the Senate of the United States. We hope that they will enjoy their visit amongst us and that it may be instrumental in further cementing what has always been a profound friendship between Norway and the United States of America.

I suggest that the Members of the Senate rise and greet the Crown Prince and the Crown Princess of Norway.

The Senate, rising and applauding, greeted the Crown Prince and Crown Princess of Norway.

#### APPROPRIATIONS FOR FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS AND DEPARTMENT OF THE INTERIOR (S. DOC. NO. 90)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting draft of a proposed provision pertaining to existing appropriations for the Federal Emergency Administration of Public Works and the Department of the Interior for the fiscal year 1940, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

#### REPORT ON INVESTMENT TRUSTS IN GREAT BRITAIN

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a supplement to the Commission's report on its study of investment trusts and investment companies entitled "Investment Trusts in Great Britain," which, with the accompanying report, was referred to the Committee on Interstate Commerce.

#### DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of State, the Treasury (3), Justice, Post Office, the Navy, the Interior, Agriculture, Commerce, Labor, the Veterans' Administration, and the Farm Credit Administration, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a petition of sundry citizens of the State of Kansas praying for the adoption of a policy by the United States of nonparticipation in foreign aggression, and also that the shipment of munitions and supplies to Japan for use in military operations in China be stopped, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a petition of sundry citizens of New York City, N. Y., praying for the enactment of the so-called Wagner-Van Nuys-Capper antilynching bill, and also praying for a prompt investigation of recent lynchings by the Federal Bureau of Investigation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a petition from the executive board of the Women's Sewing Project Local, Workers Alliance, of San Francisco, Calif., praying for the enactment of the bill (S. 2507) to provide a program for the relief of unemployment by affording opportunities for employment upon a public-works program to persons unable to secure private employment, which was referred to the Special Committee to Investigate Unemployment and Relief.

He also laid before the Senate a resolution adopted by the Council of the City of Garfield Heights, Cuyahoga County, Ohio, favoring continuance of the Federal music project under the W. P. A., which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the mayor and council of the city of Lowell, Mass., favoring the enactment of the bill (S. 591) to amend the United States Housing Act of 1937, and for other purposes, which was ordered to lie on the table.

He also laid before the Senate the petition of John Henry Smith, of Longview, Tex., praying for the enactment of legislation to enable unemployed persons to borrow sufficient money to purchase 40 acres of farm land and the necessary equipment therefor, together with residence, barn, fences, and so forth, which was ordered to lie on the table.

He also laid before the Senate the petition of members of the Union of W. P. A. Employees (affiliated with the American Federation of Labor), Washington, D. C., praying for the setting aside of a stipulated sum from the W. P. A. appropriation for 1940 to assist in reopening legitimate stage theaters in the United States where local unions of the above-named organization may function, which was ordered to lie on the table.

Mr. WALSH presented a memorial of sundry citizens of the State of Massachusetts remonstrating against the enactment of the so-called Bloom neutrality measure, which was referred to the Committee on Foreign Relations.

#### THE MONETARY SITUATION

Mr. BORAH. Mr. President, I have a telegram and statement which I think are in the nature of petitions. I ask to have them printed in the RECORD and referred to the appropriate committee.

There being no objection, the telegram and statement were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y.

HON. WILLIAM E. BORAH,

Senate Office Building, Washington, D. C.:

Fred H. Sexauer, contact man for the national farm organizations, as a member of the Committee for the Nation, today released a statement bearing on monetary situation. It would be most helpful if you could introduce this statement into the RECORD. Copy will be delivered to you. At request of Fred H. Sexauer.

COMMITTEE FOR THE NATION.

Commenting on the action of the Senate in rescinding the President's power over the gold content of the dollar, Fred H. Sexauer, who since 1933 has acted as contact man for the national farm organizations on monetary policy, released the following statement, which had been sent to all Members of Congress on behalf of the Committee for the Nation, of which he is a member:



"This action by the Senate in itself does not materially change, so far as price level or business conditions are concerned, the situation that has existed since February 1934, when the dollar was made equivalent to one thirty-fifth of an ounce of gold. It can become an important step forward if Congress will now use the monetary powers which it has recovered to lift the depression, as many other nations have done.

"Farm organizations and the Committee for the Nation have consistently urged that Congress live up to its constitutional duty 'to coin money' and 'regulate the value thereof.'

"The most constructive step that could be taken to bring about a prompt recovery would be the enactment during the present session of Congress of the monetary authority bill drafted by the late Frank A. Vanderlip and introduced into the CONGRESSIONAL RECORD by Senator WILLIAM E. BORAH on June 20, 1936. This bill had the support of the major farm organizations and of the Committee for the Nation.

"The purpose of the bill was to bring money under the control of the Government and to leave credit under the control of bankers. The bill would set up an agency of Congress. A monetary authority as disinterested as the Supreme Court, to maintain a stable dollar with unvarying buying power in relation to a cross section of 30 to 40 of the most important basic commodities. Thus the dollar would be kept constant in relation to the necessities of life instead of a fixed weight of gold.

"There would be set up in America a free gold market, such as exists in England, making it possible for all to purchase and own gold. Simultaneously, silver would also be released in a free market which, with the 1926 price level restored, would mean a 60 cents to 70 cents open-market price for silver without Treasury subsidy. Thus American banks, corporations, and private citizens could own and store their wealth in the precious metals, the prices of which might fluctuate from day to day, as other commodities do, but the dollar's buying power over the average of all commodities would remain constant.

"When the history of the Roosevelt administration is written in its proper perspective, its most constructive and helpful act will be found to have been the restoration of prices in 1933 with the abandonment of the gold standard. This was the course urged by the Committee for the Nation and the national farm organizations. It was not devaluation but a revaluation to remove the swollen and harmful purchasing power that gold had acquired. While the price of gold was raised 69 percent (from \$20.67 to \$35 an ounce), farm and other basic commodity prices rose 67 percent, and the cost of living rose only 3 percent. Three and a half million men went to work in private enterprise in 4 months. Between March 1933 and February 1934 the value of stocks and bonds listed on the New York Stock Exchange increased approximately 50 percent, or more than \$20,000,000,000. Private enterprise was being revitalized and our democratic institutions safeguarded.

"The moving finger of history will also record that the greatest economic error of the Roosevelt administration was abandonment of this policy of restoration of prices by monetary action in favor of a fixed price of gold in January 1934. America, almost the last of the great nations to partially free itself from deflation by leaving the gold standard, was the first to return to it in January 1934.

"Since then, during the past 5½ years, we have had only normal fluctuations in business around a depression level. There was a minor upswing that followed a rise in world gold prices during 1936 and 1937. Then a new wave of world-wide hoarding brought about a rise in the value of gold and a collapse of commodity prices in the latter part of 1937 and 1938, pulling down farm income, general business, and employment.

"With continuing high value for gold resulting from unrest, war preparations, and hoarding, this depressed condition is likely to continue, possibly for long periods. It will be accompanied, if we adhere to the present price of gold, with low prices and distress for farm and other basic commodities, except silver, and by heavy unemployment and poor business conditions, this will lead to an extension of price fixing for agricultural products, continued efforts to regiment business, and more State intervention.

"Is it not time for the United States to heed the experience of the sterling nations? The principal producers among them have increased their prices of gold much more than the United States. Selling their commodities in world and domestic markets for the same reduced amount of gold as our farmers receive, they have an average price, in their own currencies, 30 percent higher than the 55,000,000 farmers and basic producers of the United States. These nations have high employment, profitable business, two to four times as much building activity, and generally balanced budgets. During the past 4 years, with six hundred millions of population, their cumulative budget deficit has been less than one-third billion dollars, while the United States, with one-quarter the population, has had a deficit nearly 40 times greater—more than \$12,000,000,000.

"Since 1929 our price level has been distorted. It has been like trying to play billiards on a stepladder. Those on the floor had to keep calling for subsidies to lift them up.

"It was not lack of productive power since 1929 that caused our distress. Our farms were able to produce food and fiber in abundance. Our factories were the best tooled, under the most efficient management, equipped with the best scientific processes the world has ever known. We had millions of the most skillful workers asking for nothing but a chance to produce and earn. What was at fault was our mechanism of distribution—our monetary system. Chaos was written on our price tags. A free enter-

prise system can function only when the price tags remain in balance under free competition between all groups. Then only can goods and services be exchanged in highest volume. The swollen value of the gold in our dollar still holds the dollar prices of basic products depressed and in unbalance. Only when Congress corrects this shall we have general prosperity. Only then can the whole Nation swap goods and services on a level plane as formerly."

COMMITTEE FOR THE NATION.

#### REPORTS OF COMMITTEES

Mr. BYRNES, from the Committee on Banking and Currency, to which was referred the bill (S. 2697) to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad, reported it with amendments.

Mr. GEORGE, from the Committee on Finance, to which was referred the bill (H. R. 2296) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes, reported it with amendments and submitted a report (No. 699) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5452) to provide certain benefits for World War veterans and their dependents, and for other purposes, reported it with an amendment and submitted a report (No. 700) thereon.

Mr. GURNEY, from the Committee on Military Affairs, to which was referred the bill (S. 2465) to authorize the award of a decoration for distinguished service to George J. Frank, reported it with an amendment to the title and submitted a report (No. 701) thereon.

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 3364) to transfer the control and jurisdiction of the Park Field Military Reservation, Shelby County, Tenn., from the War Department to the Department of Agriculture, reported it without amendment and submitted a report (No. 702) thereon.

Mr. HOLMAN, from the Committee on Military Affairs, to which was referred the bill (H. R. 4617) for the relief of Capt. Robert E. Coughlin, reported it without amendment and submitted a report (No. 703) thereon.

Mr. MALONEY, from the Committee on Banking and Currency, to which was referred the bill (S. 101) to regulate the issuance of commemorative coins, reported it with amendments.

#### ENROLLED BILLS PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on today, June 29, 1939, that committee presented to the President of the United States the following enrolled bills:

S. 1302. An act to continue in effect until June 30, 1942, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended; and

S. 1805. An act to establish a lien for moneys due hospitals for services rendered in cases caused by negligence or fault of others and providing for the recording and enforcing of such liens.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VANDENBERG:

S. 2722. A bill for the relief of Charles Hammond; to the Committee on Military Affairs.

(Mr. LEE introduced Senate bill 2723, which was referred to the Committee on Naval Affairs, and appears under a separate heading.)

By Mr. BONE:

S. 2724. A bill relating to the practice, pleadings, forms, and modes of proceedings and proof in certain causes now or hereafter pending in the district courts of the United States; to the Committee on the Judiciary.

By Mr. SCHWELLENBACH:

S. 2725. A bill for the relief of Richard Rosen, a minor; to the Committee on Claims.

By Mr. MEAD:

S. 2726. A bill for the relief of Annie Reiley; to the Committee on Immigration.

S. 2727. A bill granting a pension to Charles F. Walker; and S. 2728. A bill granting a pension to Nellie M. Benjamin; to the Committee on Pensions.

(Mr. ANDREWS introduced Senate Joint Resolution 163, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. GIBSON:

S. J. Res. 164. Joint resolution providing for the utilization of unfilled immigration quotas in order to colonize Alaska for purposes of national defense and as a market for surplus production; to the Committee on Immigration.

#### MORAL REARMAMENT

Mr. ANDREWS. I introduce a joint resolution for appropriate reference, and request that it may be read.

There being no objection, the joint resolution (S. J. Res. 163) favoring moral rearmament was read the first time by its title, the second time at length, and referred to the Committee on Education and Labor, as follows:

Whereas in 1782 the United States in Congress assembled approved the printing of the Holy Bible and recommended it to the inhabitants of the United States; and

Whereas it is apparent that a revitalization of the moral and spiritual life of this Nation and of the world is greatly to be desired: Therefore be it

Resolved, etc., That this Congress reaffirm the original resolution adopted in 1782 and once more commend to the people of the United States the principles and precepts contained in the Holy Scriptures as America's greatest textbook on right living.

#### THE LATE ENSIGN JOSEPH HESTER PATTERSON, UNITED STATES NAVY

Mr. LEE. Mr. President, on the 23d of last May one officer and 25 men died in the *Squalus*, a submarine of the United States Navy.

I introduce a bill (S. 2723) to provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy. The bill is as follows:

Be it enacted, etc., That the President is hereby authorized to issue posthumously to the late Ensign Joseph Hester Patterson, United States Navy, a commission as a lieutenant (junior grade) of the Navy with date of rank as of June 4, 1939.

Mr. President, I have here a letter from the father of Pat, as he was called in the Navy, or Hester, as he was called at home. His home was in Oklahoma City. The letter is from Joe H. Patterson, of Oklahoma City. I wish to read in part from this letter, omitting personal references which I deem it not proper to read:

MY DEAR SENATOR LEE: Ensign J. H. Patterson, who, together with 25 other men, went down on the submarine *Squalus* off the coast of New Hampshire, is our youngest son.

Senator LEE, he was to become a lieutenant in the United States Navy on, as he called it, his submarine, June 4. The last letter we received from him was to the effect that he had passed the examination for the promotion to lieutenant, and his lieutenant uniforms had been received; and he was so happy over becoming a lieutenant that he wanted mother and I to come up on June 4 to be present and go over his ship.

Mr. President, I should like to tell the Senate a few things about this young man.

Hester, as he was known at home, never failed in any task he undertook. He graduated at Classen High School in 1930 with the highest honors. The year he spent in Oklahoma City University he was credited with high honors. He graduated from the Naval Academy at Annapolis in 1936. He was the only Naval Academy graduate representing the United States Naval Academy in the Olympic Games. His Naval Academy record will show that he has to his credit more honors and records than any other midshipman graduated.

He was a Christian boy. He was a member of the First Baptist Church of Oklahoma City, and until he entered Annapolis he was a member of the choir of that church.

He was to have become a lieutenant, junior grade, on June 4 last. He was within 11 days of his cherished goal. He was appointed from Oklahoma to the Naval Academy. He was ambitious to be an officer on one of Uncle Sam's ships to serve Uncle Sam on the high seas. No doubt he dreamed of the day when he would receive his promotion as lieutenant. He graduated with honors, and then he was assigned to duty. He was the only officer on the submarine who perished in the disaster of May 23. This bill will make it possible for him to be buried as a lieutenant. He will be buried in Arlington Cemetery. I am sure it will be a consolation to his parents to have him buried as a lieutenant.

What is patriotism? Patriotism is an intangible, invisible something that makes every whisker in your chin and every hair on your head stiffen like wire when you hear the thrilling strains of the Star-Spangled Banner. Patriotism is an intangible, spiritual something that makes the blood drops in the ends of your fingers tingle when you hear the thrilling story of the young Capt. Nathan Hale, and visualize him standing on the scaffold with his hands bound behind him, when you hear the British officer address him, "Have you anything to say before you die?" and then, in your imagination, you see him straighten to his full height, every inch a soldier, and utter those words that will live as long as we live, when he said:

Sir, all that I regret is that I have but one life to give for my country.

Ensign Patterson and the other 25 men who perished on the *Squalus* had only one life each to give for their country, but they have given that life; and we today are more secure because of that sacrifice. Because of that tragedy the United States Navy will make us more secure by improving the mechanical equipment, by improving and perfecting the methods of rescue from submarines.

Therefore I introduce this bill to pay tribute to Ensign Patterson by giving him a posthumous promotion to the grade of lieutenant in order that he may be buried as Lieutenant Patterson.

The bill (S. 2723) to provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy, was read twice by its title and referred to the Committee on Naval Affairs.

#### WASHINGTON HALL—MESSMORE KENDALL

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Wisconsin Society, Sons of the American Revolution. This resolution is an expression of appreciation by the society to Messmore Kendall, a native of the State of Michigan, and now a resident of New York.

This distinguished citizen has constructed at the New York World's Fair the colonial building known as Washington Hall. It is maintained by him. The very purpose of that building or institution is to keep alive the thing of which the distinguished Senator from Oklahoma [Mr. LEE] has just spoken—patriotism of the mind and soul and heart.

I ask that the resolution be printed in connection with my remarks and appropriately referred.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The resolution presented by Mr. WILEY was referred to the Committee on the Library, as follows:

Whereas there has been erected at the New York World's Fair a colonial building known as Washington Hall, donated and maintained by Mr. Messmore Kendall, of New York City, president general of the National Society, Sons of the American Revolution, for the use of this society and all patriotic organizations, to serve as an example to the world as the heritage that was handed down by America's founders—the traditions and principles of liberty promulgated 150 years ago still maintained with no serious thought of change—and to house a collection of relics and a display of battle flags of the American Revolution and colonial campaigns; and

Whereas Washington Hall was recently accepted by Mr. Voorhees, vice president of the fair, on behalf of the fair corporation, and confidence expressed that Washington Hall would become one of the major exhibits of the fair; and

Whereas the eyes of the world are on the world's fair today, we, as a nation, should exhibit to the world the proud fact that a



government, founded on the priceless liberties granted by our Constitution, which came into being at the time of Washington's inauguration 150 years ago, is still lasting and an example to all other nations; and

Whereas, in addition to this gift of Washington Hall, Mr. Kendall, as chairman of a committee appointed by Mr. Grover Whalen, of the New York World's Fair, recently arranged for and promoted the reenactment of the journey of George Washington and his escort from Mt. Vernon to New York for his inauguration; secured the personnel of the gentlemen taking the several parts; arranged for the use of the old colonial coach in which the journey was made; and arranged all details of this interesting historical ceremony, the entire performance of which commanded the far-reaching interest and comment of the country, the final reenactment of the inauguration ceremonies being the focal point of interest at the opening ceremonies of the fair; and

Whereas there exists in the world today a spirit of intolerance, both religious and civil, and dictators are crushing the liberties of the people and threatening the democracies of the world, this gift, Washington Hall, becomes an outstanding example that the spirit of liberty and tolerance inculcated into the Constitution by the founders of the Nation still lives and will be a meeting place to keep alive that spirit which is now severely threatened; and

Whereas the hall is more than a museum of most precious relics left to us by our history, it is a shrine for American patriots and a meeting place for all who wish to renew faith in the democratic principles handed down to us by George Washington: Therefore be it

*Resolved*, That the board of managers of the Wisconsin Society, Sons of the American Revolution, extend its grateful thanks to Mr. Messmore Kendall for his generous gift of money and for his leadership in keeping alive faith in America; and be it further

*Resolved*, That this resolution be incorporated in the official minutes of this meeting and a copy, dated June 27, 1939, be forwarded to the Honorable ALEXANDER WILEY, United States Senator from Wisconsin, so that an official record may be made of the acts of this outstanding citizen.

#### CHANGE OF REFERENCE

Mr. MINTON. Mr. President, Senate bill 2674, granting a pension to Charles Lycans, was referred to the Committee on Pensions. The author of the bill, the Senator from West Virginia [Mr. NEELY], has requested, since the subject of the bill is a veteran of the World War, that the bill be referred to the Committee on Finance. I, therefore, ask unanimous consent that the Committee on Pensions be discharged from the further consideration of Senate bill 2674, and that it be referred to the Committee on Finance.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### AUTHORIZATION FOR RIVER AND HARBOR WORKS—AMENDMENTS

Mr. THOMAS of Oklahoma submitted four amendments intended to be proposed by him to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were ordered to lie on the table and to be printed.

#### AMENDMENT OF THE CONSTITUTION RELATIVE TO THE JUDICIARY—AMENDMENT

Mr. ANDREWS submitted an amendment in the nature of a substitute intended to be proposed by him to the joint resolution (S. J. Res. 14) proposing an amendment to section 1, article III, of the Constitution of the United States, relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

#### AMENDMENT TO TITLE OF HOUSE BILL 3325—STABILIZATION FUND, ETC.

Mr. TOWNSEND submitted a concurrent resolution (S. Con. Res. 27), which was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised are hereby authorized to amend the title of the bill to conform to the action which may be taken by such committee.

#### ADDRESS BY SENATOR MEAD AT AMERICAN LEGION STATE CONVENTION IN NORTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD the address delivered by Senator MEAD at Raleigh, N. C., on June 26, at the annual State convention of the American Legion, which appears in the Appendix.]

#### THE FARM, THE PRESS, AMERICA'S FUTURE—ADDRESS BY FRANK GANNETT

[Mr. NYE asked and obtained leave to have printed in the RECORD an address delivered by Mr. Frank Gannett on June 9, 1939, before the Kansas State Editorial Association in Coffeyville, Kans., which appears in the Appendix.]

#### THE DEMOCRATIC, ROOSEVELT, AND AMERICAN WAY—ADDRESS BY J. FRANCIS SMITH

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address entitled "The Democratic, Roosevelt, and American Way," delivered by Mr. J. Francis Smith, chairman of the Democratic State Central Committee of Connecticut, over station WTIC on June 23, 1939, which appears in the Appendix.]

#### ORIGIN OF THE NAME "AMERICA"

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Lt. Col. C. I. Kephart regarding the origin of the name "America," and also a poem by himself, which appear in the Appendix.]

#### THE AMERICAN FLAG—ARTICLE FROM NEWARK STAR-EAGLE

Mr. BARBOUR asked and obtained leave to have printed in the RECORD an article entitled "A Reminder to the Youth of America on Flag Day," published in the Newark Star-Eagle of Wednesday, June 14, 1939, which appears in the Appendix.]

#### STABILIZATION FUND AND WEIGHT OF THE DOLLAR

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a telegram sent to numerous Senators and Representatives by the Committee for the Nation on the Monetary Policy, which appears in the Appendix.]

#### MONETARY POLICY AND MONETARY AGENCY

Mr. LOGAN. Mr. President, on the 15th day of June of this year I introduced a bill (S. 2606) amending the Federal Reserve Act; declaring a monetary policy; establishing and instructing a monetary agency, and for other purposes. I am seeking light in regard to the proposed legislation. I invite every student of our monetary policy, every political economist, to examine this bill, and I will appreciate it if they will write me, making such criticisms and suggestions as may occur to them.

I now ask unanimous consent to have printed in the RECORD, as a part of my remarks, Senate bill 2606, to be followed by a commentary on the bill, by way of explanation.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 2606) amending the Federal Reserve Act; declaring a monetary policy; establishing and instructing a monetary agency, and for other purposes, is as follows:

*Be it enacted, etc.*, That (a) it is hereby declared to be the duty of the Congress of the United States exclusively, to create and regulate the value of money through an agency subject to the instruction of Congress and the removal by Congress in the event that such agency at any time fails to enjoy the confidence either of the Senate or the House of Representatives.

(b) The word "money" as employed in this act includes metallic and paper currency and the demand bank deposits and checks drawn thereon employed as a medium of exchange.

Sec. 2. (a) The Board of Governors of the Federal Reserve System shall in future have the title of the Federal Reserve Board (hereinafter called the Board). The Board shall consist of 12 members, one for each Federal Reserve district, with terms running from 1 to 12 years with the same annual salary and perquisites as now provided by law. Upon the retirement of any individual member of the Board during his service, his successor shall hold for the balance of the term for which his predecessor was chosen. Upon the termination of the full term, the successor of such member shall be appointed for a period of 12 years. The members of such Board shall be nominated by the President and confirmed by the Senate. The President shall designate in making the nomination the terms of each nominee, beginning with the 1st day of March 1940. The Board, when established, shall annually select its own chairman and vice chairman. The authority of the Board shall include all powers at present enjoyed by the Board of Governors of the Federal Reserve System, and such other powers as may be authorized by law.

(b) After the organization of the Board, as herein provided, the Federal Reserve banks shall be operated as one institution with 12 branches and subordinate branches as now or hereafter established.

(c) The Board shall, after the passage of this act, exercise complete control over the personnel of the Federal Reserve bank with the power to remove for the good of the service. The directors of the Federal Reserve banks shall retain their offices until the organization of the Board herein provided for, and thereafter until the Board appoint their successors in office. The Board shall have the right to appoint class A, B, and C directors. The Board shall appoint managers as the executive heads of the district branches and subbranches of the Federal Reserve bank.

(d) The Federal Reserve advisory council and the Open Market Committee shall cease upon the passage of this act. The authority vested in the Open Market Committee shall be exercised exclusively by the Federal Reserve bank under the direction of the Board.

(e) The power to regulate the volume and value of money as authorized and directed by the monetary policy of Congress shall be exercised by the Board.

Sec. 3. The Secretary of the Treasury is hereby directed to place to the credit of each member bank of the Federal Reserve System an amount of money equal to the amount paid by such member bank for its stock in the Federal Reserve bank of its district with 6 percent interest upon such amount from the date of the last dividend up to the date of the passage of this act, whereupon, such stock certificates shall be delivered to the Secretary of the Treasury and canceled. Upon the passage of this act all of the assets, property, rights in law and equity, of the Federal Reserve banks and the branches thereof shall be vested in the United States Government and the liabilities of the Federal Reserve banks shall be the liabilities of the United States; and such banks shall be an agency of the United States for the purposes of this act in the issue of money as herein defined and the regulation of the value thereof. Such banks, as one institution, shall be subject to the Board in pursuance of the instructions and policy of the Congress of the United States.

Sec. 4. (a) The Federal Deposit Insurance Corporation shall hereafter exclusively examine the member banks of the Federal Reserve System and shall be subject to the direction of the Board.

(b) All insured banks are hereby declared to be members of the Federal Reserve System and entitled to the rights and subject to the liabilities of membership of the Federal Reserve bank in their respective district subject to rules and regulations to be prescribed by the Board.

(c) The examination of such member banks by the Federal Deposit Insurance Corporation shall be without cost.

(d) The Federal Deposit Insurance Corporation shall insure all member banks against the dishonesty of officers and employees and against robbery and assess the cost annually against the member banks in proportion to their deposits as of June 30 of each year.

(e) The double liability of stockholders in member banks shall cease after the passage of this act.

(f) Any member bank in temporary distress shall receive the assistance of the Federal Deposit Insurance Corporation where reorganization is practicable through local support.

(g) Remittances of a member bank to the Federal Reserve bank of its district shall be credited when received, with such exceptions as may be found expedient by the Board.

Sec. 5. The office of the Comptroller of the Currency shall be transferred and become a subdivision of the Board, and subject to the supervision thereof.

Sec. 6. (a) It is hereby declared to be the monetary policy of the Congress of the United States to provide an adequate supply of money, without redundancy, to meet the needs of the country in achieving maximum consumption and production; to correct the present depression, and to prevent future depressions and future indefensible expansion of money for speculative purposes.

(b) It is hereby declared to be the policy of the Congress to restore the index of the purchasing power of money to the standard established in 1926 by the Department of Labor and to maintain that standard, subject to the future orders of the Congress, in order that the Nation may have a monetary unit of account of uniform, permanent, debt-paying, purchasing power. The Board is charged with the duty of carrying out this policy by the purchase and sale through the Federal Reserve banks of bonds and bankable assets, and through all other means at their disposal. The Board shall inform Congress directly, without delay, of any additional power necessary to carry out the policy of Congress as herein declared.

(c) The Secretary of the Treasury is hereby instructed to cooperate with the Board to make effective the policy of Congress herein set forth.

Sec. 7. The paper currency of the United States shall hereafter consist of one form only, to be designated as "United States Currency" on the face of each note issued. Such currency shall be issued in the manner now provided by law for other issues in denominations similar to the present outstanding paper currency. All other forms of paper currency, including gold and silver certificates, shall be recalled and exchanged for the new United States Currency, as rapidly as it can be conveniently done, under the orders of the Board. The Board shall have the authority to direct the issue of currency in larger denominations for the use of the Federal Reserve bank.

Sec. 8. (a) All member banks shall be required, within 1 year after the passage of this act, to keep with the Federal Reserve bank the amount of its demand deposits in cash or credit, or in the bonds or notes of the United States, or obligations underwritten by the United States. The Federal Reserve bank, on the request of any member bank, shall buy such securities held by the member bank

at the current market value, but not less than par, and give the member bank credit therefor. Any maturing obligations of the United States in notes or bonds shall be bought by the Federal Reserve bank at par.

(b) Any member bank requiring assistance to comply with this section shall have the right to hypothecate securities in sound bankable assets, with the right of substitution, and hold the same in trust for the Federal Reserve bank until such member bank by the sale of additional stock can provide the capital necessary to meet the requirement regarding its reserves.

Sec. 9. The Federal Reserve bank, in the event that there is need to contract the volume of outstanding credit, may sell its own obligations bearing an interest not exceeding 3 percent for the purpose of preventing indefensible credit expansion.

Sec. 10. Member banks are hereby authorized to make a reasonable charge for the keeping of accounts of depositors, not exceeding \$1 a month for such service, and a further charge of not exceeding 10 cents a hundred dollars for checks paid by and through the member bank of deposit. Such member bank is authorized to act as an agent of a depositor, with his consent and approval, in making a loan on the depositor's account out of his demand deposit, and to make a reasonable charge therefor.

Sec. 11. The Board is hereby authorized and directed to create annually an amount of money equal to 4 percent of the amount of deposits estimated as of June 30 of the preceding year and place the same to the credit of the Treasury of the United States, general fund, to be employed subject to future acts of Congress in meeting the expenditures required under the Social Security Act, or in furnishing credit required for public relief or for constructive public enterprises.

Sec. 12. The Board is hereby instructed to make a special report to the Congress on the question of rates of interest in countries engaged in competitive commerce and to advise the Congress of the United States with regard to the rate of interest which should be employed in the United States as a means of enabling American enterprises to compete successfully with foreign commerce.

Sec. 13. This act shall be known as the Monetary Policy Act of 1939.

The explanatory statement submitted by Mr. LOGAN is as follows:

#### COMMENTARY ON SENATE BILL 2606

Section 1 of this act is a recognition by Congress of its duty to exclusively create and regulate the value of money as contemplated by the Constitution of the United States. The Supreme Court has held—in the Legal Tender cases—that Congress, and Congress alone, is charged with the power to create money. The Constitution, article 1, section 8, paragraph 5 explicitly authorizes Congress "to coin money and regulate the value thereof." The Supreme Court has held that the word "coin" applied to paper currency as well as metallic currency. Congress can only do this effectively through an agency of Congress, subject to the direction of Congress and subject to removal by Congress when the agency ceases to enjoy the confidence of Congress. It is believed that the service would be more efficient if the members executing this duty should be subject to removal by a resolution of either the Senate or the House of Representatives, since an agency of such importance should enjoy by its conduct the confidence both of the House and of the Senate.

The term "money" is defined in section 1 because that word is frequently used as applying only to legal-tender currency, while under the development of the modern banking system of the last half century over 90 percent of the monetary business of the people of the United States is transacted through checks drawn against demand deposits. These checks, under the banking system, are convertible on demand into legal-tender money. Such checks function as a medium of exchange and measure of value. Such checks, therefore, come within the meaning of the term "money" as defined in modern dictionaries as "anything conventionally employed as a medium of exchange and measure of value." Heretofore the demand deposits on which checks are drawn have been in very large part created by loans of the banks and contracted by the liquidation of loans. In this manner there has been no public control of the volume of such money, resulting in such money being created in excess at times and at other times contracted with injurious economic consequences. The present bill proposes to terminate this system and regulate the value of money by Congress through the regulation of the volume of money.

Section 2 restores to the agency of the Congress the original name, "Federal Reserve Board," for the reason that the connotation, "Board of Governors of the Federal Reserve System," might indicate that the powers of regulating the volume and value of money are subject to the will of the Governors instead of subject to the will of Congress. It is of importance that there should be no misconception as to where the power of government rests in relation to the volume and value of money, and that it rests exclusively in Congress.

Section 2 also provides for one member of the Federal Reserve Board for each Federal Reserve district in order to give every district an opportunity of representation upon the Board. This section provides for terms of 1 to 12 years, each successor to the first 12 members of the Board to serve a full term of 12 years. This staggers the terms of members. The authority in the President to nominate the 12 members will give the opportunity of reorganizing the Board and renominating those whose service has been found acceptable and to discontinue the service of those who may not be



regarded as desirable for this service. It gives abundant time for the consideration of this question.

It is essential that the Board should exercise complete control over the personnel of the Federal Reserve bank and its branches in order that the management shall be in complete sympathetic relationship with the Congress of the United States and its policy.

The Federal Reserve Advisory Council has proven to be inefficient and harmful and should be discontinued.

The open-market committee as established has proven to be entirely inefficient and under such rules and regulations as to prevent the powers of the System being employed in the protection of the stability of commerce and industry.

The powers should be exclusively in the hands of public officials under the direction of the policy of the Congress.

This section places the power in the hands of the agency which is to execute the will and the policy of the Congress.

Section 3 reimburses the banks about \$135,000,000 invested in the stock of the Federal Reserve banks and transfers the ownership completely to the United States Government.

The first great reason for this ending of the private ownership of the Federal Reserve banks is that these banks were established for the purpose of concentrating and safeguarding the deposits of the people of the United States in the member banks. There are now over 60,000,000 of these deposits amounting to \$60,000,000,000, nearly half of which are demand deposits. Under the private ownership of these banks private views and policies have exercised control through 6 out of 9 directors of the 12 Federal Reserve banks. Under such management since 1920, 16,000 individual banks have been put out of business through the mismanagement of the Federal Reserve System. This is the least of the evils. The statistical records disclose that the people of the United States have lost in products and services over \$200,000,000,000 that they might have enjoyed under a stable condition of banking; and in addition to this, they have failed to achieve additional billions through the expansion of American production, which was easily possible under a sound system.

The people of the United States, through their Government, have a very much larger interest in the Federal Reserve banks in money than the so-called stockholders of the Federal Reserve banks. The stockholders have about \$135,000,000 invested in stock. The United States has advanced to the Federal Reserve System approximately \$4,500,000,000 of Federal Reserve currency without interest. The money so advanced to the member banks has been available for lending to the American people at high interest rates and the people have been paying high interest rates for the use of the money thus created by the exercise of the sovereign power of their Government.

Nor is this all. The Federal Reserve banks under the Gold Reserve Act of 1934, which few people understood, now holds about \$12,500,000,000 of gold certificates, giving these privately owned banks the ownership of the gold which was taken from the citizens of the United States. Giving these gold certificates to the Federal Reserve banks is a singular anachronism because the gold certificate is not legal tender money in the United States, and if the member banks wanted to withdraw their reserves to satisfy their depositors, they could not use the reserves represented by gold certificates. There is no foreign demand for gold from the United States; it is all flowing to the United States, where it is not employed as a medium of exchange.

The people of the United States, therefore, have approximately \$16,000,000,000 represented by gold certificates and Federal Reserve notes not to mention the billions of securities held by the United States to protect the advances of the Federal Reserve notes.

Since the people of the United States, therefore, have a hundred times as much invested in the Federal Reserve banks as the stockholders of the Federal Reserve banks, and since the public policy requires public control instead of private control, there is no answer to the reasonable demand that the United States should refund the stockholders the money they have employed, with reasonable interest thereon, and liquidate this undesirable ownership of the stock in the Federal Reserve banks.

Section 4: At present the examination of banks is made by the bank examiners of the Comptroller of the Currency, by the bank examiners of the Federal Reserve banks, by the State bank examiners, and by the examiners of the Federal Deposit Insurance Corporation. There should be but one competent examination under a policy representing the policy laid down by the Congress of the United States. The examination should be made with a view to conserving the banks rather than destroying them through the destructive examinations which have been carried on during the last 19 years where bank examiners were frightened by the shrinkage of the assets of banks and of the solvency of bank depositors. Their examinations, based upon fear, have often been drastic and ruinous, causing the unnecessary liquidation of thousands of banks which might have been conserved under a wiser policy. The Federal Deposit Insurance Corporation, which insures the deposits, has a primary motive of self-interest to protect such banks against the destruction of their assets. The proposed plan would leave the Federal Deposit Insurance Corporation under the guidance of the Federal Reserve Board of arranging with the State banking authorities so that the banks might be thoroughly examined without unnecessary duplication and costs.

All insured banks should be made members of the Federal Reserve System in order that the people of the United States might enjoy one homogeneous banking structure operating under the monetary policy established by the Congress of the United States. All of these banks are engaged in interstate commerce and under

the decision of the Supreme Court in the Associated Press case, the right of Congress to require the State banks to be members of the Federal Reserve System is clearly established.

The examination of these banks should be without cost to the member banks. The bank examiners should be paid a reasonable salary for their services that would enable them to discharge their duties more efficiently. The earnings of the Federal Reserve System under the new proposed public management would be increased in so important a way that the cost of the bank examination would be negligible in relation to the increased revenues of the Federal Reserve bank operating under the policies herein proposed.

The insurance of the individual member bank against the dishonesty of officers and employees or bank robbery, assessed against the total bank deposits of \$60,000,000,000, would be a negligible cost to the banks and put behind the protection of each individual member bank the full powers of the Government of the United States as a great public service in stabilizing and protecting our banking structure.

The double liability of stockholders under these conditions of insurance should cease: (1) Because it would be unnecessary; and (2) because it would cause capital to flow more freely into the investment in stocks of member banks throughout the United States where the bank could lend its own capital profitably and thereby build up locally a volume of credit in sections where the necessary capital is lacking for constructive purposes.

The protection of the individual bank gives safety to the individual unit of which the entire structure is composed, and thus establishes a condition of confidence and public respect for the banking system everywhere. We have heard much in past years of "loss of confidence." The restoration of confidence must depend upon a sound structure which justifies confidence as a matter of common sense. It is for this vital reason that the public control through Congress of our monetary system has become of vital importance.

There is no sound reason why remittances made by member banks to the Federal Reserve bank for collection elsewhere should not be credited upon the day received. It is rare that such a remittance for any reason is returned and it is always immediately liquidated by the bank through charging the item back against the remitting bank and yet the total of these remittances to the member banks of the country currently amount to over \$500,000,000. Holding all of these items in suspension adds seriously to the cost of administration and complicates the System unnecessarily. This one item would be equivalent to increasing the capital of the banks of the System without cost to the extent of the floating checks in transit.

Section 5: The office of the Comptroller of the Currency, built up as the means of examining the national banks, should now be advantageously transferred to the office of the Federal Reserve Board. The activities of the individuals in that office would merely be under the supervision of the Board and made an auxiliary in carrying out the policy of the Congress. Under the direction of the Federal Reserve Board the duties now exercised by the office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation and the Federal Reserve banks can be effectively reconciled and simplified in pursuance of the policy of one examination only by one competent authority as representing the United States, instead of four different authorities having a like purpose.

Section 6 declares the monetary policy of the Congress of the United States. First, to provide an adequate supply of money so that the flow of goods and services shall go hand in hand with the flow of money necessary to pay wages and salaries for products and services.

The records completely demonstrate during the last 10 years that as the flow of money was contracted it was almost immediately followed by a loss in consumption and production. The money created by the banks through the loans in 1929 contracted approximately \$20,000,000,000 when the loans contracted \$20,000,000,000. And when the money contracted in this manner, the ordinary revenues of the United States Government fell off one-half from 1929 to 1932, and the exports and imports of the United States during the same period of time fell off approximately two-thirds, and the value of check money debited on the books of the banks fell off approximately the same. The check money of 1929 amounted to \$1,227,000,000,000. It fell to \$450,000,000,000 in 1932 and even in 1938 was only \$530,000,000,000, whereas in 1926 it was \$845,000,000,000. It, therefore, follows that the necessity for furnishing an adequate supply of money to transact the business of the country should be obvious, and that the money should be in sufficient volume to pay for the wages of 12,000,000 additional people, now unemployed.

Mr. Lammot du Pont, in his evidence before the Senate Special Committee to Investigate Unemployment, in the Seventy-fifth Congress, stated that about \$25,000,000,000 was necessary to create the capital necessary to employ 3,000,000 workmen in factories, but that such employment would restore seven and one-half million to other jobs in private industry. In other words, his estimate was \$25,000,000,000 for ten and one-half million people.

There is at present probably ten or twelve billion dollars of frozen demand deposits held as reserves and held for future investment. These reserves cannot be expected to return to circulation until a complete spirit of confidence is restored, a rising market established, and the dollar index brought down from its present abnormal point of 131. It should be clear that an adequate supply of money is absolutely essential to turn over a

maximum amount of goods and services produced by the maximum number of people capable of employment.

It should be obvious that until the abnormal index of the purchasing power of money, now at 131, be brought down to the pre-depression standard of 1926, that justice cannot be done to those who are in debt. These debts amount to over \$200,000,000,000. About \$60,000,000,000 represent bonds of the United States, States, cities, and counties. Besides these there is a great volume of bonds issued by industrial, transportation, and other corporations. Justice between debtor and creditor requires that the dollar index be brought back to its normal standard fixed by the Department of Labor in 1926.

When this standard shall have been established and an equitable basis of settlement between debtors and creditors provided, it should be perfectly clear that such a standard should remain unchanged so that the dollar, or monetary unit of account, should have between debtor and creditor a uniform, permanent, debt-paying purchasing power. The creditor is entitled to receive the value he loaned, and nothing less than this, for principal and interest. The debtor should not be required to pay any more in value than he borrowed, for this is dishonest and unfair to the debtor and often ruinous both to debtor and creditor by ending the process of creating values by human labor.

In order to preserve the index of 100 it is necessary that the volume of money should increase in proportion to the volume of commodities created. In other words, if the index of industrial production rises 10 percent by creating 10 percent more goods, the volume of money should rise 10 percent in order that the money supply in relation to the supply of products should not be changed.

Since the index of industrial production is a dependable fact, it comprises one of the means by which to know when the volume of money should be increased or diminished. The normal growth of production through the increase of population, improved inventions, and increased power is about 4 percent per annum. For that reason it may be fairly estimated that when the price level is restored, a 4-percent per annum increase in production and in the supply of products and money should take place to preserve a stable price level. The power to expand and contract the money supply is by this monetary policy of Congress put in the hands of the Board with abundant power to carry out the policy laid down by Congress.

There should be no alibi. The Board should have the power. They should have the responsibility. They should be subject to immediate removal by either House of Congress if they fail to discharge their duties as instructed by Congress. They should be required to report to Congress anything they think immediately necessary by which to make more effective the policy which Congress has laid down.

The Secretary of the Treasury is required to cooperate with the Board in making effective the policy of Congress.

Section 7 provides one form of paper currency to be called "United States currency."

Under the national banking system there were thousands of different forms of national-bank notes, a different set of forms for every bank, and notes running from \$5, \$10, \$20, \$50, \$500, \$1,000, and \$10,000. These notes are now being retired.

There still remain 12 different sets of Federal Reserve notes, one set for each of the 12 banks. There are also silver certificates, gold certificates, the notes issued in 1890, and the notes issued during the Civil War and Federal Reserve bank notes. Since all paper and metallic money are now legal tender under the act of 1933, there is no reason whatever for maintaining these archaic forms of paper currency. One form is enough. One form is cheaper. It is much easier to keep the accounts of one form of outstanding notes. And the confusion in the public mind about money would be largely removed by one simple form of United States currency of suitable denominations. It could be made more difficult to counterfeit these notes. A still greater care could be exercised in the manufacture and engraving of such notes, in their numbering and in other safeguards.

Section 8: This section covers the monetary principles known as the 100-percent reserve against demand deposits. Its chief purpose is to prevent privately owned individual banks from the uncontrolled creation of check money, by which 97 percent of our monetary business is transacted, and to compel such demand deposits to be created by the Federal Reserve bank as an agency of the Congress.

It has been fully demonstrated that booms and depressions in the United States, from which 16,000 banks have failed during the last two decades, are due directly to the uncontrolled private expansion and contraction of the money supply of the people of the United States in the form of demand deposits and checks drawn thereon.

The manner in which this money is expanded and contracted is definitely shown by the volume of checks debited against the books of the banks during the last 10 years. From the normal supply of such checks of \$845,000,000,000 debited in the normal predepression year of 1926, such check money was expanded to \$1,227,000,000,000 in 1929 and fell to \$450,000,000,000 in 1932, and was for 1933 only \$530,000,000,000.

The economic and financial ruin that followed this unwise method of expanding and contracting the money supply of the people of the United States has been fully demonstrated by the tables set forth in Senate Document 23 of this Congress, copies of which have been sent to every Member of the Senate, and with which Senators must be now completely familiar.

One of the enormous economic consequences to which attention may be called was the destruction of the imports and exports business of the United States, which fell to one-third in 1932 of what it was in 1929. When the check money fell to one-third, the exports fell to one-third, and the imports fell to one-third. The building of homes fell to one-tenth of what it had been at the high point of 1929 to what they were at the low point in 1932.

The value of the average certificate of stock listed on the New York Stock Exchange fell from over \$81 a share to less than \$12 a share, from the high of 1929 to the low of 1932, causing bankruptcy throughout the United States and giving to the ownership of the best industrial securities in the United States an element of hazard and unreality rendering unstable our entire economic structure. When the check money fell from \$1,227,000,000,000 in 1929 to \$450,000,000,000 in 1932, unemployment suddenly increased to the extent of approximately 14,000,000 people, requiring the Nation to use its resources for the relief of those who otherwise would have starved.

Another economic result of the violent contraction of our money supply was the loss of freight-car loadings by the railroads. When the people are thrown out of employment and are deprived of the means to buy goods and services, our national production falls on a vast scale through unemployment, freight-car loadings go down, and the chief income of the railroads is so diminished as to cause bankruptcy for many and embarrassment for all. These economic consequences are fully set forth in Senate Document 23, with statistics furnished by the Board of Governors of the Federal Reserve System, to which attention of Senators is expressly called. On pages 92, 93, 94, 95, and 96 will be found monetary charts showing the manner in which the American people have expanded and contracted their banks, bank deposits, and check money and the economic consequences which contemporaneously take place.

It is the intention of this section of the bill to make impossible the destruction of the money supply of the people of the United States by taking from privately owned banks the power to create and destroy the money of the Nation.

When the banks expanded their loans to private business to \$41,600,000,000 as of June 30, 1939, and within 3 years contracted those loans \$20,000,000,000, the volume of money held as demand deposits was contracted by \$10,000,000,000 and as time deposits by \$10,000,000,000. The time deposits were converted into demand deposits and the demand deposits employed to pay off \$20,000,000,000 of debts due the banks.

It is futile to blame anybody for a national system which has grown up during 100 years. It should be enough to point out the folly of the past system and its ruinous consequences and to provide an adequate remedy. This the present bill proposes to do in a downright, forthwith manner that shall substitute for chaos order and constitutional government in the creation and regulation of the value of money.

There need be no doubt of the method proposed by this bill to expand or to contract and thereby to regulate the value of money by regulating the volume. Under this bill the Federal Reserve bank, by the purchase of bonds and bankable assets, can expand to the extent necessary. This can be done merely by the Federal Reserve bank, under the Federal Reserve Board, buying nonliquid bonds and bankable assets and converting them into liquid demand deposits. If the now frozen demand deposits should be again restored to use as a medium of exchange by the present demand-depositors, and if any excess were threatened, there is a complete automatic check and authority provided. The Federal Reserve Board and Federal Reserve bank are given the power to immediately contract the excess demand deposits by the sale of securities issued by the bank at not exceeding 3 percent per annum—this is provided for in section 9 of the bill—to the extent necessary. Moreover, a ceiling is provided for automatically preventing indefensible expansion, because before indefensible expansion could take place the dollar index would have to be restored to the normal predepression level of 100—the standard set by the Calvin Coolidge administration in 1926, when conditions were normal. Since the bill provides that the dollar index shall be restored to a normal predepression level and shall not be permitted to go below the normal predepression level, the danger of actual inflation through the expansion of the money supply is automatically prevented.

Those interested in the detailed study of this question of 100 percent reserves against demand deposits are advised to see Senate Document 23 and the books by Irving Fisher, of Yale, and others on this subject matter. The policy of 100-percent reserves has been considered and studied under a special committee of political economists and replies have been received from over 200 professors of political economy who approve this automatic method of preventing either expansion or contraction to an indefensible extent of our credit money. The effect of section 8 of this bill is to put the responsibility of the money control where it belongs, in the hands of the people of the United States through the Congress of the United States by the adoption of a monetary policy which would automatically control the money supply of the country so as to make it adequate in volume to the volume of products and services and to prevent in future either unjustified booms or unjustified depressions.

Section 8 sets up the mechanism by which every member bank can easily comply with the requirement proposed. The section gives plenty of time, which only a comparatively few of the banks now require since nearly all of them could immediately comply with the provision.



Section 10 recognizes an existing practice by many banks and legalizes it. The banks are authorized to make a reasonable charge not exceeding a dollar a month for the keeping of the accounts of depositors, for cashing their checks, for identifying and being responsible for the correct handling of such items and identifying and verifying the checks of the depositor and of his payee, and safely transferring the credit from one to the other. These services are important. Upon the correct keeping of these accounts many businessmen make up their annual income-tax returns and are saved the cost of extra bookkeeping work by themselves or their employees. The banks render the most valuable service in these matters and are put to an expense in discharging these duties. There are over 60,000,000 of such accounts representing \$60,000,000,000 of deposits with an annual turnover of from 10 to 20 times the total of such deposits.

No just man would be willing to deny the banks a fair return of the capital invested and of the labor performed in attending to this vast monetary business. Every city and county in the United States desires the banks to be successful and adequately compensated. The American people desire stability for the banks. The depositors and the stockholders and the officials of the banks are all interested in their successful management.

When a bank pays checks amounting to a thousand dollars, it is not an unreasonable charge that the bank should have a fee of \$1 for the reasonable work performed in handling such volume of checks. The bill only imposes a maximum of charges. It still leaves special cases the liberty of individual agreement in the charges made.

The banks, moreover, not creating demand deposits, should be at liberty as an agent of the depositor to lend the money of the depositor to any borrower who can give the depositor an adequate security. This transaction would not create money. It would only permit money to be loaned by one citizen to another citizen giving the bank a decent fee to be agreed on for the transaction of this business. Under the new system, therefore, there will be no danger of a lack of actual money available for the business of production, transportation, merchandising, and distribution of products and services; and there will be no danger of an excess of such supply of money. It would therefore follow that there would be stability not only in the debt-paying, purchasing power of the monetary unit of account—the dollar—but there would be stability in the value of all forms of property invested in this dollar to the extent possible through the wise control of the volume and value of money. It would stabilize the value of labor and of professional fees and prevent fixed charges being unduly high or unduly low since fixed charges could then be adjusted to a monetary unit of fixed purchasing power.

It should be remembered that the index of the price level represents a volume of money employed in the wholesale commodity markets and that the price level has no relation to the individual variation of the prices of individual commodities as affected by the abundance or scarcity of such individual commodity. The proposed plan, however, does mean that the unjust fluctuations of all commodities and all services shall cease through monetary control, leaving the people able to deal with individual commodities as the exigency would require in each individual case.

Section 11 merely provides for the creation annually of a 4 percent addition to the volume of money to meet the 4 percent addition in the volume of products and services which normally takes place through the growth of population and the employment of the facilities of manufacture and distribution. The present method of raising the funds for social security involves enormous amounts of bookkeeping, unnecessary administrative labor, and is unsound in principle to the extent that the process contracts the demand deposits and contracts the money supply from those consumers whose expenditure as consumers goes far to prevent the depression in the value of the products and services created by the people. Our present system has developed incomes so great in the hands of 2 or 3 percent of the people that taxes are now adjusted so as to attempt to prevent this disparity in the distribution of the products and values created by human labor and human invention.

The expenditures for such public relief and for public works and constructive development of the national resources can thus be provided without taxing anybody. The money would be created by the Government itself to meet the increased national production and prevent the dollar from rising unjustly in its purchasing, debt-paying power.

Section 12 is one of the most important sections in the bill. It deals with interest on the use of money. In a highly philosophical sense, the money created by the sovereign power of the people as a utility and as a medium of exchange and as a storage of value would be better employed if confined to the purposes for which the sovereign power created it, that is, as a medium of exchange and storage of value. There is a grave question whether speculation in money, which leads to violent changes in its purchasing power and in its debt-paying power, is not one of the gravest of our modern evils.

But at all events, the American businessman, who must have the use of money in manufacturing, transporting, and merchandising and furnishing of goods and supplies and services, should have the use of money on terms as favorable as the businessmen of commercially competitive nations.

In the reports of the monetary commission of 1908, submitted in 1912, it appeared that businessmen of Belgium had had a 3 percent rate of interest without a break for 50 years preceding the World War; that the people of France had substantially the

same rate; and that the people of England, engaged in commerce, also had a low rate of interest, while in the United States the 6 percent rate was the usual rule, with a 10-percent rate in many parts of the country expressly authorized by law. As a matter of practice, a much higher cost was imposed on borrowers whose needs were great and whose opportunity to produce led them to use borrowed money for production. In order to have the American businessmen able to compete with the nations of the world, the American businessman should have an interest rate as low as that of his competitors. Especially should this be recognized, remembering that people in many other lands have such a restricted supply of domestic money that their labor costs are very much less than in the United States. This is true not only with regard to the European nations but particularly with regard to Japan, China, and India. If all nations of the world should follow the example we propose in this bill, of creating their own domestic money and preventing the undue speculation in it, labor in all countries might, by international agreement, be raised to the same level of dignity and the same comparative wage, measured in terms of gold as an international standard. It may take many decades for the world to reach the stage where this could be made possible, but with modern processes of communication and with modern development of intelligence and understanding of the monetary question, it is not impossible that the world may see a vast change for the better in the use of money as a domestic medium of exchange and as a medium of international exchange covering trade balances or transfers of capital.

Section 11, however, provides merely for a report to the Congress as to the rate of interest enjoyed by the citizens of competitive nations as compared with the rate of interest employed in the United States by its business people.

This bill does not expressly provide for the complete protection of the smallest banking units, but in the banking structure of the United States the power of the whole people through the Federal Reserve Board should be exerted to prevent any honestly managed bank a member of the System from failure through any incident preventable or capable of reasonable repair. The loyalty of the citizens to their Government should be reciprocated by an equally intense loyalty of the Government to the citizens. Under the Federal Reserve System as proposed and the Federal Deposit Insurance Corporation as set up, there is no need for the failure of any bank in the United States honestly administered. It should be a disgrace to the Federal Reserve System to permit any honestly managed bank to fail. The measure of the disgrace to the Federal Reserve System of the last 20 years is recorded in 16,000 cases of bank failure. The time to remedy this enormous evil is now. Any postponement of this matter from consideration and action would deserve the deep disapproval of the people of the United States whose suffering in the last decade no human being has the language to describe.

#### TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, some time earlier in the present session the Senate passed a bill authorizing the Tennessee Valley Authority to complete and carry out a tentative agreement they had made with the Commonwealth & Southern Co. for the purchase of the Tennessee Electric Power properties in Tennessee and Georgia. The bill passed the House with an amendment striking out all after the enacting clause and inserting the text of a new bill.

In due time the bill went to conference. The conference committee had several meetings and had a great deal of discussion, extending over the past week or two. The conference committee were unable to agree, and adjourned on last Friday. They reconvened yesterday at the request of the chairman of the House conferees, Representative MAY. The session lasted but a few minutes, and broke up again because the conferees were not able to agree.

Representative MAY, the chairman of the House conferees, has issued for publication in the newspapers a long statement, which I hold in my hand.

A great many assertions made in this statement I think are unwarranted, and I believe unjustified by the evidence, but I desire to take up only one. Mr. MAY says, and truly says, that at the meeting held yesterday at his request he made a proposition of compromise. Senators must remember that the bill as it passed the Senate provided for the issuance of \$100,000,000 of bonds. The House bill provided for the issuance of bonds in the amount of \$61,500,000. So that the conferees had that difference of opinion on that point to work on.

Everyone knows the conferees could not report a bill providing for more than \$100,000,000 of bonds or less than \$61,500,000 of bonds, because that was the scope of the difference between the House and the Senate. Yet this proposition which Mr. MAY made—and his own statement shows it—was that the House conferees would compromise on an agreement to issue \$45,000,000 of bonds. Of course, that was rejected by

the Senate conferees, and I stated then to Mr. MAY that we could under no circumstances agree to that because it was without our jurisdiction entirely. We could not go lower than the House figure and we could not go higher than the Senate figure. All the conferees agreed to that, all acknowledged that that was true, including Mr. MAY himself.

Other matters were discussed, but this one proposal was what broke up the conference. We could under no circumstances agree to it, and everyone admitted that if we did agree on the amount proposed the report would be subject to a point of order both in the House and in the Senate, and everyone knows that the point of order would have been made by some 1 of at least 25 or 30 Senators and more than a hundred Members of the House.

I desired to make this statement, because if the newspapers should print all of the statement of Mr. MAY, who admits in his statement that what I have stated was the proposal, and if Senators should read the statement I think they would be entitled to know why the conference committee has not agreed.

#### CIVIL REMEDIES AGAINST VIOLATIONS OF ANTITRUST LAWS

Mr. O'MAHONEY. Mr. President, yesterday I introduced Senate bill 2719, to strengthen the antitrust laws by providing additional civil remedies for their enforcement. In introducing the bill I issued a public statement explaining its purpose. I ask unanimous consent that the bill may be printed in the RECORD in full at this point, together with the statement explaining its provisions.

The VICE PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

The bill and statement were ordered to be printed in the RECORD.

The bill (S. 2719) to provide additional civil remedies against violations of the antitrust laws, and for other purposes, is as follows:

*Be it enacted, etc.,* That section 8 of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, is amended to read as follows:

"Sec. 8. The word 'person,' as used herein, means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any organized group of persons, whether incorporated or not; or any receiver, trustee, or liquidating agent of any of the foregoing in his capacity as such."

Sec. 2. Such act is amended by adding the following new section:

"Sec. 9. This act may be cited as the 'Sherman Antitrust Act.'"

Sec. 3. Section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended by striking out the third paragraph thereof and inserting in lieu of such third paragraph the following:

"The word 'person,' as used herein, means an individual or a company.

"The word 'company,' as used herein, means a corporation a partnership, an association, a joint-stock company, a business trust, or any organized group of persons, whether incorporated or not; or any receiver, trustee, or liquidating agent of any of the foregoing in his capacity as such.

"The word 'director' means a director of a corporation or any individual who occupies a similar status or performs similar functions in respect of any company.

"The word 'officer' means an officer of a corporation or any individual who occupies a similar status or performs similar functions in respect of any company.

"The term 'antitrust provisions of the Tariff Act of 1913' means section 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894, as amended by the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved February 12, 1913."

Sec. 4. Section 14 of such act is amended to read as follows:

"Sec. 14. (a) Any violation of any provision of the antitrust laws by any company shall be a violation of such provision by each officer or director of such company who shall have done, or authorized, ordered, or caused to be done, any act constituting in whole or in part such violation. In any proceeding against any officer or director of any company in respect of any such violation by such company, such officer or director, if he shall have had knowledge of any act constituting in whole or in part such violation, shall be presumed to have authorized, ordered, or caused such act; and if evidence shall be introduced in behalf of such officer or director adequate to rebut such presumption, the fact of such knowledge shall, nevertheless, be submitted to the jury, or, in any action tried by the court without a jury, shall be taken into account by the court, as evidence of such authorization, ordering, or causation.

"(b) Any officer or director chargeable under subsection (a) of this section with a violation of any penal provision of the antitrust laws shall be guilty of a misdemeanor, and upon conviction therefor he shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding 1 year, or by both, in the discretion of the court.

"(c) Any officer or director chargeable under subsection (a) of this section with a violation of any provision of the Sherman Antitrust Act, the antitrust provisions of the Tariff Act of 1913 or section 3 or section 7 of this act by any company shall forfeit to the United States a sum equal to twice the total compensation, direct and indirect, whether in the form of salary, commission, bonus, share of profits, or otherwise, received by or due to such officer or director from such company or on account of services to or in behalf of such company, in respect of each month during which any such violation or any part thereof shall have occurred: *Provided*, That if the sum computed as aforesaid should amount to less than \$5,000, such forfeiture may nevertheless be fixed by the court in an amount not exceeding \$5,000: *Provided further*, That in respect of any compensation received by or due to such officer or director which is not computed on a monthly basis, the portion of such compensation attributable to each such month shall be one-twelfth of such compensation as computed on an annual basis. Such forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil action by the United States.

"(d) Upon a proper showing in a civil action brought by the United States—

"(1) any officer or director chargeable under subsection (a) of this section with a violation of any provision of the Sherman Antitrust Act, the antitrust provisions of the Tariff Act of 1913, or section 3 or section 7 of this act by any company shall be enjoined (A) from rendering any service directly or indirectly to or in behalf of such company, permanently or for a specified period not less than 90 days in the discretion of the court; (B) from receiving any compensation, direct or indirect, whether in the form of salary, commission, bonus, share of profits, or otherwise, from such company or on account of services to or in behalf of such company, during or in respect of such period; and (C) from engaging in business, whether on his own account or as an officer or director of any other company, or otherwise, in competition with such company during such period; and

"(2) such company shall likewise be enjoined (A) from receiving any service, direct or indirect, whether voluntary and uncompensated or otherwise, from such officer or director, during such period; and (B) from paying any compensation directly or indirectly, whether in the form of salary, commission, bonus, share of profits, or otherwise, to or in behalf of such officer or director during or in respect of such period."

Sec. 5. Such act is amended by inserting the following new sections after section 14 thereof:

"Sec. 14A. Any company which violates any provision of the Sherman Antitrust Act, the antitrust provisions of the Tariff Act of 1913, or section 3 or section 7 of this act shall forfeit to the United States a sum equal to twice the total of net income received by or accruing to such company (A) during each month within which any such violation or any part thereof shall have occurred, (B) in respect of any operations of such company during each such month, and (C) otherwise attributable to each such month: *Provided*, That if the sum computed as aforesaid should amount to less than \$25,000, such forfeiture may nevertheless be fixed by the court in an amount not exceeding \$25,000. Such forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil action by the United States. For the purposes of this section, net income shall be computed in accordance with the method of accounting regularly employed in keeping the books of such company, if such method is in accordance with recognized principles of accounting and clearly reflects the income. If no method of accounting has been employed in keeping the books of such company, or if the method employed does not accord with recognized principles of accounting or does not clearly reflect the income, the computation shall be made by a method which does conform to recognized principles of accounting and which does clearly reflect the income. In any such action tried by jury, the court may require the jury to return a special verdict upon the question of liability. If, in any such case, the jury in such special verdict shall find the plaintiff entitled to a forfeiture, or if, in any such action tried by the court without a jury, upon the conclusion of the taking of evidence upon the question of liability, the court shall be of opinion that the plaintiff is entitled to a forfeiture, the court, for assistance in the computation of such forfeiture, may require such company to retain at its own expense an independent public accountant satisfactory to the court, and may utilize the assistance of the Federal Trade Commission or an officer thereof as a master in accordance with the procedure set forth in section 7 of the Federal Trade Commission Act."

"Sec. 14B. Any two or more of the proceedings hereinafter enumerated, if instituted against the same parties, or if relating in whole or in part to the same act or acts, may be consolidated:

"(A) A proceeding in the name of the United States to prevent and restrain a violation of any provision of the antitrust laws;

"(B) An action under subsection (c) of section 14 of this act;

"(C) An action under subsection (d) of section 14 of this act; and

"(D) An action under section 14A of this act:

"*Provided*, That upon any such consolidation which involves an action under said subsection (c) of section 14 or an action under said section 14A, the right of trial by jury shall be preserved."



Sec. 6. Such act shall be amended by adding the following new section:

"Sec. 27. This act may be cited as the 'Clayton Act.'"

The explanatory statement submitted by Mr. O'MAHONEY is as follows:

STATEMENT OF SENATOR JOSEPH C. O'MAHONEY, OF WYOMING, CHAIRMAN OF THE TEMPORARY NATIONAL ECONOMIC COMMITTEE, EXPLAINING BILL "TO PROVIDE ADDITIONAL CIVIL REMEDIES AGAINST VIOLATIONS OF THE ANTITRUST LAWS," WHICH HE INTRODUCED JUNE 28, 1939

The purpose of the bill which I have introduced today, after conferences with Assistant Attorney General Thurman Arnold, is to make the antitrust laws more effective by providing civil remedies which are calculated to deter corporate executives from undertaking policies and practices which they have good reason to know are in restraint of trade and prohibited by law.

One of the principal reasons why the antitrust laws have got heretofore prevented combinations and mergers hostile to the public interest is that the penalties and remedies for violations as now provided are altogether inadequate. Jail sentences are seldom imposed, because the public does not place an economic offense in the same category with an ordinary criminal offense involving moral turpitude. On the other hand, a \$5,000 fine is of no concern to the large corporation.

There is only one other remedy worth mentioning available under existing law to the Department of Justice—the civil action for an injunction. In addition, there is the action in damages by a private person who has been injured. Neither of these remedies is effective.

The new bill is designed to bring violations of the law home to officers and directors of corporations who are personally responsible for the economic offenses of the corporations they represent. The bill permits the United States, in effect, to bring a suit for damages against an offending corporation and against its individual directors and officers. It also permits the United States to bring suit to terminate the corporate employment of any officer or director who is responsible for a violation of the antitrust laws.

The bill contains the following provisions:

(1) A violation of any provision of the antitrust laws by a corporation is made a violation by every officer or director who has participated in causing the action to be done.

(2) Officers or directors so participating in causing a corporation to violate the antitrust laws are themselves made guilty of the misdemeanor defined by the present law.

(3) Such an officer or director is made liable to forfeit to the United States in a civil action brought by the United States a sum equal to twice his compensation from the corporation, in whatever form that compensation may be paid, for every month during which the violation occurred.

(4) Such officer or director may be enjoined from rendering any service, direct or indirect, to such corporation, permanently or for a period not less than 90 days in the discretion of the court, or from receiving any compensation or from engaging in competition with the company he is enjoined from serving.

(5) Any corporation which violates the antitrust laws is made liable to forfeit to the United States in a civil action brought by the United States a sum equal to twice its total net income during every month in which the violation occurred.

(6) Provisions for the consolidation of cases and for preserving the right of trial by jury are contained in the bill.

It is my opinion that bringing antitrust law violations home to the officers who are themselves responsible for these practices will go far to cure many of the restraints of trade which for years have been suppressing business and causing unemployment.

#### STABILIZATION FUND AND WEIGHT OF THE DOLLAR

Mr. THOMAS of Oklahoma. Mr. President, I am receiving a number of letters and telegrams asking my opinion of the situation relating to the bill which passed this body on Monday, the so-called dollar stabilization devaluation bill. In order that the RECORD may contain my answer, I desire to make a brief explanation.

The House bill as it came to the Senate contained two provisions. The first provision was to extend for a period of 2 years the power in the hands of the President still further to devalue the gold dollar. The second provision proposed to extend the life of the stabilization fund for a like period of 2 years.

When the bill reached the Senate amendments were adopted and changes were made. The stabilization section was not changed. There is no issue between the House and the Senate over the proposed extension of the stabilization fund. The Senate took action to terminate the power in the hands of the President to still further devalue the gold dollar, and if such power is not extended the power will terminate and cease tomorrow night at 12 o'clock. That was the first action the Senate took in changing the provisions of the House bill. The second action the Senate took in changing the provisions of the House bill related to the purchase of domestic silver.

The House bill contained no provision relating to silver, but the Senate added an amendment providing a direction to the Treasury Department to start buying silver domestically mined, and to pay for that silver 77 cents-plus per ounce. That is a new amendment to the House bill.

The next change made in the bill by the Senate was a provision terminating the power of the Treasury to purchase foreign silver under the 1934 Silver Purchase Act, and that will become a part of the law if the House agrees to the Senate provision and the bill as amended shall be enacted.

The points in controversy between the House and the Senate are over, first, the devaluation of the gold dollar; second, the price of domestically mined silver; and, third, the repeal of the Silver Purchase Act so far as it applies to foreign silver.

In the event the conferees of the two Houses fail to agree, and in the event no bill shall be reported back, of course no bill will be passed. If the conferees fail to agree and if no bill is passed, then the following things will happen:

First, the power in the hands of the President to further devalue the gold dollar will cease on June 30, tomorrow night, at midnight. That will be the first result.

The second result will be that the stabilization fund, in the sum of \$2,000,000,000, will not be a stabilization fund after 12 o'clock tomorrow night. The money will still be in the Treasury, but the fund as a stabilization fund will not be active, and the Treasury Department will not be able to use any part of that money in carrying out their program of trying to keep not only the American dollar stable in terms of gold but in trying to keep foreign currency as stable as possible in terms of American currency.

The third thing that will happen, in my opinion, will be that the subsidy now being paid to the silver miners will terminate. I cannot believe that the Treasury Department would extend the present subsidy under present conditions. So, if no agreement is reached, the present subsidy being paid to domestic miners of silver of 64 cents plus, will terminate tomorrow night at midnight, and on Saturday morning the miners of the West will not be receiving 64 cents for their silver. The silver they produce after tomorrow, if they produce any, will have to be sold on the world market at whatever price they can secure. The world market price now is a little in excess of 35 cents an ounce, so if the bill is not enacted in some form and the subsidy is not continued, on Saturday morning the silver miners of the West will have to sell their silver, whatever they may have or whatever they may produce in the future, at the world price, and at the present time there is only about one purchaser, namely, the United States Government.

Under the terms of the Silver Purchase Act the Government has the power to buy foreign silver. The Treasury is not directed to buy foreign silver. So the Treasury Department is not obligated to extend the subsidy beyond tomorrow, and if it is not extended even the Department is not commanded to buy domestically mined silver at any price. They can pay the world price for it, and they fix the world price, but there is no direction that they shall buy the domestically mined silver at any price. So on Saturday the miners of the West may find themselves without any market whatever, either under the subsidy program or under the program of the Treasury under the 1934 purchase act.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. There is one further very interesting question of interpretation on which I should like to have the Senator's judgment. I understand it is held by some that if the conference report came in after midnight tomorrow—let us say that it came in on the 5th of July—because of the nature of the language of the proposed legislation it would thereupon renew all of the prior powers, which would be simply lapsed for 5 days. What is the Senator's judgment about that interpretation?

Mr. THOMAS of Oklahoma. That is susceptible to different opinions, but not in my mind. If we were a doctor, so to speak, and if we were called upon to administer to a fellow man, or to an animal, we might save the life or prolong the life of the animal or the man so long as there was life, but

once the man died or the animal died, even the best doctor in the world would be powerless to revive and reestablish life in something that was dead. So tomorrow night at midnight the power to devalue the dollar will expire; tomorrow night at midnight the stabilization fund will cease to be a stabilization fund. Therefore it is my opinion that if the bill shall not be passed and signed by tomorrow night at 12 o'clock the devaluation power will be dead and the stabilization fund will be dead, and it will take new legislation recreating the power to devalue the dollar in the hands of the President, and new legislation reestablishing the stabilization fund.

Mr. VANDENBERG. If the Senator will permit me I wish to say simply that I agree with his interpretation.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. KING. I am not sure that I understood all of the statement of the Senator from Oklahoma. It is my recollection that the Silver Purchase Act directs and compels the Secretary of the Treasury to purchase silver until it reaches \$1.29 an ounce, unless we shall have acquired one-fourth of our monetary stocks in silver in the meantime. So that law is upon the statute books regardless of any fate that may befall the measure we passed a few days ago.

Mr. THOMAS of Oklahoma. Mr. President, the amendment submitted by the Senator from Delaware [Mr. TOWNSEND], which was adopted by the Senate, proposes to stop the power of the Treasury Department to buy any more foreign silver.

It is true, as the Senator from Utah has just stated, that the Treasury Department is under a mandate to buy silver at home or abroad until we get one-third as much silver as we have gold, or until the total metallic stocks equal three parts of gold and one part of silver. But the Treasury Department is not commanded to do that this year, or the next year, or the next year. The Treasury may take the next hundred years to accomplish that end. So in the meantime there is no mandate for the Treasury Department to buy any silver tomorrow, or Saturday or next week or next month. They need not buy a single ounce, although the command exists eventually to do so, but no time limit is fixed. So it is my contention that under the Silver Purchase Act the Treasury Department can stop buying silver at any price at any time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. I appreciate the remarks made by the Senator from Oklahoma. I will say frankly that consideration, naturally, has been given to the question of the effect of the automatic expiration of these various powers tomorrow night. The legislation we have been considering, of course, is based upon the continuation of an existing power, and so long as that power exists it may be continued. But when it has expired by operation of law, it is just as dead as if it had never been the law; and it is my view, in concurrence with the Senator, that it would take legislation ab initio to revise these expiring powers. We can revive them by new legislation just as we could create them in the beginning; but when they have once expired, we cannot, in my judgment, revive them simply by continuing what does not exist.

Mr. THOMAS of Oklahoma. I agree entirely with the statement made by the Senator from Kentucky.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. CONNALLY. Would it not be possible simply to reenact the legislation by the adoption of a joint resolution making reference to the original act?

Mr. THOMAS of Oklahoma. Mr. President, it is my opinion that that could not be done.

Mr. CONNALLY. I have not examined the authorities, but it is the judgment of the Senator from Texas that that could be done by adoption of a joint resolution, simply by saying that the act, so and so, as amended, shall be and is hereby reenacted. I see nothing at all in the way of making a new law by that sort of process, if it is desired to be done. When the act expires, of course, it is dead; but it can be revived as of the date of the adoption of the joint resolution.

Mr. THOMAS of Oklahoma. It would be just as easy to pass a bill stating what the Congress desires as it would be to adopt a continuing joint resolution.

Mr. CONNALLY. The only difference between that and passing a bill is that the bill would be subject to amendment, whereas we would have to take the joint resolution or leave it.

Mr. THOMAS of Oklahoma. I am free to say that if a joint resolution were presented it would have to pass through all the necessary parliamentary stages, which means separate readings, that it would have to be passed by both bodies and signed by the President, and that it would be subject to amendment.

Mr. CONNALLY. I see some very distinguished Senators of outstanding legal ability shaking their heads. I wish to ask them how we continue appropriations when they lapse?

Mr. THOMAS of Oklahoma. I was going to refer to that, Mr. President.

Mr. CONNALLY. How do we do that, save by the adoption of a joint resolution saying that the appropriations heretofore made for the last fiscal year shall be continued in effect. How is that done except by adoption of a joint resolution which makes reference to the former act?

Mr. THOMAS of Oklahoma. A precedent has been established with respect to appropriations, but I have not gone into that feature of legislation. Such procedure as the Senator referred to may never have been questioned. The District of Columbia appropriation bill is now pending before the Congress, and, for instance, if it shall fail of final passage during the remainder of this month, then on Saturday morning, the first day of July, there will be no appropriations for the District of Columbia. So it may be necessary to adopt a continuing resolution in order to afford money for the District government.

Mr. President, for 10 years I have been doing the best I could to call the attention of the Senate to the importance of the money question, but few have accorded the money question any particular significance. The Senate has regarded the money question about as it regards the sun. The sun comes up in the morning and goes down at night. The Senate apparently takes the position that we have no more control over the value of the dollar than we have over the seemingly actions of the sun.

Mr. President, I think recent developments have convinced many that the money question is the most important question not only to our domestic economy but to the economy of the world. That is my position today. The money question is by far the most important question that ever confronted the Congress or that ever will confront the Congress.

America has progressed to that point where we now dominate and control the currencies of the world. Not only does America control its own currency but the currencies of the world. We have fixed the price of gold at \$35 an ounce, and that is the price of gold throughout the world. We have fixed the price of silver from time to time at so much per ounce, and when we fix a price that is the price of silver throughout the world. So our country and your country today controls the two money metals, gold and silver. We fix the price of each metal and such price is the price throughout the world. When we change these prices, we change in effect the currencies of the world and the domestic economies of the world.

As a result of the action of the Senate 3 days ago silver has fallen in price from some 43 cents an ounce to a little above 35 cents an ounce. Throughout the world, especially in silver producing and silver using countries, the effect of the Senate vote is being felt. Take our near neighbor Mexico for example. A few days ago you could take a dollar to Mexico and exchange same for 5 pesos. Today you can get more than 5 pesos for your dollar. The Mexican peso is going down in terms of the American dollar, or the American dollar is going up in terms of the Mexican peso. This is true of many other currencies throughout the world.

Mr. President, I again wish to make the statement that the money question is by far the most important question confronting the Senate, the most important question confronting the Congress, or confronting America. I predict



that a new national issue is being rapidly developed, and such issue is over the control and value of the dollar.

I saw a news item in yesterday's Washington News, I believe it was, carrying three pictures in connection with such article. In the news item the question was asked: "Who should control our financial system?" The first picture was that of a busy section of Wall Street. The second picture was that of the Roosevelt residence at Hyde Park. The third picture was that of the United States Capitol Building. The inference was that either Wall Street or the President or the United States Congress, sitting in the Capitol, will control the financial policy of the United States.

Mr. President, everyone knows that the Constitution places the responsibility of coining and regulating the value of the dollar upon the Congress. The Constitution says that the Congress shall have the power to coin money and to regulate the value thereof. The Congress has heretofore exercised the power to coin money. There is no issue in that respect. But the Congress has not exercised the power to regulate the value of the money. That is the big issue, Mr. President, which confronts the American people today—the power to adjust and regulate the value of the dollar. The Congress has the power to adjust, to regulate, and to stabilize the value of the dollar, but refuses to exercise such power. The congressional will to exercise its congressional power is the developing issue before the people. It is my prediction that this particular issue will develop into a paramount issue in the coming campaign of 1940.

Mr. President, it is my contention that we cannot continue to live under the present-valued dollar. The present dollar is too high in purchasing power. Prices are too low and the value of the dollar controls prices. It is my contention that the dollar must be cheapened in terms of property and the price level must be raised. Next year the following question will be paramount: What value should the dollar have and at what point should the price level be placed?

It is my judgment that the people demand a substantially higher price level. We cannot live on 6-cent cotton. That is the price producers would receive in the South were it not for Government loans. We cannot live on 50-cent wheat. That is the price for which wheat would be selling today were it not for the Government loans with respect to wheat.

Mr. President, the managers of our money have it in their power to fix this price level exactly where they see proper.

I am not asking for a cheap dollar. I am not asking for high prices. I want the dollar so cheapened and prices so raised that our people can live and pay their taxes and pay their debts so that the Budget may be balanced; and so that those in business may make some money. People cannot make money, cannot pay their taxes and debts on the present low-price level.

So, Mr. President, all I am asking for is a properly valued dollar. No one can in conscience object to the dollar being properly valued.

Someone may ask, "What is the proper value for the dollar?" I can answer that question. A dollar properly valued is a dollar which will serve the best interests of all our people. What does that mean? It does not mean a dollar so valued as to give an advantage to the holders of fixed investments and thereby injure the producing and debtor classes. I want a dollar so valued that creditors and investors may collect their notes, coupons, and bonds; and I want a dollar so valued that debtors and producers may obtain dollars with which to pay their creditors. How can any person object to such a valued dollar? We do not have such a valued dollar today. Debtors cannot now obtain the money with which to pay their debts. Taxpayers cannot obtain the money with which to pay their taxes; and because tax gatherers cannot collect the taxes levied, budgets cannot be balanced; and until the price level is raised, taxes will not be paid and budgets will not be balanced. Again I say that the money question will be one of the main issues in the coming campaign.

Mr. President, I wish to read for the RECORD one paragraph of a very important speech. The money question was paramount in the Democratic National Convention of 1896. Wil-

liam Jennings Bryan, of Nebraska, was a delegate to that convention. Mr. Bryan was selected to present the demand for higher prices to the Chicago convention. In his speech Mr. Bryan used the following language—and it is just as pertinent today as it was in 1896:

Mr. Carlisle said in 1878 that this was a struggle between "the idle holders of idle capital" and "the struggling masses, who produce the wealth and pay the taxes of the country"; and, my friends, the question we are to decide is, Upon which side will the Democratic Party fight; upon the side of "the idle holders of idle capital" or upon the side of "the struggling masses"? That is the question which the party must answer first, and then it must be answered by each individual hereafter. The sympathies of the Democratic Party, as shown by the platform, are on the side of the struggling masses, who have ever been the foundation of the Democratic Party. There are two ideas of government. There are those who believe that if you will only legislate to make the well-to-do prosperous their prosperity will leak through on those below. The Democratic idea, however, has been that if you legislate to make the masses prosperous their prosperity will find its way up through every class which rests upon them.

Mr. President, William Jennings Bryan stated and defined the issue in 1896, and the same issue is rising, and rapidly, in our country today. Any time the Democratic Party takes the side of liberalism, nominates a liberal candidate for President, and adopts a liberal and progressive program, the Democratic Party makes a good showing before the country. But any time the Democratic Party adopts a conservative program and nominates a conservative candidate, the Democratic Party fails. Such is recorded history. Knowing the sentiment of vast groups of our people, I am convinced that the trend of history will neither be changed nor altered in the coming campaign of 1940.

Mr. NEELY. Mr. President, the eloquent Senator from Oklahoma indicated that he is not certain that the sun is a moving body. If the great monetary reformation for which the Senator has so long and so valiantly labored could be advanced with the speed of the sun, the consummation which he desires would be realized in less than the twinkling of an eye. Because the sun and all its planetary family are, according to the astronomers, rushing through space toward the constellation Hercules, at the incomprehensible speed of 12 miles a second—more than 43,000 miles an hour. But since we are assured that we shall not reach our destination for 500,000 years, there is little cause for immediate alarm. Let us hope that monetary reform may be accomplished before the final crash occurs.

#### ORDER DISPENSING WITH CALL OF CALENDAR

The PRESIDING OFFICER. The calendar, under rule VIII, is in order.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the call of the calendar be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, a number of Senators have asked me about the program as far as we can see it for the rest of this week and over the Fourth of July. As everyone knows, there is certain legislation which must be enacted by tomorrow night if possible. We have on the calendar two appropriation bills, the third deficiency bill, and the military appropriation bill for aviation, which must be enacted. The monetary bill is in conference. The Senator from Colorado [Mr. ADAMS] and I are members of the conference committee on that bill. The Senator from Colorado is also a member of the conference committee on the relief joint resolution.

On the Executive Calendar are two nominations which have been passed over from day to day. The first is the nomination of William S. Boyle, to be United States attorney for the District of Nevada, and the second is the nomination of Archibald MacLeish to be Librarian of Congress. The nomination of Mr. Boyle has been adversely reported. The nomination of Mr. MacLeish has been passed over from day to day because the Senator from Vermont [Mr. AUSTIN] has advised me that two or three Members of the Senate desire to discuss the nomination and that an hour or two may be required to dispose of it.

Tomorrow I think we shall have to keep in prospect the necessity of devoting ourselves almost exclusively to the laws which expire tomorrow night, so that we may attempt to pass the pending legislation. If we shall dispose of this legislation, I have in mind on Saturday to move an adjournment until Wednesday. We shall be unable to adjourn from Friday until Wednesday even if we shall have finished everything. The Fourth of July will be Tuesday, and Monday being sandwiched in between Sunday and the Fourth, I doubt whether we could accomplish much on that day, as probably many Senators will be away.

If we shall dispose of the matters to which I have referred, when we shall return after the Fourth of July there will be practically nothing to engage the attention of the Senate except bills on the calendar in which individual Senators may be interested.

While we are waiting for the Committee on Foreign Relations to take action on the neutrality bill, and while the legislation which has been proposed by the President on a work program, which we have discussed, is also in consideration in committee, in my judgment the Senate will be free to consider whatever bills it may desire to take up.

In view of that situation, I felt it proper to advise the Senate that I think it is important that we dispose of these hang-over matters, and that we keep ourselves free tomorrow to be governed by any exigencies which may arise with respect to the expiring laws. In my judgment, after the holiday all Senators who are interested in legislation will have a week or two within which to obtain consideration for such legislation.

I make this statement because many Senators are interested in the program.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LEE. I hope the Senator will place on the list of those matters which should be considered the nomination of Mr. Paul Walker to be a member of the Federal Communications Commission.

Mr. BARKLEY. That is an executive matter. I do not know that there is any opposition to that nomination.

Mr. LEE. The Senator mentioned two other nominations. For that reason I did not want the nomination of Mr. Walker omitted.

Mr. BARKLEY. I have been asked about the program for today as far as I can see it. The Senator from Colorado [Mr. ADAMS] is now waiting to move the consideration of the urgent deficiency appropriation bill; the Senator from Oklahoma [Mr. THOMAS] desires to take up another appropriation bill providing for certain military expenses, including airplanes, and so forth, and the Senator from Maryland [Mr. TYDINGS] has a bill from the Appropriations Committee which he desires to have considered.

I have conferred with the Senator from Vermont [Mr. AUSTIN] concerning the possibility of having an executive session early today so that the Senate may act on the MacLeish nomination, which should be disposed of, because Mr. MacLeish ought not to be subjected to the embarrassment of having his nomination held up indefinitely, and I do not want to deny anyone the right to discuss it.

I felt that I should give this information to the Senate for its own guidance.

Mr. NEELY. Mr. President, will the Senator from Colorado yield to me in order that I may propound an inquiry to the Senator from Kentucky?

Mr. ADAMS. Certainly.

Mr. NEELY. Mr. President, I inquire of the able majority leader if he will agree that, in the absence of emergency measures or demands, I shall be afforded an opportunity on Wednesday of next week to move the Senate to proceed to the consideration of what is commonly known as the moving picture antiblock booking bill? I had intended to make this motion this afternoon but, in view of the statement the Senator from Kentucky has made regarding the importance of passing certain appropriation bills, I shall not

attempt to interfere with the program which he has outlined for today.

Mr. BARKLEY. Mr. President, in that connection, I am glad to say that if the matters to which I have called attention shall be disposed of so that there will be no possibility of a hang-over as to any of the measures which will expire on tomorrow night, I certainly shall have no objection to the Senator moving to take up the bill to which he has referred on Wednesday or at any other convenient day next week; I have no desire to postpone its consideration, but I do not think that a bill that is not emergent, as that one is not, ought to interfere with measures that almost of necessity must be enacted between now and tomorrow night.

Mr. NEELY. Mr. President, of course, I concur in that opinion.

Mr. WHITE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado has the floor. Does he yield to the Senator from Maine?

Mr. ADAMS. I yield.

Mr. WHITE. The Senator from West Virginia appreciates that he and I do not see eye to eye with respect to the bill in which he is interested.

Mr. NEELY. That is very true.

Mr. WHITE. But I have no disposition to delay its consideration. I would appreciate it, however, if, instead of asking that the bill be considered on Wednesday, the Senator would compromise with me and call it Thursday.

Mr. NEELY. I gladly and favorably respond to the suggestion of the Senator from Maine. He has vigorously but fairly opposed the bill. He diligently helped to conduct the subcommittee hearings and is familiar with the record. He is entitled to an opportunity to participate in the consideration of this important measure when it is brought before the Senate. Therefore I accept his suggestion, and now very respectfully give notice that at the earliest possible moment on Thursday of next week I shall move that the Senate proceed to the consideration of Senate bill 280.

Mr. BARKLEY. Mr. President, I did not hear the suggestions of the Senator from Maine; I was interrupted at the time. What was his suggestion?

Mr. WHITE. I called attention to the fact that the Senator from West Virginia and I were not in accord with respect to the bill in which he is interested, but that I have no desire to delay its consideration. I asked him, however, if it would be agreeable to him to move to take up the bill on Thursday rather than on Wednesday, and I may say that that request was made largely for my accommodation.

Mr. BARKLEY. That is entirely satisfactory, but, of course, that is contingent on the condition that none of the expiring laws which we hope to get through by tomorrow night shall be under consideration at the time on Wednesday or Thursday.

Mr. NEELY. Mr. President, let me assure the Senator from Kentucky that I shall not attempt to interfere with emergency legislation.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House further insisted upon its disagreement to the amendments of the Senate Nos. 1, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 101 to the bill (H. R. 5610) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLLINS, Mr. CASEY of Massachusetts, Mr. MAHON, Mr. STEFAN, and Mr. CASE of South Dakota were appointed managers on the part of the House at the further conference.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and



grants for public-works projects, for the fiscal year ending June 30, 1940; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. THOMAS S. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

### THIRD DEFICIENCY APPROPRIATIONS

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House bill 6970, the so-called urgent deficiency appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, which had been reported from the Committee on Appropriations, with an amendment.

Mr. ADAMS. I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment; and that the amendments of the committee be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will proceed to state the amendments reported by the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Independent establishments—Executive Office", on page 4, after line 11, to insert:

Bureau of the Budget, salaries and expenses: The unobligated balance on June 30, 1939, of the appropriation, "Salaries and expenses, Bureau of the Budget, 1939" shall be added to and become a part of the appropriation, "Salaries and expenses, Bureau of the Budget, 1940": *Provided*, That the limitation of \$5,000 on the amount that may be expended from the appropriation "Salaries and expenses, Bureau of the Budget, 1940," for the temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the civil-service laws, or the Classification Act of 1923, as amended, is hereby increased to \$50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Federal Loan Agency", on page 5, line 3, after the word "exceed", to strike out "\$500,000" and insert "\$400,000", so as to read:

Electric Home and Farm Authority, salaries and administrative expenses: Not to exceed \$400,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order No. 7139 of August 12, 1935, and continued as such agency until June 30, 1941, by the act of March 4, 1939 (Public Act No. 2, 76th Cong.), shall be available during the fiscal year 1940 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now or hereafter held or acquired by the Authority shall be considered as nonadministrative expenses for the purposes hereof.

The amendment was agreed to.

The next amendment was, under the subhead "Federal Communications Commission," on page 10, line 2, after the name "Commission", to insert "fiscal year 1940", so as to read:

Printing and binding: For all printing and binding for the Federal Communications Commissions, fiscal year 1940, \$25,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to strike out:

### RECONSTRUCTION FINANCE CORPORATION

Salaries and administrative expenses: The limitation of \$9,250,000 for administrative expenses of the Reconstruction Finance Corporation and the Reconstruction Finance Corporation Mortgage Co. for the fiscal year 1939, contained in the Independent Offices Appropriation Act, 1939, is hereby increased to \$9,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary National Economic Committee", on page 1, line 14, after the word "expenses" and the semicolon, to strike out "\$300,000" and insert "\$480,000"; and in line 18, after the word "and", to strike out "\$204,000" and insert "\$384,000", so as to read:

For an additional amount for each and every purpose requisite and incident to carrying out the provisions of the public resolution entitled "Joint resolution to create a temporary national economic committee," approved June 16, 1938, as amended by the public resolution approved April 26, 1939, including rent and personal services in the District of Columbia and elsewhere by contract or otherwise; contract stenographic reporting services; books of reference; traveling expenses; employment of messenger service by contract or otherwise, and all other necessary expenses; \$480,000, to be available until the expiration of the Seventy-sixth Congress, of which amount not to exceed \$96,000 shall be available for expenditure by the Temporary National Economic Committee and \$384,000 for allocation by the President to the departments and agencies represented on the Committee to enable them to carry out their functions under such public resolution approved June 16, 1938: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase or service rendered hereunder when the aggregate amount involved does not exceed \$100.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior," on page 14, after line 12, to insert:

### OFFICE OF THE SECRETARY

Salaries: The sum of \$216,560 of the funds appropriated by section 201 (a) of the Public Works Administration Appropriation Act of 1938 is hereby transferred, effective July 1, 1939, to the appropriation "Salaries, Office of the Secretary of the Interior, 1940," such amount to be taken from the sum made available for the fiscal year 1940 for administrative expenses of the Federal Emergency Administration of Public Works by the Independent Offices Appropriation Act, 1940.

The amendment was agreed to.

The next amendment was, on page 15, after line 8, to insert:

### GOVERNMENT IN THE TERRITORIES

Division of Territories and Island Possessions: For an additional amount for expenses of the Division of Territories and Island Possessions in the investigation and survey of natural resources of the land and sea areas of the Antarctic regions, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws or the Classification Act of 1923, as amended, or by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes, rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, fiscal year 1939, to remain available until June 30, 1940, \$340,000: *Provided*, That fuel, repairs, and emergency supplies may be contracted for in foreign ports.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice—judicial—marshals, and other expenses of United States Courts", at the top of page 17, to insert:

Conciliation Commissioners, United States courts: The unexpended balances of the appropriations "Fees and expenses of conciliation commissioners, United States courts, 1937-39," and "Fees of conciliation commissioners, United States courts, 1938," are hereby continued available for the same purposes until June 30, 1940.

The amendment was agreed to.

The next amendment was, under the heading "Post Office Department (out of postal revenues)", on page 17, line 12, after the word "of", to strike out "\$1,600,000" and insert "\$1,500,000", so as to read:

### POST OFFICE DEPARTMENT (OUT OF POSTAL REVENUES)

Unexpended balances of appropriations for the Post Office Department are hereby transferred and made available for the pur-

poses of the appropriations to which transferred, as follows: The sum of \$1,500,000 from Railway Mail Service, salaries, 1939"; the sum of "Clerks, first- and second-class post offices, 1939"; the sum of \$1,000,000 from "Railroad transportation and mail messenger service, 1939" to "City delivery carriers, 1939"; the sum of \$350,000,000 from "Rural Delivery Service, 1939" to "Special delivery fees, 1939"; the sum of \$15,000 from "Electric- and cable-car service, 1939" to "Powerboat service, 1939"; and the sum of \$35,000 from "Manufacture and distribution of stamps and stamped paper, 1939" to "Unpaid money orders more than 1 year old, 1939."

The amendment was agreed to.

The next amendment was, under the heading "Department of State", on page 20, after line 15, to insert:

International Committee on Political Refugees: For the expenses of participation by the United States in the International Committee on Political Refugees, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, fiscal year 1940, \$20,000, together with the unexpended balance of the appropriation for this purpose for the fiscal years 1938 and 1939 contained in the Second Deficiency Appropriation Act, fiscal year 1938: *Provided*, That no salary shall be paid hereunder at a rate in excess of \$7,500 per annum.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. O'MAHONEY. Mr. President, when the Treasury and Post Office appropriation bill was under consideration at the present session it contained a provision recommended by the Committee on Appropriations and adopted by the Senate placing a certain limitation upon the distribution of frankable mail by the various executive departments and agencies. The amendment was agreed to in conference, but a typographical error was made in the preparation of the conference report so that when the bill was signed certain language at the conclusion of the amendment was omitted. Thereupon, in order to correct that typographical error at the suggestion of the conferees, I introduced Senate Joint Resolution 134, which was referred to the Committee on Appropriations. That joint resolution was amended and reported favorably to the Senate and is now on the calendar. It was amended in accordance with the suggestions of the Federal Power Commission, the Securities Exchange Commission, and the Bureau of the Census in order to enable those three agencies without any question to send out material required by law to be sent out.

I feel that the joint resolution as drafted would cover their needs, but, in order to make certain, it was deemed advisable to clarify the amendment. The Committee on Appropriations yesterday authorized me to add the joint resolution to the pending bill as an amendment. It is necessary, however, to move to suspend the rule. I filed the formal notice to suspend the rule yesterday. I therefore ask unanimous consent that paragraph 4 of rule XVI be suspended in order that I may now move the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is in order.

Mr. O'MAHONEY. I now offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

SEC. —. That section 6 of the Treasury and Post Office Departments Appropriation Act, fiscal year 1940 (Public, No. 65, 76th Cong.), approved May 6, 1939, is hereby amended to read as follows: "Sec. 6. On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all

forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within 30 days after the close of the quarter, a statement of the weight of the mail matter, by classes of mail, that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I have at the desk an amendment which has the approval of the Budget Bureau, and I understand that the Senator from Colorado will accept it.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 15, after line 25, it is proposed to insert the following:

#### WORK PROJECTS ADMINISTRATION

To enable the Commissioner of Work Projects to afford direct relief to citizens of the counties of Anoka and Hennepin, in the State of Minnesota, made destitute by the recent tornado which occurred in that State, either by grants to the Governor of the State of Minnesota or local authorities, or otherwise, as he may determine, fiscal year 1940, \$35,000: *Provided*, That, in the discretion of the Commissioner of Work Projects, no part of this sum shall be used for grants unless a sum or sums at least equal to such grants shall have been made available by the State of Minnesota or a political subdivision thereof for the accomplishment of the same purpose.

Mr. BYRNES. Mr. President, I should like to ask the Senator from Colorado [Mr. ADAMS] a question. Heretofore, as I understand, the Disaster Loan Corporation has been making loans when there has been a tornado, or suffering as the result of a disaster of this kind. Does this amendment set a precedent for granting relief in these matters?

Mr. ADAMS. Mr. President, I think perhaps the precedent was established earlier this year, in connection with the tornado in New England. There was an appropriation in connection with that disaster. Now the precedent is being followed.

Mr. BYRNES. In that case there were not loans by the Disaster Loan Corporation?

Mr. ADAMS. Like this, the appropriation was subject to an equal contribution by the State.

Mr. BYRNES. There was an outright grant?

Mr. ADAMS. Yes.

Mr. BYRNES. That was done in the case of New England?

Mr. ADAMS. It was.

Mr. BYRNES. I have no objection to it. In the city of Charleston, in my own State, last September a tornado caused great damage and suffering. I understood that the only relief that could be granted would be loans by the Disaster Loan Corporation, and I thought it proper that it should be done. The Red Cross also aided. I did not know that the Government was making gifts in cases of this kind.

Mr. ADAMS. I will say to the Senator from South Carolina that I perhaps have been inaccurate. In the New England situation, what was done by Congress could not be called



a grant. It was a direct appropriation for work by the Federal Government in clearing up after the disaster.

Mr. SHIPSTEAD. Mr. President, this money is to be spent through the W. P. A. They will handle the whole thing as a matter of immediate relief.

Mr. BYRNES. The W. P. A. have money to spend. This appropriation is in addition to that?

Mr. SHIPSTEAD. It is in addition to the allocation already made. They claim that they have not any more money available for this purpose.

Mr. BYRNES. This is a Federal project, then, of W. P. A. Is that correct?

Mr. SHIPSTEAD. Yes. It is to be spent under the W. P. A., through an understanding with the Bureau of the Budget.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. SHIPSTEAD].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 6970) was read the third time and passed.

#### PUERTO RICAN CONDITIONS

Mr. KING. Mr. President, I ask the indulgence of the Senate for a few minutes in order that I may again call attention to the serious economic conditions in Puerto Rico.

I have sometimes thought that Congress and many of our citizens are not sufficiently interested in this important Territorial possession. Puerto Rico is under the flag, and its inhabitants are American citizens. The obligation rests upon Congress and the executive departments of the Government to deal in a just and fair way with Puerto Rico. Its situation is unique; it has problems many of which differ from those with which continental United States is confronted. We must not forget that Puerto Rico came to the United States as a result of a conflict with Spain, and that when Puerto Rico and her inhabitants were brought under the American flag as a result of the war they were entitled not only to just but generous treatment and to the privileges and rights belonging to American citizens.

It is true that Puerto Rico is a small island, probably not more than 3,500 square miles, not more than 1,500,000 acres of which are susceptible of cultivation, and with a population of approximately 1,800,000. Though the resources of the island are rather limited, I believe that by proper collaboration between the Puerto Rican government and the National Government there will be developed and maintained a reasonably satisfactory economy in Puerto Rico which will provide for the welfare and happiness of the people.

Puerto Rico has been an important purchaser of the products and commodities of the mainland. I am told that it has been the sixth greatest customer from continental United States. The depression through which the United States is passing has had repercussions in Puerto Rico, and it is apparent that the economic conditions in Puerto Rico are not satisfactory. The obligation rests upon the Government to adopt reasonable measures to aid the people of Puerto Rico in meeting their economic and industrial problems.

If I understand, the people of Puerto Rico are asking nothing unreasonable; they only desire to be treated as American citizens and to receive that consideration to which all American citizens are entitled. Certainly in any legislation by Congress, the conditions in Puerto Rico should not be ignored. The same standards which might be maintained in many parts of the United States might not meet conditions in Puerto Rico. There are too many persons who seek standardization in everything and who would impose upon all sections of our country, including our Territorial possessions, the same rigid and inflexible standards which they

demand should be applied in every part of continental United States. We might learn something from Great Britain in her treatment of her island possessions and of her territories in many lands. Our Government should recognize that Puerto Rico is not a part of continental United States; that its climatic conditions are different; that the habits and pursuits of the people are somewhat different from those in many parts of the United States. Certainly it should be recognized that the economic and industrial conditions are different and that legislation relating to the island should take cognizance of these differences to which I have imperfectly referred. It is believed by many, however, that we have ignored these conditions and have imposed upon Puerto Rico and its inhabitants policies and measures that are not entirely just and are producing most unsatisfactory results.

Several days ago I called the attention of the Senate to the attempt to enforce the wage and hour bill and the serious consequences which ensued. The administration of that act has thrown out of employment many thousands of persons. I have received many communications from the residents of Puerto Rico in which it was stated that a number of industries had suffered under the attempted enforcement of the wage and hour bill; that from sixty to eighty thousand women engaged in needlework had been deprived of employment, thus adding to the unemployment situation and seriously affecting the economic and social condition of the people.

I am in receipt of a letter from a distinguished citizen of Puerto Rico, in which he states that the interpretation and enforcement of the so-called Fair Labor Standards Act will mean the total destruction and disappearance of the needlework industry in Puerto Rico, which will result in "an economic crisis" and thus accentuate the problems with which the island and its people are confronted. The letter, as well as other communications which I have received, indicate that in the administration of the act there has been a most inflexible and autocratic attitude. There has been lacking a sympathetic understanding of the situation in the island and an apparent determination to rigidly and autocratically enforce the act.

Because of the serious consequences of the rigid enforcement of the so-called wage and hour law, and the certainty of further unemployment and assaults upon the economic and industrial conditions of Puerto Rico, I offered at the request of persons familiar with the conditions a bill which was referred to the Committee on Education and Labor. It is believed by those who suggested the measure and who are desirous of preventing a further economic crisis in the island, that if this bill were enacted into law it would certainly ameliorate conditions and interrupt the destructive movements which are undermining industrial and economic conditions.

Mr. President, I ask that the bill be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2682) to amend the Fair Labor Standards Act of 1938 to provide a special procedure for fixing minimum-wage rates for Puerto Rico and the Virgin Islands is as follows:

*Be it enacted, etc., That (a) section 5 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:*

"(e) No industry committee appointed under subsection (a) of this section shall have any power to recommend the minimum rate or rates of wages to be paid under section 6 to any employees in Puerto Rico or in the Virgin Islands. Notwithstanding any other provision of this act, the Administrator may appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to all employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce, or the Administrator may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands.

In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees and the Administrator shall be subject to the provisions of section 8, and no such committee shall recommend, nor shall the Administrator approve, a minimum wage rate which will give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands."

(b) No wage orders issued by the Administrator prior to the enactment of this act pursuant to section 8 of the Fair Labor Standards Act of 1938 shall after such enactment be applicable with respect to any employees engaged in commerce or in the production of goods for commerce in Puerto Rico or the Virgin Islands.

Sec. 2. Section 6 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(c) The provisions of paragraphs (1), (2), and (3) of subsection (a) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce only for so long as and insofar as such employee is covered by a wage order issued by the Administrator pursuant to the recommendations of a special industry committee appointed pursuant to section 5 (e)."

Mr. KING. As stated, I have received many telegrams and letters from Puerto Rico urging that some steps be taken to prevent further injury to and demoralization of the whole economic structure of the island. Some of the letters which I have received indicate that not only is the needlework industry threatened with destruction, but that the tobacco and other industries are jeopardized. It is certain, from the communications which I have received, that approximately 80,000 persons engaged in the needlework industry will be deprived of employment, and that the market which they have built up beyond the borders of Puerto Rico will be destroyed. I am told that already the Far East is usurping or obtaining a large part of the market which Puerto Rico needlework products have developed. The markets for needlework have brought to Puerto Rico approximately \$25,000,000 annually. It is needless to repeat that the loss of this market is not only serious, but a tragic blow to Puerto Rico.

I sincerely hope that before Congress adjourns measures will be enacted that will make for the improvement and rehabilitation of industries in the island.

#### PREVENTION OF PERNICIOUS POLITICAL ACTIVITIES

Mr. HATCH. Mr. President, in view of the fact that on yesterday I made a statement concerning Senate bill 1871, I desire now to make a further very brief statement.

Yesterday I said that I had been definitely assured by certain members of the House Committee on the Judiciary that Senate bill 1871 would be reported by that committee today. That assurance had been given. Today I am informed that the House committee was unable to complete its labors and did not make its report. I rise merely to say that after conference with Mr. Celler and Mr. Walter, of the House committee, who informed me of the conditions in that committee, I do not at all consider that their failure to complete the bill today is in any sense a breach of their understanding or agreement with me. I think the gentlemen have endeavored in every way to carry out their agreement. In fact, Chairman Celler has called a meeting of his committee for tomorrow morning to complete the bill. In that respect the members of the House Judiciary Committee have kept faith with me and have kept the understanding, and I wanted to make that fact clear.

I am not satisfied with the action of the House committee with regard to section 9, and of that I shall have more to say later.

#### ADDITIONAL APPROPRIATIONS FOR MILITARY ESTABLISHMENT

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate proceed to the consideration of House bill 6791, making additional appropriations for the Military Establishment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, which had been

reported from the Committee on Appropriations, with amendments.

Mr. THOMAS of Oklahoma. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments reported by the committee will be stated.

The first amendment of the Committee on Appropriations was, under the head of "Military posts," on page 7, line 10, after "1940", to strike out "\$63,662,500" and insert "\$64,862,500", so as to read:

For construction and installation of buildings, flying fields, and appurtenances thereto, authorized by the act entitled "An act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress", approved April 3, 1939, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (10 U. S. C. 1339; 40 U. S. C. 267); employment of personnel without regard to civil-service requirements and restrictions of law relating thereto; general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the Office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary, fiscal year 1940, \$64,862,500, to remain available until expended, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1940, for the same purposes, to an amount not in excess of \$21,337,500, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

#### SURVEYS AND MAPPING

Of the money appropriated by this act not to exceed \$5,000,000 may be expended for the fiscal year ending June 30, 1940, for topographic surveys and mappings as proposed in Senate Document No. 54 (76th Cong., 1st sess.): *Provided*, That such funds may be expended for the same objects (but not limited to the amounts specified for such objects) enumerated in the Interior Department Appropriation Act for the fiscal year ending June 30, 1940, under the heading "Geological Survey."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. TYDINGS. Mr. President, I send to the desk an amendment which I have been authorized by the Committee on Appropriations to offer.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert, on page 16, after line 10, the following new section:

Sec. 2. In order to provide adequate facilities for the constructing, manufacturing, or furnishing of any military or naval equipment, supplies, or other articles for the purposes of the national defense, the Secretary of War and the Secretary of the Navy are respectively hereby authorized and empowered from time to time to include, or cause to be included, in any contract that shall be made by them or under their authority, respectively, for the constructing, manufacturing, or furnishing of any such equipment, supplies, or other articles provisions satisfactory to them or their authorized representative for any or all of the following purposes, to wit: (a) To provide that the contractor shall construct or install additional facilities, or expand, modernize, improve, replace, or otherwise alter existing facilities, in order to expedite the constructing, manufacturing, or furnishing of any of such equipment, supplies, or other articles; (b) to provide that the cost of constructing, acquiring, installing, expanding, modernizing, improving, replacing, or otherwise altering such facilities shall be paid by the United States; (c) to provide that any such additional facilities the cost of which shall so be paid by the United States shall be and remain the property of the United States, subject as hereinafter provided, and that the United States shall have the right to acquire any such existing facilities so to be expanded, modernized, improved, replaced, or otherwise altered upon payment of fair compensation therefor to be determined as shall be provided in the contract; and (d) to provide that, if and when any such facilities that shall so become the property of the United States shall no longer be required by the contractor in the performance of



any contract for the constructing, manufacturing, or furnishing to the United States or to any department, independent establishment, or other agency or instrumentality of the United States of any equipment, materials, supplies, or other articles, such facilities shall be removed from the premises of the contractor or otherwise disposed of in such manner and on such terms and conditions as shall be agreed upon by the Secretary of War or the Secretary of the Navy, as the case may be, and the contractor, including, but without limitation on the foregoing, the sale or lease of such facilities to the contractor. Any costs of constructing, acquiring, installing, expanding, modernizing, improving, replacing, or otherwise altering any such facilities that shall be paid by the United States pursuant to any such contract shall not be deemed to be a part of the cost of performing, or of the total contract price under, any contract within the scope of section 3 of the act of March 27, 1934 (48 Stat. 505), as heretofore or hereafter amended, for the purpose of computing profit or loss on such contract pursuant to said section 3. Any amounts heretofore or hereafter appropriated for the constructing, manufacturing or acquiring of any such equipment, supplies or other articles shall to the extent that shall be deemed necessary by the Secretary of War or the Secretary of the Navy, as the case may be, be available for any of the purposes hereinbefore specified.

Mr. TYDINGS. Mr. President, this is a very long amendment, but it had to be long in order to make provision to give the Secretary of the Navy and the Secretary of War certain discretionary powers to take care of a situation which might evolve from the following facts:

The law fixes a limitation of not more than 10 percent on the profit which may be made on goods manufactured under contracts with the War and Navy Departments. I am not quarreling with that, but it sometimes happens, for example, when the Navy or the Army want particular guns—to illustrate, heavy artillery—that there are no facilities for the manufacture of such guns. Unless some latitude and discretion are allowed the Secretary of War or the Secretary of the Navy to construct the machinery to make such guns, as a part of the cost, there would be no concern in the United States able to make them, because it would cost 10 times as much to make them as the Government could pay for them. Therefore this amendment is so drawn as to give the Secretary of the Navy and the Secretary of War the discretion to meet such a situation if one should arise.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. AUSTIN. I recall that the Committee on Military Affairs has considered proposed legislation relating to the procurement of munitions, and I wish to ask the Senator from Maryland whether his proposal has been coordinated with the existing law, lately enacted, regarding the procurement of munitions. I cannot judge, from a hasty reading of the amendment.

Mr. TYDINGS. I cannot answer the question categorically, but the Subcommittee on Military Affairs of the Appropriations Committee and the full committee both felt that there was a need for an amendment of this kind. If we take it to conference and it develops there is any lack of coordination I am sure we can work out a suitable amendment, if there is any conflict.

Since I offered the amendment I have learned, although I cannot authenticate the statement, that the Navy Department is very much concerned about the hiatus which will result without the amendment, and it is quite likely that in conference both the Navy and the War Departments will be consulted by the conferees, and if there is any conflict of policies they will all be coordinated.

Mr. AUSTIN. Does the amendment contemplate authority to procure any supplies and munitions without limit?

Mr. TYDINGS. No. The sole purpose of the amendment is to provide for a situation where no machinery exists for the manufacture of something which the Army or the Navy may want, and where the manufacturer of the product desired is limited to a profit of 10 percent of the cost of the article itself rather than the machinery necessary to be installed to produce the article. This would give the Secretary of the Navy and the Secretary of War authority to work out something so that the goods could actually be produced. That is the sole purpose.

Mr. AUSTIN. Does the proposal change the existing law with respect to what contracts can be made through open-

market negotiations and what contracts can be made only through the competitive bidding process, on specifications?

Mr. TYDINGS. As I understand, it does not. Discretionary power will be granted, which may never have to be used, but an emergency might occur, when, if the Secretaries did not have the power, they could not secure the goods.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. KING. Would this authorize either the War or the Navy Department to create deficits?

Mr. TYDINGS. No. It calls for no extra appropriation.

Mr. KING. Then they could not embark upon some other construction?

Mr. TYDINGS. No more money could be spent with this amendment in the bill than without it.

Mr. KING. With that assurance, I think the amendment is satisfactory.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. TYDINGS. In view of the adoption of the amendment, I move that there be a further amendment on page 16, line 11, to change the section number from "2" to "3."

The amendment was agreed to.

Mr. TAFT. Mr. President, I notice on page 6, line 24, under the item for the construction of military posts, this language:

Employment of personnel without regard to civil-service requirements and restrictions of law relating thereto.

In the regular military appropriation bill \$8,000,000 was appropriated for military posts, and it was provided that the personnel should be subject to civil-service requirements. I wondered whether the committee had considered the reason for exempting these employees from civil-service requirements.

Mr. THOMAS of Oklahoma. Mr. President, the committee did not go into that phase of the matter; the question was not raised. But the appropriation for this work is a supplemental appropriation; it is extra work and in the nature of an emergency. For that reason, I presume, this language is in the bill in its present form. Other explanation I have not.

Mr. LODGE. Mr. President, I should like to invite the attention of the Senator to the subtitle "Military posts." I presume that the money carried under this item will be spent on regularly authorized projects, in accordance with the regular priorities, as established by the War Department. Would this follow the regular course?

Mr. THOMAS of Oklahoma. There is no change in the law, and this appropriation is to carry out the program which has heretofore been formulated by the board of strategy or the Chief of Staff and his assistants in the War Department.

Mr. LODGE. Would the same statement apply to the acquisition of land?

Mr. THOMAS of Oklahoma. The War Department could not purchase land unless it were authorized to do so; so it would be pursuant to authorizations already enacted by the Congress.

Mr. LODGE. What is the purpose of the increase from \$63,000,000 to \$64,000,000?

Mr. THOMAS of Oklahoma. That increase is made in order to provide \$1,200,000 more for the Lowry Flying Field, located a few miles east of the city of Denver. A few years ago the War Department proceeded to abolish Chanute Field in Illinois, and it transferred the equipment and personnel to the new field, located east of Denver, on the theory that it would afford somewhat of a bombing field, and a place for the training of mechanics, a sort of a work field. Later on the War Department decided that it would not only build up Lowry Field, but would retain the Chanute Field, so this appropriation carries something like \$2,000,000, perhaps a little more, for the Chanute Field, and a small appropriation, relatively, was made for Lowry Field. The appropriation is to build up the two simultaneously and harmoniously.

Mr. LODGE. I thank the Senator.

Mr. KING. Mr. President, without being critical, one is compelled to suggest a lack of interest upon the part of the Senate in measures carrying very large appropriations. We have before us now a bill which carries an appropriation of more than \$223,000,000 for the War Department. Looking around the Senate Chamber, I perceive not more than 10 or 15 Senators present.

We seem to accept the view that appropriations, no matter how large, need but little consideration. It has become a habit with us to vote for appropriation bills carrying hundreds of millions of dollars with but little consideration and but little debate. It is assumed that the House has given due consideration to appropriation measures, and that the Senate Committee on Appropriations likewise has been satisfied with the measures which it reports to the Senate.

However, this attitude toward appropriation bills is not justified, particularly in view of the stupendous sums that are being appropriated and the certainty of an enormous deficit at the end of the fiscal year. I fear that we have been induced to support these very large appropriations for the Army and the Navy without due consideration, and in part as a result of an emotionalism, or at least because in other parts of the world the clouds of war are hovering over the people. Undoubtedly conditions in other parts of the world may not be ignored; but unless there are strong reasons to support appropriations of more than \$2,000,000,000 for the next fiscal year for military purposes, we are not justified in giving them our support.

A few days ago the Senate passed a bill carrying more than \$508,000,000 for the Army, and subsequently a deficiency bill, carrying more than \$70,000,000 was passed. In addition to these appropriations, it is known that the Works Progress Administration has, in the past, been called upon to make important contributions toward the construction of military and naval works, and during the next fiscal year it is anticipated that the Works Progress Administration will be called upon to aid in carrying out the program of the Army and the Navy.

As I have indicated, notwithstanding the very large appropriations for the fiscal year ending June 30, 1939, the appropriations for the next fiscal year will exceed the aggregate amount by several hundreds of millions of dollars. It is manifest that before Congress adjourns, the appropriations for the Army and Navy for the next fiscal year will be in excess of \$2,000,000,000.

I have upon various occasions challenged attention to the unwise course which I believe our Government is pursuing in the matter of appropriations. Notwithstanding the heavy tax burdens resting upon the people, the appropriations are substantially double the revenues. For the next fiscal year, the revenues will approximate \$5,000,000,000; and the appropriations, in my opinion, will total \$10,000,000,000.

In addition to this great list of appropriations, Congress has authorized, and will authorize before this session concludes, expenditures aggregating approximately \$4,000,000,000. Indeed, it is difficult to determine just what the contingent liabilities of the Government will be as a result of legislation enacted at this session of Congress.

It is obvious, however, that the gap between revenues and appropriations is widening, and that the Government will soon reach the authorized limit of indebtedness of \$45,000,000,000. Suggestions were made in various executive departments that the limit of indebtedness was too restrictive, and that legislation be enacted that would authorize \$50,000,000,000 of national indebtedness. Suggestions are being made by some in executive authority that, in view of the fact that the expenditures of the Federal Government were largely confined to the United States, there was no justification for any fear of dangerous consequences resulting therefrom. In other words, it is the philosophy of some in authority that if we spend the money in the United States, it is quite unimportant as to the amount which is appropriated by Congress.

I fear that this delusion is influencing many Americans and is more or less pervasive in the executive and legislative branches of the Government. Attempts to restrict appropriations are unavailing, and, as I have stated upon former occasions, the orgy of spending is increasing in intensity. The result inevitably must be inflation, with all the evils which attend inflationary policies.

From time to time during the past few years motions have been submitted to reduce appropriation bills. But limited support has been given to the same. Indebtedness, whether of individuals, communities, States, or governments, is a burden upon the people, and ultimately it may become so oppressive as to produce the most serious consequences. Our Government, rich as it is, may not continue indefinitely the policy of spending which has characterized it for a number of years. The deficits during the past 6 or 7 years will reach the sum of approximately \$25,000,000,000. During this same period the Federal Government has, through its tax laws, compelled the American people to make contributions to the Federal Treasury of approximately \$30,000,000,000.

Loose fiscal policies produce unfortunate, and often disastrous, results. There is no promise of immortality to nations, and if they violate the rules of prudent conduct, they will be compelled to pay the penalty. Great economists and historians animadvert upon the evils of profligate spending, and the pages of history record the undermining of governments and the destruction of nations as a result of extravagance and waste and profligate spending.

As I have indicated, there is no promise of immortality to this Republic. A great historian has told us that the history of all governments is a history of the follies of their people. This Republic has attained great prestige, and stands today as the most important Nation in the world. And yet, nations, as well as individuals, must take heed lest they fall.

We are pursuing, I regret to say, a reckless course in the matter of expenditures and in following unwise and often illegal and unconstitutional policies. I protest against departures from constitutional government and the entering by the Federal Government into fields of endeavor that are outside of the sphere of governmental authority. To avoid the tragedies that have come to other peoples and other nations, we must pursue a path of safety and adhere to wise and sound policies which in letter and spirit are in harmony with constitutional government.

Mr. VANDENBERG. Mr. President, supplementing what the Senator from Utah has said, I wish to add merely one observation. Unfortunately, the Senate never has the same opportunity to canvass the details of appropriations that the House has. I will give one example, because it challenges my attention.

We now have what is called a National Emergency Council in the executive department. I wonder if the Senator from Utah, who is perhaps the closest student in this body of these details, knows that apparently about one-half of the activity of the National Emergency Council consists of making motion pictures; that the Congress of the United States in a relief bill has just appropriated three or four hundred thousand dollars to make motion pictures; that about 400 films have thus far been made; that one film has cost \$165,000; and that at this moment of grave challenge to the fiscal integrity of the Government we have a pay roll in the Executive Office which includes such items as these:

Film-service director, \$10,000.

Chief of production of films, \$9,000.

Motion-picture director, \$9,000.

Director of photography—a new position—\$9,000.

Mr. ADAMS. Mr. President, may I interrupt the Senator at that point?

Mr. VANDENBERG. Yes, indeed.

Mr. ADAMS. I call the attention of the Senator to the fact that he is reading a list of things which were desired, not a list of things which were granted, because the Senate Appropriations Committee eliminated the film-service item.



Mr. VANDENBERG. Does the Senator from Colorado mean that the bill as we passed it has done away with the entire film activity of the Federal Emergency Council?

Mr. ADAMS. I do not. I mean the bill which came to us adding \$850,000 to the National Emergency Council contained a requested increase of \$150,000 for film service, and we declined to include the film-service item; so the bill was passed without a special appropriation for the film service. That is what happened. There is in existence a film service, which has been financed from various departments. The Works Progress Administration had some work done, the cost of which they paid. The Public Works Administration had some work done. I think some of the other departments had some work done by that service. It was all moved under the Bureau of Education. But we did not make the requested appropriation specifically for that service. I knew the Senator from Michigan would like to have that explanation.

Mr. VANDENBERG. I am very glad to have that information. I am sure the Senator from Colorado would agree with my viewpoint regarding this sort of extra curricula activity on the part of the Federal Government.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. THOMAS of Oklahoma. I may suggest that the film business has been a development of the past 20 or 25 years. When the present administration came into power practically every bureau of the Government had a well-developed film or motion picture service. It seemed that every department wanted to organize a movie service to the end that its particular activities could be photographed and preserved for the benefit of posterity. Under the Reorganization Act an effort is being made to get rid of all these various movie activities, and to center the necessary and essential activities under one head. That is the occasion for this item in the bill. It may look strange because the service is centered, but if Senators will compare the expense under this item with the expense under the former system of permitting every department to have a movie division, I think they will find it effects an essential saving.

Mr. VANDENBERG. Mr. President, I am glad the Senator thinks there is progress through sanity. I do not think that any activity purely propaganda in its nature should be charged to the taxpayers of the United States at a moment when for 9 consecutive years we are paying \$15,000 a minute out of the Treasury and taking in \$9,000.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. LODGE. As I understand, the Senator is referring to the use of relief money for these films?

Mr. VANDENBERG. Yes.

Mr. LODGE. In that connection let me say that we looked into that matter in the Byrnes committee last winter, and I asked the then Administrator, Mr. Hopkins, about the use of relief money for this purpose, and inquired whether relief labor was used to produce these films, because it would seem that if relief appropriations were involved they should rather be used to give relief to the community. He said that that was not the case, that these films were not made with relief labor; that when it came to the matter of imparting knowledge to the public about the W. P. A. programs he thought that those were very small considerations. He applied the same reasoning to the expensive printing to which the Senator from Michigan called attention 2 years ago. I asked him whether that was done with relief labor, and he said "No," that it was not, but there again, when it came to conveying knowledge to the public about the W. P. A., expense was no object.

I then asked him why it was that the accounts of the W. P. A. should be printed in so much more expensive and luxurious style than are the deliberations of Congress, which are, after all, simply printed in the CONGRESSIONAL RECORD, and he said that he did not want to answer that question. If the Senator from Michigan has an answer to that, I know we would all be interested to hear it.

Mr. VANDENBERG. Mr. President, I think the answer is obvious. It is bureaucracy's appetite in the first instance, and bureaucracy's purpose to perpetuate itself at any cost in the final analysis. That applies not only to the movie item but the radio item in the same bill. When, night before last, I asked the able Senator from Colorado what the radio item was for, he was not able to tell us. I have read the House committee hearings, and I find that the Radio Division of the National Emergency Council has numerous activities, but at the moment it is engaged as follows—and for this we made a specific appropriation of relief funds—I read:

At present the Radio Division is making a series of electrical transcriptions for the President and members of his Cabinet.

Mr. President, I repeat, in passing, that if the Senate could know the detail of the waste and exploitation which is wrapped up in some of these appropriation bills, even the blase Senate would be shocked.

The PRESIDING OFFICER. The question is on the engrossment of the amendments, and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. KING. Mr. President, I had intended to offer an amendment to reduce the appropriations carried in this bill to the extent of 10 percent. However, upon further consideration I shall pretermit that purpose for the present, and after all the appropriation bills have been passed I shall offer an amendment calling for a reduction of 10 percent in the aggregate of all appropriation bills.

The President of the United States to a very large degree won the confidence of the American people when he came into office and recommended a reduction of 25 percent in appropriations. Certainly this blase Senate and this blase Congress—a Congress which apparently is indifferent to enormous appropriations—ought to join with any Senator in asking for a reduction of 10 percent. I think we would be entirely warranted in asking for a reduction of 25 percent in the aggregate appropriations which will be made by perhaps the "spendingest" Congress this Nation has ever known.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H. R. 6791) was passed.

Mr. THOMAS of Oklahoma. Mr. President, in order to expedite final action on the bill, I move that the Senate insist on its amendments, ask for a conference with the House of Representatives thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer (Mr. JOHNSON of Colorado in the chair) appointed Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. SHEPARD, Mr. TOWNSEND, and Mr. BRIDGES conferees on the part of the Senate.

#### ADDITIONAL CLERK HIRE IN THE HOUSE OF REPRESENTATIVES

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 6205.

Mr. AUSTIN. Mr. President, may I inquire what the bill is?

Mr. TYDINGS. It is a bill to provide for additional clerk hire in the House of Representatives, and for other purposes.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland [Mr. TYDINGS]?

There being no objection, the Senate proceeded to consider the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, which had been reported from the Committee on Appropriations with an amendment.

Mr. TYDINGS. Mr. President, the bill is only two pages long. It originated in the House of Representatives. It provides for an additional clerk for each Member of the House.

It has been the traditional policy of the Government that whatever either branch of Congress wanted to do in its own body it had a right to do without interference from the other branch. We had a problem in the Senate. For a long time Senators had been obtaining clerk hire during the emergency from the contingent fund. That arrangement was eliminated, and a permanent arrangement substituted.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment was, on page 1, after line 7, to insert:

Sec. 2. Section 1 of the Legislative Pay Act of 1929 (U. S. C., title 2, sec. 60 (a)), is amended by adding three new paragraphs under the caption "Clerical Assistance to Senators," as follows:

"Ninety-six additional clerks at \$1,800 each, one for each Senator, in lieu of the assistant clerks now authorized by Senate Resolution 144, agreed to August 15, 1935, which resolution is hereby repealed as of January 1, 1940.

"Each Senator shall have one additional clerk at \$1,500 per annum, and in addition thereto each Senator from any State which has a population of 3,000,000 or more inhabitants shall be entitled, in addition to the one clerical assistant provided for in this paragraph, to one additional clerk at the rate of \$1,500 per annum.

"The majority and the minority leaders of the Senate shall each be entitled to have, in addition to any other clerical assistance to which he may be entitled under this act or any other act, a research assistant at \$5,000 per annum."

So as to make the bill read:

*Be it enacted, etc.,* That the joint resolution entitled "Joint resolution providing for pay to clerks to Members of Congress and Delegates", approved January 25, 1923 (U. S. C., title 2, sec. 92), is amended by striking out "to one or two persons" and inserting in lieu thereof "to one, two, or three persons."

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"The majority and the minority leaders of the Senate shall each be entitled to have, in addition to any other clerical assistance to which he may be entitled under this act or any other act, a research assistant at \$5,000 per annum."

Sec. 3. Section 2 of the Legislative Pay Act of 1929 (U. S. C., title 2, sec. 60 (b)) is amended to read as follows:

"Sec. 2. The clerk hire of each Member, Delegate, and Resident Commissioner shall be at the rate of \$6,500 per annum and shall be paid in accordance with the joint resolution of January 25, 1923, as amended: *Provided*, That no person shall receive a salary from such clerk hire at a rate in excess of \$3,900 per annum."

Sec. 4. This act shall become effective on January 1, 1940.

Mr. O'MAHONEY. Mr. President, it strikes me it might be well to call the attention of the Senate to the fact that the proposal contained in this amendment marks, so far as I know, the first act by the Senate of the United States to make a difference among the States. Constitutionally the States are all equal. When the Constitution was drafted it was thought of the highest public interest that each State should be represented by two Senators, regardless of population and regardless of any other differences which distinguish one State from another. From that time down to this moment the States have all been equal in this body. This is the first step to introduce inequality. Heretofore all Members of the Senate have had exactly the same clerical assistance. I venture the prediction that if the Senate now approves the proposal before it to grant additional help to Representatives of States of large population it will not be long before other steps will be taken to draw differences among the States and to grant larger powers and larger representation to the States of large population.

I recognize the fact that a very plausible argument can be made in support of the theory that greater weight should be given to those States which have large populations.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Gladly.

Mr. HAYDEN. Would not the Senator say "practical" rather than "plausible"? We must recognize that the State

of New York is really very much larger in population than the State of Arizona, and that the State of Illinois is larger in population than many other States.

Mr. O'MAHONEY. I accept the amendment. What the Senator says is quite true. The argument is both plausible and practical.

Mr. HAYDEN. The argument appealed to me, knowing the facts. California is a great State, with 6,000,000 people. Texas has a population of 6,000,000. Representatives of the States of larger population are necessarily burdened with more correspondence than Representatives of States of less than half a million people.

Mr. O'MAHONEY. I was about to remark that that is one of the practical or plausible arguments for the bill.

Mr. HAYDEN. I should hesitate a long time to insist that I be provided with clerks I did not need in order that Senators from the larger States who do need them may have them. It would be a waste of public money to appropriate money for additional clerks for my office.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be glad to yield.

Mr. TYDINGS. Would not the Senator feel that the same observation should apply to mileage?

Mr. O'MAHONEY. Not all all.

Mr. TYDINGS. Why not?

Mr. O'MAHONEY. Because mileage is intended to convey Members of Congress to the Capital.

Mr. TYDINGS. Clerks are intended to help Members perform their duties after they arrive at the Capital. If the Senator puts all Senators on the same plane, it seems to me he is making fish of one and fowl of another when he draws the line between mileage and clerk hire.

Mr. O'MAHONEY. It seemed to me that the attention of the Senate ought to be called to this condition. I recognize, of course, that Senators from the larger States have a tremendous volume of correspondence. That correspondence has been increasing for all of us in recent years. I very well remember the time when most of the correspondence which came to Members of Congress came to those Members representing the Western States, because most of the business of citizens of those States was with the Federal Government, and a great proportion of the area of the Western States was under Federal control and domination. Much more of the Federal business was with citizens of those States than with citizens of Eastern States. However, that situation has completely changed.

Mr. President, I do not rise with the intention of opposing this proposal, but I feel that it should be made clear that we are placing our feet upon a new path. For the past 25 years the importance of this body has been steadily deteriorating. There can be no question about that, in my opinion. We have been surrendering the powers of the States, and Members of the Senate who come here constitutionally as representatives of the States actually have ceased to act in that capacity. It seems to me we are gradually turning to government by the populous States to the detriment of the constitutional theory under which our Government was set up.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The CHIEF CLERK. It is proposed to insert in the proper place the following new section:

SEC. —. That hereafter if a Senator should die during his term of office his secretary and other members of his office staff then borne upon the pay rolls of the Senate shall be continued on such pay rolls in their respective positions for a period of 90 days from the date of the Senator's death: *Provided*, That this shall not apply to clerks and assistant clerks of standing committees of the Senate when their services would otherwise continue beyond such periods.

Mr. THOMAS of Oklahoma. Mr. President, my amendment applies only to the Senate. I ask the Senator in charge



of the bill if he will not take the amendment to conference and work out a new section applicable to both Houses.

Mr. TYDINGS. Mr. President, the committee has not considered this amendment, but there seems to be merit to the proposal. If the Senator has no objection, we shall be glad to take the amendment to conference and see if we can work out a satisfactory provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 6205) was read the third time and passed.

Mr. TYDINGS. Mr. President, I ask that the clerks be authorized to renumber the sections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I move that the Senate insist on its amendments, ask for a conference with the House of Representatives thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TYDINGS, Mr. BYRNES, Mr. ADAMS, Mr. OVERTON, Mr. TRUMAN, Mr. HALE, and Mr. BRIDGES conferees on the part on the Senate.

#### EXECUTIVE SESSION

Mr. TYDINGS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. TYDINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Russell
Andrews	Ellender	La Follette	Schwollenbach
Ashurst	Frazier	Lee	Shipstead
Austin	George	Lodge	Slattery
Bailey	Gerry	Logan	Smathers
Bankhead	Gibson	Lucas	Stewart
Barbour	Gillette	McCarran	Taft
Barkley	Glass	McKellar	Thomas, Okla.
Bilbo	Green	Maloney	Tobey
Bone	Guffey	Mead	Townsend
Borah	Gurney	Miller	Truman
Bulow	Hale	Minton	Tydings
Burke	Harrison	Murray	Vandenberg
Byrd	Hatch	Neely	Van Nuys
Byrnes	Hayden	Norris	Wagner
Capper	Herring	Nye	Walsh
Clark, Idaho	Hill	O'Mahoney	Wheeler
Clark, Mo.	Holman	Overtton	White
Connally	Holt	Pepper	Wiley
Danaher	Hughes	Radcliffe	
Davis	Johnson, Calif.	Reed	
Donahey	Johnson, Colo.	Reynolds	

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Eighty-five Senators have answered to their names. A quorum is present.

#### ARMY NOMINATIONS REPORTED AND CONFIRMED

Mr. LOGAN. Mr. President, from the Committee on Military Affairs I report favorably all Army nominations now pending before the committee. Inasmuch as the War Department is very desirous of making most of these appointments effective on July 1, I ask unanimous consent for the present consideration and confirmation of the nominations.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I have no objection, but will the Senator state the number of officers involved?

Mr. LOGAN. They are routine nominations numbering, I presume, 50 or 60, lieutenants, colonels, and other officers of different rank.

The PRESIDING OFFICER. Without objection, the nominations reported by the Senator from Kentucky are confirmed en bloc.

Mr. LOGAN. I now ask unanimous consent that the President be at once notified of the confirmation of the nominations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Leo E. Trombly, of New York, to be collector of customs for customs collection district No. 7, with headquarters at Ogdensburg, N. Y. (reappointment).

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers for promotion and sundry citizens for appointment as officers in the Marine Corps.

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

#### THE JUDICIARY

The legislative clerk read the nomination of William S. Boyle to be United States attorney for the district of Nevada, which had been adversely reported.

Mr. BARKLEY. Mr. President, in view of the fact that the senior Senator from Nevada [Mr. PITTMAN] is at the present time attending the luncheon to the Crown Prince of Norway, I suggest that that nomination be passed over until later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARRAN. Mr. President, will the Senator from Kentucky kindly make it clear that the Boyle nomination is going over only temporarily?

Mr. BARKLEY. Only temporarily; not for the day.

#### AGREEMENT BETWEEN UNITED STATES AND GREAT BRITAIN FOR EXCHANGE OF COTTON AND RUBBER

Mr. GEORGE. Mr. President, it is highly desirable that Executive N, under Treaties, Calendar No. 9, the agreement between Great Britain and the United States respecting the exchange of cotton and rubber, be taken up for consideration. That agreement might be disposed of now.

Mr. BARKLEY. I will say to the Senator that I have arranged mutually with the Senator from Vermont [Mr. AUSTIN] to take up the MacLeish nomination today, because I understand there is to be some discussion of it. If this agreement involves no debate, I shall be glad to see it acted on.

Mr. GEORGE. I apprehend that there will be no discussion. The agreement is unanimously reported by the committee.

Mr. AUSTIN. Mr. President, if the Senator will yield, I have had a rather hasty conference here, and, so far as I have been able to ascertain, I can find no objection on the part of the minority to proceeding to the consideration of the agreement, if it does not delay the other matter.

Mr. BARKLEY. I have no objection to its being disposed of now.

The Senate, as in Committee of the Whole, proceeded to consider Executive N (76th Cong., 1st sess.), an agreement between the Government of the United States and the Government of the United Kingdom for the exchange of certain reserve stocks of cotton and rubber, signed at London on June 23, 1939, which was read the second time, as follows:

#### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM FOR THE EXCHANGE OF COTTON AND RUBBER

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to make arrangements for the exchange of cotton and rubber, have agreed as follows:

ARTICLE 1. The United States Government will supply to the Government of the United Kingdom, delivered on board ship, compressed to high density, at New Orleans, Louisiana, and at other Gulf and Atlantic deep-water ports to be agreed upon between the two Governments, 600,000 bales of raw cotton of the grades and staples which will be specified by the Government of the United Kingdom. The United States Government will make available in adequate quantities for such purpose cotton from the

stock on which the United States Government has made advances to growers.

(A) The price will be fixed on the basis of the average market price as published by the Bureau of Agricultural Economics for middling  $\frac{3}{8}$ -inch cotton during the period January 1st-June 23rd, 1939, for spot delivery at New Orleans, plus 0.24 cent per lb. for cost of compression and delivery on board ship, with adjustments in price for other grades and staples according to differences above or below middling  $\frac{3}{8}$ -inch quoted in that period.

(B) The cotton will be inspected to determine its classification in accordance with the universal cotton standards for grade and the official standards of the United States for staple, and will be accepted, by experts appointed by the Government of the United Kingdom. Any disputes which may arise will be settled by Boards of Referees constituted of three members, of whom one shall be nominated by the Government of the United Kingdom.

(C) Samples representing the cotton of the grades and staples specified by the Government of the United Kingdom will be made available for inspection and acceptance during a period of six months beginning 15 days after the entry into force of this agreement, and such inspection and acceptance will be made within a reasonable time after the cotton is so made available. Delivery at the warehouse at the port of sailing with provision for free delivery on board ship at high density will be made within 15 days after inspection and acceptance, and storage and insurance charges will be borne by the United States Government for a period of two weeks but no more after delivery at the warehouse at the port of sailing.

(D) All cotton will be invoiced and accepted on gross weights at the time of delivery.

ARTICLE 2. The Government of the United Kingdom will supply to the Government of the United States, delivered on board ship at Singapore and, by agreement between the two Governments, at other convenient ports, rubber in bales, of the grades which will be specified by the Government of the United States, to a value equivalent to that of the total value of the cotton to be supplied in accordance with article 1 of this agreement. In determining such equivalent value, the rate of exchange between Straits Settlements dollars and United States dollars shall be deemed to be the average of the buying rate during the period January 1st-June 23rd, 1939, in the New York market, at noon, for cable transfers payable in Straits Settlements dollars, as certified by the Federal Reserve Bank to the Secretary of the United States Treasury and published in Treasury Decisions.

(A) The quantity of rubber will be calculated upon the average market price, as published by the Department of Statistics in the Straits Settlements, for No. 1 ribbed smoked sheets, during the period January 1st-June 23rd, 1939, for spot delivery at Singapore plus 0.25 Straits Settlements cents per pound for cost of baling and delivery on board ship, with adjustments in price for other grades according to differences quoted in that period.

(B) The rubber will be inspected and accepted by experts appointed by the United States Government. Any disputes will be settled in accordance with the normal custom of the trade.

(C) The rubber will be made available for inspection and acceptance by experts appointed by the Government of the United States during a period of six months beginning at a date to be agreed upon by the two Governments, and such inspection and acceptance will be made within a reasonable time after the rubber is so made available. Delivery at the warehouse at the port of shipment with provision for free delivery on board ship will be made within a period of 15 days after inspection and acceptance, and storage and insurance charges will be borne by the Government of the United Kingdom for a period of two weeks but no more after delivery at the warehouse at the port of shipment.

ARTICLE 3. If either Government should find that delivery in accordance with the arrangements specified in articles 1 and 2 is likely to restrict supplies available to commercial markets unduly or to stimulate undue price increases, the two Governments shall consult with a view to postponing delivery or taking other action in order to avoid or minimize such restriction of supplies or such price increases.

ARTICLE 4. The intention of the United States Government and of the Government of the United Kingdom being to acquire reserves of cotton and rubber, respectively, against the contingency of a major war emergency, each Government undertakes not to dispose of its stock (otherwise than for the purpose of replacing such stocks by equivalent quantities insofar as may be expedient for preventing deterioration) except in the event of such an emergency. If, however, either Government should at any future date decide that the time has come to liquidate its stock of cotton or rubber, as the case may be, it may do so only after (A) consulting the other Government as to the means to be employed for the disposal of such stock and (B) taking all steps to avoid disturbance of the markets. In no case may either Government dispose of such stocks, except in the case of a major war emergency, before a date 7 years after the coming into force of this agreement.

ARTICLE 5. The Government of the United Kingdom will use their best endeavours to secure that the export is permitted under the International Rubber Regulation Scheme of an amount of rubber approximately equivalent to the amount of rubber to be supplied to the United States Government under this agreement in addition to the amount of rubber which would, under the normal operation of the scheme, be released to meet current consumption needs.

ARTICLE 6. Each Government undertakes, in shipping to its own ports the stocks of cotton and rubber, respectively, provided for in this agreement, so far as may be possible to distribute the tonnage

equally between the ships of the two countries, provided that the shipping space required is obtainable at reasonable rates. Consultation for the purpose of giving effect to this article shall be between the Board of Trade and the Maritime Commission.

ARTICLE 7. Should the United States Government, before the delivery is completed of the cotton provided for in article 1 of this agreement, take any action which has the effect of an export subsidy, they will deliver to the Government of the United Kingdom an additional quantity of cotton proportionate to the reduction in price below that provided for in article 1 of this agreement caused by such action.

ARTICLE 8. This agreement shall come into force on a date to be agreed between the two Governments.

In witness whereof the undersigned, duly authorized thereto, have signed the present agreement and have affixed thereto their seals.

Done in London in duplicate this 23rd day of June 1939.

[L. S.] JOSEPH P. KENNEDY.

[L. S.] OLIVER F. G. STANLEY.

Certified to be a true copy of the foregoing agreement as received by the Secretary of State by cable from the American Ambassador at London.

CORDELL HULL,

Secretary of State of the United States of America.

JUNE 24, 1939.

The PRESIDING OFFICER. If there be no amendment, the agreement will be reported to the Senate.

The agreement was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Seventy-sixth Congress, first session, an agreement between the Government of the United States and the Government of the United Kingdom for the exchange of certain reserve stocks of cotton and rubber, signed at London on June 23, 1939.*

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the agreement is ratified.

#### LIBRARY OF CONGRESS

The legislative clerk read the nomination of Archibald MacLeish to be Librarian of Congress.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination.

Mr. AUSTIN. Mr. President, I think the Senate ought not to advise and consent to this appointment. I am going to state as briefly as I can some of the reasons why I think we should dissent to this appointment.

In the first place, I shall read a communication from the American Library Association.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. BARKLEY. Is that the communication which was sent to me, to which the Senator from Vermont called my attention a week or so ago?

Mr. AUSTIN. Mr. President, I do not know whether or not it is the same one. I can tell by looking at it. I think not.

Several days ago I asked the majority leader whether he had received from San Francisco a communication of the librarians who were in session there—some 1,400 librarians. He has just called my attention to a communication which I have no doubt is the one which I understood had been sent to him; but I wish to read this one. It is dated "June 12, 1939, en route to San Francisco conference of American Library Association:"

The American Library Association urges the Senate not to confirm the appointment of Archibald MacLeish as Librarian of Congress, because he lacks the essential qualifications of a librarian. His ability and distinction as a man of letters are unquestioned. (We are not concerned with his politics.) But librarianship is not a literary pursuit. Writing is not of itself a suitable preparation for it.

Librarians, library trustees, and other citizen groups have worked for almost three-quarters of a century for the extension and improvement of libraries—with such success that the United States holds undisputed world leadership in library service. A primary reason for that success has been the emphasis on trained and experienced library administrators.

A hundred years ago every important library post was filled by somebody's political or personal choice. Now, nearly all are filled



by men and women who have prepared themselves for that vocation. The appointment of a nonprofessional as head of the Library of Congress would endanger the merit system of appointment to all library positions carefully built up during three generations.

Mr. MacLeish could not qualify for the librarianship of any college or public library in America which attempts to maintain professional standards—as most do. He most certainly is not qualified to be the Librarian of the largest and most important library in the world.

The administration of the Library of Congress is not a simple task which can be learned quickly. It is complex and highly professional.

It involves personnel administration. The Librarian is solely responsible for selection, appointment, training on the job, promotion, and discharge. The staff numbers 850 people. Many appointments are made each year.

It involves financial administration of yearly expenditures of \$3,000,000.

It involves general library administration in all its aspects. The Library of Congress is the head and center of the library system of America. Its first duty is to the Congress and other officers of the Government. But its varied services are also indispensable to scholars, special investigators, writers, the blind, universities, and all other libraries, in every State and Territory.

These services do not organize and run themselves. They must be continuously adjusted to educational and social changes. They are best operated, improved, and extended under the direction of a man who understands how and why they are performed. They would almost certainly deteriorate under amateur leadership. Those who use the Library would suffer.

The appointment of a man as a figurehead would do no honor to the appointee. It would, however, be a denial of the value of professional training and experience.

If any Senator thinks that the American Library Association may not fully represent all library opinion, he is respectfully urged to solicit the opinions of librarians and members of library boards in his own State.

The Congress and the people are proud of the Library of Congress. They should have as Librarian of that institution one who is not only a gentleman and a scholar but who is also the ablest library administrator available.

I think I add nothing to the communication when I say that the service which is described of the Library of Congress extends far beyond what has been set forth in the communication. The only usefulness of undertaking to show the breadth and scope of the service of the Library of Congress of the United States is to show that there should be selected for the Librarian of Congress a man who has the character and the special skill and knowledge required to conduct a great institution having a large personnel and performing a varied service to humanity. I think all Senators will admit that, and therefore it is not necessary to prove it.

The question, then, is whether this appointee is the type of man who, from all the great field of possibilities in America, should be picked out and placed in this leading Library of the United States.

I think that probably as fair a picture of the personality and character and color of this appointee as could be had could be gained from his own statement about himself. I have here an extract from *Living Authors*, by Stanley Jasspon Kunitz, published by H. W. Wilson Co., New York, in 1931:

Archibald MacLeish, the American poet, gives the following biographical sketch of himself.

This is Mr. MacLeish talking about Mr. MacLeish, and, of course, the test I wish to have applied to him is, Is he a librarian; is he of a character to become a librarian; is he an executive; is he of the potential capacity to become an executive? Those are natural questions. I read from Mr. MacLeish's sketch of himself:

Born May 7, 1892, in a wooden chateau overlooking, from a clay bluff and a grove of oak trees, the waters of Lake Michigan. Father a Scot, a Glasgow man, born a Presbyterian, ultimately a Baptist, always a devout Protestant; one of the early settlers of Chicago; 54 when I was born; a merchant; a cold, tall, rigorous man of very beautiful speech. Mother a Connecticut woman, daughter of a Congregational minister, herself a graduate of Vassar and a teacher there; her family a seafaring family from the Connecticut coast about Norwich; very passionate people with many mad among them; a very strong family resemblance from one generation to the next—small dark eyes and high cheekbones and similar voices; she was my father's third wife; intelligent and energetic and tireless and virtuous.

Four of us grew up—one to be killed flying with the British over Belgium. Public schools. Lake Beach. Oak thickets. Went to a fashionable Connecticut preparatory school for 4 years and hated it.

Went to Yale. Regular undergraduate life—football team, swimming team, chairman of the Literary Magazine, Phi Beta Kappa, senior societies; began writing, but learned little about it and had little life of my own. Went to Harvard Law School to avoid going to work; led my class the last year; worked terribly hard because of the competition, but could never believe in the law.

Mr. BARKLEY. Mr. President, if I may inquire of the Senator, a copy of the statement I have, both as published in the magazine and also sent to me by Mr. MacLeish, does not read exactly as the copy from which the Senator is quoting reads.

Mr. AUSTIN. In order to know anything about that I would have to see the Senator's copy. I have never seen any copy except this one.

Mr. BARKLEY. For instance, the Senator read something referring to Mr. MacLeish's mother, where he referred to her virtue. The article which I have, which Mr. MacLeish wrote, and which appeared in the magazine and in this book, says, "intelligent and energetic and entirely selfless and beloved." The Senator did not read that.

Mr. AUSTIN. I read it this way, "intelligent and energetic and tireless and virtuous."

Mr. BARKLEY. I do not suppose it makes any difference.

Mr. AUSTIN. I do not think it affects the candidate.

Mr. BARKLEY. Evidently there is a discrepancy there.

Mr. AUSTIN. The sketch proceeds—

Married Ada Hitchcock, who is a singer. This while I was in law school. Son born early in 1917. War: Went abroad in a hospital unit so as to do the right thing, but not be hurt. In France, got shifted to the field artillery out of shame.

Mr. BORAH. Mr. President, is the Senator now reading a statement from Mr. MacLeish himself?

Mr. AUSTIN. That is what it purports to be.

Mr. BORAH. Is that the statement in which he said he sought a position where he would not be hurt?

Mr. AUSTIN. Yes.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TOBEY. Was not this statement made at a class reunion?

Mr. AUSTIN. I do not know.

Mr. TOBEY. I think this statement was made by Mr. MacLeish as an alumnus of college, or of the university, to a class association meeting, at their annual reunion, and has in it a little facetious vein against himself. I think we ought to know the origin of this, as well as the substance.

Mr. AUSTIN. I thank the Senator for affording any information about it at all that he has. I certainly am not trying to give this statement any color whatever. I am reading what purports to be a statement by Mr. MacLeish himself. If the circumstances in which it was made give it a significance different from what the circumstances in the Senate give it, there is no doubt at all he should have the benefit. Read here in the Senate of the United States it probably does have a derogatory effect. It certainly had that impression on my mind, and what is still to follow corroborates that impression.

The nominee's sketch of himself proceeds:

War; went abroad in a hospital unit so as to do the right thing but not be hurt. In France got shifted to the field artillery out of shame; few weeks at the front north of Meaux in July 1918; sent home to take battery in new regiment of 155 G. P. F.'s; ended up a captain of field artillery at Camp Meade with no distinction but fact that my brother Kenneth had been a grand flier and had been killed.

Taught for a year at Harvard to avoid (again) going to work. Wrote a little all the time but it wasn't any good. One book of undergraduate verses, *Tower of Ivory* (1917), published while I was in France. Practiced law for 3 years in the office of Charles F. Choate, Jr., in Boston, trying cases mostly and did pretty well, but couldn't write. Only one desire—to write the poems I wanted to write and not the poems I was writing. Winter of 1923 decided to go to France anyway on what we had. Date the beginning of my life from the year. Went in the fall of 1923 with two children. Lived in the Boulevard St. Michel and at St. Cloud and later in the Rue du Bac. One summer in Normandy. After that on the Mediterranean, cruising a great deal. Went one spring for 5 months to Persia, going down through the central cities to Bushire and west along the Persian Gulf to Mohamara and back through Shiraz and Ispahan to Teheran. All this time reading, mostly

French poetry and chiefly Laforgue, Rimbaud, Leon Paul Fargue, St. J. Pierre, Valery. Also Eliot and Pound. Began writing in 1923. Published the *Happy Marriage* (1924), *The Pot of Earth* (1925), *Nobodaddy* (1925), and *Streets in the Moon* (1926). Came home in 1928 and lived on a farm. Have since published the *Hamlet* of A. MacLeish (1928) and *New Found Land* (1930). Traveled in the monte in Mexico alone for some time in the early spring of 1929, going over the route of Cortez from San Juan de Ulúa to Tenochtitlan. Do hack work in New York when I have to.

Burton Rascoe describes MacLeish as "a clear-eyed, deferential young man with an extremely Nordic head, quiet manners, and an ungovernable passion for discussing esthetics—esthetics in the round, in the general, in the specific, in the concrete—any way so long as it is esthetics."

Have Senators heard anything in this account which leads them to believe that this person, charming as he pictures himself, has had any experience or any training which has been recognized by men as fitting him for an executive position, having charge of 850 men engaged in a varied service, affecting all phases of human life, as we know it to be, in the Library of Congress? Have my colleagues heard anything in this which indicates the personality or the character or the qualifications of a librarian, a man having to do with the acquisition and preservation in a systematic way of the literature of the entire world? I have not. From my point of view, the background given in this statement is sufficient to make me pause and question before I accept this man as one who should be placed at the head of the Library of Congress.

Mr. President, *Time* magazine for April 25, 1938, in reviewing Mr. MacLeish's book, *Land of the Free*, said among other things what I am about to read. I ask unanimous consent that I may insert in the *Record* at this point the entire article, to certain parts of which I intend to call particular attention.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the *Record*, as follows:

[From *Time* magazine, April 25, 1938]

Some time after the great depression, Poet Archibald MacLeish, growing more and more shocked by contemporary United States social and economic conditions, decided that his poetry had better get busy and do something about them. To carry out this decision, which seemed to necessitate writing poems about matters of immediate popular concern, Poet MacLeish began to top work his poetry on to popular art forms. First sizable sprout to grow from this top working was *Panic* (1935), a graft of lyric poetry on the drama. This verse-play depicted a scene from the currently expected crack-up of what Communists call capitalism, capitalists call civilization. Most of those who saw *Panic* agreed that it was more theatrics than theater, felt that it only confirmed the general rule that verse plays should be read, not seen—but also felt that in it Verse-Playwright MacLeish had made some good, if confused, topical points.

Next product of Poet MacLeish's top working was a radio-play poem, *The Fall of the City*, broadcast in 1937. A radio-studio innovation, it presented fascism as a spook in armor, stalking in on and taking control of a nation paralyzed by inertia, fear, and propaganda. Few listeners-in agreed on the poetic merits of what the rather wild air waves had been saying, but most did agree that if fascism should come to the United States it would come as a man, not a spook; agreed also, that in *The Fall of the City*, Radio-Play-Poet MacLeish had made some good, if eerie, topical points.

Latest socio-poetic graft that Poet MacLeish has produced is *Land of the Free*, in which he top works his poetry on to the art form of the news-picture magazine. In this book, 88 photographs of United States landscape and people (taken independently of Poet MacLeish, and mostly for the Resettlement Administration) are illustrated by a running verse commentary in which Poet MacLeish says his say about a sweet land whose liberty, for many of its inhabitants, went sour.

What these inhabitants look like, what their share of the United States has become, is recorded with indelible indifference by the heartbreaking or horrifying photographs in the *Land of the Free*. They showed piercingly characteristic, dead-beat scenes from all over the United States, with a heavy preponderance from below the Mason-Dixon line. Consequently, some may feel that Poet MacLeish's selection doesn't fight fair with all-American self-gratulation; that too many of its blows land below the Bible belt. Most people, however, will agree that these superbly taken, brilliantly presented photographs are the most exhorting testimonial yet published to the gutting that United States citizens have given the American Continent and that the continent is giving back to United States citizens.

The sound track of verse accompanying these photographs sometimes runs close to the story they tell, sometimes veers off in its

own direction. No photograph in the collection really matches up with Poet MacLeish's main proposition:

Maybe the liberty we thought we had

Was room to be left to ourselves to have liberty. . . .

or its revolutionary corollary:

We wonder if the liberty is done: . . .

Or if there's something different men can dream

Or if there's something different men can mean by liberty . . .

Or if there's liberty a man can mean that's

Men: not land.

Mr. AUSTIN. The article reads in part:

The latest socio-poetic draft that Poet MacLeish has produced is *Land of the Free*, in which he top works his poetry onto the art form of the News-Picture magazine. In this book 88 photographs of United States landscape and people (taken independently of Poet MacLeish, and mostly for the Resettlement Administration) are "illustrated" by a running verse commentary in which Poet MacLeish says his say about a sweet land whose liberty, for many of its inhabitants, went sour.

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Men: not land.

That was written in 1938.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BARKLEY. Is the Senator quoting from *Time* magazine or the literary productions of Mr. MacLeish?

Mr. AUSTIN. From *Time* magazine of April 25, 1938, in reviewing Mr. MacLeish's book, *Land of the Free*.

Mr. BARKLEY. *Time* does not purport to quote from his book, but simply comments on it?

Mr. AUSTIN. Oh, yes; it quotes from his book. I have read two quotations from it.

Mr. BARKLEY. I asked the Senator whether he was reading from *Time* magazine's comment on it or from Mr. MacLeish's book?

Mr. AUSTIN. I was reading from *Time* magazine, but it pretends to quote. I have answered both questions correctly, I believe.

The point is he made selections for his own book of photographs which would display a country that had gone sour in respect of its liberty for many of its people. The point is that in his editorial comment on these "horrible, piercingly characteristic pictures," as *Time* speaks of them, he used this sort of language:

We wonder if the liberty is done: . . .

Or if there's something different men can dream

Or if there's something different men can mean by liberty . . .

Or if there's liberty a man can mean that's

Men: not land.

And the other one:

Maybe the liberty we thought we had

Was room to be left to ourselves to have liberty. . . .

Here is a later one. Writing in the magazine *Survey Graphic* for May 1939, Archibald MacLeish presented the following positive creed of an ardent Democrat, in part, under the title "Liberalism and the Anti-Fascist Front." This purports to be a quotation from his article. If it is not,



of course, it will have a different significance here. But I think the quotation from the article written by this gentleman should be read here in order to give evidence that some of the charges made against him are probably not well-founded, and, without my interrupting the reading, I am sure Senators will get the point of my remarks.

I call the Senators' attention to the fact that this was written last month, May 1939. Whether there are events existing now which have cast their shadow before them, I leave to Senators to consider.

Speaking still for myself, I can only say that I do not believe in the negative policy, the defensive policy, the antifascist policy. I believe only in an affirmative policy, an offensive policy, a pro-democratic policy. I believe that American liberalism must refuse to follow the communist lead, that it must refuse to forego its own nature and its own purposes, that it must refuse to identify democracy with the status quo, that it must become not less liberal, less radical, but more liberal, more radical. I believe that American liberalism must become more liberal, not less liberal as the danger in Europe becomes more acute. I believe that American democracy must invent and continually reinvent its democracy; that it must attack, not defend.

Briefly, I believe that American liberalism must accept the full obligation of its decision to defend democracy against fascism. It must ask itself, "What do we mean by democracy?" And it must answer that question. It must answer, "We mean by democracy a society in which the dignity of man is of first importance, a society in which everything else must be subject to, and must support, the dignity of man." In Marxist theory economics comes first—all politics is economics and economic necessity determines political action. In Fascist practice politics comes first, all economics is politics and the political police determine the operation of economic laws. In democratic theory man comes first—both politics and economics are subjected to the advancement of the dignity and decency of man.

What our American liberalism must do in this crisis, and in this crisis more than at any other time, is to apply the definition of democracy to the times and to say how and by what means democracy in these times can be strengthened and made vigorous.

More precisely and more practically, what American liberalism must do in this crisis is to forego the characteristic liberal attitude of critical correction and accept instead the risks of action.

It must put aside the irresponsible self-righteousness with which it sometimes judges the decisions of those charged with the government of the Republic, and accept instead its share of responsibility for that Government.

It must accept responsibility for steps already taken which lead in the direction a dynamic democracy should go—steps like the Tennessee Valley Authority, the Federal arts projects, the techniques developed by the Department of Agriculture for the democratic control of programs of production—and exert its strength to extend those experiments in their own fields and to invent their analogies elsewhere.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Vermont yield to the Senator from Idaho?

Mr. AUSTIN. I yield.

Mr. BORAH. Where was what the Senator has just read delivered, and under what circumstances?

Mr. AUSTIN. I understand that it was written and published in the *Survey Graphic* for May 1939.

Mr. BORAH. Does the Senator find fault with Mr. MacLeish's definition of "democracy"?

Mr. AUSTIN. I do not. I think that in any estimate of this candidate one should be entirely fair about him. If we are to judge whether he is a suitable person to become chief executive of a personnel of 850 men and women, we should consider all phases of his character, and I am presenting what I regard as that which is good as well as that which I would criticize.

I have no doubt that what I have read was written perhaps in the light of events of the current day. Yet I think it is a sincere statement by this man.

Mr. BORAH. Mr. President, I was simply trying to ascertain the viewpoint of the Senator from Vermont in regard to that matter, because this is the first time I have seen the article or heard it read. It is characteristic of the Senator from Vermont to present matters ably, fully, and fairly.

Mr. AUSTIN. Mr. President, I intend to present also editorials for this candidate as well as editorials against him, if I shall not be wearying the Senate too much by doing so.

My contention will not be that this man is a Communist. My contention is limited to this: That all there is about this

man shows him to be a remarkable literary genius, a man with a remarkable style, both poetic style and prose style; that he is undoubtedly an independent, deep thinker and an idealist; and that he has the gift of ideality, which produces ideas. They come springing from him when others might have to dig and dig to formulate them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I have not quite finished my sentence. I want a "but" in it. That is a famous word. But these qualifications are inadequate, if there is no more about this man than that, to constitute him a suitable librarian for the Library of Congress. That is my point.

I yield to the Senator from Kentucky.

Mr. BARKLEY. I wonder if the Senator would permit me, in connection with what he read from the May issue of *Survey Graphic*, to read a paragraph in an article in the February issue of the same magazine which could not have been written under circumstances connected with this appointment.

Mr. AUSTIN. I shall be glad to have the Senator from Kentucky read it in my time.

Mr. BARKLEY. Mr. MacLeish is still talking about democracy and freedom. I shall read only a paragraph or two, because it is in line with what the Senator has said:

The will to defend democracy demands a belief in democracy. And belief in democracy demands that democracy should be a way of life with future and unachieved objectives such as men can continue to desire.

If the democracy to be defended is merely the status quo which the great corporations and the reactionary newspapers call democracy when they shout for its defense, then the belief will be cool and the will feeble.

If, however, the democracy to be defended is a future democracy, a true democracy which will admit the failures of this democracy and set them straight—if the democracy to be defended is a free man's way of dealing with a free man's evils in order to create a free man's world, then the will to defend and protect that democracy will be strong enough to sweep over any challenge. But that kind of will and that kind of belief are not achieved by refusing to permit democracy to be attacked. To refuse to permit democracy to face attack is to turn democracy into the status quo and freeze it in a form in which only a small minority can believe.

Democratic belief in democracy and the popular will to defend it, are achieved only by permitting democracy to face any attack, however slanderous, however murderous, answering the proposals of the attackers with such proposals as a democracy can make. Those who believe in democracy because they believe in the people will have no fear of the outcome. Those who believe in democracy for another reason may very well fear, but their fears will be irrelevant.

I feel sure that the quotation from the earlier article, supplementing the article to which the Senator has referred, will amplify this man's theory of democracy and what it means.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. MALONEY. I wish to keep the *RECORD* straight. The Senator from Kentucky has pointed out that the article which he read appeared long before there was the slightest indication that Mr. MacLeish would be nominated as Librarian of Congress. It seems to me that would give the impression that the article read by the Senator from Vermont might have appeared after Mr. MacLeish was nominated. Is it not a fact that the article which the Senator from Vermont read was also published before Mr. MacLeish was nominated?

Mr. AUSTIN. I cannot recall the date on which the nomination was made.

Mr. BARKLEY. It was some time in the neighborhood of the 10th or 12th of June.

Mr. AUSTIN. This issue of the *Survey Graphic* came out in May.

Mr. BARKLEY. It came out in May, and was undoubtedly written before May. Most articles in magazines are written in advance of their publication.

Mr. MALONEY. That is correct. I should like to make the further observation that it has been widely published that the nomination came to Mr. MacLeish as a complete surprise.

Mr. AUSTIN. I have no doubt of that. I should judge from his own statement of his character that he is so modest and so understates his own good qualities that he

himself would not admit that he was qualified if he were called upon to do so. He certainly would not seek the appointment.

It will be recalled with what freedom he confessed that he did not like work. Time after time in his biography he says he did this thing and that thing in order to avoid work.

Worked terribly hard. Went to Harvard Law School to avoid going to work. Led my class in last year. Worked terribly hard because of the competition, but could never believe in the law.

Of course, I cannot explain what he means by that.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I have not quite finished. Let me finish this and preserve the continuity of it. Then I shall be glad to yield:

Taught for a year at Harvard to avoid going to work.

Again he says:

Do hack work in New York when I have to.

I think that pictures the type of man who would not be out hustling for advancement.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. The copy of the article which Mr. MacLeish sent to me does not read exactly the same as the copy which the Senator has read. According to the copy I have, this is what he says with regard to his work at Harvard:

Went to Harvard Law School to avoid going to work.

That is the same. That, of course, is a Pickwickian, facetious way of referring to himself, because nobody could lead his law class at Harvard without doing a considerable amount of work.

Led my class in last year. Began writing but learned little about it and had little life of my own. Went to Harvard Law School to avoid going to work. Led my class in last year. Worked terribly hard because of the competition, but was never really good.

That is the language he uses in the copy I have, instead of the language quoted by the Senator from Vermont. I do not know that it makes much difference. He still deprecates his own ability, notwithstanding the fact that he led his class at the law school.

Mr. BORAH. Mr. President, will the Senator yield for a question?

Mr. AUSTIN. I yield to the Senator from Idaho.

Mr. BORAH. All the letters which I have received in criticism—and most of them have been in criticism—are based upon the idea that Mr. MacLeish has not had experience as a librarian, and there the letters stop. Not one attacks his character or intellectual integrity or standing as a man; but there seems to be a view on the part of many that he should have experience as a librarian, just as it might be claimed that a man should have experience as a lawyer before he is admitted to the bar. As I understand, that is really the position which the able Senator from Vermont takes.

Mr. AUSTIN. No; it is not. Unfortunately, I have not made myself clear. The position which I take is better stated than I have stated it in a letter dated June 16, 1939, from Joseph L. Wheeler, librarian of the Enoch Pratt Free Library of Baltimore, Md., to the Baltimore Sun. He says, among other things:

What we need at the Library of Congress is continued competent leadership. The first criticism I heard of the President's appointment, in terms of amazement, was not from a librarian but from a retired professor, a lifetime user of the Congressional Library. No librarian worthy of the name protests Mr. MacLeish's appointment just because he is not a trained librarian, or just because he is a poet. It is because he has not had the experience nor the opportunity to exhibit the qualities of an administrator. Is he to acquire these at the head of the greatest library at the expense of the taxpayer? Too many libraries and their constituents have suffered from similar ill-advised appointments. In one large city only 3 years ago the people arose in disgust and in a public campaign thousands went about the streets bearing the slogan "We want a trained librarian." After all, the public is paying for a competent service.

Mr. BORAH. That states what I have in mind. Perhaps I did not state it clearly.

Mr. AUSTIN. It is not only because he is not trained. Training as a librarian is a good thing for a librarian to have; but if a man came to the Library of Congress with training and experience as an executive in control of the administration of an institution having a large number of employees engaged in various diverse activities requiring supervision, and judgment in handling and controlling a system so that the details of the institution will run smoothly and without collision, he need not have had training as a librarian to satisfy me. As the executive head of the Library of Congress, he would soon acquire the special knowledge and training of a librarian. That is what I mean.

Mr. BORAH. In other words, the Senator has in view that he should have had a vast amount of executive training?

Mr. AUSTIN. He should have sufficient executive training to be able to give some evidence of his capacity as an executive. As nearly as I can find out from my study of Mr. MacLeish, he has had none at all.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. MALONEY. He was an officer during the World War.

Mr. AUSTIN. Yes, indeed; but that is wholly different. I cannot conceive of experience as a military officer in the World War qualifying a man to control a large institution such as the Library of Congress.

Mr. MALONEY. I did not offer it in that respect. The Senator said Mr. MacLeish had had no administrative or executive experience.

Mr. AUSTIN. That is what I meant.

Mr. BORAH. Mr. President, in the last analysis, the objections are based really on the contention that he has had no experience in library work.

Mr. AUSTIN. No; I do not think so.

Mr. BORAH. It seems to me so, because Mr. MacLeish is a man of character, a man of learning, a man of culture, and he has a fine conception of democracy and of the rights of men. The only thing he seems to lack is that he has not had library training. That appears to be the basis of the objection.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from New Hampshire.

Mr. TOBEY. I should like to say that at the hearings held by the Committee on the Library, at which I was present, the Library Association of America delegated two of their leaders to come before the committee and give testimony against the confirmation of the nomination of Mr. MacLeish. As they appeared there, I addressed this question to the spokesman of that group, "Is the sole objection of your Library Association to the confirmation of this man's nomination based upon the fact that he has not had technical library training?" He said, "Absolutely and solely." I submit that to the Senator from Idaho.

Mr. BORAH. That has seemed to be the only objection that has come to me through correspondence, and so forth. The question that arises is, Must we be confined in our selection to a person who actually has had library training when we find a person who is finely equipped in every other respect? In regard to this matter, it occurred to me that that is the one question involved—whether we must be confined in our selection to men who have had technical training as librarians, although they may be otherwise splendidly equipped.

Mr. AUSTIN. That is not my view; that is not my position. I think the question we are confronted with here is very much broader. We might well approve the appointment of a man who had never had any library experience if we were satisfied that he had education and training and had the characteristics necessary to make him an executive. I have already said, and I repeat for emphasis, that I think such a man would soon acquire the technical skill of a librarian.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Indiana.

Mr. MINTON. I notice that the qualifications of the gentleman whom Mr. MacLeish is nominated to succeed, were at the time of his appointment much like those of Mr. MacLeish. When he was made Librarian, Dr. Putnam had been graduated from Harvard, attended Columbia Law



School in 1883 and 1884, and was admitted to the bar in 1886. He practiced a little law, just as Mr. MacLeish did. Then he went out into another field, as librarian of an institution; came back to Boston and practiced law again, and then became librarian at Boston before coming to the Congressional Library. So his career was parallel to that of Mr. MacLeish, in the beginning, at least.

Mr. AUSTIN. The answer, if one is necessary, to the statement of the learned Senator from Indiana is that Dr. Putnam did have administrative ability and the ability to direct and develop the Library. What have we to show that this nominee possesses any such ability?

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. AUSTIN. I yield.

Mr. BARKLEY. It is true that Dr. Putnam had had some experience as a librarian in the local library in Boston or somewhere near Boston, in Massachusetts, but he went from the legal profession to that library post. Dr. Putnam practiced law for some 10 or 12 years and went from the legal profession to the smaller library referred to, of which he became librarian. So, if the reasoning of the American Library Association that Mr. MacLeish ought not to be made Librarian because he has not up to now been a librarian is to be followed, the same argument would have prevented Dr. Putnam's appointment to his original library position, because he was a lawyer up to that time and had had no library experience.

Mr. AUSTIN. Mr. President, if anybody wants to give weight to that argument, which goes back to a remote degree, I am perfectly willing he should do so. It cannot influence me very much. I cannot see the force of it.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. AUSTIN. I yield.

Mr. WALSH. In connection with the reference to Dr. Putnam, one of my correspondents asserted that the Senate had rejected prior to the time of his nomination an appointment made by the then President—in fact, I think one or two nominations—on the ground that the nominee was not a trained librarian. I inquire of the Senator if he has any information to that effect?

Mr. BARKLEY. There was a rejection.

Mr. WALSH. I merely wanted to confirm what a correspondent pointed out to the effect that there was a precedent for rejecting a nomination because the nominee was not a professional librarian.

Mr. BARKLEY. My recollection is that it was not on that ground, because the Senate had previously confirmed other Librarians of Congress who had not been professional librarians. In one instance, as I recall, it confirmed the nomination of an ex-Member of Congress who was appointed by the President as the Librarian but was in no sense a trained librarian.

Mr. WALSH. In what year was Dr. Putnam appointed?

Mr. BARKLEY. He has been Librarian for 40 years, and was appointed in March 1899.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. FRAZIER. I have a statement here that came with some other letters in regard to the opposition of the appointment of Mr. MacLeish, which goes into the record of the time of which the Senator from Massachusetts speaks. I want to present it when the Senator from Vermont shall have concluded.

Mr. AUSTIN. Mr. President, I should like to have inserted in the RECORD at this point in my remarks the entire letter from Dr. Wheeler, to which I have referred. I think it is worthy of consideration that he says on the point under discussion:

This unsound appointment will tend to disrupt the organization of a great institution. A librarian's duties are essentially directive and administrative. They include the selection and lead-

ership of a competent staff. They must be based on the vision and experience to see and weigh opportunities.

You suggest that Mr. MacLeish would be surrounded by librarians with technical training. The head of a library like the Congressional must have fundamental qualities to which training is only an addition. On the same count you might say that he is surrounded by scholars upon whom he could call for advice. The Library of Congress is distinguished, among other things, by Dr. Putnam's creation of "chairs" filled not by dilettantes but by scholars, each outstanding in his field. What would such a man as the late J. Franklin Jameson say to serving under a poet and speaker like Archibald MacLeish? Your bracketing of Mr. MacLeish and Sir Anthony Panizzi, because neither had any training or library experience, places the ability and accomplishment of the giant, Sir Anthony, in striking contrast to that of MacLeish. That, indeed, is the ground for complaint at the appointment.

The PRESIDING OFFICER. Without objection, the entire letter will be printed in the RECORD.

The entire letter is as follows:

[From the Baltimore Sun of June 16, 1939]

LETTERS TO THE EDITOR—MR. WHEELER, OF THE PRATT, ON MR. MACLEISH'S QUALIFICATIONS FOR LIBRARIAN OF CONGRESS

TO THE EDITOR OF THE SUN.

SIR: We were astonished at your editorial of June 7, mildly acquiescing in the President's appointment of Archibald MacLeish, poet, as Librarian of Congress, the greatest library in the world. It is well to have a librarian who is "a scholar and a gentleman," but to these assets should be added the administrative ability to direct and develop, as Dr. Putnam's successor, the immense collections and services of an institution that affects every public and college library user in the United States, especially thousands of research workers here and abroad.

This unsound appointment will tend to disrupt the organization of a great institution. A librarian's duties are essentially directive and administrative. They include the selection and leadership of a competent staff. They must be based on the vision and experience to see and weigh opportunities.

You suggest that Mr. MacLeish would be surrounded by librarians with technical training. The head of a library like the Congressional must have fundamental qualities to which training is only an addition. On the same count, you might say that he is surrounded by scholars upon whom he could call for advice. The Library of Congress is distinguished, among other things, by Dr. Putnam's creation of "chairs," filled not by dilettantes but by scholars, each outstanding in his field. What would such a man as the late J. Franklin Jameson say to serving under a poet and speaker like Archibald MacLeish? Your bracketing of Mr. MacLeish with Sir Anthony Panizzi, because neither had any training or library experience, places the ability and accomplishment of the giant, Sir Anthony, in striking contrast to that of MacLeish. That, indeed, is the ground for complaint at the appointment.

In Panizzi's day no one had special training and few any library experience. But we are now in an age of specialization, despite the President's recurrent delusion that almost anyone can undertake to do almost anything. The American Library Association, with due deliberation, recommended a far-visioned and successful educational statesman and leader who could continue Dr. Putnam's remarkable program and not permit it to deteriorate in the hands of an amateur. If the President demurred, he could consider other men who have the qualities of a scholar, administrator, and a gentleman, like the present librarian at Harvard University.

What we need at the Library of Congress is continued competent leadership. The first criticism I heard of the President's appointment, in terms of amazement, was not from a librarian but from a retired professor, a lifetime user of the Congressional. No librarian worthy of the name protests Mr. MacLeish's appointment just because he is not a trained librarian, or just because he is a poet. It is because he has not had the experience nor the opportunity to exhibit the qualities of an administrator. Is he to acquire these at the head of the greatest library at the expense of the taxpayer? Too many libraries and their constituents have suffered from similar ill-advised appointments. In one large city only 3 years ago the people arose in disgust and in a public campaign thousands went about the streets bearing the slogan "We want a trained librarian." After all, the public is paying for a competent service.

JOSEPH L. WHEELER,

Librarian, the Enoch Pratt Free Library.

BALTIMORE, June 14.

Mr. AUSTIN. Mr. President, I hurry on. Here is an editorial published in the New York Sun of June 10, 1939:

[From the New York Sun of June 10, 1939]

A REAL LIBRARIAN NEEDED

President Roosevelt probably did not realize what he was stirring up when he nominated Archibald MacLeish for Librarian of Congress. The outburst against this choice has been widespread and justified. Mr. MacLeish is a poet, perhaps with the qualifications which attach to his nebulous art. But a poet is not expected to know everything, certainly not to be able to grasp at once what is required in modern librarianship. It would be a shame to have

the Library of Congress fall into the wrong hands. It has been on the upgrade for 75 years, ever since Ainsworth R. Spofford, whose whole life was devoted to books and their collection, succeeded Dr. Stephenson as Librarian. Spofford was not a great technical expert. Compared with modern methods his work was rather sloppy. But he prevailed on Congress to buy books and to change the Library, which had been only a service for Members, into a national institution. The great building which was completed in 1897 and has served since as a home for the books which theretofore had been kept in an upper floor of the House of Representatives is Spofford's monument. Herbert Putnam, who succeeded him, had won repute as librarian of the Minneapolis and Boston public libraries, and he spent 40 years in scientifically assembling and adding to the riches which Spofford had begun to pile up.

To break a chain which has lasted since the Civil War in the lives of two men completely devoted to the National Library would be folly. The appointment of Mr. MacLeish is the eccentric favoring of a personal friend of Mr. Roosevelt. The Senate, for the sake of the Library, should reject the nomination. A real librarian is needed for the great collection.

It will be noted that in the editorial there is a reference which, if accurate, would tend to show that Herbert Putnam served also in the library in Minneapolis as well as in Boston before coming to the Library of Congress.

There is an editorial in the Baltimore Sun favoring the nomination to which I desire to refer and ask unanimous consent to have it all printed in the RECORD.

The PRESIDING OFFICER. Without objection, the editorial may be printed entire in the RECORD.

Mr. AUSTIN. The editorial refers to Mr. Wheeler's letter, and then it says:

Mr. Wheeler's protest would be more convincing had he not included in it this statement: "The head of a library like the Congressional must have fundamental qualities to which training is only an addition." For this very admission lies at the heart of the Sun's approbation of Mr. MacLeish. It lies also at the heart of this paper's long-continued admiration for Mr. Wheeler's work at the Enoch Pratt.

What is, after all, the secret of Mr. Wheeler's outstanding success? Is it his technical competence, the competence that comes with training? Only to a very small extent. The essence of Mr. Wheeler's contribution to the Baltimore library is that he brought curiosity, energy, and especially imagination to his job. It was his imagination which was stirred by the comparative passivity of the library as it existed before he came here. It was the thought that the people of Baltimore were not using the resources they possessed.

His great achievement has grown out of that thought.

And so forth. All of this editorial, I understand, will be inserted in the RECORD, by unanimous consent.

The PRESIDING OFFICER. It has been so ordered.

The editorial is as follows:

[From the Baltimore Sun of June 16, 1939]

#### ANOTHER POET

On this page today we print an emphatic letter from that useful citizen of Baltimore, Mr. Joseph L. Wheeler, librarian of the Enoch Pratt Free Library. Mr. Wheeler, like the president of the American Library Association and like, also, several other spokesmen for that association of professionals, protests against the nomination of Archibald MacLeish to be Librarian of the Library of Congress and against the assertion by the Sun that the appointment is a good one.

Mr. Wheeler's protest would be more convincing had he not included in this statement: "The head of a library like the Congressional must have fundamental qualities to which training is only an addition." For this very admission lies at the heart of the Sun's approbation of Mr. MacLeish. It lies also at the heart of this paper's long-continued admiration for Mr. Wheeler's work at the Enoch Pratt.

What is, after all, the secret of Mr. Wheeler's outstanding success? Is it his technical competence, the competence that comes with training? Only to a very small extent. The essence of Mr. Wheeler's contribution to the Baltimore library is that he brought curiosity, energy, and especially imagination to his job. It was his imagination which was stirred by the comparative passivity of the library as it existed before he came here. It was the thought that the people of Baltimore were not using the resources they possessed.

His great achievement has grown out of that thought. He went out to make Baltimore conscious of its library. This he did with great gusto. Then, next, he made them conscious of the library's shortcomings and stimulated them to demand better service. He had the wit to see in which directions growth might profitably be stimulated. He built up, for instance, the collection of works having to do with art and music. He persuaded the industrial interests in the town that their ends would be served by a more intensive use of the industrial sections. He brought the general

populace to take a greater interest in books other than fiction by instituting that long series of engaging window displays.

There was technical proficiency, of course, in this policy. But what animated it and made it work was the imagination which inspired it and the energy which drove it through. There are hundreds, perhaps thousands, of technically proficient librarians in the country. Only a handful of them are to be mentioned in the same breath with Mr. WHEELER.

The pride in his profession which doubtless stimulated Mr. WHEELER to write his letter of protest to this paper is a useful pride. But only personal modesty could have obscured his understanding of the significance of his own achievement and of the fact that he himself is a poet whose technical proficiency is a secondary consideration.

Mr. AUSTIN. The New York Herald Tribune published, on the 9th of June, an editorial which I ask to insert in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Herald Tribune of June 9, 1939]

#### A SHOCKING NOMINATION

The more the President's nomination of Archibald MacLeish as Librarian of Congress is considered, the more deplorable it seems. There is no question of Mr. MacLeish's high talents as a poet or the excellent quality of his mind. Nor are his left-wing predilections in politics and economics in any wise pertinent, in our view.

What does matter is his complete lack of training for any library post. Here is an important and valuable profession and a field—incidentally, in which this country leads the world. For two generations it has had its regular training schools, with steadily rising standards. Its outstanding leaders combine with this technical training years of varied experience, the result constituting an equipment comparable with the fusion of learning and practice possessed by the members of any other profession—by a doctor or an engineer, for example, who has ripened in his career.

It seems to be the President's easy notion that Mr. MacLeish can hire these skilled and learned technicians to do his job for him. Such a suggestion seems to us as unsound as it is unfair. To call such a conception shocking seems to us a calm and accurate statement. The outrage hits not only the leaders of the library profession who might have aspired to this post of unique responsibility and opportunity but as well the whole rank and file of library workers who are giving their lives to a precious public service. The affront is disheartening and dismaying.

The attitude of the American Library Association has been scrupulously correct, in our judgment. For a year it has sought to help and advise the President in his search for a successor to Dr. Putnam. Rebuffed at every turn, it in the end sees its requests ignored and its advice flouted. We are at a complete loss to understand either how President Roosevelt could bring himself to make a purely personal appointment to a post of such high distinction and special learning, or how Mr. MacLeish could bring himself to accept a nomination for which he is so completely unequipped.

Mr. AUSTIN. I call attention to the following in the editorial:

What does matter is his complete lack of training for any library post. Here is an important and valuable profession and a field, incidentally, in which this country leads the world. For two generations it has had its regular training schools, with steadily rising standards. Its outstanding leaders combine with this technical training, years of varied experience, the result constituting an equipment comparable with the fusion of learning and practice possessed by the members of any other profession—by a doctor or an engineer, for example, who has ripened in his career.

Mr. President, I would not consciously or voluntarily omit some contributions from the pen of L. W. Buxton, editor of the Boston Herald, who is a native of Vermont, who probably can name more of the mountain peaks of the Green Mountains than can any other living person, and whose editorials I highly respect even when I disagree with them, as I do in this case. I ask unanimous consent to have inserted in the RECORD at this point two editorials from the Boston Herald—one of Thursday, June 8, and one of Saturday, June 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorials are as follows:

[From the Boston Herald]

#### LIBRARIAN MACLEISH

The enthusiasm in Washington when the President named Archibald MacLeish as Librarian of Congress, to succeed Herbert Putnam, will be duplicated here, in New York, and wherever Mr. MacLeish is known. It was said of Herbert Hoover that he selected the ideal man when he named Justice Cardozo to the Supreme Court, and almost as much may be said of the honoring of Mr. MacLeish.



He was first man in his class at the Harvard Law School, and declined an appointment to the faculty. He was one of the most promising young lawyers in Boston when he left one of the leading law firms to give all his time to literature. As an editor of *Fortune*, a Pulitzer prize winner in poetry, a writer of excellent prose, a man of affairs, an administrator, and, as the President characterized him, "a gentleman and a scholar," he deserves immediate, unanimous, hearty confirmation.

The President will be criticized, perhaps, for his failure to pick a trained librarian. The obvious reply is that far more than technical ability is requisite for the supervision of one of the great libraries of the world. A skilled orthodox librarian could have been found easily enough, but none with the qualifications of Mr. Putnam. The purely professional features of the position can be learned easily by a man of Mr. MacLeish's endowments and experience.

A pleasing personality and a marked aptitude in speech, public and private, should be of great assistance to him in his relations with Members of Congress. The entirely nonpolitical nature of the appointment makes it all the more pleasing.

[From the Boston Herald]

#### OPPOSITION TO MACLEISH

Neither the organized nor the unorganized opposition to the nomination of Archibald MacLeish as Librarian of Congress seems to have a substantial foundation. The president of the American Library Association, who has sent out telegrams to various associates urging protests to Senators, is presumably disturbed because Mr. MacLeish lacks specialized training as a librarian. That is an understandable attitude. It indicates, however, a narrowness which does not reflect any great credit on the A. L. A.

There is far more to the task of a Librarian of Congress than the carrying out of technical assignments. Congressmen, 531 of them, must be served and appeased. Political pressure must be resisted constantly. Skill in administration, close contact with men of affairs and cooperation from a score of sources, literary and nonliterary, are essential if the high standards of Herbert Putnam are to be maintained. The nonprofessional tasks are perhaps more important than the professional; and we doubt that any schooled librarian could perform them nearly as well as Mr. MacLeish.

Indeed, the noncareer librarians have perhaps made more enduring contributions to library administration and upbuilding than the career men—and the story is the same in American diplomacy. The list of such librarians is most impressive.

The great Justin Winsor lacked technical acquirements. Archibald Carey Coolidge, who did so much to make the Widener Library at Harvard what it is, was not a professional librarian. The new head of the Yale University library, Bernard Knollenberg, has not pursued librarianship as a life career. President McKinley's appointee, John Russell Young, who made great improvements in the Library of Congress, was also lacking in knowledge of the Dewey decimal system and some other subjects taught to students of library schools. The Army Medical Library, unrivaled in the world as a medical library, was the creation of a surgeon named John S. Billings. The greatest law library in the world, the Harvard law library, has never had a professional librarian at its head, and was created by professors.

Herbert Putnam himself was primarily a lawyer. He began his notable career at the Boston Public Library and continued it at Washington after he had interrupted his western library activities by a bar career of a few years. Edmund Gosse, librarian of the House of Lords, and Sir Frederick Kenyon, of the British Museum, a famous repository of books, would fail, with those famous Americans, in the narrow test which apparently the head of the American Library Association would apply.

The MacLeish choice seems to us not only good but brilliant. There is probably not a trained librarian in the United States who has his manifold qualifications for a distinguished career as head of the great institution. Men and women entirely familiar with the more or less mechanical aspects of library administration are to be had by the score. Many of them are on the staff of Mr. Putnam and will be available for his successor.

Mr. AUSTIN. In one of these editorials this point made by the Senator from Idaho is referred to, namely:

The President will be criticized, perhaps, for his failure to pick a trained librarian. The obvious reply is that far more than technical ability is requisite for the supervision of one of the great libraries of the world. A skilled orthodox librarian could have been found easily enough, but none with the qualifications of Mr. Putnam. The purely professional features of the position can be learned easily by a man of Mr. MacLeish's endowments and experience.

A pleasing personality and a marked aptitude in speech, public and private, should be of great assistance to him in his relations with Members of Congress. The entirely nonpolitical nature of the appointment makes it all the more pleasing.

I think I shall not take the time of the Senate to read from the other editorial, entitled "Opposition to MacLeish," which will be inserted in the *Record* by unanimous consent already obtained.

The PRESIDING OFFICER. It has been so ordered.

Mr. AUSTIN. Mr. President, I have received from librarians in many parts of the United States, and particularly from many libraries in my own State of Vermont, protests which I think do have the color of being limited to that one point—that confirmation should be denied this appointment because it has the effect of discouraging the sturdy development in the United States of a profession in which special skill is aimed at, in which certain ideals are sought with reference to the management of great collections of literature, not only their preservation but facilitating access to them by the people; collections so administered and managed that they will contribute to the welfare of a great community, organized and directed by a man having the character and the directive ability requisite to keep going all of the different activities which are centered within the walls of a great library, such as the Library of Congress, and have them going in such a way that they will be readily accessible to anyone who may seek its facilities. If I am engaged in a lawsuit before the Supreme Court of the United States to determine the boundary line between two of the States of the Union, I want to be able to have access promptly, easily, without red tape, without obstruction to ancient maps and documents, the old records of the Federal Government, and the collection of records of the various States. I may even want to have access to records relating to the mother country in order to be able to serve the people of my own State far away.

We want for Librarian a man who is able to organize and to keep in operation an institution which of itself is an institution of learning. It is the schoolhouse of the whole continent. The Library of Congress is the Mecca of persons who come here not merely to acquire formal culture but to obtain information for practical use. They may desire it for so humble a use as raising potatoes, or they may come here to secure information for designing some new and useful improvement of great service and utility.

Therefore, so far as I am concerned, I want it understood that I would encourage the development of the profession of librarian, and I would not discourage it by going outside of the family of librarians—which is a very large family—to make a selection for one of the choicest and most important posts within our reach. I think of us as parties to the transaction. We have an interest in this nomination, not solely because under the Constitution and under the statutes we are required to advise and consent to this nomination but we are interested because this is particularly, primarily, and foremost the Library of the Congress. This is our Library, and we want it led by a man who will make it of the greatest utility to us as servants of all the people of the country. But, as I have said, giving due weight to the complaint made by librarians all over the United States, and particularly from my own home State; giving due weight to their claim that the nomination fails to recognize the efforts of a half century of development of a profession and that it is a discouragement to those who have sought to elevate this profession and to place it in a position of greater service to the country, far beyond that is my contention that in this particular case there is no evidence whatever which tends to show that this brilliant littérateur and poet has any qualifications at all for an executive, for an administrator, or for a librarian.

Mr. TOBEY. Mr. President, I rise to speak in favor of the confirmation of the nomination of Archibald MacLeish to be the Librarian of Congress.

I am a member of the Senate Committee on the Library. Like my fellow Senators, I have received many communications from librarians and trustees of libraries in my State of New Hampshire. Each of these communications came to me requesting or demanding that I refuse to sanction this confirmation. The sole reason given was that to which I referred a few minutes ago in interrupting the Senator from Vermont, when I quoted the first speaker of two who came before the Senate Committee on the Library as representatives of the Library Association of America, and who said in answer to my question that "the only possible objection we have against Mr. MacLeish is the fact that

he has had no technical library training." Opinion is unanimous on that score, and solely on that score, from those whose communications have come to me in opposition to this appointment.

I attended the hearings before the committee. It is not my privilege to have talked to Mr. MacLeish. I have read his writings. I have gone into the matter very thoroughly. I have tried to put myself in the position of a jurymen, to listen to all the evidence and then to act wisely, refusing to take any position in answer to correspondence until today. I now say, sir, that I consider it both a duty and a privilege not only to vote for the nominee's confirmation, but to speak for him on the floor of this honorable body.

I have a reason for the faith that is within me; and I shall buttress my argument by evidence, by testimony of men far better qualified to speak than I.

If the Senate will bear with me, I shall read into the RECORD some of these gentlemen's names and communications.

The first is a gentleman whose name is known throughout the business world of this country as successful, not only as businessman but as a philanthropist, one of the great American citizens of our day. I refer to Louis Kirstein, of the firm of William Filene's Sons Co. Louis Kirstein has been not only one of the most successful businessmen of our country, but is a philanthropist; a man who loves libraries and library work, and sees beyond the circumstances and surroundings of the present the fact that the people of this country should have the privileges he did not enjoy as a boy. To that end he gave a great library to the people of Boston, and equipped it "lock, stock, and barrel," filling it with books by the greatest masters in the world. He writes me as follows:

With respect to Archibald MacLeish, I want to repeat I am confident that the charge he is a Communist is just silly.

As to his not being an experienced librarian would say, it seems to me, from the experience I have had, that the position of head of the Congressional Library, which is probably one of the very greatest libraries in the world, requires something more than a librarian with only a technical knowledge. It seems to me it needs an administrator and executive of high ability, which Mr. MacLeish certainly is. My own opinion is that Mr. Putnam has done a wonderful job in gathering this marvelous collection at the Library, but I think now that it is important that this be generally known and much more use made of it than is being made by people who make frequent use of the Library. I am reliably informed that, in addition to serving Congress and the Government, its use is confined pretty much to advance scholars. It has so much that millions of people are interested in that I want to repeat that I believe it requires someone who has vision and imagination coupled with the necessary energy and viewpoint to apply it.

I am sorry to bother you with so long a communication, but I am convinced that Mr. MacLeish is the outstanding man for this position.

I now read a letter from the assistant librarian of Dartmouth College, Alexander Laing, in which he says to me:

The position of Librarian of Congress calls for the broadest and most humane philosophical interpretation of all the rights of all the public to the use of knowledge as it is accumulated in books. The most excellent technical administrator may be less than competent in our current world, which has witnessed burnings of books at the doors of some of the world's greatest libraries. I believe, therefore, that the new Librarian of Congress should be a man capable of social and political action, to safeguard at every point the right of the American people and of their representatives to free access to all knowledge on all subjects. I am not competent to say whether Mr. MacLeish is an ideal choice from that point of view, but he certainly is a better choice than any professional librarian I know of whose age might make him a logical competitor.

Sincerely yours,

ALEXANDER LAING.

I also wish to read a letter from a distinguished citizen of my State of New Hampshire, a member of the State senate, former professor at Harvard, in which he says, under date of June 20:

MY DEAR SENATOR TOBEY: I have received from the New Hampshire Library Association a request that I write you in opposition to the confirming of Archibald MacLeish as Librarian of the Library of Congress.

In this case I wish personally to urge you to take action exactly opposite to that requested by the Library Association. You will no doubt receive scores of letters opposing the appointment, as a

result of the campaign by the association. I have no doubt that you will know how to discount the numerical importance of letters which result from such a campaign, and that you will realize that those who are on the other side are not organized and not making any concerted drive, but that they may be fully as numerous, although you may not hear from as many of them.

I am strongly of the opinion that this is an excellent appointment. There are plenty of trained librarians who can be hired to do all the varied kinds of technical work which the Library requires. No doubt the Library is already provided with a staff of such trained personnel which could be added to as needed. What is needed at the head of an institution such as the Library of Congress is a man of broad vision who will consider and initiate policies which are not matters of technical librarianship and which can be carried out by the technical people under him. I fully believe that Mr. MacLeish is such a man.

I wish now to read the testimony of the director of the library of the great University of Chicago. I think this is a classic. It speaks volumes. He says:

*To the Senate Committee on the Library:*

The President has nominated Archibald MacLeish for the Librarianship of Congress. Protest is lodged on the score of communistic leanings and by two officials of the American Library Association on the score of professional unfitness. Neither charge will stand examination.

Chicago has known the Scotch MacLeishs long and favorably. The father of the nominee, Andrew MacLeish, was a successful merchant and wise philanthropist. The mother, former president of Rockford College, is still a beloved figure of amazing energy. There is certainly no communism in the forebears, and there is equally none in the son. You will search in vain for one syllable in his writings or activities to support such an indictment. To be sure he is not content with things as they are. The human wreckage about us deeply moves him. To this he gives powerful expression, but, as he has written, he remains convinced "that democracy can be saved and that the American way is the best way out."

I, CHARLES TOBEY, of New Hampshire, join in that statement. Archibald MacLeish, as I interpret him, is a man after my heart. He realizes down deep in his consciousness what constitute the great objectives of this country; not the victories of government; something more than business success or a system of business economics. What are they, in the last analysis? MacLeish sees, with me, that they are men, women, and children, 120,000,000 people of this country, those whom he is serving in his life work, and those whom he will serve as Librarian of Congress. I say to this man's critics, to the library associations of the country, if that be treason, make the most of it. This letter continues:

The other charge is more serious. The president and the secretary of the American Library Association, without awaiting action by the council, which alone has the constitutional power of formulating the association's policy, have launched a holy war against confirmation and bulletined all executives to swell the protest. MacLeish, they say, is not trained for the position.

They are right in asserting the necessity of training. The question is, What training is best?

Well, in the first place, this is the Library of the Nation's law-making body and MacLeish is a lawyer, as was the present incumbent. It is a little more important that the Librarian know the inside of books he is dispensing than the outside. The chemists of a laboratory will be better served by a fellow chemist in the library than by a mere business manager or housekeeper. MacLeish knows his law. Justice Frankfurter could tell you something about MacLeish, as Justice Holmes could have done before him, for in his graduating class 20 years ago at the Harvard Law School he was ranked highest for "scholarship, conduct, and character."

He has been a notably successful practitioner, but, more important still, his study has sunk deeper than the memorizing of decisions. To him law is a social science and its business is justice. In all liberating legislation Congress would find MacLeish an understanding servant.

But the Library of Congress is far more than a law library. It has become the National Library. MacLeish is equally at home in the arts. No one will deny his rank as one of the four leading American poets now alive, and, what is more, he has made it pay without sacrificing his art a whit. He is at home in the literature of his time, whether at home or abroad, for he has resided in France and spent considerable time in South America. He knows what is going on and is a vigorous part of it.

No; Archibald MacLeish will adorn the place, and it is safe to say that Congress will have reason to read his official reports with avidity. Certain it is that his staff will love him dearly and swear by him because he is all loyalty and valor—a shining figure for all his modesty.

The two critics talk of the big staff at the Library of Congress and MacLeish's unfitness for such association. Let's examine that a moment. The last printed report of the Librarian of Congress shows 3 administrative officers and 34 heads of divisions and chief assistants. Of these 37 persons who run the National Library, just 3



went through a library school and 19 are not even members of the American Library Association. The present incumbent of the office seems to operate on a different theory from that of the two critics. People are appointed for their knowledge, and so it would appear that MacLeish would not be so lonesome in Washington after all.

This is not a condemnation of library schools. They are highly useful up to a certain level. Thereafter come university training or its equivalent—experience and horse sense. Thus, when asked to advise the trustees of the Enoch Pratt Free Library, Baltimore's public library, I gave them the names of three college men with library-school degrees. When, however, advising the president of the Johns Hopkins University in the same city, I gave the name of a faculty member. Both counsels were accepted and the outcome has in each case been most happy. Again I chose a professor for the associate director of the University of Chicago libraries, and got roundly denounced by the schoolmen. Yet this year they nominate him for the second vice president of the American Library Association. I am equally sure of my counsel to this committee.

The twin critics are nervous, too, about his management of money. MacLeish the Scotsman! They are wasting their worries. He has managed his own affairs magnificently, proved a capital editor, and a highly competent curator at Harvard. No organization that has ever had his services has willingly parted with them.

This is not the old abuse to which the two critics refer—favoritism or pension. No political debt is being paid or sinecure found for a spent preacher or teacher. Here is a man in the peak of his power thoroughly at home in a great library, clear-headed and brilliant. The fact is that MacLeish will have come to his place after severer training than his two critics have ever known.

Earlier in the year they lectured Yale University for choosing a scholar as librarian. They now repeat the lecture to the President of the United States. Both can stand it.

MacLeish did not seek the place. He was besought. Can his two critics say as much? Not if the persistent rumor of years mean anything.

The Senate will do itself honor by voting for confirmation with unanimity. The prestige of the Library of Congress will be safe in the hands of Archibald MacLeish.

Mr. President, I digress here to bring up a subject to which I do not like to make reference, but certain matter has been sent around to the Members of the Senate charging that the man MacLeish is a Communist, or on the edges of the Communist circle, or playing with Communists. If it is in order, so long as we are talking about Communists, and in view of statements made on the floor of the Senate yesterday, in passing, though not in connection with this nominee, I wish to read a definition of communism, a definition given us many years ago by a great Democrat, a great American, Grover Cleveland. This is his definition of communism. Keep it in your hearts, if you have it in your hearts lightly to condemn any man because of such charges. This is how Grover Cleveland defined communism:

Communism is a hateful thing, and a menace to peace and organized government. But the communism of combined wealth and capital, the outgrowth of overweening cupidity and selfishness, which insidiously undermines the justice and integrity of free institutions is not less dangerous than the communism of oppressed poverty and toil which, exasperated by injustice and discontent, attacks with wild disorder the citadel of rule.

Mr. President, let us now return to the charge of communism made against this man. It is charged that Mr. MacLeish some time ago wrote an article which contains the statement that the time has come for poets in America to sing of revolution.

Mr. President, I do not take exception to that statement. Let us have poets who sing of revolution. We are in a state of evolution and revolution all the time, and have been all down through the ages. I hold in my hand that great document which still finds expression in the hearts of all true Americans, the Declaration of Independence, and in the preamble we find language such as poets may use when they sing of revolution. Thomas Jefferson and other great patriotic Americans had a hand in writing it. Here is what Jefferson and his collaborators said about revolution:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever a form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government. \* \* \*

Mr. President, some may perhaps call that language revolutionary, but that is the language used by Thomas Jefferson, and that is Americanism. That language sets forth the acid

test of democracy's ability to govern itself, which is the test of democracy's permanence.

Now again about communism. Mr. MacLeish signed with others an invitation a few months ago inviting people to an American Writers' Congress in the city of New York. He wrote an article which the magazine, *The New Masses*, a Communist paper, published. To me that article shows forth the man. He is defending the sending of ambulances to aid the loyalists in Spain. He is defending the statement he made with respect to those engaged in the war in Spain. He said:

The word "liberal" is still a word to use with pride. Issues of freedom and truth are more important to the liberal mind than being seen in the right company.

He further said in the same article:

The further truth is that the man who refuses to defend his convictions for fear he may defend them in the wrong company has no convictions.

Mr. President, this man is a straight-shooter, if I know one. He rings true. He is the kind of man I want to see placed in authority, a man fit to occupy the position as Librarian of Congress.

Mr. President, we talk about technical training, but we find situations in Government and in private business which are somewhat on all fours with the one before us. In the appointment of the Secretary of the Navy we did not take a commander from a gunboat or a battleship. We took a man named Swanson and made him Secretary of the Navy.

When we put in Harry Woodring as Secretary of War we did not choose him because he was a military expert, an expert in gunnery or in aircraft defense. He was not chosen because he had a special knowledge of the job he was picked to occupy. He was placed in charge of the War Department because he had character and ability requisite in a Cabinet member.

When the President makes a choice of a member of the Interstate Commerce Commission he does not try to find a man who has had long experience in railroad operation, a technical engineer. He chooses a man who has ability and who will faithfully perform his duties of regulating the railroads of the country pro bono publico.

When the General Electric Co. wanted a head for that great industrial organization it did not pick a technical engineer who had special knowledge of turbines and electrical apparatus. It picked Owen D. Young, a man with no engineering training, but a man of outstanding ability as a lawyer and of great personal charm and high character.

So I could go right down the line, Mr. President, and cite any number of cases of similar character.

In conclusion I submit that we should place the emphasis upon research and scholarship rather than on technical training as a librarian.

In my judgment, after an honest, careful looking into the matter, and a survey of all the evidence, I am convinced that Archibald MacLeish is well qualified for the office, and I make bold to say that the Senate will honor itself today if it will confirm his nomination to be Librarian of Congress.

Mr. BARKLEY. Mr. President, I do not think it necessary that anything further be added to this discussion, but as chairman of the Committee on the Library I have in some sense been the victim of this opposition or borne the brunt of it in the sense that I have probably received more letters from people in the United States about it than anyone else here, simply because I happened to be the chairman of the committee.

Mr. President, I wish to say just a few words that might be regarded as personal to Mr. MacLeish. I never knew him until he came down here at the invitation of the committee in order that the committee might look him over and examine him, size him up, and decide for itself whether he fitted into the position of Librarian of Congress.

I think it is true that without exception Mr. MacLeish made a very favorable impression on all the members of the committee, without regard to their politics. I will say that in the performance of the duties of the members of the

Committee on the Library, there has never been any political division. I do not recall at any meeting of that committee since I have been a member of it, or chairman of it, when partisanship entered into it, or when any vote was based upon whether a man was a Democrat or a Republican.

Mr. MacLeish is 47 years of age. He was born in Illinois, and his family, evidently, were well-known and highly respected people in and around Chicago. He went to Yale University, graduating with high honors. Then he went to the Harvard Law School, and graduated at the head of his class. Soon after we entered the World War, Mr. MacLeish, although he was married and had a baby 1 month of age, enlisted in the Ambulance Corps. I think he refers to himself rather facetiously when he says in his own autobiography, or the article which he wrote for this book, that he joined the Ambulance Corps in order not to get hurt. He was really comparing himself with his brother, who joined the Air Corps, and who was killed in combat on the front either in Belgium or France during that war.

Mr. MacLeish voluntarily had himself transferred from the Ambulance Corps to the Field Artillery in France, and as a member of the Field Artillery he was engaged on the front during June and July 1918, and rose to the rank of captain of the company of Field Artillery.

He came back and went on a farm in Connecticut. He began to write. He wrote for magazines, such as the *New Republic* and the *Nation*. I think it is to be assumed—and I have always so understood—that anyone who would be invited to contribute as an editor to the *New Republic* and the *Nation* would of necessity be a man of liberal inclinations and proclivities.

I have for a long time been a reader of those two magazines, and I like to read them because whether I agree with them or not, they certainly stimulate thought. They are original in some respects in that regard, and occupy a field that is not full by any means.

Mr. MacLeish desired to be a writer. After graduating at the head of his class in the Harvard Law School he practiced law in Boston for 3 or 4 years as a member of the firm of which Mr. Charles Choate is a member. The information I have received was that he was a successful trial lawyer; that he separated himself from that firm voluntarily in order that he might write, that he might devote himself to literature, which he evidently preferred to the law. But the information that has come to me reliably is that that firm would accept him back now as a member of it if he were available. That shows that he was not only an able lawyer but a successful trial lawyer. Of course, that experience, as we all know, gives a man a broad background. It brings him in close touch with human nature and human problems.

Mr. MacLeish became a contributing editor or associate editor of *Fortune* magazine, and he wrote some very able and brilliant articles as contributing or associate editor of *Fortune*. As has been demonstrated here today, his articles in the *Survey Graphic*, both for May and February, which have been referred to, show that he is a man of exceptional ability in the facility of expressing ideas. He has a facile pen. He has a sort of originality and freshness of expression of his ideas.

There has been an effort to make light of Mr. MacLeish because he is a poet, but he is much more than a poet. James Russell Lowell was a poet, but he was not such a poet as disqualified him to be Ambassador, as I recall, of the United States to the Court of St. James. One of the most brilliant men who ever sat in the Senate was a man from the State of Kansas, John J. Ingalls, and I believe one of the greatest poems in the English language is the poem of John J. Ingalls entitled "Opportunity." I do not subscribe altogether to the philosophy of that poem, but it is a great poem and will live in the English language.

So, Mr. President, from the standpoint of character, background, experience, scholarship, vision, and understanding of our great problems in this complex, modern day in which we live, I believe Mr. MacLeish possesses all the qualifications that are needed for Librarian of Congress.

Mr. President, I have received from members of the American Library Association perhaps a thousand letters and telegrams protesting against this nomination. Not one of them attacks the character, or even the views of Mr. MacLeish on political, social, or economic problems. Not one of them attacks his eminent scholarship. As the Senator from New Hampshire stated a while ago, when a former president of the American Library Association, together with one of the executive committee who happens to be the librarian of the free public library in the city of Louisville, in my State, came here to protest against this nomination before the Committee on the Library, before any member of the committee had asked either of them a question they volunteered the statement that they did not wish to be understood as attacking or impugning or in any way reflecting upon the character, ability, or scholarship of Mr. MacLeish, but that they opposed him solely on the ground that he had not been a trained librarian. All the letters and telegrams which I, as chairman of the committee, have received in opposition to Mr. MacLeish are based upon the fact that he is not one of them, in the sense that he is not a trained librarian.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. AUSTIN. Did the Senator receive from my colleague in the House of Representatives, the Honorable CHARLES A. PLUMLEY, a letter dated June 20 relating to this appointment?

Mr. BARKLEY. I have not seen such a letter. It may be at my office. The Senator knows how busy we have all been. I did not have an opportunity to read all my mail. I have not seen the letter.

Mr. AUSTIN. The reason I interrupt at this time is that if the Senator is willing to have it done I should like to have the letter inserted in the *RECORD* following his remarks.

Mr. BARKLEY. I have no objection.

The PRESIDING OFFICER. Without objection, the request of the Senator from Vermont is granted, and the letter will be inserted in the *RECORD* at the conclusion of the remarks of the Senator from Kentucky [Mr. BARKLEY].

(See exhibit A.)

Mr. BARKLEY. I can very well understand the attitude of the American Library Association, because they desired a member of their organization to be appointed Librarian of Congress. They presented to the President the name of the secretary of the American Library Association, who is not now a librarian, and who for many years has been the secretary of the American Library Association. According to the testimony of the two members of that association who came before the committee, he has been a trained librarian, but for a number of years has occupied the position of secretary of the American Library Association.

Mr. President, I think that the American Library Association was and is justified in promoting its organization; and in the case of the librarian in the ordinary technical library in the ordinary city serving a limited clientele, in many cases with two or three or half a dozen assistants, being able to decide what new books ought to go to the library, how they ought to be cataloged and scheduled, in order to give information to those who inquire about books, I can very well understand the advantages of some training in the profession of librarian. I can very well understand the feeling of disappointment, if not of resentment, among the members of that organization when the President went outside their number to select the Librarian of the greatest library in the United States, the Library of Congress.

I would not intimate, because I do not think, that their disappointment or resentment was intensified in any degree because they did not succeed in persuading the President that he ought to appoint their secretary as Librarian of the Library of Congress. As I stated the other day, I myself had a candidate for Librarian of Congress. He is a member of the American Library Association. He is a distinguished scholar. He has had many years' experience as a librarian. He knows



books and he knows how to run a library. The President did not see fit to appoint him; and I suppose by the same token I ought to oppose this nomination because my candidate was not successful.

Inasmuch as I do not take that narrow viewpoint, I shall not attribute to the American Library Association any such narrow viewpoint in the intensity of their opposition to this nomination. I place their opposition on the ground on which I think they place it, purely as a professional matter, in that Mr. MacLeish is not qualified, in their judgment, to be Librarian of Congress, because he is not a technical librarian.

Mr. President, all the letters I have received, even from members of the American Library Association, have not been in opposition to this nomination. In that connection I have before me a communication from Mr. Milton James Ferguson, president of the American Library Association, at present librarian at the Brooklyn Public Library in Brooklyn, N. Y., with which he submits to me and to the committee and the Senate a memorandum in opposition to the nomination. The memorandum is along the line of that read by the Senator from Vermont [Mr. Austin], and I shall not take the time to read it. However, in justice to this organization I ask that the memorandum be included as a part of my remarks and inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the memorandum will be placed in the RECORD at this point.

The memorandum is as follows:

#### THE LIBRARIAN OF CONGRESS

The American Library Association urges the Senate not to confirm the appointment of Archibald MacLeish as Librarian of Congress, because he lacks the essential qualifications of a librarian.

His ability and distinction as a man of letters are unquestioned. (We are not concerned with his politics.) But librarianship is not a literary pursuit. Writing is not of itself a suitable preparation for it.

Librarians, library trustees, and other citizen groups have worked for almost three-quarters of a century for the extension and improvement of libraries, with such success that the United States holds undisputed world leadership in library service. A primary reason for that success has been the emphasis on trained and experienced library administrators.

A hundred years ago every important library post was filled by somebody's political or personal choice. Now nearly all are filled by men and women who have prepared themselves for that vocation. The appointment of a nonprofessional as head of the Library of Congress would endanger the merit system of appointment to all library positions, carefully built up during three generations.

Mr. MacLeish could not qualify for the librarianship of any college or public library in America which attempts to maintain professional standards—as most do. He most certainly is not qualified to be the librarian of the largest and most important library in the world.

The administration of the Library of Congress is not a simple task which can be learned quickly. It is complex and highly professional.

It involves personnel administration. The Librarian is solely responsible for selection, appointment, training on the job, promotion, and discharge. The staff numbers 850 people. Many appointments are made each year.

It involves financial administration of yearly expenditures of \$3,000,000.

It involves general library administration in all its aspects. The Library of Congress is the head and center of the library system of America. Its first duty is to the Congress and other officers of the Government. But its varied services are also indispensable to scholars, special investigators, writers, the blind, universities, and all other libraries in every State and Territory.

These services do not organize and run themselves. They must be continuously adjusted to educational and social changes. They are best operated, improved, and extended under the direction of a man who understands how and why they are performed. They would almost certainly deteriorate under amateur leadership. Those who use the Library would suffer.

The appointment of a man as a figurehead would do no honor to the appointee. It would, however, be a denial of the value of professional training and experience.

If any Senator thinks that the American Library Association may not fully represent all library opinion, he is respectfully urged to solicit the opinions of librarians and members of library boards in his own State.

The Congress and the people are proud of the Library of Congress. They should have as Librarian of that institution one who is not only a gentleman and a scholar but who is also the ablest library administrator available.

JUNE 12, 1939.

Mr. BARKLEY. I wish to say that I do not agree with the position taken by the American Library Association. A perusal of the memorandum will show that their sole position is based upon his lack of experience as a trained librarian.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. The memorandum from Mr. Ferguson to which the Senator refers suggests that if any Senator wishes to explore the subject further he should consult the librarian in his own city. I thought that was a good idea. The librarian in my home city, Grand Rapids, Mich., happens to be a peculiarly able person, one who also is particularly detached professionally. He has no relations whatever with politics or anything of the nature. I should say he is one of the great librarians of the Nation. So I telegraphed him and asked him what he would do if he were confronted with the MacLeish nomination. If the Senator will permit me I should like to read a few sentences from his reply.

Mr. BARKLEY. I shall be glad to have the Senator do so.

Mr. VANDENBERG. The letter is from Mr. Samuel H. Ranck, librarian at Grand Rapids. He says:

With my present knowledge, therefore, I cannot agree with the position taken by Mr. Ferguson. I think the Senate should carefully examine Mr. MacLeish's abilities for leadership and general administration.

Then Mr. Ranck expresses his own professional disappointment that the selection was not that of a trained professional librarian, but he adds:

I could cite a considerable number of instances where men of scholarly interests or pursuits became librarians and made most valuable contributions to the library profession. The whole thing depends on the character of the man and his outlook on life.

He refuses, then, to commit himself, but the entire tenor of his letter, if I have any right to interpret it, is that he would not be satisfied to dismiss Mr. MacLeish solely because he lacks the credentials of a professional librarian. On the contrary, I should say that, although he would prefer someone else, he declines to join in the protests against him.

Mr. BARKLEY. I appreciate the Senator's interrupting me for that purpose, and I congratulate the librarian to whom he telegraphed for his frankness and candor under the circumstances.

Mr. President, in order to be entirely fair to the American Library Association, I ask also to have printed in the RECORD at this point a telegram sent from San Francisco where the American Library Association was in session on June 20, addressed to H. M. Lydenberg and H. F. Brigham, who appeared before the Library Committee on this nomination; and also a statement issued by Mr. Harold F. Brigham, of Louisville, the head of the Free Public Library there, along the same line.

There being no objection, the telegram and statement were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., June 20, 1939.

H. M. LYDENBERG,

H. F. BRIGHAM:

The June 12 printed statement, also sent under date of June 11, with personal letter to members of Senate Library Committee, now has formal approval of executive board by unanimous vote, and of council with vote of 56 for to 4 against, and of association in general session with estimated vote of about 2,000 for and possibly as many as 200 against. From sentiments here expressed we believe that fully 90 percent of all members of the library profession think that confirmation would be most unfortunate. They are concerned with the probable detrimental effect on the service of the Library of Congress to its readers. They are even more concerned with its inevitable effect on all other libraries because of the implication that special training and experience are not necessary for successful administration of libraries large and small. It is evident here that confirmation would have a most disastrous effect on the morale of the younger members of the profession who feel that it is futile to prepare for librarianship if special training and experience are to be disregarded in filling the most important library posts. Petitions protesting confirmation were signed by 1,425 members on this first day of conference. Signers are from

all States, District of Columbia, and Hawaii, except Delaware, Maine, Nevada, both Dakotas, Vermont, and West Virginia. If it were not for the presence here of many library leaders the committee room would be crowded with protesting librarians.

Charles H. Compton, St. Louis; Forrest Spaulding, Des Moines; Carl Vitz, Minneapolis; Joseph L. Wheeler, Baltimore; Ralph Munn, Pittsburgh; Althea Warren, Los Angeles; Judson T. Jennings, Seattle; Harriet Long, Salem, Oreg.; A. F. Kuhlman, Nashville; Milton J. Ferguson, Brooklyn.

**LIBRARY OF CONGRESS APPOINTMENT—STATEMENT BY HAROLD F. BRIGHAM, LOUISVILLE, REPRESENTATIVE OF AMERICAN LIBRARY ASSOCIATION**

The agitation against confirmation of Archibald MacLeish is in no way directed against the President's nominee personally, nor does it imply disrespect for the President. It is undertaken solely in the best interests of our National Library and of library service generally as this is affected and influenced by our National Library. It assumes that the President has been ill-advised in selecting his nominee.

The appointment of a nonlibrarian to the Nation's foremost library position is held to be without justification for four essential reasons:

(1) Administration of a great library demands a person qualified by library experience and special knowledge of library service and practices to manage and direct such a library. An amateur would still be an amateur even after years of groping in an effort to learn the job by experience alone.

(2) The unique position of leadership occupied by the Library of Congress in the field of library service, both nationally and internationally, demands the appointment of a head librarian who can maintain the Library's position of leadership without backward step and without loss of the position achieved through distinguished leadership over many years.

(3) The appointment of a nonlibrarian to this particular position can be considered in no other light than as an overt, unfriendly, and prejudicial act by an entire profession of some 30,000 librarians of the country, not to mention the many additional thousands of library trustees, educators, and friends of libraries, who have done so much in the past generation to establish the present-day high standards of library personnel and service.

(4) The appointment of a nonlibrarian to the Nation's foremost library position is sure to be demoralizing in its influence on library appointments and library service over the country as a whole, encouraging a reversion to the old sentimental and political appointments to library positions, and a denial of the things that have made the very foundations of modern library progress.

For these reasons it is earnestly hoped that the Senate of the United States will not confirm the appointment as Librarian of Congress of anyone but a thoroughly qualified and experienced librarian of demonstrated ability as a library administrator.

**Mr. BARKLEY.** Mr. President, I have a letter which I received from a member of the American Library Association, which, I think, in terms much more convincing than anything I might say, presents the situation with respect to this nomination. The letter is addressed to the Committee on the Library of the United States Senate. It reads as follows:

I am sorry that the American Library Association is opposed to the appointment of Archibald MacLeish as Librarian of Congress. As a life member of the A. L. A., I do not share its disappointment. There are exceptions to all rules, and a professional class which owes as much as it does to outsiders like Dante Alighieri, William Shakespeare, Thomas Jefferson, Andrew Carnegie, James Lennox, A. E. Newton, Henry Huntington, J. P. Morgan, et al., ought to welcome a distinguished "fellow traveler" along the bibliophilic road, whether or not he has had training or experience in library administration or economy.

The Library of Congress is not a small public or college library. It is a congeries of libraries with administrators and technical experts in many fields. In a real sense, it is a national university and, in fact, it has a number of chairs in science and the humanities, and more will develop as time goes on. Very few of the heads of its departments or divisions had library schooling or training other than that received in the Library of Congress itself. Herbert Putnam entered the library profession from the law without previous library training or experience and has made a notable success.

It is entirely proper that this or that public or college library should have trained librarians as their heads, for they must know every detail of their libraries and often instruct their staffs in their duties. Not so with the National Library or with the few great public and university libraries, the direction of which is comparable to a university itself. In such institutions and particularly in the largest of them all, the Library of Congress, it is far more important to have as director a man of judgment in selecting men, of vision in inspiring them to do their best, with a talent for expression, and with a love for books than a mere technician trained in the classification of knowledge and the rules of cataloging books, or even a mere library administrator.

As a man of the world, a proved executive, not only a poet but a writer of note, and, above all, a lover of mankind, Mr. MacLeish will carry on gloriously the work of his predecessor, who has so ably distinguished the Library of Congress and the profession.

I have here, Mr. President, scores of letters from librarians all over the United States, endorsing the nomination of Mr. MacLeish, though not so many as have been sent me by members of the American Library Association, inspired by a telegram or letter from the secretary of that organization asking its members to telegraph their protests, for I have in my files one letter from a librarian in a Midwestern State, copying the letter sent to him by the secretary of the American Library Association, asking him to write to me or to telegraph me and protest against this nomination.

I do not state that all these 1,400 librarians would not have written me anyway; it may be that all of them would have done so; but it so happens that the secretary of the organization did ask them to write, and it so happens that in San Francisco, when they were in session, the secretary of the association circulated petitions or had them circulated to be signed by the members who were in attendance. I have here the petition signed by several hundred members of the American Library Association who were in attendance, I presume, at the convention at San Francisco only a few days ago. They had a perfect right to do that, and I do not criticize them for doing it, but I say that it is not to be dismissed as a mere circumstance, and we have a right to consider the circumstances in determining the weight to be given the protest.

Mr. President, I believe that there is no greater man in the field of library accomplishments and attainments than Dr. Herbert Putnam, who for 40 years has been the head of the Congressional Library. Congress passed an act providing for his retirement as Librarian Emeritus in honor of his great work and his constructive administration of the Library of Congress.

I believe that Mr. MacLeish will be a worthy successor to Dr. Putnam. Not only does he know books, not only does he know their contents, not only is he widely read in history, in philosophy, in poetry, and in economics, but, Mr. President, Mr. MacLeish is the sort of a man whom any Member of the Senate might be glad to visit and sit down with after dinner or in the evening and discuss for an hour or two not only books, not only catalogs, not only library shelves, but discuss the economic, social, and moral problems that confront a great nation of 130,000,000 people. That is the kind of man I should like to see at the head of the Library of Congress.

As has been stated here, the Library of Congress has sufficient technicians. They know how to catalog books; they know where they are; they will help to decide what additional books should be placed in the Library. But there is a philosophy of literature that is nearly as important as is the technical knowledge of what literature is; and I believe that Mr. MacLeish expressed the desire and ambition and aspirations of the American people for their own Library when he said before the committee that he believed that the Library of Congress should make its knowledge, its history, its philosophy, and all that it contains available for the use of the American people, not only for the American Government, not only for the Congress of the United States, whose agency it is and always has been, but that the great Library of Congress should be made available with its philosophy, its information, its inspiration, and its teaching to the American people, not by sending books all over the country to be read out of the Library, which is a privilege not enjoyed by the average citizen of this country, but that it might be a great institution for enlightenment, inspiration, and education, and might in a real sense become a great university, as it is described here in the letter which I have read.

Therefore, Mr. President, I hope that this nomination will be confirmed. I believe that this man will justify the faith we have in him when he has served during whatever tenure of office he may hold as the Librarian of the Library of Congress.



## EXHIBIT A

JUNE 20, 1939.

HON. ALBEN W. BARKLEY,  
Chairman, Library Committee,  
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I recognize the probable futility of opposition to the appointment of the gentleman named by the President to be the Librarian of Congress.

I am impelled, however, by reason of some years of experience at the head of an educational institution serviced by a library, to say what I am about to say and what I would say were the man my own brother who is named.

I hold no brief for anybody or any candidate. I do not oppose the nomination by reason of charges which have been made with respect to his communistic leanings, though I do feel they should be investigated and, were they established, should preclude him from any and all consideration. I might add that in my judgment he, or any man named, should, like Caesar's wife, be above suspicion.

My opposition to his confirmation is found in the fact that, as against the qualifications of those several men in this country who have made a life work of the study of library administration, his intellectual and literary qualifications are against him rather than in his favor. A man may be the greatest scholar but the poorest executive in the land. Librarians are in a class by themselves, and it takes years of hard work and preparation to qualify one's self for such a responsible position.

To go out into the highways and byways to select literati to fill executive positions with so great responsibility attendant, when men of competent ability and experience have given themselves and their lives in an endeavor to fill such vacancies, impugns our own interest and integrity of purpose and effectually raises a bar against effort which might be made by those who in days to come might attempt to qualify themselves to fill such vacancies if the occasion should arise. "What is the use?" says the young man who has a peculiar and demonstrated penchant along these necessary and recognized lines leading toward the life work of a librarian. "Why should I give years in order to fit myself, when some poet or author or writer, who has no experience and has no training and knows no more about the intricate details of library work than a goose does about God, will be appointed?"

The man selected for the post of Librarian of Congress should be able to satisfy your committee that he has had the necessary experience, has demonstrated the necessary fundamental practical qualifications as an executive to manage and direct the work incident to the proper discharge of the manifold duties of such an office.

Few men possess such qualifications; they are seldom if ever found in those who have devoted their lives to writing poetry or as authors or novelists, however high they may stand in the field of literature. The job of being Librarian of Congress is not something to be offered a la Nobel or Pulitzer prize or award.

That institution, which in some aspects affords the greatest educational opportunity to be found in this land, should be presided over by the ablest, best-trained, and most efficient librarian to be found in this country, and you know it just as well as I do.

Sincerely yours,

C. A. PLUMLEY.

Mr. BARKLEY. Mr. President, I ask unanimous consent to insert in the RECORD an editorial from the Baltimore Sun approving this nomination, an editorial from the New York Times, and two or three other editorials which I have received.

The PRESIDING OFFICER. Without objection, the editorials referred to may be printed in the RECORD.

The editorials referred to are as follows:

[From the Baltimore Sun of June 8, 1939]

## GOOD APPOINTMENTS

Two excellent appointments to official posts were announced on Tuesday. The President nominated Archibald MacLeish for the place as Librarian of Congress and, in Maryland, the hall of records commission chose Dr. Morris L. Radoff to be State archivist.

Mr. MacLeish is one of the country's outstanding creative writers; Dr. Radoff is a scholar whose work as editor of the State historical records survey richly commends him. The former will become the ranking librarian of the country; the latter will be in charge of the State's historical records. So far as we know, Mr. MacLeish does not have any formal training in technical librarianship, but we fail to see that this lack of experience constitutes a handicap. He is, after all, a man of wide experience as well as a poet who stands in the front rank of contemporary writers. The Library of Congress unquestionably has its share of experts the benefit of whose advice and specialized knowledge Mr. MacLeish will have; he will bring to his work not only the imagination which shows clearly in his poetry, the experimental temperament which marks his admirable poetic dramas for the radio, but also the critical intelligence that informed his Turnbull lectures at the Hopkins and the vital, broad interest in American affairs which characterizes his writings from *Conquistador* to *Land of the Free*.

The high and special qualities which men of genuine creative powers possess are likely to be of considerable value in any field of work. After all, it is to Anthony Panizzi, an Italian, friend of Foscolo and Merimee, and student of poetry, that the British Museum owes much of its present-day greatness. And if nations have

found that men of letters serve them well in diplomatic and governmental posts—and one recalls a long list of such men from Chaucer and Spenser, through Lowell and Irving, to Claudel and Ayala—there is certainly no reason to think that similar talents will not be happily and beneficially employed in the great national storehouses of literature. As a matter of fact they have been, as the cases of Coventry Patmore and Henry Francis Cary, in England, and of Charles Nodder and Remy de Gourmont, in France, suggest.

[From the New York Times of June 8, 1939]

## A POET FOR LIBRARIAN

Archibald MacLeish, named by President Roosevelt to succeed the admired Dr. Herbert Putnam as Librarian of Congress, is not a professional librarian. He is a number of other things that should commend him to those who wish to see the great traditions of our national library carried forward. He is an eloquent and impassioned poet—certainly one of the two or three at the top of our American list. Unlike some poets, he has a brilliantly logical mind, which the Harvard Law School recognized 20 years ago by ranking him highest in its graduating class for "scholarship, conduct, and character." He has been notably successful as a practicing lawyer and as an editor. There is every reason to believe that he has both the vision and the executive ability to give continued life to an institution which deals not only with books but with all the arts.

The charge has already been made that Mr. MacLeish is tainted with economic heresy. The truth seems to be that, like most poets, he is not entirely satisfied with the world as it is. His poems are alive with pity and indignation. In a necessarily more limping prose he has professed himself as believing "that democracy can be saved and that the American way is the best way out." So warm and generous a spirit, keenly sensitive to the finest cultural traditions, aflame with love of liberty, can hardly be a danger to the Library of Congress.

[From the Boston Herald of June 8, 1939]

## LIBRARIAN MACLEISH

The enthusiasm in Washington when the President named Archibald MacLeish as Librarian of Congress, to succeed Herbert Putnam, will be duplicated here, in New York, and wherever Mr. MacLeish is known. It was said of Herbert Hoover that he selected the ideal man when he named Justice Cardozo to the Supreme Court; and almost as much may be said of the honoring of Mr. MacLeish.

He was first man in his class at the Harvard Law School, and declined an appointment to the faculty. He was one of the most promising young lawyers in Boston when he left one of the leading law firms to give all his time to literature. As an editor of *Fortune*, a Pulitzer prize winner in poetry, a writer of excellent prose, a man of affairs, an administrator, and, as the President characterized him, "a gentleman and a scholar," he deserves immediate, unanimous, hearty confirmation.

The President will be criticized, perhaps, for his failure to pick a trained librarian. The obvious reply is that far more than technical ability is requisite for the supervision of one of the great libraries of the world. A skilled orthodox librarian could have been found easily enough, but none with the qualifications of Mr. Putnam. The purely professional features of the position can be learned easily by a man of Mr. MacLeish's endowments and experience.

A pleasing personality and a marked aptitude in speech, public and private, should be of great assistance to him in his relations with Members of Congress. The entirely nonpolitical nature of the appointment makes it all the more pleasing.

[From the Boston Herald of June 10, 1939]

## OPPOSITION TO MACLEISH

Neither the organized nor the unorganized opposition to the nomination of Archibald MacLeish as Librarian of Congress seems to have a substantial foundation. The president of the American Library Association, who has sent out telegrams to various associates urging protests to Senators, is presumably disturbed because Mr. MacLeish lacks specialized training as a librarian. That is an understandable attitude. It indicates, however, a narrowness which does not reflect any great credit on the American Library Association.

There is far more to the task of a Librarian of Congress than the carrying out of technical assignments. Congressmen, 531 of them, must be served and appeased. Political pressure must be resisted constantly. Skill in administration, close contact with men of affairs, and cooperation from a score of sources, literary and nonliterary, are essential if the high standards of Herbert Putnam are to be maintained. The nonprofessional tasks are perhaps more important than the professional; and we doubt that any schooled librarian could perform them nearly as well as Mr. MacLeish.

Indeed, the noncareer librarians have perhaps made more enduring contributions to library administration and upbuilding than the career men—and the story is the same in American diplomacy. The list of such librarians is most impressive.

The great Justin Winsor lacked technical acquirements. Archibald Carey Coolidge, who did so much to make the Widener Library at Harvard what it is, was not a professional librarian.

The new head of the Yale University library, Bernard Knollenberg, has not pursued librarianship as a life career. President McKinley's appointee, John Russell Young, who made great improvements in the Library of Congress, was also lacking in knowledge of the Dewey decimal system and some other subjects taught to students of library schools. The Army medical library, unrivaled in the world as a medical library, was the creation of a surgeon named John S. Billings. The greatest law library in the world, the Harvard law library, has never had a professional librarian at its head, and was created by professors.

Herbert Putnam himself was primarily a lawyer. He began his notable career at the Boston Public Library and continued it at Washington after he had interrupted his western library activities by a bar career of a few years. Edmund Gosse, librarian of the House of Lords, and Sir Frederick Kenyon of the British Museum, a famous repository of books, would fail, with those famous Americans, in the narrow test which apparently the head of the American Library Association would apply.

The MacLeish choice seems to us not only good but brilliant. There is probably not a trained librarian in the United States who has his manifest qualifications for a distinguished career as head of the great institution. Men and women entirely familiar with the more or less mechanical aspects of library administration are to be had by the score. Many of them are on the staff of Mr. Putnam and will be available for his successor.

Mr. FRAZIER. Mr. President, I am not going to make any lengthy speech on this nomination or attempt to make any oratorical speech; I could not do that if I wanted to; but, like other Members of the Senate, I have had a number of protests, especially from librarians and the Library Association against the nominee. Most of these librarians, of course, have taken the library course in college. It cost them money to do that. They have an organization built up to protect their own interests, just as attorneys have organizations to protect their interests. It is perfectly natural when an appointment is made for a position such as the head of the Congressional Library in Washington that the Library Association should protest against anyone being appointed to a position of that kind who is not a librarian. I doubt if there is an attorney, a Member of this body or the body at the other end of the Capitol, who would not protest bitterly against the nomination to the bench of the Supreme Court of the United States of a man who was not a lawyer, and probably against anyone who had not been a judge or had not had some experience on the bench, although there is nothing in the law, as I understand, or in the Constitution to prevent the appointment of a layman to the Supreme Court.

It seems to me that the position of Librarian is largely a technical one, and that the head of the largest library in the world should be qualified both as an administrator and from a technical standpoint to be Librarian.

Of course, I have not had from anyone any complaint about the character of Mr. MacLeish or his ability as an attorney or as a writer. I have noticed in some of the newspapers charges of radicalism, but that does not affect me in the least. I do not blame people for being radical. It seems to me it indicates that they have been doing some thinking for themselves anyway. But, Mr. President, I feel that in a case of this kind the librarians especially have a right to protest. I agree with them that someone who has had technical knowledge and training should be placed in the position of head of the Library of Congress.

The Senator from Kentucky read a letter from some librarian who spoke of Dr. Putnam who is retiring as not having been a librarian. Well, of course, he had been a librarian and held positions as such both at Minneapolis and Boston. I do not know how much technical training he had had but at least he had been a librarian and knew library work.

The Senator from Massachusetts [Mr. WALSH] brought up the question of the past history of appointments to the position of Librarian of the Library of Congress. Someone sent to me an article of a little over a page. I presume it came from some librarian, although I do not know where it came from, as it is not signed. I have no doubt of the correctness of the statement but I admit I have not attempted to verify it. The article goes on to say that the Senate did not confirm in 1899 an appointment by President McKinley of a nonlibrarian as Librarian of Congress. It goes on further to state that before that time, after Mr. Spofford, who served

from 1864 to 1897, had retired, a newspaperman, a politician by the name of Young, had been appointed. Mr. Young lived only a year or two after his appointment and thus a vacancy occurred in President McKinley's administration. A number of politicians and people who were interested in getting the job had applied and been recommended for the position. Mr. McKinley was apparently in sympathy with making such an appointment and he recommended to the Congress the appointment of a retiring Member of the House by the name of Barrows. The Library Committee refused to approve that appointment or to recommend it to the Senate, and so the appointment was not made. Adjournment was had, Mr. Putnam was appointed during the recess, and his appointment was afterward confirmed by the Senate at the next session of the Congress.

I mention this merely to straighten out the statements made by the Senator from New Hampshire and the Senator from Kentucky in regard to this particular situation.

I suppose in all probability the nomination of this gentleman as Librarian of Congress will be confirmed. Nevertheless, I think the librarians of the country should be given consideration, and that their protests should be considered in voting on this nomination.

Mr. MALONEY. Mr. President, I shall be brief; but I do not think I would be fair to myself or to this distinguished man, who is from my State, if I did not comment upon the nomination.

If I desired to bask in the brightness of this man's brilliance, I would make a speech. He is so unusual a man, in my opinion, that my praise of him would reflect favorably upon me.

A little earlier, immediately after the nomination of Mr. MacLeish came to the Senate, there was a careless reference to the man's Americanism. That seems completely to have been dissipated, and I congratulate the Senate and its entire membership that it has left that reference entirely out of the discussion this afternoon.

In addition to the fact that Mr. MacLeish is an able lawyer, an outstanding poet, and a brilliant scholar, as well as a soldier, he is a playwright and an author. While, as the majority leader pointed out, he has not had much, if any, experience in cataloging books, nor probably is he familiar with the technical details of library work, the persons in the Congressional Library who do catalog books, and the persons in the other great libraries of the country who catalog books, will enjoy the experience of cataloging books and manuscripts prepared and written by this versatile and scholarly man.

I think he has had a more splendid experience up to this time than had the great Librarian, Mr. Putnam, at the time of his appointment to the Library of Congress. It is true that Mr. Putnam had some experience in two smaller libraries before he came here, but Mr. MacLeish has spent a very considerable time in libraries in connection with his love of literature and poetry and art and as a playwright and as an author. He has necessarily lived a good part of the time in libraries doing research work. He is a Pulitzer prize winner; and the majority leader pointed to the fact as he read some correspondence that Mr. MacLeish was a "fellow traveler" of several great Americans. The majority leader did not mention that Mr. MacLeish was a "fellow traveler" of those Americans who have a right to the royal purple of our country because of their participation in the war; but he did point out the facts regarding the competency of Mr. MacLeish to a sufficient extent, as did the other Senators who have spoken, to make it unnecessary for me or anyone else to speak at length.

I congratulate the Senator from Vermont [Mr. AUSTIN] for the fairness of his presentation and should like to go beyond that and congratulate him for making what I thought was a splendid argument in favor of the appointment of Mr. MacLeish.

I should like to ask for a roll call on this nomination in order to have the RECORD show that there is very, very little, if any, opposition to the appointment; but because so many



Members of the Senate are compelled to be elsewhere in connection with important conferences which must be completed by tomorrow, I myself shall not ask for a roll call. I should like, however, to have the RECORD show that it is my opinion that there will be, if any, not more than a few votes against the confirmation of the nomination.

I ask unanimous consent that there may be added to my remarks an interesting letter which recently appeared in the Hartford Courant and which in a scholarly way points out the rich qualifications of Mr. MacLeish.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Hartford (Conn.) Courant]

LIBRARIAN OF CONGRESS—MR. MACLEISH DESERVES RECOGNITION OF SCHOLARLY TALENTS

TO THE EDITOR OF THE COURANT:

The conferring of an honorary degree of doctor of letters on Archibald MacLeish by Yale University rekindles smiles that met the howls of dismay emanating from New Jersey's Representative THOMAS, and from some librarians, when the President nominated Mr. MacLeish to head the Library of Congress.

Very little intelligence is required to discard the cloak of communism with which Representative THOMAS would envelop Mr. MacLeish. A more disconcerting note is heard in the opposition of the librarians, for the public assumes that they, in accordance with their training for their positions, do a bit of thinking for themselves. We hope that the protests in no way expressed the sentiments of the majority of that group.

To assume that technical qualifications necessary for the ordinary librarian should likewise be necessary in greater degree for this post is childish. The Library of Congress is more than a receptacle or depository for books. It is one of the rare cultural centers in this country.

With the exception of the various cultural projects undertaken during the past several years primarily to give sustenance to needy artists in all fields—music, drama, and literature included—our Government has done little, if anything, in the century and a half of its existence to encourage and foster a development of American culture among the masses of the people. Contrasted to the direct patronage given art by the governments of other countries over a period of centuries—England, for instance, has a poet laureate—our record in that respect is a sorry one.

Under no circumstances would I withhold extreme praise and credit to the private philanthropists who endow our colleges and libraries and who build their memorials in concert halls and museums. As far as they go they are splendid. But to this day the rank and file of our people do not avail themselves of their gifts—probably because in that all-important period during which children become adults, the preparation for the material battle of life has been emphasized, and acquaintance with the things that are quite as important but less tangible, neglected.

To repeat, the Library of Congress is not merely the world's greatest depository for books. Nor are its frescoes and mosaics, its columns and statuary, its marble and murals, its sole claim to distinction; neither is its amazing music library, containing one of the world's greatest collections of instrumental and vocal scores and original manuscripts. Through the Elizabeth Sprague Coolidge Foundation a concert hall was added to the Library some years ago. Some of the choicest string ensembles and solo concerts during recent years have been broadcast from this auditorium. Many of the visiting artists have played the Stradivari (four of them) given the Library by Mrs. Matthew John Whittall.

The Gutenberg Bible, of which the Library of Congress has one of the three perfect copies extant, the letters and handwritten documents of most of the Nation's great, the Declaration of Independence and the Constitution which repose in the Library—these are not to be considered merely important insignia of the past which lend tone to the Nation's greatest library. They are ties that link us to the past, the past to us, and the present to the future. In the very possession of those ties, the Library of Congress is a symbol of our permanence.

Each division of the Library is headed by men who are experts in their respective fields of learning. The employees of the Library are technically qualified to carry out the routine and special duties assigned to them—just as are the employees of our library here.

It is the spirit of the Library of Congress which embraces and expresses art in all its branches that fully vindicates the selection of a scholar and a man of letters to be its head, rather than an expert at card cataloging. It is one thing to know what a book contains. It is quite another thing to know why the book contains what it does.

It is proper that the man selected to head the Library be one whose genius has been recognized by the Pulitzer Prize Committee, whose own manuscripts will be listed in its catalog, who has been engaged in research, and who now has been honored by his alma mater with an honorary degree. It might be added in passing that Yale decided to confer the honorary degree before Mr. MacLeish was signaled out for honor by the President 2 weeks ago. Honorary degrees are not won easily, nor over night.

Those of us who are library addicts offer our admiration to a President who "travels" with the scholars when he deals with things scholastic.

DAREL.

HARTFORD.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to this nomination?

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	King	Reynolds
Andrews	Davis	La Follette	Russell
Ashurst	Downey	Lee	Schwellenbach
Austin	Ellender	Lodge	Shipstead
Bailey	Frazier	Lucas	Slattery
Bankhead	George	McCarran	Smathers
Barbour	Gibson	McKellar	Taft
Barkley	Gillette	Maloney	Thomas, Okla.
Bilbo	Green	Mead	Tobey
Bone	Guffey	Minton	Townsend
Borah	Hale	Murray	Truman
Bulow	Harrison	Neely	Tydings
Burke	Hatch	Norris	Vandenberg
Byrd	Hayden	Nye	Wagner
Byrnes	Herring	O'Mahoney	Walsh
Capper	Hill	Overton	White
Clark, Idaho	Holt	Pepper	
Clark, Mo.	Hughes	Pittman	
Connally	Johnson, Colo.	Reed	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

The question is, Will the Senate advise and consent to this nomination?

Mr. BARKLEY. Under the circumstances, since we have had Members of the Senate called in, we should have a yeas-and-nays vote on the nomination.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HARRISON. On this vote I have a pair with the senior Senator from Oregon [Mr. McNARY]. Not knowing how he would vote, I withhold my vote.

Mr. DANAHER. The junior Senator from Wisconsin [Mr. WILEY] asked me to announce that he is absent on important public business. Not knowing how he would vote if present, I cannot make announcement.

Mr. SHIPSTEAD. I am paired with the senior Senator from Virginia [Mr. GLASS]. I am not informed how he would vote if present, and I withhold my vote. If permitted to vote, I should vote "yea."

Mr. BARKLEY. My colleague the junior Senator from Kentucky [Mr. LOGAN] and the Senator from Maryland [Mr. RADCLIFFE] are unavoidably absent. If present, they would vote "yea."

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

Mr. MINTON. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Wyoming [Mr. SCHWARTZ] are detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GERRY], and the Senator from Minnesota [Mr. LUNDEEN] are necessarily detained.

The Senator from Ohio [Mr. DONAHEY], the Senator from Arkansas [Mr. MILLER], the Senator from Tennessee [Mr. STEWART], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Montana [Mr. WHEELER] are detained in various Government departments.

The Senator from Texas [Mr. SHEPPARD] and the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Texas [Mr. SHEPPARD] has a general pair with the Senator from Minnesota [Mr. LUNDEEN].

The result was—yeas 63, nays 8, as follows:

YEAS—63			
Adams	Danaher	Johnson, Colo.	Pepper
Andrews	Davis	La Follette	Pittman
Ashurst	Downey	Lee	Reynolds
Bailey	Ellender	Lodge	Russell
Bankhead	George	Lucas	Schwellenbach
Barkley	Gibson	McCarran	Slattery
Bilbo	Gillette	McKellar	Smathers
Bone	Green	Maloney	Taft
Borah	Guffey	Mead	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Byrd	Hatch	Murray	Truman
Byrnes	Hayden	Neely	Tydings
Capper	Herring	Norris	Vandenberg
Clark, Idaho	Hill	Nye	Wagner
Clark, Mo.	Holt	O'Mahoney	Walsh
Connally	Hughes	Overton	
NAYS—8			
Austin	Burke	King	Townsend
Barbour	Frazier	Reed	White
NOT VOTING—25			
Bridges	Gurney	Miller	Thomas, Utah
Brown	Harrison	Radcliffe	Van Nuys
Caraway	Holman	Schwartz	Wheeler
Chavez	Johnson, Calif.	Sheppard	Wiley
Donahey	Logan	Shipstead	
Gerry	Lundeen	Smith	
Glass	McNary	Stewart	

So the nomination of Archibald MacLeish to be Librarian of Congress was confirmed.

Mr. MALONEY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be immediately notified.

WILLIAM S. BOYLE

Mr. BARKLEY. Mr. President, it is now desired that the Senate proceeded to the consideration of the nomination for district attorney for the district of Nevada.

The PRESIDING OFFICER. The nomination of William S. Boyle, of Nevada, to be United States attorney for the district of Nevada was temporarily passed over at the request of the Senator from Kentucky. It is now the order of business, and is before the Senate.

Mr. McCARRAN. Mr. President, I objected before the Committee on the Judiciary of the United States Senate, and now on the floor of the United States Senate I object to the confirmation of William S. Boyle to be United States district attorney for the district of Nevada, for the reason that the nominee is personally obnoxious and personally offensive to the junior Senator from Nevada. I hope that confirmation will not follow.

Mr. PITTMAN. Mr. President, I have taken issue with my colleague on this question. There is no bitterness whatever involved. However, I do not think that the evidence justifies the charges my colleague has made.

I take issue with my colleague in his statement as to the constitutional provision with respect to the authority of the Senate in consenting to a nomination made by the President requiring confirmation. I do not think the Constitution vests in any single Senator or any group of Senators the right to advise and consent to a nomination made by the President, whether or not the nomination is to an office within the State of the Senator attempting so to advise and consent. I think the Constitution grants the Senate of the United States the authority, as a Senate, an organized body, sitting as a Senate, to advise and consent to nominations.

I do not think it was ever intended by the framers of the Constitution that even in the Senate, as an organized body, the Members should vote against confirmation of a Presidential appointment merely because a Senator did not approve of the nomination. In my opinion, the word "consent" has a different meaning from the word "approved."

Mr. President, in the 26 years I have been a Member of the Senate, nominations have been sent to the Senate of which

I did not approve, nominations of men whom I would never have nominated if I had had the nominating power. In many cases I thought the nominees were poorly qualified. In some cases when appointments were made in my State I did not like the appointees personally. Some, particularly during the Republican administration, were appointed who had been quite bitter critics of me politically. Possibly at times their criticism took the form of personalities. Yet in the 26 years during which I have been in the Senate I have never yet used the courtesy ground or practice or custom, whatever it may be called, of objecting to an appointee because he was personally obnoxious to me. If the Senate shall confirm that practice I can conceive that great confusion may arise, particularly when a change in administration occurs. If carried to the extreme it will mean that no nomination may be confirmed unless both Senators from the State of the appointee shall say that he is not personally obnoxious or unsatisfactory to them.

In the case now before the Senate there is nothing in the testimony against the nominee, nothing against his character, nothing against his ability or his qualifications. I take it if Senators will read the hearings which are on their desks they will find that the only ground, in my opinion, on which the junior Senator from Nevada could sustain his charges, is the testimony of the former United States Attorney, now Governor of the State of Nevada, Governor Carville. In a telegram sent to the junior Senator from Nevada during the hearings he stated in effect that in June 1937 he, Carville, being interested in Senator McCARRAN's coming campaign in 1938, dropped into Mr. Boyle's office and asked him how he stood with Senator McCARRAN, and that Mr. Boyle said, "You know that Senator McCARRAN and I are enemies."

That telegram was sent during the hearings, not before that time. The alleged conversation took place over 2 years ago. Mr. Boyle denied it. The matter is at issue. So far as I am concerned, I have absolute confidence in the integrity of both those men, but I believe that when one thinks back a period of 2 years and tries to remember whether a conversation was had, and the construction of the conversation, he will find that his memory is not very sound or reliable. Boyle remembers nothing of such a thing and denies it. Carville states it as a fact.

Be that as it may, even if Boyle did say in 1937 that he and the junior Senator from Nevada [Mr. McCARRAN] were enemies, the evidence in the record is uncontradicted that Boyle supported Senator McCARRAN in 1938, both in the primaries and in the general election. I do not know that I could hold enmity against a man, even if we were not friends in 1937, if he supported me in my primary fight and my election fight subsequently in 1938.

That is the only testimony in the record of any hard feeling between these two gentlemen, except that Mr. Boyle, who appeared before the committee and testified, said that if there was any enmity between the junior Senator from Nevada and himself, it was on Senator McCARRAN's side, because he said he would bow to him on the street and Senator McCARRAN would not return the bow.

I think that is all the testimony in the record which I remember, and if I have forgotten any testimony with regard to ill feeling between these two gentlemen, the junior Senator from Nevada, of course, will call attention to it.

Let me now read a statement I made in the presence of the junior Senator from Nevada and the other members of the subcommittee on this subject. I prefer to read it because it was made in the presence of the junior Senator from Nevada and the full membership of the subcommittee, and I do not desire to diverge from it. This is my statement:

Senator PITTMAN. I have looked over the record here, and I feel that I should make a statement; but I did not want to do injustice to Mr. Boyle any more than I would do injustice to Judge Carville, both of whom have been personal friends of mine for 20 years.

I have already put in the record, or read into the record, my correspondence with Judge Carville. I sent a copy to the Attorney General, and that letter is in the record also.



When this nomination came here for the advice and consent of the Senate on January 24, 1939, the chairman of the committee, Senator ASHURST, sent me one of the regular forms, which reads as follows:

"Sir: Will you kindly give me, for the use of the committee, your opinion and information concerning the nomination of William S. Boyle, to be United States attorney for the district of Nevada. (Recess appointment.)

"Under a rule of the committee, unless a reply is received from you within a week from this date, it will be assumed that you have no objection to this nomination.

"Respectfully,

"HENRY F. ASHURST, Chairman."

That was addressed to Hon. KEY PITTMAN, United States Senate. In reply to that I wrote this:

"I did not endorse Mr. Boyle for appointment because several of my friends sought my endorsement. I consider Mr. Boyle well qualified in every particular. I hold him as a friend.

"KEY PITTMAN."

I then inquired if Senator McCARRAN had made any comments upon the nomination, and was informed that he had not.

The first time that I heard that Senator McCARRAN was going to raise objection to Mr. Boyle was in this committee room. I had not the slightest idea whether Senator McCARRAN would make an objection or not.

Now, in answer to a question in the record, and the question was directed straight at me by Senator McCARRAN: "Did you endorse Mr. Boyle?" I replied: "No; I did not."

However, I think that the circumstances in regard to this whole matter should be made public. In the first place, when the administration became Democratic, in 1933, it was my intention to endorse a gentleman out there by the name of McKnight, and I thought at the time that Senator McCARRAN would endorse him, although I do not know whether I had any reason to believe that at all. When the time came for making an appointment, or near that time, I think the Attorney General called on both of us to make some suggestion—in fact, I know he did—and I suggested Mr. McKnight. It was only in a tentative state at that time, because I do not think the office was vacant; and, later on, when the time came for appointment, I got a letter from the Attorney General asking for suggestions. I had already made verbal suggestions, but, when the time came, I thought McKnight should be appointed. I called up Senator McCARRAN over the phone and I said, "I suppose you have a letter from the Attorney General suggesting that we recommend somebody for district attorney out there," and I said, "I am ready to join with you in the recommendation of Mr. McKnight." Senator McCARRAN then stated, in effect—I do not remember the details—that McKnight was personally obnoxious to him.

Senator McCARRAN. I do not concur in that statement.

Senator PITTMAN. How was it?

Senator McCARRAN. Well, I do not want to correct you.

Senator PITTMAN. Well, this is only historical.

Senator McCARRAN. I did not make that statement.

Senator PITTMAN. Well, the language was strong.

Senator McCARRAN. Put it that way.

Senator PITTMAN. Well, I am not trying to repeat the language. So I made some investigation and the evidence that I received, Senator McCARRAN, was sufficient in the circumstances to lead me to believe that you had a right to feel that McKnight was personally offensive; and the result was that I did not recommend McKnight, but wrote him very fully and told him exactly why I would not do it. I did endorse another man, and then I withdrew that endorsement and joined in with Senator McCARRAN in endorsing Judge Carville. I have the very highest regard for Judge Carville, and always have had. I think we have been personal friends for over 20 years. I may say the same thing with regard to Mr. Boyle. I think Boyle is a younger man than Judge Carville. I have also been a personal friend of Boyle's for over 20 years. Boyle was an active politician. Judge Carville was not. Boyle was chairman of the Democratic State central committee at one time, and, as far as I know, has always been active as a Democrat.

He was a very close personal friend of James Farley, and represented Farley in Franklin D. Roosevelt's campaign before the national convention of 1932. He was quite active. Farley met Boyle at that time, when he had charge of the pre-convention campaign of Franklin D. Roosevelt, and evidently became very much attached to him, because he wanted to know if I would support Boyle for United States attorney. That was back in 1933. I told him I could not, because I was going to support McKnight, and I thought that McKnight was entitled to it by his long service in the party and by reason of every factor that I knew of. I think McKnight was almost unanimously endorsed at that time. I told Mr. Farley that Boyle was a friend of mine and that I would be very glad to endorse him for the position of assistant attorney general in charge of water litigation in Nevada, and I did. I subsequently received a lot of resolutions and letters from Democratic labor clubs and other labor organizations urging me to support Boyle for United States district attorney, but I did not change my position in the matter. That is all.

Now, that is the history, as far as I can recollect it, of the original Boyle appointment and the original Carville appointment. I was importuned to endorse Carville, and I declined to do so for the reasons stated in the letters; and I took no part whatever in the appointment of Boyle; but I must say I feel this way about it: That if the evidence came to me, such as it came in the matter

of the proposed appointment of Mr. McKnight, as far as I am concerned, I would not request you, Senator McCARRAN, to present the evidence to the committee.

Senator McCARRAN. On McKnight?

Senator PITTMAN. On McKnight. If the same character of evidence came in in regard to Boyle, I would not ask you to present it to this committee, because while the evidence might have been doubtful, it was sufficient in this kind of matter.

I do not see this case in the same light at all. I do not think that Boyle sought this appointment. I think that from all the evidence that is in the record here from Mr. Keenan that Mr. Farley decided to get Boyle appointed in 1933. I think that he has higher admiration for Mr. Boyle than he has for any other man in the State of Nevada.

Now, Boyle has some rights in this matter. I do not think he sought this appointment; at least, there is no evidence of it that I have. He had been in the Department for 4 or 5 years. He had been back here a number of times and is personally known to the Attorney General and Mr. Keenan, according to the testimony.

Senator McCARRAN. I do not want to interrupt you, but would you mind saying that he was under appointment, drawing \$6,000 a year, and that this appointment now draws \$4,500?

Senator PITTMAN. Yes; I think that is correct; but Boyle was appointed by the Attorney General. As near as I know, the circumstances are as stated. He has been serving as United States attorney for several months—almost a year. As far as I know, there was never any statement made during that period of time that you intended to object to his appointment on the ground that he is personally obnoxious.

Now, my view of making an objection on the ground that a man is personally obnoxious was offered at the time of the proposed appointment of Senator Rublee to the Interstate Commerce Commission in 1913. Rublee had run against Senator Gallinger, who had served for a number of years. Gallinger made the objection that Rublee was personally obnoxious. He was asked why, and he stated that Rublee had made a speech in his campaign which constituted a personal attack on him which he could not forgive, and that he had instigated the publication of an editorial in some paper up there. The matter was taken up by the Judiciary Committee and the speech was presented to them and also the editorial. The report of the committee, as I remember—it was discussed quite freely—was that while Rublee in his campaign had criticized—in some cases quite severely—the vote and action taken by Senator Gallinger with regard to many questions that there was no personal attack in the speech. The editor of the paper that contained the editorial, so the report shows, stated that he published that of his own free will and accord, without the knowledge or consent of Mr. Rublee. That was debated quite extensively on the floor of the Senate. Unfortunately, at that time we had a closed executive session, so there is no record; but the majority of the Senate at that time felt that there was not sufficient evidence to justify the charge that the appointee was personally obnoxious.

Now we come down to the case of Judge Robinson, of Virginia. I voted in this committee for a favorable report on Judge Robinson.

Senator McCARRAN. My recollection is that you voted for an adverse report. I hope I am wrong.

Senator PITTMAN. That is right. I voted for an adverse report on Judge Robinson because I believed that the testimony before the committee disclosed the fact that Senators CARTER GLASS and BYRD had sufficient reasons to believe that the appointee had been conscious of a conspiracy to humiliate the two Senators from Virginia.

In that case, when some wanted to bring the matter before the committee, to pass on the question of the matter of the objections, I took the position that the committee should hear the evidence, and the committee decided to hear evidence to see whether or not the objection was reasonable or whether it was simply a captious objection based on the theory of veto power. There were a number of witnesses who testified. It was admitted that there were conferences between the Governor and Judge Robinson.

Senator McCARRAN. Senator, I hope you are right in that last expression. I am relying on my memory, and I would not want to contradict you. I know of no evidence of conferences between the nominee and the Governor.

Senator PITTMAN. My impression is that the Governor himself stated that he had talked with Judge Robinson; but be that as it may.

Senator McCARRAN. Well, Senator, I do not want to interrupt you. That is the record as best I recall it.

Senator PITTMAN. The Attorney General requested those two Senators to submit two names to him for his consideration; and, according to the testimony of GLASS and BYRD, they went down to Virginia, among a lot of friends they had down there—judges and lawyers—and performed the very embarrassing service of handing in two names.

A publication came out in the paper down there, stating that the Governor had a veto power on any appointments made in Virginia. That article was taken, according to my recollection—a clipping from that paper—and sent to the President; and, as I recollect it, the President answered it simply by stating that he never answered newspaper articles. In that situation, without any further notice to GLASS and BYRD, Judge Robinson was appointed. I think that is an entirely different situation from the present cases. There is no evidence here that Boyle sought this position

or that he sought anybody's support in the matter. He was connected with the Attorney General's office. The testimony of Mr. Keenan is that he was directed to investigate, or had investigated, rather, the record of Mr. Boyle. I do not know whether he investigated the record of Judge Carville or not, but he investigated the record of Mr. Boyle and Boyle was appointed. Boyle has been on the stand here, and he testified very frankly before this committee that he spoke to Senator McCARRAN on the street a number of times and Senator McCARRAN never spoke back.

He testified here that he voted for Senator McCARRAN, both at the primaries and the election. That stands uncontradicted. We have the testimony here of Mr. Malia, I think it is—the president of one of the Catholic societies of Reno—and I assume he would not hold that position unless he was a man of some prominence. I do not know whether I know him or not; I am not sure; but he sent in here a sworn statement which no one has seen fit to contradict, that Mr. Boyle did work among the Italians for Mr. McCARRAN in the primary election. Those matters have never been questioned and stand before the committee.

Now, it seems that this is based very largely—the charge that Boyle is personally obnoxious—on the ground that Carville was an efficient, competent man, which nobody denies, and that the appointment of Boyle was solely for the purpose of taking a slap at the junior Senator from Nevada. Admitting that that is true, for the sake of argument, I do not see that Boyle had anything to do with that. He is not connected with it in any way that I know of. Farley did not desire to take a slap at Senator McCARRAN—Farley supported McCARRAN.

Now, you have put in the evidence today a telegram from Mr. Edward W. Clark, national committeeman, saying that he endorsed the reappointment of Carville. I have put in the RECORD, also, a letter from the same Edward W. Clark, national committeeman, urging the confirmation of Mr. Boyle. Apparently the national committeeman out there likes them both. The junior Senator has put in the RECORD today a telegram from Mr. Swartz, chairman of the State central committee, showing that in June 1938 he had endorsed the reappointment of Mr. Carville; and I have put in the record a letter from Mr. Swartz, urging the Senate committee to report favorably on the confirmation of Mr. Boyle. It is a perfectly natural thing. They are both good men. They are both good Democrats.

Now, I have placed in the RECORD here letters from every member of the supreme court of Nevada, from, I think, all—or practically all—of the district judges of Nevada, and from numerous other cities, which I presume you will remember, urging this committee to report favorably on the confirmation of Mr. Boyle. When you get down to it, all of these men, I think, would have endorsed the appointment of Judge Carville. None of them seem to have seen anything wrong with Mr. Boyle, and practically all of them are endorsing the confirmation of Mr. Boyle. Now, personally I will say here that I have never favored interference in a State fight by outside Federal officials, and I do not now. I do not know to what extent there has been interference, except insofar as the junior Senator has stated there was interference from the outside.

Mr. Boyle has testified here before you that he got the chairman of the National Democratic Committee, Mr. Farley, to help in Senator McCARRAN's campaign. I think that it would be very unfair to Mr. Boyle to hold him responsible for something over which he had no control. He has had nothing to do with a slap, so far as I can see from the evidence. After having served for nearly a year, without any charge having been made, to my personal knowledge, to have him thrown out of office, carrying the imputation that there was something wrong with him, I do not think is fair.

There is no evidence that there is anything wrong with Mr. Boyle. I think if you are going to establish the practice in the United States Senate that a Senator has the veto power of appointments in his State on the ground alleged by Senator McCARRAN, in accordance with the evidence presented by Senator McCARRAN, that the constitutional authority of a President to appoint would be nullified. If the President had tried to defeat a Senator or had interfered in his campaign, and such action were ground to raise this question, it would be impossible to ever have an appointee in the State unless he was approved by both of the Senators.

That is the statement which I made before the subcommittee of the Judiciary Committee at the time my colleague [Mr. McCARRAN] made his statement. The evidence shows that the President made statements to my colleague's primary opponent derogatory of my colleague, and that my colleague's opponent repeated those statements in his speeches, and that they were not denied by the President. Undoubtedly there is evidence there, which stands uncontradicted, that the President of the United States was opposed to the reelection of my colleague, and made statements to my colleague's opponent which the opponent used, and the President refused to deny them. On the other hand, there is not a scintilla of evidence which I can find that Mr. Boyle had anything on earth to do with that matter, or any knowledge of it.

There is no question from the evidence that Mr. Boyle was recommended by Jim Farley, national committeeman, the same Jim Farley who urged me to recommend Boyle in

1933; and there is not any doubt that Jim Farley did not participate in any "purge" in any State during the last election. There is not any doubt that he opposed the so-called "purge" of any candidate in any State. In fact, most of the time he was supporting candidates whom it was charged the President was against.

Some persons may think that Mr. Boyle was appointed by the President as a slap at my colleague; but, as a matter of fact, from 1933 on Jim Farley was trying to get his friend Boyle in as United States attorney, and I know that Farley did so.

Mr. BAILEY. Mr. President, there seem to be two allegations here by way of objection. One is that—

Mr. Boyle is personally offensive to me—

That is, to the junior Senator from Nevada [Mr. McCARRAN]—

because he has lent himself to a conspiracy to take from me my standing as a Member of the Senate of the United States.

That is No. 1.

No. 2:

And has lent himself to defeat the will, or rather the words, of the Constitution of the United States, which says that the Senators of the United States shall confirm, recommend, and advise.

Is there any evidence in the record to sustain those two allegations?

Mr. PITTMAN. I do not know of any evidence in the record to show that Boyle lent himself to this conspiracy.

Mr. BAILEY. Was there a conspiracy?

Mr. PITTMAN. I do not know whether there was or not. There is not any evidence of a conspiracy except that the President did not appoint the man whom my colleague recommended.

Mr. BAILEY. That would not be a conspiracy.

Mr. PITTMAN. I myself do not think so, but that is all I know about. There is no evidence of anything else. He lent himself by being appointed.

That is all I have to say on the matter.

Mr. NORRIS obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from Nebraska yield to me to ask the Senator from Nevada one question?

Mr. NORRIS. Yes.

Mr. BARKLEY. It is agreed that this nomination was made without the recommendation of either the senior Senator from Nevada or his colleague?

Mr. PITTMAN. Yes.

Mr. BARKLEY. I do not know that it is important; but how did it come about that neither Senator from Nevada recommended the nominee?

Mr. PITTMAN. That is shown in the testimony. Judge Carville, while he was United States attorney, wrote me a letter requesting my endorsement for his reappointment. I wrote him a letter and told him that while I was out in the State my endorsement for the office had been sought by five Democrats who were very close personal friends of mine, all of them qualified, and all had been my political supporters, and I did not desire to take a stand against any one of them; that I would make no recommendations to the Attorney General, but that if the Attorney General asked me with regard to the qualifications of any of the candidates I would state them. I stated to Judge Carville in the letter that I admired him, my friendship for him was the same, and if the Attorney General reappointed him it would be entirely satisfactory to me.

That is the reason why I joined in no recommendations. However, as the testimony shows, Boyle was appointed Assistant Attorney General in 1934 on my recommendation.

That is the situation with regard to the nomination.

Mr. BONE. Mr. President, may I inquire whether either of the Senators from Nevada was notified in advance that the nomination of Mr. Boyle was to be made?

Mr. PITTMAN. No; at least, I was not.

Mr. BONE. So the nomination came as a matter of fresh news to both Senators from Nevada?



Mr. PITTMAN. I was out in the State when he was appointed.

Mr. McCARRAN. The first knowledge I had of it was when the press carried the news of nomination.

Mr. NORRIS. Mr. President, I was on the subcommittee which heard the evidence in this case. I was in the minority when they came to make their report. I believe the nomination of Mr. Boyle ought to be confirmed.

I desire to discuss briefly the constitutional provisions which, in my judgment, are controlling.

In clause 2 of section 2 of article II we find the constitutional power which the President has exercised, and which the Senate is now exercising, in regard to appointments.

He—

Meaning the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States—

That is as far, I think, as it is necessary to read in order to discuss the powers of the President and the Senate.

I wish to call the attention of the Senate to the fact, although it may be unnecessary, that the public generally confuses the power of nomination with the power of appointment. Notice the difference in the provision in the Constitution:

He shall nominate, and by and with the advice and consent of the Senate, shall appoint.

He has not yet appointed anyone in this case. He is not required to get consent of the Senate to nominate. There is no constitutional provision which requires the President to consult with Senators. He may consult with all the Senators, with no Senators, with anyone he pleases to consult, so far as his power to make a nomination goes. When he comes to make an appointment, then he must have the consent of the Senate, and he does not make an appointment until he gets that consent. That is what we are to pass on now. If we approve, not the appointment, but if we approve the nomination, then the President is empowered, although he could not be compelled, to make the appointment when we have approved the nomination.

We ought to bear these two powers distinctly in mind. The Senate has nothing to do with nominations under the Constitution. It is up to the President to nominate, and he is absolutely supreme. He can discuss a nomination with a thousand people, if he so desires, and he can make the nomination without discussion with anyone. That refers to nomination.

When it comes to appointment the President must first get the consent of the Senate, and the Senators can consent or refuse to consent for any reason on earth. They can have a reason or no reason. It may be this or it may be that. But each Senator answers in his own breast for his own vote, and there is no power under the Constitution that can compel a Senator, when he casts his vote, to give a reason, whether it is a good reason or is not a good reason. He is not required to consult with anyone on earth.

I wish Senators would bear those two things in mind. We are talking about the Constitution, and under the Constitution the President is supreme, under the language I have read, in the making of a nomination. The Senate and the individual Senators who compose it are likewise supreme in giving their consent, and I am proceeding on that theory.

I know the question of a nomination being personally obnoxious has long been a binding rule with some Senators, and it is up to the individual Senators. I would not find fault with any Senator. He could remain silent and say nothing about it, but it is up to each Senator whether or not the objection that a nomination is personally offensive is good. When the objection is made and the evidence is taken, it is up to each Senator to say whether the evidence is sufficient upon which to base a charge of a nominee being personally offensive.

If I can, I wish to make myself perfectly clear on those constitutional provisions, because I think they are controlling. They have controlled me ever since I have been in the Senate, and I have never believed that I had a right to say that a man was personally offensive to me and that it followed that the nomination should be rejected for that reason. That is merely my idea of the matter. If any Senator has a different idea, I do not find fault with him or complain for a moment.

The President nominated Mr. Boyle, which, it seems to me, everyone must admit he had a perfect right to do. He nominated him without the recommendation of either of the Senators from Nevada, and still he was absolutely within his constitutional power. I think it is generally understood that nominations are made by Mr. Farley in reality, or perhaps the Attorney General, and the President merely carries out the recommendations; but I do not know, and I do not care. Therefore no one has violated the Constitution.

The evidence in the case shows that prior to this nomination, a little more than 5 years ago, when Mr. Roosevelt first became President, he had a nomination of United States attorney for the district of Nevada to make. The junior Senator from Nevada [Mr. McCARRAN] wanted a man by the name of Carville nominated. The senior Senator from Nevada [Mr. PITTMAN] wanted a man by the name of McKnight nominated. When the senior Senator found that the junior Senator felt that McKnight was personally offensive to him, he investigated, and concluded that the junior Senator was correct, that he had reason to believe that McKnight was personally offensive. The result was that the senior Senator from Nevada withdrew his recommendation in favor of McKnight, and that took McKnight out of the picture. Later on, before the nomination was made, the senior Senator joined with the junior Senator, and they agreed in recommending Carville. Mr. Carville served for 2 years, as I recall, and with distinction, according to the evidence, though I think much of it might have been immaterial, and if a court had been passing on it, it might have rejected it all.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McCARRAN. Judge Carville served the full 4 years.

Mr. NORRIS. Yes; I said 2 years, but I should have said 4, because the term was for 4 years.

To my mind, when Mr. Carville was not reappointed, the administration made a mistake. I think the junior Senator from Nevada recommended Mr. Carville for reappointment. He had made an admirable record. There was very important litigation tried. I know nothing about it except what the evidence shows, but the evidence showed that he made a remarkable record, entitling him, in my judgment, to reappointment on his record. But he was not reappointed. He became a candidate for Governor, was nominated and elected, and is now Governor of Nevada. As I see it, that eliminates him from the picture.

Mr. BONE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BONE. Perhaps this question is not wholly germane to the matter before us, but since the Senator has served in this body as a distinguished Member of it for many years, and has referred, in passing, to the matter of reappointment of a man who has faithfully and efficiently discharged the duties of his office, I wish to ask the Senator now whether he thinks it is wise to reappoint a man who has served efficiently in a public office, against whom there is neither a breath of scandal nor any charge of inefficiency. As a general thing, does the Senator think it the wise, the just, and the proper thing to reappoint him, there being no charges against him?

Mr. NORRIS. I think so.

Mr. BONE. I am not attempting to color any discussion of the pending matter with this question. It is a side issue, to be sure.

Mr. NORRIS. If this matter were presented to me today as a question between Carville and any other man, even though he might not be as good an attorney—although he

was good enough to make a wonderful record—I would be in favor of Mr. Carville. But I do not think that question is in this case.

Mr. BONE. I did not ask the question as having even the remotest bearing on this particular matter. I merely wanted to get the Senator's judgment as to what he thought was a decent and proper course to be taken, for instance, by a party organization.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. Did I understand the Senator to say that the reappointment of Mr. Carville was agreeable to the two Senators—

Mr. NORRIS. Oh, yes.

Mr. BARKLEY. Or that they recommended it?

Mr. NORRIS. The junior Senator from Nevada [Mr. McCARRAN] recommended his reappointment. The senior Senator from Nevada [Mr. PITTMAN] has told the Senate why he did not do so. However, he stated then, and he now will admit if he were asked the question, that Mr. Carville made a very fine record and was a very efficient United States attorney.

Mr. BARKLEY. Under those circumstances I am a little at a loss to understand why the Department—I suppose it would be the Attorney General—did not recommend to the President that Mr. Carville be reappointed, but that a man be appointed who was not acceptable to either of the Senators.

Mr. NORRIS. I do not know about that. I suppose Mr. Farley had his reasons.

Mr. McCARRAN. Mr. President, will the Senator yield so I may answer the question from the record?

Mr. NORRIS. Yes; I yield.

Mr. McCARRAN. I will answer the Senator's question from the record as best I can. I refer now to page 62 of the printed hearings. On July 13, when the President's train passed through Nevada, the secretary to the President, Mr. McIntyre, left the train momentarily and conversed with an acquaintance of his on the platform at Sparks, Nev., which is a division point at which the President's train stopped, and his friend inquired of Mr. McIntyre, "Why was not Judge Carville reappointed?" Mr. McIntyre's answer was, "To take a slap at Pat."

That is the record undenied.

Mr. NORRIS. Yes. I myself do not think it demonstrates anything. If Mr. Carville were still available for the position, and if our rejection of the present nominee would result in putting Mr. Carville into the office, I concede that such action would be well to take, and I would favor taking it. I have never hesitated to say that I thought the administration made a mistake when it failed to reappoint Mr. Carville. However, for reasons which I do not believe are fully explained by what the Senator has said, Mr. Carville was not reappointed. Perhaps there are reasons of which I know nothing. However, it is not within our power to remedy the situation either under the Constitution or outside the Constitution, as I view the situation.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. PITTMAN. I wish to read from the record as follows:

Mr. KEENAN. I was asked to look in the record by the Attorney General.

Senator PITTMAN. Did you consider Boyle's appointment a better appointment than Carville's?

Mr. KEENAN. I hadn't got to that. That record was searched, and as reports were made to me there was no question whatsoever but what Mr. Boyle was distinctly superior and an abler man, and so known in his own community, and had an excellent record at the bar; and we felt he would be an abler man at the bar than Judge Carville.

Mr. NORRIS. Mr. President, as I said a while ago, I thought Judge Carville, on his record, should have been reappointed, even though he was not the ablest attorney who might have been gotten for the office. I may be entirely wrong about that. That is only my idea. I feel that a man who has made an able and faithful record under some very difficult circumstances, as Mr. Carville did, should have been reappointed as a reward for faithful service. Mr. Keenan said Mr. Boyle is a better attorney than Mr. Carville. I

do not agree. They are both qualified from the legal standpoint to fill the office. The evidence shows that distinctly and without question.

However, Mr. Boyle was appointed. Suppose we should reject him. That will not result in the appointment of Mr. Carville. If the President appointed Mr. Carville now he would not take the position. He is now Governor of Nevada. The evidence shows that Mr. Boyle, the nominee, stands without a single blemish; that he is one of the ablest attorneys of the State. Mr. Keenan thought he was a more able attorney than Mr. Carville, and he gives that as the reason for Mr. Boyle's selection. However, all that is past and gone, as I see it, and whatever wrong was done cannot be remedied now.

There is not a scintilla of testimony in the record tending to dispute the evidence that Mr. Boyle is one of the ablest attorneys in the State of Nevada, and that he is fully qualified for the position. He is recommended by every member of the supreme court of the State, by every district judge in the State, and by organizations of all kinds, and there is not a line from anyone objecting to him or questioning his qualifications.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WHEELER. The Senator spoke of the Constitution. I agree with the position taken by the Senator with regard to the constitutional provision. However, even though the Senate of the United States were to reject the nomination, it would not imply that there was any blemish on his character, or that there was anything against him. Does the Senator take the position that because under the Constitution the President of the United States has the power to appoint someone who may be obnoxious to one Senator or both Senators of his State, the President should use the power which he has in order to punish a Senator because of a vote which he may have cast in the Senate?

Mr. NORRIS. No; I do not say that, and there is no evidence before us that the President made the appointment to punish anyone. The evidence, in fact, is to the contrary.

Assume that Senators were to draw the conclusion, however, from the evidence, that the President did not want the junior Senator from Nevada reelected. Take that as a true assumption. Does it follow that whoever the President appoints to an office must necessarily be personally obnoxious to that Senator? Boyle did not seek the appointment. He did not go after it. I believe the Attorney General has wanted Boyle in that office ever since the beginning of the present administration. I think that is true, although the record does not show it.

Mr. WHEELER. The senior Senator from Nevada said it was not the Attorney General who wanted Mr. Boyle in office, but it was Mr. Farley.

Mr. NORRIS. That is what I meant. Did I say the Attorney General?

Mr. WHEELER. Yes.

Mr. NORRIS. I meant Mr. Farley.

Mr. WHEELER. Does the Senator think the Postmaster General, whoever he may be, should dominate the patronage and the appointments in the State, and ignore the Senators from that State?

Mr. NORRIS. No; I do not think he ought to dominate them, but Mr. Farley is chairman of the national committee of the Senator's party. In all parties I know anything about, a man holding such a position has had great influence; and I suppose we must all admit that that is the way in which Federal officials are very often appointed.

Mr. WHEELER. In the 16 years I have been a Member of the Senate I have not known the Postmaster General of the United States to name appointees in a particular State over the objection of either one of the Senators. Perhaps it has been done; but, if so, it has never been called to my attention during my service in the Senate.

Mr. NORRIS. I have known it to happen. The Senator from Nevada called attention to the Rublee case. I was in the Senate when that case arose, and participated in the debate. I think it was during President Wilson's time.



Mr. WHEELER. Was not the Rublee case a different sort of case? It was the case of an appointment on the Interstate Commerce Commission.

Mr. NORRIS. No; it was an appointment on the Federal Trade Commission.

Mr. WHEELER. It has always been recognized that a different rule applies to appointments outside the State from that applying to appointments within the State. The Senator will recall the Hanford MacNider case, which came before the Senate. That case came before the Senate when I first came here. Senator Brookhart was on one side, and Senator Cummins on the other. As I recall, Senator Brookhart objected on personal grounds to Hanford MacNider being appointed to some position. The Senate sustained Senator Brookhart as against Senator Cummins.

Mr. NORRIS. I do not have the same recollection as the Senator. I know there was such a case; and, of course, I was in the Senate when it occurred.

Mr. WHEELER. The Senate sustained Senator Brookhart.

Mr. NORRIS. I do not recall.

Mr. WHEELER. I can furnish the record.

Mr. NORRIS. If the Senator says it is true, I will accept his statement; but I have no recollection of it.

I do not wish to take up very much time. As I see it, no objection was made to Boyle by either Senator, personally or otherwise, until after the committee was in session and had commenced the hearing, when the junior Senator from Nevada announced that the appointee was personally offensive to him. Mr. Boyle has testified on the stand—and his statement is uncontradicted—that he supported the junior Senator from Nevada in the primary and general elections, and that he had no enmity whatever against him. However, it was evident from what Boyle said that the junior Senator from Nevada had some enmity against Boyle, because Mr. Boyle said the junior Senator from Nevada did not speak to him when he accosted him on the street.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McCARRAN. Is not the Senator from Nebraska overlooking the telegram placed in the Record from the Governor of Nevada, who was formerly district attorney?

Mr. NORRIS. No; I have a distinct recollection of it.

Mr. McCARRAN. In the telegram the Governor states positively that Boyle stated to him in his office that Boyle and the junior Senator from Nevada were enemies.

Mr. NORRIS. Yes. Boyle does not agree to that. That was long before this contest arose. I am assuming that whether he remembers it or not, probably both felt that they were enemies. In the campaign of the junior Senator from Nevada in the primary, which I understand was a bitter campaign, Boyle supported the junior Senator from Nevada. Then came the general election, and Boyle supported the junior Senator from Nevada for election. If they were enemies, it seems to me that such conduct certainly ought to have blotted out any enmity. Even if the Governor was correct in his telegram, it seems that such feeling did not control Boyle. He was broad-minded enough to forget it all and support the junior Senator from Nevada in the two campaigns, the primary and the general election.

Mr. WHEELER. What evidence is there that Boyle supported the Senator?

Mr. NORRIS. Boyle himself testified to it. There is an affidavit to that effect.

Mr. WHEELER. He said he voted for the Senator.

Mr. NORRIS. No; he supported the Senator. There is an affidavit to that effect.

Mr. WHEELER. Any man may say, "I supported John Smith." Persons have told me that they supported me, when I happened to know, as a matter of fact, that the record showed that they did not vote for me. After election everyone says he supported us.

Mr. NORRIS. Perhaps it is all a lie. However, there is nothing to intimate that Mr. Boyle is not a very high-class man. He has testified that he got Farley to do some work in support of the junior Senator from Nevada.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McCARRAN. The attitude of Mr. Boyle is very much like the old jingle which runs something like this:

The devil was sick, the devil a monk would be;  
The devil was well, the devil a monk was he.

When Mr. Boyle thought I would be defeated, he was against me; but when I was returned to the Senate, he said he was for me.

Mr. NORRIS. The Senator is now testifying. He had an opportunity to testify before the committee. This is the first time I have ever heard anything of that kind against Boyle. I was favorably impressed by him. In all the recommendations—and there are stacks of them—there is no intimation from anybody or any organization that there is anything wrong with Mr. Boyle. Everything points to the conclusion that he is a competent, able, efficient, and high-class man.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. PITTMAN. May I read the evidence on that point?

Mr. NORRIS. Very well. If the Senator will wait a moment, I shall have concluded.

Mr. PITTMAN. I think this is a good place to read the evidence.

Mr. NORRIS. Very well.

Mr. PITTMAN. I read the affidavit of Al Marlia:

STATE OF NEVADA,  
County of Washoe, ss:

Al Marlia, being first sworn, says: That he is a citizen of the United States and over the age of 21 years; that he regards Pat McCarran as one of his best friends, that he has known William S. Boyle for many years and regards him likewise as one of his best friends; that he personally knows that William S. Boyle supported Pat McCarran in the primary and general elections of 1938 and particularly among the Italian people whom Al Marlia was associated with as president of the Sons of Italy in Sparks, Nev.

AL MARLIA.

Subscribed and sworn to before me this the 22d day of March, A. D. 1939.

W. B. SHAVER, Notary Public.

Al Marlia is also president of the Catholic Society of Reno.

One other letter, and I shall have concluded:

BATTLE MOUNTAIN, NEV., April 30, 1939.

HON. KEY PITTMAN,  
Chairman of Subcommittee, Washington, D. C.

DEAR SENATOR: In regard to the controversy over Billy Boyle, I do not understand what it is all about, but on his behalf I want to say this. I was in Austin with him during the campaign and on several occasions due to the fact that he was appointed in Governor Carville's place as United States attorney.

In other words he was put on the spot as to what stand he was going to take in regard to Carville for Governor and McCarran for Senator. In every case he declared his unqualified support for Carville and McCarran. And in all cases stated he was ready to take the platform and campaign for them at any time.

In regard to his legal ability, I think Mr. Boyle takes his position ranking with the very best in our State. I am of the firm belief there is some gross misunderstanding as to Billy's loyalty to our party and to the candidates above mentioned.

I earnestly solicit your consideration of his past services before taking serious action, which I think would be gossip, in fairness to Mr. Boyle and the State Democratic organization.

Trusting you are well and with kindest regards from Mrs. Shovelin and myself.

Yours very truly,

(Signed) DAN F. SHOVELIN.

Everyone admits that Dan F. Shovelin is one of the most prominent men in the State. He is a friend of Boyle, a friend of the junior Senator from Nevada, and a friend of mine. None of us would question his word.

Mr. NORRIS. Mr. President, just a word more.

Suppose we should reject the nomination. What position would we be in? The President would have to make another nomination. If we should reject this nomination because prior to this time the President was unfavorable to the reelection of the junior Senator from Nevada, would we not be in the same position when another nomination came along? If we should carry the thing to its logical conclusion, I think in effect we would be amending the Constitution of the United

States and driving the President into a position in this case in which he would have to seek the favor of the Senator and obtain his consent before he could send to the Senate the nomination of any man who would stand any chance of confirmation if the Senator makes the same objection. Furthermore, if this objection is made because of what happened back in the campaign when it is said the President was trying to defeat the junior Senator from Nevada, will not the same principle apply to everybody else? If that is a good reason for making this objection to Boyle, it would be a good reason for making it against anybody the President might appoint. The result would be that we should get nowhere. We should get out on a limb where, if our action was correct and logical, we should have in effect, as I have said, amended the Constitution of the United States.

Mr. President, may I say just a word about this situation? It is embarrassing to me, of course. I am on the best of terms with the junior Senator from Nevada. I would not do him an injury for anything in the world. I have admiration for him, and it would be an easy thing to go along with him in this matter. I would not have gotten into the fight if I had not been pushed in so that I had to act officially. I have taken the same position ever since I have been in the Senate. I have opposed being governed by this kind of a rule. At least, I have taken the position that the ground of personal obnoxiousness would not control me. I have done so under both parties. I am now taking a position which does not differ from that which I have taken for nearly 30 years, ever since I have been in the Senate. It is sometimes embarrassing; but I feel, under my conscience, that it is the only thing I can do, and that any other rule, if carried to its logical conclusion, would make the President of the United States absolutely subject to the control of Senators. His hands would be tied, and he could not do anything unless his action was approved by the Senators from the State concerned.

It would not always happen that way, of course; but if we follow out the principle to its logical conclusion, I see no other outcome to it.

This sort of thing has occurred to me. Since I have been in the Senate men have been appointed to positions in my own State whose greatest qualification was that they hated me. A certain Member of the House was building up a machine all the time to get my place, and dozens and dozens of postmasters were appointed primarily on the ground that they would become part of the machine to fight me. I never once raised this objection, however. I never once said a word about the matter in the Senate. If in my judgment the nominees were qualified, I kept still and let their nominations go through. I tell you, Mr. President, life is too short to try to borrow trouble that we can just as well avoid, and we will feel better the next day after we have avoided it.

It seems to me we shall be making a great mistake if we let this rule control our official action, especially when, as I believe in this case, there is absolutely no ground for calling the rule into existence.

Mr. McCARRAN. Mr. President, I shall detain the Senate only a minute, because the hour is late. I shall deal with the record and nothing but the record.

The record shows that on the 13th day of July 1938, during the primary campaign, the President's train passed through the State of Nevada. The secretary to the President was asked why the district attorney who had served so ably and well was not reappointed. Let me say that that district attorney had made a Nation-wide record, a record that extended from the Atlantic to the Pacific, because of the peculiar nature of the cases with which he was called upon to deal. The secretary to the President, Mr. McIntyre, replied that the district attorney was not reappointed to "take a slap at Pat," meaning the junior Senator from Nevada.

On the very same day the President in that train is alleged to have made, and does not deny having made, a statement which was published through the press of Nevada to the effect that he wanted me defeated. My opponent in the primary used the President's language and published it every-

where. Clippings from the newspapers of Nevada were sent by the chairman of the Democratic State committee to the President, with a letter asking him whether or not he had made the statement, and to that letter the President made no reply, save and except that he acknowledged the receipt of the letter.

Prior to that, and in June of the year before, it is asserted by the now Governor of Nevada, Mr. Carville, who was then United States district attorney, that Mr. Boyle made the statement to him, though it may be denied, that McCARRAN and he (Boyle) were enemies.

So I say there was a conspiracy in which my archenemy, the man who had declared to the district attorney of Nevada that he was my enemy, was selected for appointment over a man who was outstanding in the Nation—outstanding because of his ability as a prosecutor. He was laid aside; he was repudiated, as well as I was repudiated. It was done to take a slap at me, and Boyle entered into that conspiracy, and has carried it on ever since.

Oh, he may come before the Judiciary Committee and say now that he was my friend. If he had been my friend, he would have been my friend in 1937, when he declared to the now Governor of Nevada that he was my enemy. Men do not make such declarations unless they come from the heart. The bitterest enemy I had in Nevada was selected, for what reason? To take a slap at me at a time when throughout the length and breadth of Nevada there was being published the most scurrilous stuff, as it is set out in this record, attacking me because I knelt at a shrine to which my mother led me—attacking me on every ground that my enemies could think of—and this man now says he voted for me and worked for me. He had declared himself to be my enemy, and he never publicly opened his mouth during that campaign so far as I know.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to his colleague?

Mr. McCARRAN. I yield.

Mr. PITTMAN. I think the Senator will agree that Mr. Boyle testified that he took up the matter with the Knights of Columbus, of which he is an active member, and they thought it would be better not to answer the attacks.

Mr. McCARRAN. Mr. Boyle testified in substance as the senior Senator from Nevada states.

Let me clarify this matter with one sentence. There is no personal feeling between the senior Senator and the junior Senator from Nevada on this matter. Neither one of the Senators from Nevada recommended Mr. Boyle. We have gone through this entire matter and will go out of it just as we have done for 30 years, during which time I have supported the senior Senator from Nevada on the platform and otherwise. We will close this matter with no impairment of my regard and respect for the senior Senator from Nevada and his fairness. He has done his best here to sustain an unfortunate situation; but that does not take it out of my heart. You cannot force something down into the heart of a man when he knows that to confirm this appointment means a slap at me, as the secretary of the President declared.

I bring it home to the Members of the Senate who are present tonight. When will the hour come when you will stand as I stand here, and what will be your request on that occasion?

I ask only that this nomination be rejected.

Mr. HATCH. Mr. President, as a member of the committee I wish to say just a word in explanation of how I shall vote, which will be exactly as I voted in the committee.

In the committee I stated my views, which are the same as those which the Senator from Nebraska has so ably expounded this afternoon. It had been my intention to discuss the constitutional aspects of the situation somewhat at length, but observing the clock, I do not feel like going into the constitutional phases of the question at this time.

I wish to make the statement that my vote is based purely upon the constitutional phase of the question.



Mr. WHEELER. Mr. President, so far as the constitutional question is concerned, I fully agree with the Senator from Nebraska; but I wish to call attention to the fact that the Senate should not confirm the nomination of this man, and I feel quite keenly about the matter because of similar situations which have arisen in my State.

After the court fight began, men came to my State and stated that the President had told them to do certain things, for instance, they said he told them to come out and "kick hell" out of me. That was never denied. In addition to that, they picked out and appointed to office a man who was running a newspaper, and who was constantly making vicious attacks against me. If they did that to me, they would do it to someone else.

If we confirm this nomination, I think it will be a reflection upon the Senate of the United States. It is not only a question of the particular individual who is here concerned, but it is the policy that is being adopted in some of these instances which should have our attention.

I submit that the Senate should not confirm appointees who are personally obnoxious to either of the Senators from a State, I do not care who the appointee is, or what he is. We should not confirm appointments if the appointments are personally obnoxious to either of the Senators; and, so far as I am concerned, that applies whether a man is a Republican or a Democrat. During the Hoover administration, the President was about to appoint a Republican from my State to the Interstate Commerce Commission. I went to the President and told him that the man was personally obnoxious to me, because he had personally attacked me, not only in campaigns, but in private conversations. Mr. Hoover refused to send the name in, notwithstanding the fact that he had intended to appoint the man previous to that time.

So far as I am concerned, if any Republican came to me in my State and said, "This man who has been appointed as a United States marshal, or to some other office, is personally obnoxious to me," I certainly would not recommend him, and I would not appoint him.

I think the Senate should not confirm this nominee, under the circumstances.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. PITTMAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. PITTMAN. I ask for a division on the vote.

On a division, the nomination was rejected.

#### FEDERAL COMMUNICATIONS COMMISSION

The legislative clerk read the nomination of Paul A. Walker, of Oklahoma, to be a member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. LEE. Mr. President, I ask that the President be immediately notified of the confirmation.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

#### FEDERAL WORKS ADMINISTRATOR

The legislative clerk read the nomination of John M. Carmody, of New York, to be Federal Works Administrator. The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

#### DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Louis G. Dreyfus, Jr., of California, to be Envoy Extraordinary and Minister Plenipotentiary to Iran.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Paul H. Alling, of Connecticut, to be foreign service officer of class 4, a consul, and a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. That completes the Executive Calendar.

#### LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. TERRY, and Mr. POWERS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. THOMAS S. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

#### ANNUAL ASSESSMENT WORK ON MINING CLAIMS

Mr. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 6977, relating to annual assessment work on mining claims. This is an emergency matter, and must be acted upon, because the time in which the bill must be passed will expire tomorrow.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 6977) to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938, which had been reported from the Committee on Mines and Mining with an amendment, on page 2, line 1, after the word "meridian", to strike out "October" and insert "September", so as to make the bill read:

*Be it enacted, etc.,* That to comply with the provisions of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than \$100 worth of labor to be performed or improvements aggregating such amount to be made each year, it shall be sufficient, for the year beginning at 12 o'clock meridian, July 1, 1938, if such work or improvements are in good faith commenced on or before 12 o'clock meridian, September 1, 1939, and prosecuted with reasonable diligence to completion.

Mr. AUSTIN. Mr. President, I have examined the bill and the report on it, and, so far as I am concerned, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## MONUMENT TO THE PEOPLE OF GREECE

Mr. MINTON. Mr. President, I ask unanimous consent for the immediate consideration of calendar No. 657, House Joint Resolution 294.

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 294) providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece.

Mr. LA FOLLETTE. Mr. President, let the joint resolution be read.

The PRESIDING OFFICER. The Clerk will read.

The joint resolution was read, as follows:

*Resolved, etc., That the President is authorized and requested on behalf of the Order of the Sons of Pericles (the Junior Order of Ahepa), a national fraternity of youthful American citizens of Hellenic descent, to provide through the American Minister to Greece for the presentation to the people of Greece of the monument recently erected in the Garden of Heroes at Missolonghi, Greece, the shrine of Greek independence, as a tribute to and in commemoration of those patriotic Americans who, aided by the moral and material support and assistance of the entire American people, gave their services, their fortunes, and their lives to the cause of Greek independence in the Greek Revolutionary War of 1821.*

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

## ADJOURNMENT

Mr. BARKLEY. I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until tomorrow, Friday, June 30, 1939, at 12 o'clock meridian.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate June 29, 1939*

## DIPLOMATIC AND FOREIGN SERVICE

Louis G. Dreyfus, Jr., to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Iran.

Paul H. Alling to be Foreign Service officer of class 4, a consul, and a secretary in the Diplomatic Service.

## FEDERAL COMMUNICATIONS COMMISSION

Paul A. Walker to be a member of the Federal Communications Commission.

## FEDERAL WORKS ADMINISTRATOR

John M. Carmody to be Federal Works Administrator.

## LIBRARIAN OF CONGRESS

Archibald MacLeish to be Librarian of Congress.

## APPOINTMENT IN THE REGULAR ARMY

## JUDGE ADVOCATE GENERAL'S DEPARTMENT

Joel Burlison Olmsted to be captain with rank from date of appointment.

## TO BE FIRST LIEUTENANTS IN THE MEDICAL CORPS OF THE REGULAR ARMY

Ralph Leon Marx	Richard Hamilton Brierley
Alton Herbert Saxer	Dear
Paul Charles Sheldon	James Wellington Brown
Roosevelt Cafarelli	Donald Eugene Reiner
Charles Kasile Morris	Howard Eugene Sellards
Leo Joseph Butler	Alva Edward Miller
Robert Scurry Anderson	Ralph Everett Reiner
Myles Patton Moursund	George Gilmore McShatko
William Henry Donovan, Jr.	Byron Atlee Nichol
Hallman Earl Sanders	Norman Elwood King
Wendell Playfair Harris	Austin W. Bennett
David Paul Ward	John Mayo Talbot
Francis Patterson Wells	George Savage Boyer
Frederick Clay Weekley	Rolland Bernard Sigafos
Wilbur Warren Hiehle	Richard Henry Schug
Everett Charles Freer	Robert Leonce Hullinghorst
Wolcott Loweree Etienne	Carl Neil Ekman
Kenneth Eugene Hudson	Laurence Addison Potter

To be second lieutenants in the Regular Army in the arm or service specified, with rank from date of appointment.

## Infantry

Elbridge Reed Fendall	John Irving Pray
Jack Alloyse Requarth	Joseph Bayne Sallee
Walden Francis Woodward	Gerald Hamilton Ragsdale
George Carpenter Dewey	Harry Balish
Albert William Frink	James Newton Shigley
Albert Joseph Genetti	Kenneth Earl Lay
Harold Edward Hassenfelt	Carl Thomas Schooley
William Robert Donaldson	Roger Martin Bachman
John William Gorn	Robert Allen Sharrer
Kurt Gustav Radtke	James Franklin Bishop
Robert Murphy Williams	George Benedict Cullison
Kenneth Gool Pavey	Glenn Taylor Beelman
Mylo LeRoy Heen	Jesse Price Moorefield
James Richard Myers	Kenneth Willard Kirtley

## Field Artillery

Robert Irven Beaver	Charles Pettingell Samson
Byron Benjiman Webb	Gene Sawyer Edwards
Raymond Harley Lumry	Homer Edward Miller
Lewis Dowe Vieman	Gordon David Bilat
Donald Francis Slaughter	Leonard George Jewett

## Chemical Warfare Service

Claude Jones Merrill

## Coast Artillery Corps

Bernard Richard Luczak	Murray Dean Dougan
William John Alphonse Hussey	Charles William Reeves
John Enos Wood, Jr.	Richard Farris Ludeman
Oliver Kenneth Marshall, Jr.	Calvin Oliver Smith

## Cavalry

Joe Ahee	Tom English Matlack
Leslie Hector Cross	Leo Gunnard Carlson

## Corps of Engineers

Duane David Davis	Julius Porter Faris, Jr.
Lawrence Merrill Hoover	Frank Albert Swatta

## Signal Corps

Robert Richard Christofk  
Glen S. Waterman

## Air Corps

Robert Mathias Krummes	Eugene Batchelder Fletcher
Edwin Bruce Miller, Jr.	Edwin Harley Hatch
Dale Donald Brannon	Dean Carrol Hoevet
Fred Thomas Crimmins, Jr.	Marvin Leonard McNickle

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

Harlan Thurston McCormick to be major.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES  
GENERAL OFFICER

Preston Alonzo Weathered to be brigadier general, National Guard of the United States.

## POSTMASTERS

## ALABAMA

William L. Mason, Attalla.  
Charlie L. Harris, Blountsville.  
Mabel C. Leigh, Brewton.  
Herman L. Upshaw, Eufaula.  
Clayton C. Baldwin, Fairhope.

## ARIZONA

John Campbell, Bisbee.  
Martha L. Davey, Clarkdale.  
Hubert P. Williams, Miami.

## ARKANSAS

Frank H. Milburn, Gravette.  
George H. Rule, Jr., Lonoke.  
William T. Sedberry, Montrose.  
Elmer Edward Cook, Stamps.

## COLORADO

Nina M. Weiss, Del Norte.



## DELAWARE

E. Reed Hughes, Felton.

## GEORGIA

David F. Bruton, Adel.  
Charles R. Brumby, Cedartown.  
Herman E. Malaier, Chattahoochee.  
John A. Baker, Danielsville.  
Moses J. Guyton, Dublin.  
Walter G. Hodges, Hartwell.  
Rosa L. Lindsey, Irwinton.  
Ruth C. Rountree, Lyons.  
Nell Raley, Mitchell.  
John Gordon Miller, Jr., Savannah Beach.  
George T. Groover, Statesboro.  
Jones R. Arnold, Thomson.

## INDIANA

William W. Houk, Brazil.  
Theodore Aldred, Lapel.  
Clement A. Kelsey, Markle.  
James R. Morrissey, Peru.  
Roy E. K. Bowen, Warsaw.

## IOWA

Mollie J. E. Kachelhoffer, Ackley.  
William S. Olexa, Batavia.  
Maude M. Hanna, Burt.  
John B. Taylor, Centerville.  
Wilbur H. Fishman, Cherokee.  
Max B. Bishop, Elkader.  
Martha E. O'Connor, Gilman.  
Frank M. Wheelless, Hopkinton.  
Paul J. Kehoe, Manchester.  
Anna L. Staudt, Marble Rock.  
Tracy R. Osborne, New Sharon.  
Ben Jensen, Onawa.  
Frank H. Peckosh, Oxford Junction.  
Andrew M. Simonson, Rolfe.  
Joseph C. Kinney, Stacyville.  
Elizabeth M. Hyland, Traer.  
Walter Ward, Wall Lake.  
Teresa V. Moroney, Waukon.  
Richard Claassen, Wellsburg.  
Hazel H. Gerdes, Wesley.  
Ben R. Shine, Winthrop.

## KANSAS

Ruskin R. Couch, Anthony.  
Floyd H. Gibbs, Barnard.  
John G. O'Neil, Beattie.  
Emma C. Strnad, Cuba.  
Vesta Velma McClung, Elkhart.  
Fred Sessin, Ellis.  
Robert E. Lee, Englewood.  
Horace E. Elder, Goodland.  
Harold P. Knipe, Grinnell.  
Ila M. Menefee, Hoxie.  
Michael A. Hilgers, Lansing.  
Hugo E. Lindahl, Lindsborg.  
George H. Gill, Raymond.  
Emmett E. Conzelman, Republic.  
Mary A. Neff, Winona.

## KENTUCKY

Laura V. Coleman, Anchorage.  
Lida H. Muir, Bloomfield.  
William T. Carlin, Buechel.  
Leslie West, Hopkinsville.  
Christine Alexander, Salt Lick.  
Milton T. Fullenwider, Shelbyville.  
William J. Smith, Stearns.  
Henry Harvey Denham, Vanceburg.  
Benjamin F. Beall, Warsaw.

## MAINE

John H. McSweeney, Old Orchard Beach.

## MARYLAND

William H. L. Slade, Reisterstown.

## MASSACHUSETTS

William A. Shay, Westminister.

## MICHIGAN

Frank E. Kroc, Alanson.  
Lewis E. Ledger, Belding.  
Roy Winegarden, Boyne City.  
Edna L. Mitchell, Morley.  
John C. Vaughan, Trout Creek.  
Jettena Watson, Wolverine.

## MONTANA

Arthur C. Coulston, Bainville.  
Helen P. Gibb, Belton.  
John W. Huntsberger, Sunburst.  
Clarence N. Simons, Turner.

## NEVADA

Milo W. Craig, Montello.  
Charles A. Leach, Wells.

## NEW MEXICO

Charlotte Kohlhausen, Cimarron.  
Major M. Hardin, Hobbs.

## NEW YORK

Arthur J. Lee, Bellmore.  
Sadie E. Hagan, Bloomingburg.  
Leroy A. Timmerman, Cairo.  
David J. Sheridan, Cambridge.  
Carlton A. Daigler, Clarence.  
George M. Lamb, Cocksackie.  
George H. Lewis, De Ruyter.  
Louise P. Danner, East White Plains.  
William E. Dorson, Gowanda.  
William P. Stevens, Greenville.  
J. Frank Schummer, Hamburg.  
Cort Kramer, Holland.  
Robert A. Dolan, Hunter.  
Emil J. Bruger, Islip Terrace.  
Catherine M. McConnell, Machias.  
Claude B. Isbell, Mount Upton.  
John Flinn, New Hyde Park.  
Benjamin Lomench, North Bellmore.  
Anna W. Wohlgemuth, Palatine Bridge.  
James H. Vaughn, Perrysburg.  
Edward Fennell, Savannah.  
Mark A. Sweeney, Valley Falls.  
Victor J. Banfield, Van Etten.  
Frank T. More, Walton.

## NORTH DAKOTA

Benjamin Wright, Antler.  
Mildred B. Johnson, Ashley.  
Ralph E. Ulrich, Balfour.  
Robert L. Peterson, Bisbee.  
Ernest W. Kibler, Cavalier.  
Alice M. Sorlie, Churchs Ferry.  
Mary M. Hoesley, Crystal.  
William F. Moede, Dunn Center.  
Edward Lian, Fairdale.  
Nels A. Anderson, Finley.  
Carl Solberg, Hatton.  
Eivind L. Semling, Hazleton.  
Albert E. Funk, Hebron.  
Alf A. Ringen, Kindred.  
Oscar Lange, Kulm.  
John H. Bellon, Lehr.  
Anna M. Wagner, Lidgerwood.  
James E. Jones, Lisbon.  
Frank S. Hudson, Mandan.  
William G. McBride, Milton.  
Peter Meier, Napoleon.  
Frederic H. Palmer, Page.  
Sydney A. Smith, Portal.  
Joseph G. Kringlie, Portland.  
Paul G. Wagner, Sentinel Butte.  
John M. Klein, Strasburg.  
Grace C. Wheeler, Tower City.

## OHIO

Floyd L. Carr, Bedford.  
Walter P. Guenther, Glenmont.  
William E. Alexander, Spring Valley.

## OKLAHOMA

Otto M. Morse, Calvin.  
Mae Tedlock, Choteau.  
John W. Heinen, Okarche.  
Hugh Ferguson, Rocky.  
William W. Powell, Salina.

## OREGON

Neta Daly, Beaverton.  
Grace M. Ely, Gladstone.  
Alice J. Nebel, Glendale.  
Vincent Byram, Gold Beach.  
Charles B. Cox, Heppner.  
Margaret Marie Anderson, Jordan Valley.  
Russell H. Sullens, Prairie City.  
Lisle W. Tame, Talent.  
Luella B. Pinkerton, Weston.

## RHODE ISLAND

Andrew J. McKeon, Hillsgrove.

## SOUTH CAROLINA

William M. Thornton, Enoree.  
Glen O. Howe, Great Falls.  
Eva H. Groce, Lyman.

## SOUTH DAKOTA

Fayette A. Nutter, Alcester.  
Nicholas DeBilzan, Andover.  
Anna Donohue, Bonesteel.  
Berthold Flakoll, Bristol.  
Arthur P. Ingle, Harrold.  
August W. L. Trottnow, Menno.  
John P. Radley, Midland.

## TEXAS

James C. Erwin, Alto.  
Jenna Mae Easter, Anton.  
Marshall L. Felker, Avinger.  
Robert Rowntree, Bartlett.  
Richard E. Trenckmann, Bellville.  
Edmund T. Caldwell, Bovina.  
A. Burton Reagan, Brady.  
Earl B. Hopkins, Brazoria.  
Theodore A. Low, Jr., Brenham.  
Joseph H. Wright, Byers.  
John R. Hays, Cameron.  
Robert A. Goelzer, Chilton.  
Oscar G. Williams, Conroe.  
Alvin L. Clements, Copperas Cove.  
Charlie L. Pratt, Daingerfield.  
Tom B. Lenox, De Kalb.  
Walter E. Holloway, Detroit.  
Bessie B. Langford, Evant.  
Robbie G. Ellis, Fort Davis.  
Henry D. Young, Fort Worth.  
Sloan H. Osborn, Friona.  
Melmoth Y. Stokes, Jr., Goldthwaite.  
James Littleton Tally, Goliad.  
Joseph Kopecky, Hallettsville.  
R. Lawrence Brucks, Hondo.  
Eldon C. Wade, Jayton.  
Richard Hubbard Lemmon, Jefferson.  
Ray H. Griffin, Kosse.  
Harry H. Mann, Levelland.  
James Alexander Able, Melvin.  
Jesse Royce Thigpen, Omaha.  
Edith M. Coffey, Richland Springs.  
Fordyce C. Woodward, Santa Anna.  
Milner T. Cain, Seagraves.

## UTAH

Theresa R. Taylor, Garfield.

## VIRGINIA

Gertrude C. Ligon, Amelia Courthouse.  
John Hoge Woolwine, Blacksburg.  
Lavone A. Baker, Cartersville.  
Newman M. Conant, Chincoteague Island.  
Jane M. Mason, Colonial Beach.  
Robert B. Spencer, Dillwyn.  
Charlie S. Farmer, Jetersville.  
Joseph L. Blackburn, Kenbridge.  
Thomas E. Warriner, Lawrenceville.  
William C. Whitmore, Leesburg.  
James M. Shannon, Mount Jackson.  
Ward S. Atkinson, Shawsville.  
Marion W. Sherman, Shipman.  
Edwin J. Shuler, Stanley.  
Robert E. Fifer, Staunton.  
Jessie R. Stanley, Stanleytown.  
Clifford E. Hardy, Victoria.  
William T. Fosque, Wachapreague.  
Benjamin N. Hubbard, White Stone.

## WISCONSIN

Bert J. Walker, Almond.  
Eben R. Hanson, Baileys Harbor.  
Andrew J. Osborne, Barron.  
Frank W. Flanagan, Bear Creek.  
Marguerite Irene Knapmiller, Birchwood.  
Fred Martin, Brantwood.  
Willis Engebretsen, Eagle.  
Bernard L. Slota, Gilman.  
Ferdinand A. Nierode, Grafton.  
William F. Schreiber, Hales Corners.  
Louis G. Bernier, Holcombe.  
Johan Gustav Adolph Mollenhoff, Iron River.  
Michael B. Weyer, Lomira.  
William C. McLaughlin, Merrill.  
Gustave V. Anderson, Ogema.  
Laurence L. Shove, Onalaska.  
Willard Dirkse, Oostburg.  
Louis O. Mueller, Portage.  
Cleveland N. Akey, Port Edwards.  
Laura H. Culver, Pound.  
Tillie E. Brennan, Valders.  
Edmund O. Johnson, Warrens.  
Marnell E. McCloskey, Wauzeka.  
Rosella M. Anderson, Wheeler.  
Albert L. Brossard, Winnebago.

## REJECTION

*Executive nomination rejected by the Senate June 29, 1939*

## UNITED STATES ATTORNEY

William S. Boyle to be United States attorney for the district of Nevada.

## HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 29, 1939

The House met at 11 o'clock a. m.

The chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou, in whose presence the ages are hourless, out of the vastness which is Thine, impart unto us needful wisdom and understanding. We pray for that stillness of spirit which banishes before it feeble fears with their impotence and ills; O Soul of our souls, urge us upward that we may find ourselves in Thee. Thou who art Thyself the perfect reward of all toil, all sacrifice, and all agony, we beseech Thee to teach us the royal way of living by inspiring in us pure desires and from our lips clean words; forbid that we should take Thy holy name in vain. O Master of the hidden flame, let the measureless wings of Thy love and mercy



shadow us and Thy Holy Spirit revive the deepest undertones of our immortal souls. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. FRAZIER, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2618. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 326. Joint resolution making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL, 1940

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5610) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1940, and for other purposes, with Senate amendments, further insist upon the disagreement of the House to the amendments of the Senate numbered 1, 59 to 71 inclusive, and 101, and agree to the further conference asked by the Senate, and that conferees be appointed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COLLINS, CASEY of Massachusetts, MAHON, STEFAN, and CASE of South Dakota.

#### AMENDMENT TO HOUSE RESOLUTION 152

Mr. COCHRAN. Mr. Speaker, by direction of the Committee on Accounts I submit a privileged resolution for immediate consideration.

The Clerk read as follows:

#### House Resolution 235

Resolved, That House Resolution 152 of the present Congress, adopted April 5, 1939, is hereby amended by striking out the sum "\$25,000" where it appears in section 1 thereof and inserting in lieu thereof the sum "\$125,000."

With the following committee amendment:

In line 4, strike out the figures "\$125,000" and insert in lieu thereof "\$100,000."

The amendment was agreed to.

The resolution was agreed to, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by inserting in the Appendix a brief statement of H. B. Ellison, financial editor of the Christian Science Monitor.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an article written by Mr. Ray Smith, of Indianapolis, Ind.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an article on the subject of neutrality.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record, and to include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### THE N. L. R. A., THE N. L. R. B., AND P. W. A.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. HOFFMAN. Mr. Speaker, may I have the attention of the gentleman from Pennsylvania [Mr. ALLEN], who expressed an interest when I spoke on June 23—RECORD, page 7798—and referred to the situation existing in Somerset County, Pa., where men asking for jobs on the construction of a turnpike which was being financed by State and Federal funds were asked to pay a union membership fee of \$15 and monthly dues before they could be put to work.

My further statement was to the effect that men were not permitted to work on these jobs, although they were relief propositions, until they joined a union.

Some doubt was expressed as to the accuracy of my information, although the editorial put in the Appendix on that same day disclosed the facts to be as stated by me.

This morning by wire I learned that my analysis of the situation was correct. It appears that on June 15, John R. Frankel, general counsel of the A. F. of L. in Pittsburgh, gave a statement to the Associated Press to the effect that P. W. A. had refused to recognize the Somerset County Independent Construction Workers Association, the independent union, as a referral agency, and that contractors observing contracts with the Somerset County Independent Construction Workers Association would not be paid.

Further information discloses that at present, under one construction contract, men are denied work unless they belong to the A. F. of L. affiliate; that, under three other contracts, men are denied work unless they belong to the Somerset County Independent Construction Workers Association, the independent union. Work has not been started under any other contracts.

When the Associated Press statement came out, quoting Frankel as authority for the statement that the independent union would not be considered as a referral agency, the C. I. O. started an organizing campaign in an endeavor to oust the A. F. of L., and the independent workers were thus forced to form an independent union, which they did.

At the present time, it is apparent that no one can obtain work on the construction of this turnpike unless he belongs to some union, and the independent worker is thus caught between the jurisdictional fight between the A. F. of L. and the C. I. O. and forced in self-defense into a position where he is required to pay either one or the other a membership fee and dues or form his own union and pay membership fees and dues.

It is my contention that men who work should be free not only to bargain collectively but to join or not to join a union and that at no time in this country of ours should any man be required to join any organization in order to obtain work upon a relief, or, for that matter, any other job.

Mr. ALLEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. ALLEN of Pennsylvania. I think it is improper that any worker should be obliged to pay before he is given a job.

Mr. HOFFMAN. Then I hope the gentleman will join me in bringing the National Labor Relations Act out for amendment for, under the act as interpreted and administered by the Board, the independent worker, the employee who does not wish to belong to a union, is not protected.

One amendment proposed by me was to section 7 and added the four words, "or not to join", so that the provision read that an employee should be free to join or not to join a union, thus making it clear that coercion, intimidation, and force should not be used to restrict the freedom of any American citizen, nor to permit the levying of tribute upon the man who toils.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Philadelphia Record.

The SPEAKER. Without objection, it is so ordered. There was no objection.

Mr. BURGIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from one of my prominent State papers, the Charlotte Observer, on neutrality.

The SPEAKER. Without objection, it is so ordered. There was no objection.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered. There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a prize-winning essay of 50 words written by an academy student of the Western Illinois State Teachers College, which is quite apropos the pending legislation.

The SPEAKER. Without objection, it is so ordered.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial of a nonpartisan nature.

The SPEAKER. Without objection, it is so ordered. There was no objection.

#### RED INK DEFICIT OF THE UNITED STATES GOVERNMENT

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, I want to call your attention to the red ink that is being used by the United States Government. In 1933 we used red ink to the extent of \$1,784,000,000; in other words, our deficit for the year was that amount. In 1934 we were in the hole to the extent of \$2,895,000,000; in 1935 the red ink was to the extent of \$3,210,000,000; in 1936 our red ink was to the extent of \$4,550,000,000; in 1937 our red ink or deficit was to the extent of \$3,143,000,000. Mr. Speaker, in 1938 we used red ink to the extent of \$1,384,000,000, and in 1939 the red ink you will use to the extent of \$3,500,000,000. Horrible, terrible, nation wrecking, unsound, and unwise.

Mr. Speaker, just think of the red ink that this New Deal administration has been using. Never in the history of the world have we ever approached such astounding figures. The situation is terrible and we should stop it immediately. Something should be done to change the rules, regulations, and laws of the New Deal or else America will be wrecked.

Mr. Speaker, I say to you, I say to the majority leader, and I say to the chairmen of the various important committees of this House you ought to stop the use of this red ink.

Mr. Speaker, I accuse this present administration of the same and worse administration of affairs, worse than that when President Roosevelt made the statement at Sioux City, September 29, 1932, and I quote the President:

I accuse the present administration of being the greatest spending administration in peacetimes in all our history: one which has piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs or reduced earning power of the people. Bureaus and bureaucrats have been retained at the expense of the taxpayers.

Mr. Speaker, that statement made by the President should make him bow his head in shame when he looks back over

the years of his own administration. How a man can have such a change of heart certainly shows up the man; certainly he cannot have a defense for such a change. If he has, let him inform America why he has changed so completely from 1932 to 1939. He promised a balanced Budget by 1936. Instead of that we are worse off today and getting worse every day. We must get sound men at the head of our Government or we will fail as our Constitution provides, and in that event, God save America.

[Here the gavel fell.]

#### APPROPRIATIONS FOR WORK RELIEF—1940

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

There was no objection, and the Chair appointed the following conferees: Mr. TAYLOR of Colorado, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. THOMAS F. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER.

#### NEUTRALITY ACT OF 1939

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, the Neutrality Act of 1939.

Mr. RAYBURN. Mr. Speaker, pending that motion, may I say that both the gentlemen from New York [Mr. BLOOM and Mr. FISH] feel that in order to take care of some Members who desire to speak in general debate, general debate should be extended 30 minutes, 15 minutes to be controlled by the gentleman from New York [Mr. BLOOM] and 15 by the gentleman from New York [Mr. FISH]; and I make that unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I shall not object, I would like to know the program for today? Is it the intention to press this bill to a vote tonight?

Mr. RAYBURN. It is.

Mr. MARTIN of Massachusetts. No matter what hour that may come?

Mr. RAYBURN. I would not want to stay here until 1 or 2 o'clock in the morning, but if we can reach a vote by 9 or 10 o'clock; yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. BLOOM].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

Mr. BLOOM. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. IZAC].

Mr. IZAC. Mr. Chairman, many times you have appeared before various committees to find two or three Members sitting in the hearings, which were considered more or less important. I want to tell you that for 3 months your Committee on Foreign Affairs has held hearings on this important piece of legislation, and usually from 80 to 90 percent of the membership of that committee was present. That at least should give us credit for having given due consideration to the pending legislation.



The objectives of any neutrality act, of course, are first to take care of the needs of our own people. That was the paramount objective of our committee. Second, to treat all nations alike. Into the American mind has come the feeling that neutrality means keeping us out of war. Those terms, however, are not at all synonymous.

I want the Members to bear in mind as I go along with my remarks the fact that the American people are demanding some kind of neutrality legislation for the express purpose of keeping us out of war. I am convinced the only reason that the Committee on Foreign Affairs held hearings as early as 1935 and passed a neutrality bill was because of the demand of the American public that we have something more than international law on which to rely in case the world again catches fire as it did in 1914. The present act is an evolution of the act of 1935. We have placed in the act something which I opposed, and which I will always oppose, a partial embargo. Whenever you have a partial embargo it is bound to be unneutral because no two nations are situated alike. It is no fault of ours that they are situated differently. Some have means of carrying goods across the sea. Some rely for their defense, let us put it, on submarines. Some have raw materials and some have not. We cannot hope to equalize the assets and resources of foreign nations, but we can do this: we can treat them all alike. When you place in a neutrality act a partial embargo it is bound to make you take sides with this group or that, the "have" or the "have not" nations. The present act has a partial embargo in that it embargoes what my friend the gentleman from New York [Mr. Fish] calls "lethal weapons," or death-dealing weapons. Do you realize there are seven categories of those weapons, seven different types of implements of war that have been placed in these lists that eventually have become embargoes against the belligerent nations?

There are only three types of nations and an embargo is bound to affect those three types differently. First we have the "have" nations. The "have" nations are those who do not lack for natural resources, raw materials. They are not bothered so much if we place an embargo on arms and ammunition because they have the raw materials with which to make them. Then there are the war-bent nations, the nations intending war or actually engaged in war, and you and I know what nations they are. Do you think for one moment they are going to rely for their implements of war on another nation's supplying them with the finished product? An embargo does not affect them. Is it not ridiculous to suppose that Germany today, with the Krupp works and the Skoda works, two-thirds of the great munitions works of the world outside of this country in their hands to produce implements of war and munitions of war, would depend on some other nation for its war supplies? Why, no. If I were a dictator, the first thing I would do would be to build arsenals to make my own implements of war.

So in the last analysis the only group of nations you are affecting by denying them implements of war is the poor, undefended, small nations like Holland, Belgium, and the Scandinavian countries, and those who are not in a position to have their own arsenals and munitions factories.

That is why I say the present act is unneutral to that extent. Do not misunderstand me. There are many fine things in the present neutrality act, such as the Munitions Board, which I am sure all people of whatever political belief are firmly convinced should remain in a neutrality bill.

To go further, many of you served in the Artillery during the World War. You know as well as I do that your 3-inch guns were the *soixante-quinzes* of the French Army. You did not use a single 3-inch gun from this country during the World War. Why? Because they made their own munitions over there. What did they need from us? The raw supplies, the materials which are not embargoed and never have been embargoed.

This is why I tell you it is so ridiculous to continue having in a neutrality act a partial embargo. It may sound appealing to the sensibilities of the American people to tell them

that we will not ship death-dealing implements, but we give the other countries the molds and the machinery and the raw materials, the acids, the cotton, the things they must have to build the implements of war.

Forgetting nations, whom are you discriminating against? You are discriminating against our own people. You are saying to the agricultural districts, "Go ahead; ship your wheat and your cotton"; but to your people in the East, in the manufacturing districts, you are saying, "Oh, you cannot do that. You cannot manufacture those things and send them away to other countries because they will be used as death-dealing instruments."

When you send implements of war abroad great care is required in handling and in packing. A great amount of space is taken up in ships. For instance, when you manufacture bombs or ammunition of all kinds, such as smokeless powder, and send it across the seas, a very large amount of space is required. Most of these implements have to be crated. But when you send these nations the raw cotton and the scrap iron and the oil, they are shipped in bulk and require fewer bottoms to transport the amount required. You are giving them the very things they need, not the things they do not need.

So, I say to you that the thing we are fighting today—and this is the meat of the coconut—is the arms embargo. We want to eliminate section 1 of the old bill and substitute therefor a new section which has no embargo on war materials.

I have tried to be consistent about this proposition. I did not support that feature of the present act but accepted it because it was the best neutrality bill we could get, and the American people demanded a neutrality act. If you want to keep war away from this country when the whole world is afire, in my opinion there is only one way to do it, and that is why I am an isolationist. You must actually put an iron ring around the Western Hemisphere and keep everybody out of there, but it cannot be done according to international law.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. IZAC. If you will embargo everything I will go along with you. If you find Europe afire and you want to stay out of it there is one way to stay out of it that I know of, and even that I would not guarantee; and that is, as I say, erect an iron ring around the Western Hemisphere and deny to the nationals the ships and implements of war, planes, submarines, and surface vessels the use of the waters of the Western Hemisphere. The State Department says you cannot do this, that the 3-mile limit is where they stay and that brings the war to our very borders. But it is far better to have an absolute embargo on all things than a partial embargo denying the very things that poor, defenseless nations must have for their own self-defense.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. IZAC. I yield.

Mr. VORYS of Ohio. Could the gentleman tell us of any nation that is in the category he mentions, that is, buying any lethal weapons from us now? Is it not true that Holland and Switzerland and Sweden and the Scandinavian countries not only produce such arms as they need, but buy them in Europe from friendly powers?

Mr. IZAC. No; that is not entirely correct. Holland has an order here for planes at the present time and in case they are encroached upon by one of the aggressor nations the first thing they would have to do, of course, would be to come to us for arms and ammunition.

Let me now develop my thought further. We say the whole world is afire and most people are thinking in terms of the European continent. I am looking with my eyes in the other direction. There it is, Mr. Chairman, that trouble is brewing for the American people—in the Orient.

Today, how much do you suppose we ship to the Orient—even though we have the right because Japan and China are not supposed to be at war, the neutrality act is not invoked, and we have the right to send munitions of war to Japan? Why, she laughs at that. She says, "We make our own things over here. We have bought the machinery from America. We are making our own bombs." Would it not be ridiculous for them to send a ship, a great, big, 30,000-ton vessel of 18 knots speed, to come over here to get bombs and grenades? She gets the scrap iron and the oil and the other things she needs under the present Neutrality Act and those are the things she has to have to continue the war.

So I show you, as plainly as I can, that the present act does not mean we are neutral. It does not keep the nations of the world at peace, and therefore we are remiss in our duty to the American people in that we are deluding them that by having this feature in the act we are keeping the peace and keeping this Nation, incidentally, out of war. True, we have kept out of war, but it was as a result of the action of our President, in my opinion, who had all the opportunity in the world, if he wanted it, to get into a war, but he has not wanted to do so, and I bring that to your attention. He has not wanted to, much as you hear about our President leading us into a war. He has been in power here for 6 or 7 years and during all of that time nations were at war or were at each other's throats, both in the Orient and over across in Europe, and he never resorted to the slightest pretense of going into war. He tried to maintain the dignity of the American Republic in the eyes of the world, and I think he has done so, but here you are tying his hands in not giving to some of the smaller nations the right to defend themselves.

Mr. BREWSTER and Mr. KNUTSON rose.

Mr. IZAC. I yield first to the gentleman from Maine.

Mr. BREWSTER. In pointing out the supplies of raw materials shipped to Japan, is it not true that when we do not fabricate those munitions we do, to some extent, ship what becomes a part of its peacetime economy?

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. IZAC. It is true that if we should have a boom in war supplies, it would undoubtedly have some effect in getting us into a war, as it did before. I think that was one of the reasons, but I tried to point out that there is not the slightest chance for the aggressor-bent nations, the war-bent nations, to have to come to us for those things. In another month England and France will be in practically as good position as the other axis powers in providing the munitions that they must have. We do not have to furnish that to them, but we do, and they expect it, have to send them the things to continue the war, and those, I maintain, are wheat, cotton, oil, scrap iron, and the things they make their munitions with.

Mr. BREWSTER. Does not the gentleman admit himself out of court? As I understand, there is nothing in this act to prevent the shipment of those things.

Mr. IZAC. That is why I say unless you go along on a complete embargo against the world at war you will not be able to stop that kind of shipment; but at the present time, this is what you have. You say you can send all those things, but do not send the finished product. Is not that foolish?

Mr. BREWSTER. Do you not conclusively prove that by not shipping munitions we will retain our peacetime economy, which is what upset us in the last war when we lost that?

Mr. IZAC. No. I should say the cotton growers and the wheat growers would still want to ship to a nation or nations at war, and they are going to continue to demand that they make their profit, cost what it may. That is what I object to.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. IZAC. I yield.

Mr. LUTHER A. JOHNSON. As I understand the gentleman's position it is this: If you are going to be effective and start on an embargo policy, you must embargo not only arms and munitions, but everything?

Mr. IZAC. Absolutely.

Mr. LUTHER A. JOHNSON. Embargo all or nothing?

Mr. IZAC. Absolutely. If we are to go on as a peaceful nation and take our place in the family of nations, the only thing you can do is to ship to everyone or permit them to come and get the goods, but do not attempt to have a partial embargo that takes sides. It is the most unneutral part of the present act.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. IZAC. I yield.

Mr. SHANLEY. As a matter of fact, if this peacetime idea is to prevail, we ought to stop the present boom in airplanes, and I do not think there is a man in the country, conversant with the conditions of our national defense, who would demand that we attempt to slow up the present airplane production in this country.

Mr. IZAC. No; because everyone feels that we need those ourselves. Of course, the Army and the Navy came before our committee and they pointed out that during the World War we could not depend on the Washington Navy Yard, the finest establishment of its kind in the world, but we had to send to all of our communities and get 90 percent of the guns and materials we had to have in the World War. When you limit the production of our factories so they cannot even have the experience, of course, it will be a factor in case this Nation is ever attacked; but I like to allay the fears of the American people. I see no reason why this Nation should go into war. If we adopt this bill—and I like the bill, because it is at least treating everyone alike—I say that we are giving notice to the world that we unfetter our hands, that we are masters of our own destinies; we will make the terms as we meet them, and in the meantime we will treat all nations alike. That is something you cannot say about the present act, and that is why I appeal to you to repeal the present provision of the embargo of arms.

Now, one other word and I am through. You are hearing so much about international law. Yes; international law is better than the present act, I grant you, but it is not better than we propose. International law you may come to, but I will tell you what the American people will tell you when you get back home, and probably before you go back home. If you throw out all neutrality legislation they will say, "You cowards. You threw up the sponge." That is what they will say. They want some kind of neutrality legislation, and they are entitled to it, and this bill, I believe, gives it to them. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. HILL], one of the most sincere and consistent advocates of the cause of peace and keeping America out of war in the Congress of the United States.

Mr. HILL. Mr. Chairman, I do not question the motives of any Member of this Congress. It is not a question of motives, but it is a question of methods, whether we are going to involve ourselves in a foreign war or not, and because of that I must choose for myself and vote against this neutrality bill, because I believe it is a step leading, as it did in 1917, to have us unite with foreign countries in their foreign entanglements and their foreign wars.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I do not have the time now.

I quote from the Recessional, by Rudyard Kipling, a poem that you remember, too:

Lord God of Hosts, be with us yet,  
Lest we forget—lest we forget.

As I have been listening during the past few months to the propaganda in the newspapers throughout the country and here on the floor of the House, it is the same thing I heard from 1914 to 1917. For that reason it seems to me that we have to watch our step and not forget the terrors of the



World War. We must refuse to enter in any way into entanglements with foreign nations that tend to involve us with them in their wars.

Yesterday I attended a reception to Crown Prince Olaf, of Norway, and Crown Princess Martha; and again at the legation tonight we will have the privilege of meeting them. He is of Danish descent. She is of Swedish descent, and they represent Norway. I want to call the attention of the Members of this House to how those three Scandinavian countries settle their differences. Instead of flying at each other's throats they sat around the table in 1815 and again in 1907, using their reason, using their common sense and their patriotism, if you please, to settle their international questions and differences peaceably. [Applause.]

I believe we could and should do that in the world today. I am proud of my descent from that Norwegian ancestry that has the good sense to settle its questions peaceably.

We talk about the Prince of Peace. Let us follow His teachings. I respectfully submit that He was not only the most idealistic of men but the most practical. Caesar, Napoleon, the Kaiser strutted the stage of life for a brief time and naught but their evil deeds live after them. But the life and ideals and teachings of the Master has made possible the civilization of today. We need only to put them into practical use today to prevent war, to solve our economic problems, and right our social wrongs. Let us remember that if we want peace we must think peace and we must talk peace and we must act peace. The only way to do that is to refuse to have anything to do with those nations across the seas which want to entangle us in their methods of solving their problems, meeting vice with vice and force with force. [Applause.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield.

Mr. LUTHER A. JOHNSON. Will the gentleman point out in what particular this bill causes any foreign entanglement?

Mr. HILL. It will aid Great Britain and France in getting implements of war, and this will lead us into war.

Mr. LUTHER A. JOHNSON. The bill, as drawn, does not aid one nation more than another; it makes us neutral by providing for the treatment of all nations alike.

Mr. HILL. But we have the reality of some nations being able to come and get what they want from us, and other nations not. We must face facts as they are, and not a theory, as the gentleman would have us.

Mr. LUTHER A. JOHNSON. The present law is unneutral; it is in conflict with international law. The pending bill is neutral and does not show partiality to any country.

Mr. HILL. We heard the same arguments in 1917. We should not heed them today.

My time is up. I close by calling attention to the fact that this distinguished Prince Olaf and Princess Martha are now in the gallery, and it is indeed an honor to have as our guests these representatives of such a real democracy as Norway. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield one-half minute additional time to the gentleman from Washington in order that the gentleman from Connecticut may ask him a question.

Mr. SHANLEY. As a matter of fact, did not those heroic Scandinavian countries pursue their neutrality only under a rigid adherence to international law? Is it not a matter of further fact of record that they asked the United States during the World War to champion the cause of the neutrals, as was done in 1780?

Mr. HILL. Yes; that is true; but it was real neutrality.

Mr. SHANLEY. After all, their ability to stay out of the last war was due to their adherence to the tenets and principles of international law.

Mr. HILL. But the principles we are following in the present bill would eventually bring us into alliance with Great Britain and France. This was the result in 1917. This will be the result now, in case of a world war, if we pass this

legislation. I for one do not want to repeat that experience. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota, born in Norway and who has served in this House with great distinction for the last 24 years, the Honorable HAROLD KNUTSON.

Mr. KNUTSON. Mr. Chairman, this is a great occasion, for we have the honor of having with us today the Crown Prince and Crown Princess of Norway, a fine and wholesome young couple. [Applause, the Members rising.] Norway is the land I am proud to call my native land.

As the preceding speaker so ably pointed out, the Scandinavian countries have set to all the world an example of neutrality that we might well follow. They have been able to maintain neutrality through stress and storm because they will to remain out of all entanglements with other countries. [Applause.] If we get into a future war, the chances are it will be because we want to get into it.

The measure now before the House, known as the Bloom bill, is one of the most important and, in my judgment, the most dangerous measure to come before this body in two decades. [Applause.]

Why its proponents should refer to it as a neutrality bill is beyond my understanding. It is anything but that. This is probably the first of a series of measures that will be presented as a prelude to our participation in the next war on the side of the "haves" as against the "have nots."

The Bloom measure is clearly designed to definitely align the American people and all their resources in manpower and material in the tense struggles now being waged across the seas to preserve existing boundary lines.

Mr. Chairman, the Roosevelt-Hull foreign policy closely parallels the foreign policy of Woodrow Wilson. Today we witness the same preaching of hatred, we hear the same false tales of atrocities, we have the same name calling by highly placed officials, such as polluted the air back in 1915-17. The same group of international bankers ply their disloyal and nefarious practices. The measure before us might have been written at 10 Downing Street or Quai d'Orsay. Certainly it is strangely deficient in its Americanism. The Bloom bill is loosely and poorly drawn. In places it is adroitly ambiguous and throughout it confers powers upon the President that do not square with American principles and traditions.

Let us briefly examine some of its provisions.

The Bloom bill in a number of places is susceptible of several interpretations. Under section 1 (a) the President is to issue a proclamation if he finds that a state of war exists between foreign states and that it is necessary to preserve the security or promote the peace of the United States or to protect the lives of citizens of the United States. In this proclamation the President is to name the states involved in the war. A proclamation might be issued under this section naming nations A, B, and C. Section 1 (b) provides that whenever the conditions which caused the President to issue any proclamation under the authority of subsection (a) have ceased to exist, he is to revoke the same. If nation A ceases to be involved in the war before the termination of such war, there is no way under the provisions of section 1 whereby the President can eliminate nation A from the application of the various provisions of the joint resolution without revoking the whole proclamation, as it might apply to B and C, who are still at war.

Under section 3 (a) it is unlawful for any citizen of the United States, or vessel flying the flag of the United States, to "proceed through any areas defined from time to time by the President to be areas of combat operations and so specified in his proclamation." Under the wording of the bill it would be unlawful for an American citizen or an American vessel to proceed through such area, but they could enter it and retrace their course without violating the law.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. FORD of Mississippi. Does not the gentleman know that an amendment will be proposed to that section?

Mr. KNUTSON. I am discussing the bill we have before us. I do not know what amendments will be offered. I cannot, therefore, discuss something we do not have before us.

Under section 4 (d), the President is given power to prohibit the export of articles or materials "until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation or national." Under international law, the status of goods as free goods—that is, goods entitled to neutral protection—has never depended on the nationality of the owner. It has always been considered to be the domicile of the owner that governs.

Mr. PATRICK. Mr. Chairman, I want to call the Speaker's attention to the fact that his royal visitors have walked out on us.

Mr. KNUTSON. Never mind; sit down and be your age. This is too serious a matter to treat with levity—at least, it is to me.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. VORYS of Ohio. Now that our visitors have left, I wish to remind the gentleman, in response to the suggestion made that we had to ship arms to protect Scandinavian countries, that Norway in May of this year bought the staggering total of \$387.93 worth of war munitions.

Mr. KNUTSON. They will probably be used against poachers.

The author of this bill—I do not want to be personal, because I think he is not in the room [laughter]—in drafting subsection (d) of section 4, evidently labored under the delusion that international law can be set aside by domestic legislation.

As I read section 4, the President is empowered to impose sanctions and lay embargoes and I quote the language that confers such power:

(a) It shall therefore be unlawful except in accordance with such rules and regulations as the President shall prescribe, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States \* \* \* any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government.

And so forth. Under this phraseology he can make the provisions of the law applicable to one nation or group of nations as against another nation or group of nations. That, in effect, gives him full power to impose sanctions and lay embargoes.

Under the second sentence of section 5 (a) all community chests, welfare organizations, hospitals, and other similar local charitable organizations are prohibited from soliciting contributions to relieve local human suffering and to meet local emergencies unless such solicitations have been approved by the President. There is nothing in this sentence to indicate that the solicitations which are prohibited are to have any connection whatsoever with the war described in the President's proclamation issued under section 1.

Section 10 (h) repeals the provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba. The 1937 Neutrality Act carried an identical provision for repealing this act, so the act has already been repealed once and I see no necessity for going through the motions of repealing something that has already been repealed.

When the Bloom bill is taken up for amendment it is my purpose to offer a motion to strike out all after the enacting clause and to amend section 1 of the 1937 Neutrality Act. The effect of this amendment will be to amend the arms embargo provisions of the 1937 Neutrality Act and to leave all other provisions of that act now in effect, unchanged.

The amendment I shall offer reads:

Amendment proposed by Mr. KNUTSON to House Joint Resolution 306: Strike out all of section 1, and insert the following:

"That section 1 of the joint resolution of August 31, 1935 (Public Res. No. 27, 75th Cong.), as amended, is amended to read as follows:

#### "PROVISIONS RELATING TO WAR MATERIALS AND LOANS

"SECTION 1. (a) Whenever a foreign state is at war with any other foreign state, the President shall by proclamation so declare, and shall include in such proclamation the names of the states involved in the war, and, from time to time, by amendment to such proclamation include the name of any other state when it becomes so involved, or exclude the name of any state when it ceases to be so involved, as the case may be. A state named in such proclamation as involved in the war shall for the purposes of this section be deemed to be a state to which such proclamation applies.

"(b) Whenever a proclamation issued pursuant to subsection (a) is in effect, it shall, notwithstanding the provisions of section 3, be unlawful—

"(1) for any person to export from any place in the United States to any State to which such proclamation applies any arms, ammunition, or implements of war which the President by regulations issued under subsection (d) defines as such, or any articles or materials which the President by regulations issued under subsection (d) defines as capable of being converted into arms, ammunition, or implements of war, or

"(2) within the United States for any person, or either within or without the United States for any person who is a citizen of the United States, to make any loan, directly or indirectly, to the government of any state to which such proclamation applies, or of any political subdivision thereof, or to purchase or sell any obligation of any such state or political subdivision issued after the enactment of the Neutrality Act of 1939."

unless the President has by proclamation designated such state as having agreed to and as complying with a code of warfare acceptable to the United States.

"(c) Whenever a proclamation issued pursuant to subsection (a) is in effect it shall, notwithstanding any provision of subsection (b) or of section 3, be unlawful—

"(1) for any person to export from any place in the United States any arms, ammunition, or implements of war which the President by regulations issued under subsection (d) defines as such, or any articles or materials which the President by regulations issued under subsection (d) designates as capable of being converted into arms, ammunition, or implements of war, to any state that is in arrears or in default in payments due on any debt of such state to the United States; or

"(2) within the United States for any person, or either within or without the United States for any person who is a citizen of the United States, to make any loan, directly or indirectly, to the government of any state or of a political subdivision of any state that is in arrears or in default in payments due on any debt of such state to the United States, or to purchase or sell any obligation of any such state or political subdivision issued after the enactment of the Neutrality Act of 1939.

"(d) As soon as practicable after the enactment of the Neutrality Act of 1939, the President shall by regulations define every article and material which constitutes arms, ammunition, or implements of war, and every article and material which is capable of being converted into arms, ammunition, or implements of war and shall not amend or modify such regulations during any period during which any foreign state is at war with any other foreign state.

"(e) Whoever violates any of the provisions of this section shall upon conviction thereof be fined not more than \$250,000 or imprisoned for not more than 5 years, or both.

"(f) As used in this section "citizen of the United States" in the case of a person other than an individual means a person organized under the laws of the United States, the laws of any State of the United States or any political subdivision of any such State, or the laws of any Territory, district, or possession of the United States."

"SEC. 2. This joint resolution may be cited as the 'Neutrality Act of 1939'."

In short, my amendment would bar all sales of war material to such belligerent nations as refuse to subscribe to a code of civilized warfare, or who are in default in their debts to us.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield one-half minute additional time to the gentleman from Minnesota and I ask the gentleman to yield to me.

Mr. KNUTSON. I yield.

Mr. FISH. I do this simply for the purpose of saying to the Committee that the gentleman from Minnesota [Mr. KNUTSON] is the only Member of the House left who voted against the entrance of this country into war in April 1917 and still is one of the most valuable Members of the House. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Ohio [Mr. JENKINS] such time as he may desire.

Mr. JENKINS of Ohio. Mr. Chairman, it is my judgment, and I think my judgment will be concurred in by everybody who has been attendant upon these debates, that these have



been the most interesting and the most elucidating debates we have listened to in this session of Congress; they have been really brilliant and entrancing. I find myself, however, although I have listened assiduously and religiously to both sides, being drawn back irresistibly, as a magnet draws steel to itself, to the position that this is in effect not a neutrality bill. I shall feel constrained, consequently, to vote against it. [Applause.]

In the first place neutrality is a state of mind. Neutrality is a mental process. We are neutral or nonneutral depending on the circumstances of the occasion. There is an element of right and justice that governs our neutrality. Complete neutrality cannot be legislated. In order to secure just neutrality it would be necessary for us to wait until the occasion presented itself. It is not to be claimed that the present Congress is more capable or more patriotic than future Congresses. Neither is it to be claimed that the present Chief Executive is more capable or more patriotic than a future Chief Executive may be. It is safe to assume that the present Chief Executive will be as capable and patriotic in 6 months from today as he is today. Eight weeks ago and 8 months ago the war clouds were hovering close over the world. They have lifted somewhat now. We are not involved now with any country in such a way as that we irresistibly may be drawn into any world conflict. We are in a good position now to maintain our neutrality. The Congress of the United States is the mouthpiece of the people. The Constitution gives to Congress the right to declare war because Congress is the mouthpiece of the people. When Congress grants through statute any additional powers to the President or anyone else Congress to that extent and in that respect surrenders that much of its power and places that much restriction upon itself. To illustrate this I need only to point out the difference between the situation that arose when Italy waged its war against Abyssinia and annexed that country, and the situation that arose between the contending groups in Spain, and the situation which arises from the war now being waged between Japan and China. In the war between Abyssinia and Italy we were not vitally concerned economically or racially. Our interest was that we disliked to see the liberty and freedom of one country invaded without right by another. In the contest between the different groups in Spain we were not nationally interested except as these groups represent different political and religious views and except as they were encouraged or discouraged by other European powers. In the contest between China and Japan our interests would not be the same as in a contest between Great Britain and Germany. Why, therefore, commit ourselves to any rule of conduct until we know the nations to be involved in any certain contest, and the principles at stake and the object sought to be attained. As I have already stated, there are many factors that must be considered in determining whether one should remain neutral or whether he should assume an active affirmative position or a passive, retiring position.

I therefore feel that since we are at peace with the world our best policy is to remain at peace and do nothing that can be construed by any nation as an unfriendly act or to be construed by any other nation as an unduly friendly act. Of course, I do not mean that we should retreat into a complete state of isolation. My position is that we should await emergencies and meet them in a straightforward way when they rise up to confront us. Our people and those in charge of our Government are intelligent and patriotic. We have the financial and physical power to protect ourselves, if necessary. We have heretofore shown to the world that we are not imperialistic and do not covet the lands or possessions of any other nation. We have the assurance that the American people are almost unanimously opposed to war. With all these factors contributing together we have every reason in the world to retain our present attitude and to await developments.

This bill that we have for consideration before us could well be postponed until a later date. But since it is before us we must dispose of it.

In the first place this bill does not in any way deal with the subject of embargo on arms and munitions. That provision of the law was allowed to lapse and become ineffective by expiration of the time limit in the law and while until a few months ago our would-be neutrality law carried in it a provision against the sale and shipment of arms and munitions to belligerent nations, this bill studiously avoids any consideration of that proposition. It should be amended to contain such a provision.

If I were to be compelled to lay down two propositions upon which the American people are almost unanimously agreed with reference to this matter of war and neutrality they would be—

First. The American people are opposed to war.

Second. The American people believe that the sale of munitions and arms to belligerent nations will more quickly contribute to war than any other one cause.

I am therefore opposed to the Bloom bill because it will increase the probability of our getting into war by giving the President unreasonable authority, and I am further opposed to the bill because it does not contain a provision providing an embargo against the shipment of arms and munitions.

One need not be especially learned in statesmanship or international law, or in Government finances, to know that there is no quicker way to get into a war than for a nation to assist one or the other of the combatants by furnishing that country with guns and war materials with which to prosecute more vigorously its side of the controversy. The only thing to be gained by our sale of munitions is that it might give to our people more employment and give to our manufacturers the chance to earn more money. I recognize the fact that there is dire need for both of these conditions in our country but still you cannot weigh human lives and human suffering in the same scales with dollars. We can live without the dollars, as we have been doing through the severe depression in which we have found ourselves in the last 6 years, but we should be careful when we make any bargain or assume any obligation that must be paid off in human lives and human suffering.

Personally, as I have already stated, I should prefer that we had not taken up the consideration of this bill at this time, but since we have taken it up, I shall support any amendments that will tend to defer and delay any final action and any final commitment by our country into any set and definite program. If an amendment to that effect shall fail then it shall be my purpose to support the inclusion of a clause into the bill to provide an embargo against the sale of arms and munitions of war.

All through this bill there are provisions that give the President additional power. These sections giving the President additional power are honestly drawn and I do not want to charge anybody with any ulterior motives. I do not want to charge the President or the Secretary of State with anything but the highest motives. Many of our great Presidents have been mistaken and have honestly advocated policies that would, if accepted, have been disastrous to the Nation. Even the youngest of our membership can remember the issues of the Presidential election of 1920. We were just fresh out of the War. President Wilson, of whom all fair-minded men will say that he was an able and a patriotic man, had a vision of world peace. He was supported in his views by many of the finest people in our country. They thought that the World War had been waged to make the world safe for democracy. Time has proven that Mr. Wilson was wrong in his position. Mr. Wilson was opposed by a few members of Congress who were at first severely criticized. However, when the country awakened, the weakness in the position of President Wilson was soon discovered. He had misjudged the temper of the people of Europe. He forgot that they had been in a state of declared and undeclared warfare for a thousand years. He had forgotten the racial and political and financial prejudices of those countries. He had thought that the millenium had come when as a matter of fact it was just the lull between one storm

and another. The political parties in 1920 took up the issue as to whether we should enter the League of Nations and whether we should involve ourselves in such a way as to be tied up with the jealousies and intrigues of Europe.

When our people had a chance to speak through the ballot box they spoke emphatically and we stayed out of the League of Nations. The people were right then and are equally capable of being right at this time. But had we entered the League of Nations, where would we be today? We would be the big policeman for the world until we had exhausted our heritage and all our wealth and until we were on the common level with the rest of the dissatisfied nations of the world. It is a sad fact that practically every nation in the world today is dissatisfied. Many of them are in war or on the verge of war. In our own great country our people are terribly dissatisfied. They feel the pinch of want and the lack of work. They feel that their anchorages have been pulled up and that they are drifting. They feel that no more can it be held that no one is a true American who does not earn his bread by the sweat of his face. They feel that many a good American is denied this privilege now through no fault of his own. Once he could get a job. Now he must accept charity. In the face of all this unrest and uncertainty our country is in better shape than any of the rest from one standpoint alone and that is from the standpoint of peace. Why, therefore, should we risk this one outstanding blessing that we enjoy as against most of the world?

This proposed bill grants to the President many rights and privileges which although he may assume them with the most sincere purpose he cannot be infallible and he may in an effort to carry them out inadvertently and irresistibly involve us in a conflict with other nations.

Take, for instance, the provision where he is given the power to define areas through which American ships and American people should not travel, and provisions where he is given authority to provide regulations for shipments of goods and materials, and provisions where the President may prescribe rules and regulations with reference to the usages of ports. These provisions call upon the President to deal with delicate situations that are clearly outside the field of diplomacy. They deal with business and hard-headed and selfish business practices. I have always felt that in matters of diplomacy the President and the Secretary of State should be given great leeway of operation. I have always been willing to trust them regardless of politics. In considering matters of diplomacy, the principal qualifications that a President and Secretary of State should have are ability and patriotic integrity. I have no desire to impute the lack of either of these splendid qualifications to either our President or our Secretary of State, but I do say that when the President is given rights and privileges beyond his sphere by the Congress there is danger that Congress and the people will maintain that the action of Congress, while originally only the grant of privileges, was in effect a duty to be performed, a harmless grant may become a dangerous duty. In other words, it is hardly fair to the President for Congress to load him down with powers and privileges and then hold him responsible for duties and performances.

We, the Congress of the United States, are by the Constitution given the privilege of representing the people in matters pertaining to a declaration of war. This privilege carries a profound duty in that to us also and alone is given the responsibility of saying whether and when our people and our country shall be thrust into a war. I do not want to shift that responsibility. I am willing to assume my part of it and to go through with it, as I think my constituents would want me to do. I know that my constituents are opposed to war and would sanction war only as an extreme case to protect and maintain the dignity and honor of our country and her people. I know that my constituents are opposed to any steps that will endanger the lives of our young men for the sake of an opportunity to increase the business activities of a nation however badly these business activities need to be increased.

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I hope that when our deliberations are concluded and the final vote has been taken on this bill and the amendments thereto, that we will have done what the American people think should be done. As one humble Member of this great body, that shall be my purpose. I shall do nothing that will tend to involve us in a war that can be averted. [Applause.]

Mr. FISH. Mr. Chairman, I yield to another distinguished Member from the State of Ohio [Mr. BENDER] 5 minutes.

Mr. BENDER. Mr. Chairman, under this bill the Congress is reduced virtually into nothingness insofar as its ability to control a war is concerned. Under the Bloom bill so many things could be done by the President before declaring a war that it would be virtually impossible to keep us out of war. I would like to see the whole "bloomin'" business thrown into the ashcan, all of it except section 16, the repeal clause. The best way to take American politics out of international affairs is to defeat this measure. [Applause.] The future of our American youth is on top of American soil and not under European ground. During the past year when we have had discussions and rumors of war in this country, the country has had the jitters as never before. I am in favor of relieving the mental anguish the people of this country experience every time there is a rumor of war or a discussion of war on the floor of this House or anywhere else in Washington.

We send our missionaries to China to convert the heathen Chinese and our war materials to Japan to mow them down. There are throughout the land thousands of missionary societies that are knitting, sewing, and giving dimes in order to send missionaries over to China and elsewhere. What are we doing here? What is happening in Washington? We are sending war materials to Japan or permitting war materials to be sent, or closing our eyes to the fact that they are being sent over there in order to mow down the Chinese. What is the use of singing "From Greenland's icy mountains, from India's coral strand" and then vote to give one man unlimited power to determine whether or not we shall be plunged into a conflict that will break down all the Christian principles that we have been taught throughout many generations?

There seems to be a disposition to decide the next election with a lot of phony statements on this war business. If our sensibilities cannot be shocked by the atrocities committed in China, Austria, Ethiopia, Albania, and Russia, and if these are not sufficient to provoke war, then why all this conversation about neutrality? Why present legislation kidding our people into believing that any law will be sufficient to make the world safe for democracy?

What does this bill say regarding a civil war in any other country?

Mr. Chairman, I want to vote against this bill and make it easier for Roosevelt to go back to Georgia this fall. It seems to me that the President is occupying much of his time setting up straw men to knock them down again. The President spoke before Munich, and Mr. Hitler took Sudetenland with honor. Later Mr. Hitler raped Czechoslovakia and earlier he had raped Austria.

The best way for America to proceed is to set its own house in order. Let us have an example of good government at home.

The other day I received in the mail copy of a sermon delivered by Dr. Harry Emerson Fosdick on the subject of Dare We Break the Vicious Circle of Fighting Evil With Evil? I commend it to every Member of Congress, and I shall ask unanimous consent to have it printed in the RECORD.

No matter how sincere may be the motives which underlie the administration in sponsoring the proposed neutrality act, everyone of us must analyze its provisions microscopically to discover whether or not they will keep us out of war.

We have already gathered an abundance of evidence to indicate that our President is definitely allied with the "internationalists" in the conduct of our foreign affairs. Whatever may be the justification for his position, this much is certain. We run greater risk of placing our necks in a noose



if we run around with lawbreakers than if we steer absolutely clear of them.

I object to any foreign policy which places vast powers in the hands of one man whose discretion is almost absolute. No matter who may sit in the White House, it is dangerous for a nation of 130,000,000 people to entrust its destiny in the hands of one man in times like these. In the last few years, we have witnessed an amazing demonstration of presidential astigmatism. Our President was able to see a war in Spain, but he is still utterly blind to the war which has been raging in China for 3 years.

Under the proposed Neutrality Act there is no provision whatever to keep us from taking sides in a civil war. What kind of neutrality is this? If we had shipped armaments to either side of the Spanish conflict, would we have had the right to claim ourselves as "neutral?" If revolutionary struggles break out anywhere, the proposed law would make an absolute mockery of neutrality.

In the last analysis the problem raised by the administration becomes simply this: Shall the President of the United States have authority to determine the position of our Nation in time of war? Shall we vest in him the power to control our foreign policy so completely that the ultimate decision of war or peace is no longer open for discussion? All of us know full well that a President, in whose hands we place the conduct of our international relations, is to all intents and purposes the most powerful man in our land. Given the right to do as he chooses with our armed forces, moving the Navy about from hemisphere to hemisphere, his prerogatives are all but royal whenever there is danger of an international conflict.

Under our Constitution, the White House is already the dominant influence in every question of foreign affairs. But the Bloom bill extends this influence still further. It offers the Presidency almost unlimited powers.

The President alone would have power to proclaim the existence of a war and to designate the nations involved. To judge by our past experiences, we might well find the powers of Germany, Italy, and Japan ranged in a war against Britain, France, and Russia, with our White House solemnly proclaiming that two of the six nations named were not engaged in a "war." Ridiculous, you may argue, but surely it is no more absurd than the distinction drawn by our President in labeling the Spanish conflict a "war" and designating the Sino-Japanese struggle as something else.

The point must be clear. No President should be given the unrestricted authority to make so momentous a decision; and surely it is dangerous to entrust to our present President the determination of a "war" in the light of his own actions in the recent past.

But the tale does not end here. Under the measure favored by the administration, the President having perceived the existence of a "war" would then have the right to declare it unlawful for our citizens to travel on vessels of the warring nations, "except in accordance with such rules and regulations as the President shall prescribe." From the White House would come a description of "areas of combat operations" through which our people, and the vessels owned by citizens of the United States as well, could not travel "except under such limitations as the President may prescribe."

Once the war was established to the President's satisfaction, it would be unlawful for any person in our country to sell, buy, or exchange securities issued thereafter on behalf of any of the governments named as engaged in the conflict, except that the President could make an exception in favor of commercial credits and short-term obligations of a peaceful nature.

Exports of goods to any belligerent state would be banned "except in accordance with rules" which the President might again fix. The use of American ports as bases of supply could be restricted by the President. He might forbid submarines and armed merchant vessels of belligerent nations to enter our harbors; and a good many unpleasant international possibilities could rise here from the presence of machine guns, small arms, and the like, on any vessel.

Running through the entire proposal is the underlying current of dependence upon the judgment of the President. Once more the people of our Nation would be surrendering their right to determine their own affairs. Congress, which has just recaptured the constitutionally granted privilege of legislating for our people, would be in effect surrendering it once more to the White House.

Granting that under present world conditions we must have a flexible foreign policy, we cannot afford to let the determination of that policy rest in the hands of one man, no matter how wise or how benevolent we may regard him. And when we have received abundant evidence casting doubt on both his wisdom and his benevolence, we must make certain that our fate does not depend upon his incalculable whim.

The President speaks of our new frontiers in France. We had a frontier in France 20 years ago and it availed us nothing. I would like to see our frontiers kept over here. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. SHAFER].

#### AMERICA WANTS GENUINE NEUTRALITY

Mr. SHAFER of Michigan. Mr. Chairman, I will not attempt to analyze the provisions of this so-called Bloom neutrality bill, to which I object. I take this opportunity to put myself unequivocally on record as being for genuine neutrality.

There is no question about the fact that the American people want genuine neutrality. The people of this country do not want our men and our money to be shipped across the seas again. They do not want our youth to again shed their blood on foreign soil in another futile attempt to make the world safe for democracy. We did not make the world safe for democracy by going into the last war. We would not make it safe for democracy by going into another war. Our big job, as I see it, is to stay at home and make America safe for democracy. Let us solve our own domestic problems and get back onto the road to normalcy and prosperity. If other nations want to indulge in armed conflict, let them do so.

There is only one way to be neutral, Mr. Chairman. That is to be neutral. This Bloom bill is not a neutrality bill in any sense. It is a bill designed to place in the hands of the Chief Executive the power to plunge this Nation into war.

By no stretch of the imagination can we claim that this administration is neutral. It has chosen sides in the conflict in China; it has chosen sides in the disputes of Europe. To give the President the discretion of deciding when an armed conflict constitutes a war; to give him the power to invoke economic sanctions against one side and in favor of the other, particularly in view of his own declarations on the subject of foreign disputes, is, in my opinion, to give him the power and the discretion to render this country unneutral any moment he chooses and to involve us in another world conflict which would complete the ruin of our civilization.

I agree with those who have stated that in passing on this legislation we are passing on a question of war or peace.

The countries of Europe by reason of their peculiar problems, which are not our problems, have for centuries followed the policy of balance-of-power politics. Great Britain has traditionally been in the position of standing in the middle of the seesaw board of European power politics for the purpose of maintaining a balance of power which would be of advantage to herself and whatever allies she happened to have at the moment. In order to maintain this balance of power England has had to dominate the seas. She has had to maintain a navy sufficiently powerful that no other nation or group of nations could hope to vanquish it.

History does not disclose that either England or France has been free from aggression themselves. Quite to the contrary. To maintain the balance of power England has moved first to one side and then the other of the political seesaw of Europe, always with an eye to her own profit and advantage.

I am not quarreling with Great Britain's position. But I do not want England and France to inveigle the United States into the position where Uncle Sam will be occupying that precarious position in the middle of the political seesaw board of Europe.

It seems to me that if we would adopt a similar cash-and-carry policy, together with a refusal to lend money to either belligerent when a conflict is on, we could remain neutral, stay out of war, and attend to our business at home.

I have no objection to embargoes of arms and munitions whenever two or more nations engage in armed conflict. While I doubt somewhat the efficacy of such embargoes they will certainly not get us into trouble if they are impartially invoked and applied.

I freely admit that a cash-and-carry policy, together with a policy of impartial embargoes on munitions of war and on loans to any belligerent, will operate to the disadvantage of small nations as against large nations. Although I sympathize entirely with China, I do not close my eyes to the fact that the cash-and-carry policy and the embargo on loans and munitions would operate to the disadvantage of China and to the advantage of Japan. On the other hand, the same policy would operate to the advantage of England and France and to the disadvantage of Germany and Italy.

But in such a case we would be neutral. If we expect to maintain neutrality in any sense of the word, then we must expect to stand aside while weak nations of Europe may be the victims of aggressor nations.

Regardless of economic sanctions or anything else, how can we imagine that we could have helped Ethiopia or Albania in any way whatsoever short of sending men and money across the sea to defend them against Italy? How could we have rendered any assistance to Czechoslovakia short of sending men and money across the seas to oppose Hitler and his Nazis?

If we are going to undertake to police the world and to uphold a balance of power in an effort to prevent the historic aggression of some nations against other nations, then we had better look the facts frankly in the face and prepare to maintain an army and navy equal to the combined navies of Germany, Italy, and Japan; and we had also better face the fact that we will be in war up to our ears and over our heads before a very long time has passed.

I am not willing to undertake to have America police the world. I am not willing to undertake the role of becoming protector of every small nation on the globe. I am not willing to climb up on the political seesaw board of Europe and endeavor to maintain a precarious footing while straddling the Atlantic and the Pacific Oceans at the same time.

All of the countries of Europe, not the least of whom have been Italy and Germany, have sent us millions of worthy citizens who have helped to build this Nation. Our population is made up of peoples from all the other nations. We have an ocean which separates us from the Orient on the one side and from a quarrelsome and troubled Europe on the other.

We have friendly neighbors to the north of us and friendly neighbors to the south of us. Let us maintain our position at home and leave the playing of power politics to others abroad.

Insofar as the Monroe Doctrine is concerned, I would uphold it at whatever cost and by whatever means may be necessary.

As to any threat of any nation, or group of nations, invading this country and seeking to exact tribute from us, I would say fight to the last drop of blood. I do not, however, believe that any combination of nations within the next half century could even contemplate moving against the United States either through South America, or on our west coast, or from the north.

Therefore, Mr. Chairman, I say if we are going to enact a neutrality bill, let us have a genuine neutrality bill. Let us not be deceived by a name or a title into voting for this Bloom measure, which is the antithesis of a neutrality bill, and which, in my opinion, if passed, will expose us to the perils of becoming involved in foreign wars. [Applause.]

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. YOUNGDAHL].

Mr. YOUNGDAHL. Mr. Chairman, practically every speaker on this bill has denounced war. Practically every speaker has voiced America's desire for peace.

Then why the opposition to the embargo on arms to warring nations? In my opinion, there can be only two reasons; either they desire to favor certain nations over others or else they are concerned with the profit motive. The American people are opposed to both these reasons.

Our experiences in the last war should teach us the fallacy of favoring one nation against another. America cannot pick sides in any war and long remain out of it herself. If America is to favor one nation against another, it will only be a matter of time until we too are in war.

If we are opposed to war in America, and not one Member of this House would say that he favors war, then we should be just as strongly opposed to war in any other part of the world. Shipment of munitions and war material to any warring nation can only aid in the continuation of war. Surely the events of the past year, when our country has been placed on record as favoring certain nations against others by the executive department, should make us move with care in the granting of any further discretionary powers to that department.

American mothers do not want their sons sent to war. Neither do they want the sons of Chinese mothers, of Czech mothers, or any other nations sent to war. American mothers want peace—peace not only for America but peace for the entire world.

If we pass the so-called Bloom bill, the President will have the power of continuing his campaign of favoritism, which, in my humble opinion, can only lead us into war.

Although our last neutrality bill provided that where a state of war exists no munitions nor war material may be supplied, yet we are told by good authority that America is Japan's chief source of the war material she has used in her war on China.

Has it occurred to you that Japan has been one of the most flagrant violators in their treaties with other nations? Do you believe that a nation which violates its word, its promises, and agreements is entitled to help? Do you believe that we should help such a nation against the very nation toward which we have assumed the role of big brother?

If we are to have neutrality, then let us have a strict neutrality. Let us mind our own business. We are not minding our own business by picking sides in someone else's quarrels.

In short, the Bloom bill, in my opinion, gives too much discretion to the Chief Executive, who already has shown his partiality in European and Asiatic affairs. It does not provide for a mandatory embargo to all warring nations. It does not permit America to mind her own business but makes certain that we will pick sides in every quarrel that arises.

The Bloom bill, in my opinion, would throw America into the thick of impending fights. My vote will never be cast for that kind of neutrality.

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, at the outset I want to pay tribute to a fine American, the ranking minority member of the Committee on Foreign Affairs, the distinguished gentleman from New York [Mr. FISH]. [Applause.] I think he has done a fine job in keeping this question alive, not only during this debate but from the time he took off his uniform as a distinguished soldier in the last World War. He has talked on more than a thousand platforms in this country. I shared these platforms with him many times, and I have never found the day or hour in his life that he has not kept this question before the Nation, from a nonpartisan viewpoint, if you will, as a great American, determined no American boy ever again die on a foreign battlefield. As a Member on this side of the aisle, I have



disagreed with him, so have my colleagues, on partisan matters. He has been a sincere partisan, but on this question he has been a nonpartisan. I salute my distinguished colleague. I want to ask the Members of the Congress to approach this question upon a nonpartisan basis.

I have heard statements made in the debate that "Professor Who-Is-This" and "Professor Snooper" have said that the golden age has arrived, we cannot be isolationists any longer, which means that we have to get into every fight to save the munition makers and the international bankers. That is the theory upon which their arguments are predicated. I fail in this debate up to now to see anyone giving us the information on the question, "How does labor stand?" How does the working class stand? Who speaks for them? That is the class that will have to furnish the cannon fodder—the youth of America—to fight a war perhaps once again on the pretense that we must save the world for democracy.

I tried to find labor's attitude on this legislation, and I did find out. I got in touch with Mr. William Green, president of the American Federation of Labor, a Democrat, if you will, a friend of mine of 25 years' standing, and a friend of Franklin D. Roosevelt. I want to read to this Congress what he has to say on this important subject. This is a statement he made before the Senate Foreign Relations Committee in April of this year:

The American Federation of Labor has endorsed the principles upon which the Neutrality Act was based, that a neutral nation has obligations as well as rights and that the munitions industry is a matter of public concern. We do not believe that this is the time to make changes in this law, for any change in this legislation might be interpreted as a change in our foreign policy. So essential is it for our country to do its part in maintaining peace between nations that in my opinion we should do everything possible to avoid raising any doubt as to our wish to remain aloof from the controversies of other countries.

The workers of the United States want peace. We went through the World War, doing our full part. The lessons of that experience have convinced us that world problems can be solved only under conditions of peace and through the instrumentalities of peace. The working people of this country are firm in their desire to avoid entanglement in the intrigues of nations seeking aggrandizement of territories or protection of the gains of former aggression.

We believe that the present neutrality law has served the interests of peace between nations and that it should be continued as it was enacted in 1937.

American labor is disturbed by obvious efforts to promote war hysteria. We cannot forget the loss of life and manhood when a generation of young manhood was conscripted for the World War. Labor throughout the length and breadth of the United States is opposed to sending another generation into the trenches of war, and we urge that every possible safeguard be taken to avoid anything that would needlessly contribute to a war development.

This is no time for experimentation. Labor, therefore, urges continuance of a measure that has been helpful in the hope that peace may be served.

Again, in May of this year, over his signature as editor of the American Federationist, Mr. Green states:

Our political institutions are controlled by democratic ideals and have grown out of a deep-rooted desire for freedom. Independence from foreign control and the principle of representation made possible the development of political democracy within our boundaries. As a new and relatively unimportant Nation, we were not concerned with the struggle for territorial expansion and aggrandizement that harried the Old World. Of world powers, we asked only to be let alone to develop in peace and freedom. In our own affairs we have found that political democracy must go hand in hand with economic democracy. Doubtless this is a general principle.

In our Federal Government it has seemed wise to establish and maintain a balance of power between the Executive and Congress. We have tried to maintain the same balance in the field of foreign policy with Congress deciding policies, and the President dealing with specific situations in accord with policies outlined. The Neutrality Act of 1937 is based on this principle, and to change it at the present time is to create an apprehension that we are changing our foreign policy. Any change may add to war fears. American labor wants peace, not war. We therefore ask that the present Neutrality Act be continued in effect.

In the present difficult international situation, strong pressure has been behind a proposal to increase the President's authority and responsibility under the Neutrality Act. The purpose is to make possible quick and efficient action in crises. To follow this course is to adopt the procedure of foreign countries and to abandon

the safeguards of our traditional democracy without assuring peace in the world.

For centuries the nations of Europe have relied upon force in their relations with other countries. Power politics still dominate this field. Some countries have their spheres of influence defined and established, others are less fortunate or more recently set to the task of developing power. Foreign influence rests on territories and armaments. If the United States is asked to participate in European matters, we must come into the zone of power politics after policies have been determined, commitments have been made, and a crisis reached. Our interference would mean nothing for peace. The aggressor nation of one generation defends the status quo of the next.

The welfare of the United States is tied up with the progress of democracy in living, and we have found that political democracy is inseparable from economic democracy. Any basis for co-operation between the United States and other governments for world peace must be in accord with these basic principles so that there might be mutual understanding and joint action for industrial and political democracy for all nations.

We are not insensitive to the struggle going on in the world, but amending our Neutrality Act in such a crisis would not express our desire for world peace but would be interpreted as partisan action. American labor is profoundly concerned for peace and for developing the practices and agencies for maintaining peace between nations. In the light of World War experience we hold that war settles nothing and that future generations should not be asked to serve in the trenches. The Neutrality Act of 1937 is a defense against entanglements in the disputes of other countries.

That is the voice of labor, speaking for millions of organized workers, and I might say, yes, for the unorganized workers of America. Heed that voice and heed it well. "No change in our neutrality policy." That is what Mr. Green says. I wanted to be sure of that and I called him by telephone.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from New York.

Mr. FISH. Does the gentleman know of any group that is asking for this bill? Does the gentleman know of any farmers who are asking for this bill or any businessmen who are asking for it?

Mr. SWEENEY. I can speak only from my own experience, that I have never received one communication asking for this bill.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I am sorry, my time is limited. I respectfully decline to yield.

Mr. Green is a Democrat, I repeat. Over the phone the day before yesterday he said, "I have not changed my conviction one iota, and you may tell your colleagues of the House of Representatives how I stand."

Who wants this bill? The other day or a few days ago we entertained a distinguished couple from Europe. Some of us were vocal in our protests. Some of us suspected that there was a sinister purpose behind the visit. Newspaper editorials said it was bad taste even to suspect the sinister purpose behind the visit of the King and Queen of Great Britain. I received, and some of my colleagues who were vocal in their protests received, some very adverse criticism. Well, we can take it, but let me show you some of the proof of our statement that there was a hidden purpose in the visit. Our suspicions are now being confirmed.

Over at Banff, Alberta, when His Royal Majesty was relaxing on the veranda, he made a very significant statement which is carried in Newsweek, a publication edited by my old friend and townsman Raymond Moley, the first brain truster under Roosevelt, under date of June 19, 1939. The article is entitled "Significant." I will read it:

The purely political considerations behind the royal visit to the United States were not betrayed by the exchanges of formal speeches between President and King. Mr. Roosevelt touched lightly on world matters at the White House dinner when he said: "I am persuaded that the greatest single contribution our two countries have been enabled to make to civilization \* \* \* is the example we have jointly set by our manner of conducting relations between our two Nations. \* \* \* It is because neither of us fears aggression on the part of the other that we have entered no race of armaments." But the King, speaking, as throughout the trip, clearly and distinctly, contented himself in reply with a pious, "I pray that our great Nations may ever in the future walk together along the path of friendship in a world of peace."

However, on at least one occasion reporters thought George VI dropped a hint of what was in his mind during the historic North American visit. Relaxing from his regal role momentarily at

Banff, Alberta, a fortnight ago, the King spoke freely to British and Canadian correspondents of conditions in Europe. One remark especially seemed significant. It was to the effect that "we" (presumably the democracies) would "show them" (presumably the axis powers). A number of American reporters had straggled up in time to hear these words, but Walter Thompson and George Steward, respectively Canadian and British public-relations aides of the King, persuaded most of them to agree not to report the incident. One American who tried first to telegraph and later to telephone the story found the Canadian communications office would not handle it.

And Washingtonians observed the monarch's half-hour tête-à-tête with J. P. Morgan at the Embassy garden party. No matter if the conversation concerned nothing more serious than the abominable weather, Senator Nye may turn the circumstantial evidence to his account in the forthcoming Senate battle over a new neutrality act. In Nye's inquiry on the causes of America's entry into the World War, Morgan was played up as the man who arranged British loans in this country and later was instrumental in drawing Washington in on London's side.

No one but the principals knows what President Roosevelt and the ruler discussed during their hour-long chat after midnight in the second-floor oval study at the White House. But British journalists in the King's entourage seemed somewhat to give the show away. G. Ward Price, of the powerful Rothermere newspaper chain (headed by the London Daily Mail), spoke frankly of the purpose behind the British Government's insistence on the United States visit and followed up by inquiring whether veteran Washington correspondents thought the visit might have the effect of abating traditional congressional skepticism toward British statesmanship. He asked particularly whether there was any prospect, as a direct result of Their Majesties' tour, of modification of the Johnson Act to permit loans to Britain in the event she became involved in a war which Price thought might very well come this summer or fall. Another British correspondent quite candidly asked an American newspaperman: "Will you be with us if we have to fight these madmen?"

Most of the Washington correspondents gave the inquirers a realistic answer: the royal visit had not, they felt certain, changed the views of the Senate "bitter-enders" who have sworn to oppose any weakening of existing laws designed to keep the United States free of anything vaguely suggesting an alliance. BORAH, CLARK of Missouri, and CLARK of Idaho, for example, told Newsweek this was the case, and the word was passed along to the British.

The consensus in Washington, as throughout the country this week, seemed to be that if Whitehall had planned the royal excursion as a purely social gesture of good will, it was an unqualified success; but that if the British statesmen had had any thought of using Their Majesties' charm to undermine such safeguards as the Johnson Act, they underestimated the breadth and depth of isolationist sentiment in the United States.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 3 additional minutes to the gentleman from Ohio.

Mr. SWEENEY. Attempts will be made to amend certain features of this resolution to attract some votes. Emasculate if you will, but the meat of this measure is lifting the arms embargo. A year ago the Congress was under pressure to lift the arms embargo in favor of one side or the other in war-torn Spain. You stood your ground at that time and refused to aid either party to that controversy, which was not of our making. That war ended. Had you yielded at that time to the pleas to lift the embargo in favor of either side in Spain that war would have gone on and we would have been indirectly guilty of killing additional thousands of Spaniards on both sides of that horrible conflict.

Let me take you back to April 6, 1917, in this Chamber on Good Friday night, when the World War resolution was being considered, and I get this from some of the Members of Congress who were here and who voted for war. Party loyalty was the slogan. Stand by the President was the watchword. Some of the Members were misinformed as to what the issues were. Into this Chamber came Postmaster General Bursleson. He took men back in that cloakroom and said, "Boys, this is only a bluff. We are bluffing the Kaiser and the Central Powers. There will be no American boys go to Europe; the war will be over in a few months. Vote for this measure. And what can I do for you by way of rewarding you with a postmastership, or other consideration?"

I have talked with some of those men since and they have told me their dreams are haunted and will be haunted until they die because they literally felt that the blood of 67,000 American boys who were murdered on foreign soil was on

their hands. Right here is sitting a man, my good colleague, this fine gentleman from Ohio [Mr. ASHBROOK] who was a Member of that war Congress who was disillusioned. He voted for war. His rest has been disturbed many times since, and he has publicly stated time and time again that given the opportunity he would never again vote to send American boys to foreign battlefields. I know how he will vote on this measure. I hope we can see it in our wisdom, as he does, and go along with men like Mr. ASHBROOK. [Applause.]

Mr. Chairman, no matter how this measure is amended, the public will, in my opinion, construe the passage of this resolution as a radical change in our foreign policy and a direct step involving our Nation in another foreign war. It is designed to help the synthetic democracies of Great Britain and France, who have the ships and are well equipped to secure the merchandise and implements of war necessary to destroy human life and property, as against other nations who are not so well equipped.

If the arms embargo is lifted, then I predict shortly thereafter the machinery to repeal the Johnson Act will be set in motion. More loans to foreign nations will be made by generous Uncle Sam—loans to carry on the insanity of war; loans that will never be repaid. Who will benefit by such a policy? The same group of international bankers and ammunition makers who profited by the last World War.

It is just possible before many months, if we pass this resolution, that this Congress will be called into session to declare war on one or more foreign nations. Before that day arrives—and God forbid it does—I trust every Congressman who has by his vote the constitutional power to declare war will read the life and letters of our wartime British Ambassador, Walter Hines Page. He reveals a startling story of intrigue and deception that brought our beloved country into that horrible catastrophe.

Well do we remember the national political campaign of 1916, when Woodrow Wilson was elected President of the United States for his second term on the issue of having kept us out of war. In his letters Mr. Page indicates that the die for our entrance into the World War was cast many months before April 1917, and that a campaign of false statements and delays were invoked to assure the reelection of President Wilson.

That the American people were betrayed during that period there can be no doubt in the light of history. Our task is to prevent a repetition of 1917. If we must make munitions and implements of war, let us make them to be used in the event our Nation is invaded by a foreign foe. In God's name do not let us be the tools of selfish manufacturers of cannon, shrapnel, poisonous gas, and other implements of human destruction.

Europe has been a battlefield for the past 2,000 years. There is scarcely a foot of her soil that has not been at one time or another soaked and fertilized with human blood. The lust for war still prevails in Europe today. As the only democratic nation still surviving in this world, let us take a definite stand and inform the war lords of other lands that we are, so far as war is concerned, isolationists; that we are steeped in the traditions of George Washington; that we will have no entangling alliances with foreign powers. If we do this, at least we will have minimized the war business with other nations who depend upon us to pull their chestnuts out of the fire, and we will have made a substantial contribution toward peace and international good will.

Mr. Chairman, if this resolution passes lifting the arms embargo, there will be rejoicing in London, Paris, and Moscow. There will be only fear and sorrow in the homes of millions of our citizens, who are already bowed down because of economic and social dislocations primarily caused by the last World War. Let us have courage by our action today in saying to the leaders of Germany, Great Britain, France, Italy, Japan, Soviet Russia, and every other power girding their loins for war that we will not become the policeman of



the world; that we do not believe in the insanity of war; that we are equipped to mind our own business; and that we expect them to do likewise. [Applause.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, war or peace is not a Democratic or a Republican issue, nor is it exclusively an issue for Congress but rather an issue for the American people. It is an issue for the fathers and mothers whose sons may again be called upon to give their lives on foreign battlefields because of our mistake here. Someone may again wish to make the world safe for the so-called democracies—for the House of Morgan—for the international bankers.

Neutrality. There is no neutrality in the resolution now under consideration. We have been rather free in criticizing certain one-man governments. Yet, if this resolution is enacted into law, it will make it possible for one man—the President—to bring about conditions that will lead to war. That power, I am sure, is more than we are willing to give to any President that we have ever had or ever will have.

Is not the greed for power more dangerous and destructive than the greed for wealth? All history tells us that power is always deaf, dumb, and blind. It always has and always will be abused. Why should we in this country wish to ape Stalin, Mussolini, or Hitler? Why should any one man want the power of life and death over the sons of America? If such an ambition—desire—exists, and I do not believe it does, then it is an unworthy and insane desire.

I do not care who wrote this resolution. That is not the issue. The question is whether we, not as partisans but as guardians of the youth of this Nation, will enact it into law. I am confident that this Congress will not so far forget its responsibility to this Nation as to give any President, now or hereafter, the power asked for in this resolution—the power to bring about a war of aggression.

Presidents are just human beings. We glorify them, but, like the rest of us, they are just human. They are not infallible. They possess no divine wisdom, nor do they possess virtues or honor or greatness independent of "We, the people." They have their likes and dislikes the same as you and I. Sometimes they enter into flirtations with some foreign nations, and sometimes dislike or even hate others, depending upon their childhood environment and preconceived notions.

Fortunately, under our Constitution you and I and all of us are "We, the people." We are 48 States—but one Nation. Under our form of government Congress, and Congress alone, has the power to declare war. No President should ever be given the power to bring about conditions that lead inevitably to a foreign conflict.

This resolution, if passed, will be misunderstood by foreign nations. It will be too readily accepted by the so-called democracies that grabbed everything in sight, after we won the World War for them, as an act of approval. These nations now refuse to let go of the ill-gotten gain. They send kings and charming queens to us. But let us warn them that we will not defend these stolen colonies with the blood of our youth. No one man or set of men will ever be given the power to pledge the youth of this Nation to any foreign nation, except Congress representing the sovereign people.

While other nations, if we pass this resolution, will consider it as an unfriendly act. These nations feel that we have deserted our time-honored policy of "no foreign entanglements." They feel that we have been and are meddling in European affairs. For some unknown reason false propaganda has been spread in this country to rouse our prejudice and hatred toward some nations while glorified falsehoods have been spread in favor of other nations. But, fortunately, we all know that there are few angels to be found among European governments.

We all know that there was no difference between the forceful annexation of Ethiopia, Czechoslovakia, or the Boer Republic. The destruction of these governments was brutal on the part of the nations who destroyed them, but not one of these destroyers, whether it style itself a democracy or a dic-

tatorship, is in a position to point with the finger of scorn at the other and say, "I am holier than thou."

If Great Britain and France really wish permanent peace, I will give them a prescription. Let them return the colonies they grabbed after the World War and let them fulfill the promises they made to Italy, and then I am sure the war clouds will pass. When that happens there will be no need for democracies to talk both hot and cold in the same breath. They will then not be compelled to denounce some dictators and in the same breath sell their souls for an alliance with another dictator.

This resolution is dangerous. In its vague language it conceals the possibilities of an indirect declaration of war. It gives this power to one man. It is the first step to an alliance with Great Britain—which nation, history reveals, has destroyed or annexed more nations and more people than all the other nations in the world combined.

We made a mistake in 1917, but we are stupid if we repeat it. If all the facts had been made public, we would not have entered the World War in 1917. If Congress had known that our Ambassador was secretly urging a declaration of war on Germany in order that our people could be fooled into protecting world trade for Great Britain, there would have been no declaration of war.

On March 5, 1917, Ambassador Page wrote Secretary of State Lansing:

France and England must have a large enough credit in the United States to prevent the collapse of world trade and of the whole European finance. If we should go to war with Germany, the greatest help we could give the Allies would be such a credit. \* \* \* Unless we go to war with Germany our Government cannot make such a direct grant of credit. \* \* \* The pressure of this alarming crisis has gone far beyond the ability of the Morgan financial agency for the British and French Governments. \* \* \* Perhaps our going to war is the only way in which our present preeminent trade position can be maintained and a panic averted.

It is now clear that we gained nothing by selling war material to the allied governments before we entered the war. The truth is, we ourselves paid for the war materials and enriched the House of Morgan and the war profiteers at our expense and made a present of these instruments of death and destruction to the allied governments. At least so far, they have not paid for the materials. They still owe us \$15,000,000,000 and refuse to pay. Again I read—

By April 6, 1917, Great Britain had overdrawn her account with J. P. Morgan to the extent of \$400,000,000 and had no cash available with which to meet this overdraft. (See Life and Letters of Walter H. Page, vol. 2, p. 272.)

This overdraft was paid Morgan out of the First Liberty Loan.

Why deceive ourselves? We know that the American people want real neutrality. They do not believe in foreign alliances and entanglements. The fathers and mothers are fearful of their son's future. They demand a neutrality that will prohibit the financial monarchs and the war profiteers from dealing in or selling to any nation—in peacetime or in wartime—the instrumentalities of death and destruction. They are opposed to having anyone at any time sell implements to foreign nations with which they can destroy their own or other nations' people.

They know that all war is manslaughter. Mark Twain, in his Mysterious Stranger, has Satan tell us:

There has never been a just one, never an honorable one—on the part of the instigator of the war. I can see a million years ahead, and this rule will never change in so many as half a dozen instances. The loud little handful—as usual—will shout for the war. \* \* \* Before long you will see this curious thing: The speakers stoned from the platform, and free speech strangled by hordes of furious men who in their secret hearts are still at one with these stoned speakers—as earlier—but do not dare to say so.

This Nation is dizzy with war propaganda. The munition manufacturers and the war lords are again in the saddle, riding high, wide, and reckless on the crest of false propaganda—reckless with the public's conscience and with other people's agony. These are again attempting to monopolize patriotism. They are again wrapping the flag of glory around

themselves and making millions out of the blood and the tears and the agony of an agonized world.

I repeat, let us stop them by passing a real, not a make-believe, neutrality act. Let us prohibit the sale of munitions, arms, airplanes, armaments, and army equipment to any nation at any time. Then let us provide for an embargo against any nation or nations during a civil or a foreign war, except food and clothing for the civilian population only, to be distributed through the Red Cross or similar organizations.

Let us follow the warning of the Duke of Windsor, who warned us to be on our guard against propaganda from whatever source it came. The world is crying for some nation that is sane enough and big enough to talk peace in place of hatred and war. Shall the United States be that Nation? The answer to that question rests with us.

We must never permit our patriotism to be dimmed or divided because of religious or racial differences. Tolerance and forbearance is our watchword. We shall continue to extend the hand of good-fellowship to all. We shall not permit the religious or racial hatreds of Europe to be transplanted to our shores. We will not again permit ourselves to be engulfed by the war-mad insanity of Europe.

I know that the Members on both sides of the aisle realize that this issue transcends party lines. I know that the Members of this House do not sanction the sale of instruments of death and destruction. I am sure that we will rise to the occasion and not sanction profits stained with the blood of innocent men, women, and children. I am confident that we will defeat this resolution because an enlightened, humane public conscience will compel us to. We are through forever with European entanglements. We learned our lesson in 1917. [Applause.]

Mr. FISH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, since the address of the gentleman from Ohio [Mr. SWEENEY] who quoted Mr. William Green, president of the A. F. of L., I have called on the telephone Mr. Stephen Chadwick, national commander of the American Legion, and I am authorized by him to say that the veterans of the World War as represented by him and the American Legion, stand for a policy of strict neutrality. That may not necessarily require a law for strict neutrality, but they insist upon a policy of strict neutrality to prevent American boys having to go abroad to fight the battles of somebody else again.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. GEYER of California. Did he make any statement as to how he felt on this bill?

Mr. HINSHAW. He did, but not for publication. He is not authorized to do so by the executive committee.

Mr. GEYER of California. Then, probably, his other statement is not for publication either.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. SHANLEY. Is the gentleman willing to say that strict neutrality means the precedents of international law?

Mr. HINSHAW. Will the gentleman repeat that, please?

Mr. SHANLEY. Does the gentleman think that strict neutrality, as probably given to him by Mr. Chadwick, means the precedents or principles of international law?

Mr. HINSHAW. Exactly so.

Mr. BLOOM. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, as a man who, at the age of 49 years, voluntarily put on the uniform of the United States and wore it for a year, I never hear the statement made on this floor or elsewhere questioning the justice and the right of this great country in that war without resenting it to the bottom of my heart as an insult to the 4,000,000 men who wore the uniform, to the flag they followed, and a stain on the place in history of the greatest nation on the face of the earth.

I am the son of foreign immigrants, but I am just as good an American as the people whose ancestors came over on the *Mayflower* or as any man who ever breathed the air of America. [Applause.] Perhaps that statement may be a necessary preliminary to one or two other things I am going to say.

In my brief time I must limit myself to some scattered observations, without elaboration. I expect nobody to agree with all of them, and somebody may agree with none of them.

First. If the present mandatory embargo on arms, munitions, and implements of war favors the dictators, and this is admitted; and if the pending bill favors the democracies, and this is the claim of its enemies, that fact alone is sufficient consideration for my support of the bill. [Applause.] First, last, and all the time, I am for the democracies and against the dictators; and I am for them, Neutrality Act or no Neutrality Act.

If the emergency arises, I have the utmost faith that that will be the attitude of the overwhelming majority of the American people. The World War forever fixed my faith in the loyalty and patriotism of all groups of the American people, regardless of race or creed.

I am in complete disagreement with the Republican Members who file down here in the Well, one after the other, and shout England, France, and Russia. I hope Russia may stand with the democracies. I believe if it were known that she would, the war in Europe would stop now. Russia is the only unknown quantity in Europe. These party shouters come down here in the Well and scream war, war, war—England, France, and Russia—and by every innuendo seek to tie the administration in Washington up with them. Indeed, the more reckless shout that we are already tied up. Is it significant that not one of them ever mentions the dictators? Not one. Why not?

Second. When you pass a neutrality act you fix and publish to the world the rules under which you will play the game and which must remain fixed after the game starts. To change the rules then would be an unneutral act. When the game starts all the nations of the world will be players, actively or passively, and none of them but the United States will be tied down with fixed rules. All the others will move as the game develops and their interest dictates, the friendly powers to their private gain at our expense, and the enemy powers to force our hand, and underneath it all we will be as unneutral as the game itself. Japan knows that we are for China. Germany knows that we are for Czechoslovakia and Poland. Italy knows that we were for Ethiopia. They all know where we stand on every major international quarrel. In the end our lot will be the World War over again.

Third. The minority report in one breath charges the President with seeking power through section 3 to name and penalize an aggressor. And in the next breath he is charged with failing to exercise that same power in the Asiatic war and his impeachment for such failure is demanded. Both charges are made by the same persons. It raises the question, When does an isolationist become an interventionist?

As an example, the minority report, referring to the provision empowering the President to define an "area of combat," which would be closed to American citizens and American vessels, says:

With this power the President can effectively quarantine an aggressor from American ships and citizens by simply naming the aggressor as a "combat area."

The President is, of course, assumed to be seeking this method of fixing aggression on a warring power. He wants this indirect method of naming the aggressor.

Then, on the next page, comes the direct charge that he has failed to use the power he already possesses to name an aggressor. Says the minority report:

In spite of the mandatory requirements of existing law, the President has failed to "find" the existence of the gigantic war in China.

If the President had found "the gigantic war in China," the next step required of him would be to place an embargo against Japan and China, which would have affected only Japan, which has been receiving more than half of all her



war supplies from the United States. Such action would have been tantamount to naming and penalizing Japan as the aggressor. Everybody knows this. In sum, he wants a power which he is refusing to use.

Fourth. If the President declared an Asiatic embargo, it would operate only against Japan and would be considered by Japan as naming and punishing her as the aggressor. It would immediately end all commerce between the United States and Japan. None of the other signatories to the Nine Power Pact, no other nation in the world, would join the United States in this action. It would stick its neck out alone. All the other nations would hold out and then rush in to take over the market we had abandoned. The reason the President did not lay an embargo against Japan is that he had better sense. The more I hear some people up here on the Hill the more I thank God Roosevelt is President. [Applause.]

If the minority want to keep this country out of war, and for 2 days they have shouted themselves hoarse that they do, how do they reconcile their protestations with their constantly iterated insistence that we mix into the war in Asia.

If there is any doubt whether the authors of the minority report want this country to mix into the war in Asia it will be dispelled by the following meaty paragraph from the minority report:

We have let our excitement about what may happen to our remote interests in Europe blind us to what is now happening to our immediate interests in the Pacific, where our treaty rights are being violated and our national interests threatened every day. We feel certain that if we had solved this immediate far eastern problem first it would have gone far toward solving the rest of our international problems.

Fifth. The trouble with a neutrality act is that it never fits the picture. As the gentleman from New York [Mr. WADSWORTH] said in his able and statesmanlike speech yesterday, you cannot lay down rules to govern the unknown and unpredictable.

We passed the first neutrality act in American history 4 years ago and we have been doctoring it up ever since. We doctor the first Neutrality Act to make it fit the civil war in Spain and laid an embargo that helped the dictators set up a Fascist government in Spain. Spain will now be a hopping-off place for the dictators against South America. This puts them only half the distance of the United States from South America. The next step will be to advance their aviation frontiers to islands off the west coast of Africa. The Spanish dictator has conceived the grandiose scheme of again gathering the Spanish-American nations under the mothering wing of Spain, and he will have help. This takes in all the territory between the Rio Grande and Patagonia.

I fear the democracies will rue the day that they starved out the Loyalist government of Spain, and thus contributed to the triumphant reviews of the victorious Fascist forces in Madrid, Berlin, and Rome. There is no dissimulation now as to who won the Spanish war.

Sixth. Neutrality, as Mr. Hoover said of prohibition, is a noble experiment, and equally futile. Drinking killed prohibition and fighting will kill neutrality, provided the common sense of the country does not kill it before the fighting starts.

I wish with all my heart that this legislation would insure the result the people are looking to from its enactment. No sane man could want to see 1917 over again. The world has been haywire ever since. Another such war might wreck it.

Seventh. The apparent need for a neutrality act is that in the last war Germany repealed international law. Since then the unholy trinity has come into the picture, all imbued with the same ruthless philosophy. They have banded together under the slogan of the three musketeers—"all for one and one for all." Might makes right. Neutrality acts, like peace treaties and international law, will be scraps of paper. Necessity knows no law. It is my will, says the dictator.

The world stands with bated breath today waiting for the next blow. It is not a question whether it will fall, but when and where. In less than 3 years the axis powers have accumulated a most impressive string of scalps: Ethiopia, Austria, Albania, Czechoslovakia, Spain, and China. They are fully panoplied for war and they are on the march.

Eighth. The minority report is a characteristic mixture of inconsistencies bearing the earmarks of its authorship. You could write two or three different neutrality acts out of it. I would suggest that the author put an enacting clause on it and offer it as a substitute for the pending bill. If it passed, we would, perforce, disagree as to what it means and do nothing, which is the wishful thinking of neutrality acts.

Ninth. What is the question before the House in the minds of the minority—neutrality or the next election? For more than a year they have been putting on a national campaign of frightfulness with Roosevelt dragging the country into war as the bogeyman. They are in danger of running out of gas before November 1940. Selling American patriotism and courage short is a doubtful gamble on the political market. Long-headed Republicans do not think a campaign of little America the road to the White House, but the pumpkin-headed variety seems to be in the majority. [Laughter.]

Tenth. There is no sure way to keep out of war, but the surest way is to be able to keep out, meaning to be able to go in. We are getting ready to stay out. There is a reassuring implication in the objection to lifting the embargo on arms. The implication is that in the next war we will have arms to sell. We fought the last war with the arms of the Allies.

Eleventh. I stated that I would support this bill, and I will. I have supported all of these neutrality acts, but with my fingers crossed. It will be the same with this. What I am really for is section 16 of the bill, which repeals all neutrality acts.

Twelfth. Victor Berger in a neutrality debate on this floor nearly 30 years ago—for this is no new subject; England and France made a neutrality pact ending war 140 years ago, then Napoleon came along—Victor Berger said, and it has stuck in my mind ever since:

Neutrality is a fine thing if you are able to defend it.

Let us be able and unafraid. [Applause.]

This country got along without a neutrality act for 145 years and in that short space of time it reached first place among the nations of the earth. No other nation has such an act. What great power in the world is so neutral as ours? What great power in the world has a comparable record? We asked and received not a foot of territory out of the World War, not a mandate, not a dollar in reparations. We asked nothing. In the Boxer Rebellion we were the only nation participating in the restoration of order in China, which returned its share of the indemnity to China; returned it as a contribution to Chinese education. What other nation in the world would voluntarily relinquish the Philippine Islands? What other nation in the world would not have taken Cuba, under the same conditions? We have substituted the good-neighbor policy for dollar diplomacy with the use of the marines as collectors, the policy of this now wonderfully pacific Republican Party. What other nation in the world has unfortified frontiers, 4,500 miles of it, and not even a pill box from one end to the other? What nation on the American Continent, however small and defenseless, has the slightest fear of the United States?

The answer of all these questions stamps as damnably false every utterance, every implication, that the administration at Washington wants war, or wants this Nation to become involved in a military way with the affairs of the other nations.

Mr. Chairman, in the light of our experience with past neutrality acts, I favor discretion in the administration as against a bill of particulars in the law. As soon as the bill of particulars is fixed in the law, Congress as a whole, and its individual Members, will cease to function, but the administration, with its constitutionally created agencies and responsibilities, must carry on.

Unless I know clearly that I should go contrary, I shall give the President the benefit of the doubt. It is his responsibility above that of every living man in America, and it is our history that Presidents have not led the country into war but have been driven into war.

The Democrats in Congress should be heartened by the fact that practically every great newspaper in the United States, and practically all their staff of correspondents here in Washington, are criticizing and condemning the course of the minority in Congress as playing petty, partisan politics with vital national and world problems.

The President knows that if this country becomes involved in war it will wreck his great domestic program, just as the World War wrecked the great program of Woodrow Wilson. He knows that the stake of this program is far greater than anything that could come out of another dogfall like the World War. At such a time as this, a truce ought to be called on political President-baiting. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, while I feel as keenly about the bill now before the Congress as any that has been here during my service, yet I had not intended to say anything, and would not, but for the fact that my friend and colleague the gentleman from Ohio [Mr. SWEENEY] took occasion to use my name. He had the privilege to state to you that I expected to vote against this bill, but for fear that somebody might construe from his statement that I conveyed to him the information that my late friend, the Postmaster General, Mr. Burleson, of Texas, had attempted to exert any influence upon the Members of Congress at that time to vote in favor of a declaration of war, I want to say to you that to my knowledge nothing of the kind ever occurred. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ASHBROOK. In fact, I want in fairness to state that no one in authority at that time, no one from the President down, attempted to use any influence upon me; but there was a most tremendous and widespread propaganda in existence at that time. My deep convictions were then to vote against a declaration of war. I was submissive and weak enough, I confess with humiliation, finally to yield to the propaganda and to vote for the declaration of war, but I have regretted it from that day to this, and I do not, therefore, intend by my vote to take any chances of involving the United States in another world war, and for that reason I expect to vote against the present neutrality bill. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I was in the hall a moment ago when the gentleman from Ohio [Mr. SWEENEY] made the statement to which the gentleman from Ohio [Mr. ASHBROOK] referred. Like the gentleman from Ohio [Mr. ASHBROOK], I was a Member of the Congress on the night of April 6, 1917. The gentleman from Ohio [Mr. SWEENEY] was not a Member of Congress at that time. I knew Mr. Burleson, a distinguished citizen from my State, for many years, and I do not care who the informant of the gentleman from Ohio [Mr. SWEENEY] was, when he made the statement to Mr. SWEENEY that Mr. SWEENEY reported on this floor he stated an utter untruth.

Mr. SWEENEY. Mr. Chairman, I did not get the significance of the gentleman's remark.

Mr. RAYBURN. I say I do not know who the informant of the gentleman from Ohio was about the conversation of Mr. Burleson here on the night of April 6, 1917, but I do say his informant spoke an untruth.

Mr. SWEENEY. That may be so, but I got it from the lips of three former Members of Congress.

Mr. RAYBURN. There was no such propaganda on this floor or in this Chamber, and the gentleman from Ohio [Mr. ASHBROOK], or I would have known it if it had been going on. I think it is so unfair, it is so out of place for a Member to rise on the floor of this House and repeat

gossip or hearsay testimony about a man who is sleeping an honorable and endless sleep. [Applause.]

Mr. SWEENEY. Mr. Chairman will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FISH. Mr. Chairman, I yield one-half minute to the gentleman from Minnesota [Mr. KNUTSON] who was here at that time.

Mr. KNUTSON. Mr. Chairman, I was here on the night of April 6, 1917. It was the first sitting of Congress that I had ever attended. I remember very distinctly of having Mr. Burleson, who was on the floor that night, pointed out to me as the Postmaster General. However, I do not know what he was doing up here.

Mr. PATRICK. He was the Postmaster General, was he not?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ASHBROOK. Will the gentleman from New York yield me one-half minute to reply to my colleague?

Mr. BLOOM. I yield one-half minute to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I would like to inquire from my colleague and friend, the gentleman from Ohio [Mr. SWEENEY], whether or not he ever received any information such as he stated on the floor from me?

Mr. SWEENEY. I will say I did not, but I did receive this information from the gentleman, that you felt that your dreams were disturbed to your dying day.

Mr. ASHBROOK. That is absolutely true, and I do not propose to take the chance of having them disturbed for the remainder of my days by voting for this bill. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS F. FORD].

Mr. THOMAS F. FORD. Mr. Chairman, ladies and gentlemen of the Committee, there have been a great many acrimonious statements made on the floor during this debate. I do not propose to engage in anything of that kind.

Mr. Chairman, to me the foremost problem confronting us today is how to keep the United States out of any war that may break out in Europe.

The people of this country are overwhelmingly opposed to war; the Members of this Congress are just as overwhelmingly against war. And yet none of us can assure the mothers of the Nation, the youth of the Nation, and all the other citizens harried by the threat of conflict, that war will not come.

As I see it, now is the time to take preventive measures, through the adoption of a neutrality policy that shall make clear to all nations our stand in case of another world war.

Study of the resolution before us convinces me that it will help to prevent the outbreak of war in Europe and that it will go a long way to prevent our being drawn into such a war, if one comes.

The existing Neutrality Act would prevent the exportation of arms and implements of war to all belligerents. But it neither prevents nor restricts the sale and transportation in American ships of supplies necessary to warring nations, such as cotton, oil, steel, foodstuffs.

Plainly, the existing act exposes us to the imminent danger of being drawn into a European war. Let an American ship carrying American commodities be stopped or sunk by a belligerent, and war would follow, as it did after the sinking of the *Lusitania*. Nothing could stop it.

We who are opposed to war are determined to prevent such a possibility. And that is why we who are opposed to war are supporting this resolution. It prohibits the transportation of war materials or any exports in American ships. The cash-and-carry provision permits the sale of goods for cash to those who can take them away. When exports leave our ports, under the provisions of this resolution, they will not be owned by Americans, and they will not be carried by American ships. If the carriers are attacked in transit, it



is none of our business, and we will have no cause to go to war about it.

That this resolution with amendments would indirectly help the democracies, which happen to have control of the seas and embarrass the aggressor nations, is in line with American public opinion, as it is in line with our best interests and our fixed determination to keep out of war.

Because I want to help to prevent a European war and because I realize that the threat of war comes from the aggressor nations, I had hoped to have the opportunity of voting for the Thomas amendment, which so clearly warns aggressors and thus presents the strongest possible deterrent to war.

Whatever happens, I wish to state here my firm intention of never voting to send American forces to fight in any foreign war. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. HORTON] such time as he may desire.

#### NEUTRALITY

Mr. HORTON. Mr. Chairman, if you are really looking for trouble, just get out in the middle of a bull pasture and wave a red flag—you will get a peck of it right now.

The raising of the embargo against the shipment of implements of war may very well be the remaining step necessary to plunge us into a pending European war.

You cannot effectually pull off a successful hold-up with any of the component parts of a six-shooter. It takes a loaded shooting iron to do that trick, and that kind of an instrument is no plaything for one too quick on the trigger to be fooling with.

There is a real difference between the shipment of those parts which go into implements of war and the shipment of the finished ready-to-go engine of war.

As it is, we have had too much provocative flag waving in the way of loose war talk from those in high places. Their inflammatory pronouncements, coupled with the insistent demand for the greatest army, navy, and air armada of all time, make us all wonder whether we are faced with a Napoleonic ambition over here which is about to challenge the Caesar over there in world conquest. It might be well at this time to recall the words of Lincoln which were uttered more than 100 years ago:

Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a Presidential chair, but such belong not to the family of the lion or the tribe of the eagle. What! Think you these places would satisfy an Alexander, a Caesar, or a Napoleon? Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction, and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving free men. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to successfully frustrate his design.

If we have a Napoleon in our midst, may his Waterloo be a personal one rather than one which will involve the entire Nation. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Indiana [Mr. SPRINGER] such time as he may desire.

Mr. SPRINGER. Mr. Chairman, referring to the bill now before the Committee and to the matters therein contained, may I suggest that the House has not had a more important measure before it this session than that embraced in the neutrality legislation presented.

This proposed legislation is not important solely by reason of the fact that it deals with neutrality and the development of our foreign policy, but it is highly important from the standpoint that it repudiates all former legislation passed by the Congress respecting this highly important subject and seeks to chart a new, novel, and a vastly different course than that which has heretofore been established and followed in this country. If the Bloom bill should pass, by a vote in this House, we would embark upon a new plan of neutrality; we would, by the passage of this proposed meas-

ure, enter into a new "experimental field" respecting our foreign policy; we would, by the approval of this pending legislation, sever the ties that bind us to a wholesome policy—one which is thoroughly and truly American—and a policy which now vests the right and power of determining the policy of this Nation in the Representatives of the people.

When we refer to "neutrality" we are constrained to believe that such word means to "remain neutral." Webster defines it as "being unbiased"; "indifferent"; "taking no part on either side of a contest"; "to render inactive."

Therefore, if we, as a great nation, are to adopt a policy of neutrality which meets the general demand of the people—and the people want a strict neutrality observed by our country—we must pass that legislation which will maintain an attitude of utter indifference in this country with respect to warring nations; and such legislation, if any new legislation is to be passed upon this subject, should require that we take no part on either side of any contest in the event of controversy or war between any other nations. Our position should be maintained as entirely neutral, in such event.

As we look into this very vital question, may I suggest that there are two ways in which our country can aid in keeping our Nation at peace: First, by helping to prevent a European conflict; and, second, by minimizing the chances of our entanglement if such a war cannot be averted.

As we view this issue, and the possible involvements, we must keep in mind as our outstanding thought that we must keep the United States out of war—and, at the same time we must preserve our international independence; we must retain our freedom to exercise our sovereignty as a nation, and at the same time prevent our own people and other nations from involving us in any foreign war.

While the general debate in this Chamber continues on this subject, many of our people may take the position that we should remain wholly isolated, as a nation, in the event of war between foreign countries, while others take a more liberal view of the situation and advocate that limited sales be approved on a cash-and-carry basis; and with all of the varied opinions of our people the real crux of our neutrality policy should be that we should abstain from the commission of any overt act, respecting any contending nation, which would in any manner involve our country in any war. And in formulating our policy of neutrality it would be wise, in my opinion, to require our ships, no matter what cargo they carry, and our people, to remain entirely out of the war zone. This would obviate, insofar as a legislative policy can do so, the possibility of the overt act which might involve us in war.

We must remember we have our international laws which are our safeguard. It has been suggested by some of our people that with a strict Embargo Act against the transportation of arms, munitions, and war supplies that our neutrality will be retained quite as secure as by the passage of additional laws on this same subject. I am in full accord with this view which has been expressed by so many of our citizens. We must remember the will of our people, regardless of legislation upon this subject, will be the dominating factor respecting our neutrality. If our people continue to insist upon visiting foreign countries, even though a state of war exists, or if our business and industries continue to make sales of war materials to warring nations, then we can have a neutrality in name only and not in fact. Our neutrality must be that plan by which we take no part, either directly or indirectly, in any controversy between nations.

I am opposed to the Bloom bill, because it vests the sole determining power in the President of the United States. This measure does not apply to the present Chief Executive alone, but the provisions of this bill extend to all Presidents of this Nation. The right and power of determining our foreign relations, and any plan of neutrality we may adopt, should rest in the hands of the Representatives of the people—the Congress. Therefore, I shall not cast my vote to transfer that power to any President—no matter who that President may be. This is an inherent right in the people, and their chosen Representatives should never shirk that grave responsibility which rests upon them.

Lastly, Mr. Chairman, we want peace in our country—not war. The people of the United States of America want a permanent peace. We have not forgotten the pall which came to us in 1917 when war was declared; we have not brushed aside the tragedy of it to this late day—the cost in life, the disaster of disability, the expenditure of money, the broken homes, and the saddened souls all make up the aggregate cost of that war.

It is quite true that if necessity should demand it we would appropriate all the funds which would be reasonably necessary to defend our shores, our homes, and our institutions, and to adequately and properly defend our own country; and the manpower of this Nation would respond, as never before, in defense of our own land. But we have had the experience of fighting across the ocean. We want no more of it.

Our vote on this measure may be quite as important as was the vote, taken in this Chamber, for the World War. Let us make no mistake in our ballot. If this bill should pass and we should be led into another war, then let me say that I confidently believe that a vast majority of this membership will never cast a vote to send any American boy across any ocean to help fight in any foreign war in which we have no concern.

Let the wisdom and the courage of this body rise to the heights essential to pass such laws respecting neutrality which will make America secure in the avenues of peace. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. STEFAN] such time as he may desire.

Mr. STEFAN. Mr. Chairman, I rise in opposition to the Bloom bill which is called a neutrality bill and which in my opinion is an "unneutral" bill. I cannot support it and am determined to fight against its passage in its present form. The very fact that it eliminates the embargo on arms to belligerent nations which is in our present neutrality bill is one good reason why it should be defeated. No one in the district which I have the honor to represent has asked me to support this legislation. I have scores of letters from my own people asking that I oppose it. Not a single soul in the 22 counties of the third district of Nebraska has written me asking me to support it. I feel at this moment that the 50,000 American soldier and sailor dead, whose lips are voiceless and whose tongues are silent, would approve of my action. On the other hand, I believe that the munition makers and those who are so anxious to lead us into another world war would frown upon what I have to say here.

Mr. Chairman, I have listened to every word of debate on this bill. I have read every word of the bill and have discussed it with leaders on both sides of the aisle. I have discussed it with men who are in this body today who were here on the night of April 6, 1917, when the war declaration was passed and which drove us into the World War. I have talked to the man who is with us who voted against that declaration and I have talked with a Member who voted for it. Both of them are opposed to this legislation because they fear it is a step which will plunge us into another world war.

In the gallery with us today we see two people who represent a nation which is neutral and which represents those Scandinavian countries which believe in strict neutrality. They are the Crown Prince and Princess of Norway in whose veins runs the blood of Swedes and Danes. Close as their country is located to the scene of much turmoil and strife they are here listening to this debate which has such a great bearing on international affairs. I hope we can remain as peaceful and neutral as their country.

Mr. Chairman, only recently into this historic building came the King and Queen of England. During their visit we had sort of a gentleman's agreement to hold an armistice on war talk. No sooner had these visitors left our shores than we receive this unneutral bill. There may be some significance in the sudden arrival of this bill and the allegations that we are in some way trying to form an alliance with Great Britain and France. I am opposed to all foreign entanglements and alliances which would involve us in another war. I believe a majority of the people I represent are against all

foreign entanglements which may lead us into any kind of war. Just think of it—from the day Christ was crucified on Calvary there has never been a year without a conflict of arms. We all know that greed has been the impulse of war; the desire for power and territory; desire for plunder and loot; ambition to rule in the place of someone else. Wars of all kinds, all of them based on greed. Let us resolve here to keep out of all wars.

I am opposed to this bill because I believe it is an un-American bill; that it is a brazen attempt of interventionists to involve us into the international racket of finance and munitions manufacturing. If we pass this bill it will mean in my humble opinion, an involvement into foreign politics, and will be followed by a demand for another debt settlement on the basis of a dime on the dollar.

We who sit here daily and sit in committees hour upon hour debating over legislation which affects the lives of every man, woman, and child in our Nation, see steadily the foreign entangling process. We see daily our attention diverted from the necessary things to be done at home to the troubles and problems in foreign lands.

We see our Nation discussing reciprocal-trade agreements which we from the farming districts feel may result in trading off our own farm markets to the foreign farmers. We see our Government loaning money to foreign nations to rehabilitate the foreigners; we see our Government trading in foreign exchange; we see our Government aiding in the sale of airplanes to foreigners; we see money from our Treasury going to the pay of commissions which are in Europe helping to rehabilitate foreign political refugees at a time when millions of Americans are jobless; we find representatives of nearly every nation in the world in the United States seeking our rich market; and we who study these matters feel that by this process we will soon be entangled in foreign problems from which we can never emerge. In this debate, which has been inspiring and brilliant, we find allegations that the proposed bill is aimed to help one foreign axis and that our present neutrality bill tends to aid another foreign axis. So far as I am concerned, let the foreigners run their own axis, and let us Americans tend to our own business and take care of the gigantic problem we have at home—an unsolved problem which is hitting nearly every home in the land. What I ask for is to defeat this bill and allow the present neutrality bill with its arms-embargo clause remain as the law. Apply it to all nations alike without favor. We are told that the present bill does not prohibit the shipment of arms to Japan and China and that it results in no neutrality. However, the law at present states that no arms shall be sent to belligerent nations. That is the law. Congress passed that law. It is up to the Executive to enforce that law, and Congress can do nothing further with it. We are told that the law cannot be enforced by the President because the Japanese-Chinese conflict has not been declared a war. Yet thousands upon thousands of human beings are being slaughtered there daily. We cannot declare it a war, yet it is a war. The present neutrality law is applicable. If America wants to be neutral and neutrality is what the people want, why not enforce this law and stop shipping arms to belligerents?

I believe what the people of my district want me to do is to vote for peace. I believe that they have made up their minds that never again do they want to see another American soldier or sailor or marine fighting on foreign shores. If other nations want to fight and the foreigners want to kill each other, that is their business. So far as we are concerned, I feel the people of my district want us to keep out. I feel they are for strict neutrality. I believe they want us to keep in the bill an arms embargo—an embargo which would tell our munition makers that we will not allow the shipments of arms to any nation in the world where there is a war going on. We want the world to know that we are a peaceful nation and that we will not take sides with any of them if they get into trouble. But my people are also determined to let the world know that Americans know no creed, religion, color, or party when it comes to patriotism. Our people feel no party has a corner on American patriotism. I feel that our people are in favor



of national defense and want their representatives to vote for sufficient appropriations for purposes which would defend our own shores against an attack or invasion by any country in the world. They are opposed to aggression. In fighting to preserve America and American people and the shores of this wonderful Republic our people are united. I believe every man and woman in my district would fight to the death to defend our beloved land, but I believe sincerely that every one of them is determined that never more shall we be involved in war on foreign shores.

Because I feel so deeply about this matter, Mr. Chairman, I must join with others in bitterly opposing this legislation. I feel it is dangerous legislation which would involve us in another war. The world, in my opinion, is on fire right now and the war gods are mixing the war poison again. We free people of America want none of that. We who are fighting against this bill are being charged with being "sub-cellular isolationists." What a cruel charge, Mr. Chairman, when we are willing to trade peacefully with the world. We who are willing to give and take and barter in a peaceful way with the entire world are only "isolationists" when it comes to voting against any bill which would involve this great Nation in another foreign war. If our fight is to stop the killing of innocent men and women and children, then we accept the charge. If the 50,000 voiceless lips of soldier and sailor dead could speak, if the thousands of blind, maimed, and crazed and suffering from the last war could speak in this great Chamber today, I feel they would join us in isolating free America from the madhouse of the war-crazed politicians of foreign lands. If the men who will have to do the fighting, suffering, and dying could speak here right now, if they could know the implications in this bill, I feel they would join our band of alleged "isolationists." Mr. Chairman, we are isolationists as to war. We are praying for peace. We are against all wars. We are for defending our own land and our own liberty, and we are anxious that we run our own affairs and let foreigners run their affairs without interference or intervention by the United States, which has so much trouble of its own to solve.

Mr. Chairman, I know this bill, in its present form, will not pass this House. It must not pass as it is written. For one, I am willing to stay here all summer and fight against its passage in this form, because it is dangerous to the entire welfare of America and would wreck this Nation if it was passed as it is now presented to us. In the name of all of the peace-loving people in this land, help us defeat this dangerous legislation.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. It must be very disappointing to some statesmen to find that we cannot write a neutrality bill; this debate clearly proves that we cannot. I repeat what I said 2 years ago: We find that we should not try to climb a tree to escape a forest fire.

We now turn a complete somersault from the act of 1937. The gentleman from New York [Mr. WADSWORTH] said there were only 13 votes on his side 2 years ago, but we seem practically unanimous today in our desire to remove the embargo clause in the present law. We listened to him yesterday with rapt attention and with apparent agreement. He pleaded for the great office of the Presidency of the United States that it might retain its former dignity. He said—and I think with a subtle warning—that "every wise President consults not only those in his Cabinet but the leaders in the Congress before he makes some tremendously important utterance." I hope the present President of the United States reads that remark in connection with other statements made regarding the Presidential office.

Clearly it has been shown that this President of ours is an interventionist. This is manifest from his message to Hitler a short time ago demanding peace and telling Hitler that he was the one, and the only one, that could preserve peace. I do not criticize that, of course, because, at least temporarily, it seems to have had favorable results, although we understand the resentment that must necessarily lie in the hearts

of the German people because of that intervention. His words and actions have been quoted here sufficiently the last few days to show that he is an interventionist. The gentleman from New York [Mr. WADSWORTH] declared that we must be kept free; that other nations must not know beforehand what we might do; that we must not give these extra-constitutional discretionary powers to the President. He reiterated it many times. Every one of the prohibitions in this bill include discretionary powers to the President, making the prohibitions useless.

Who wants this particular legislation? Read this communistic paper. You have had it on your desk—"National issues, a survey of politics and legislation by the Communist Party." They want this legislation. The gentleman from Indiana [Mr. LUDLOW] in his speech clearly proved—and I have read most of the arguments—the intent of this legislation. The gentleman from Pennsylvania [Mr. ALLEN] practically said: "Yes; the people are on the side of France and England." Of course! We know it. The stabilization funds can buy pounds and francs; they can buy of these favored nations and furnish them with dollars. We can help finance a war in various ways regarding which we may now not be informed.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I mentioned the gentleman's name, but did I do so in such connection that I must give up precious time?

Mr. ALLEN of Pennsylvania. I am afraid the gentleman did.

Mr. GIFFORD. The gentleman's speech is in the RECORD. Read it.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I probably should. The gentleman acknowledges it?

Mr. ALLEN of Pennsylvania. The gentleman from Pennsylvania [Mr. ALLEN] did not say that the people of this Nation are on the side of England and France; but he did say that as between the aggressor nations and the democracies their sentiment probably lie with the democracies.

Mr. GIFFORD. Things equal to the same thing are equal to each other. Recall your geometry. [Applause and laughter.]

Our people are to be surprised indeed when they learn that oatmeal to feed the stomachs of all the people of belligerent nations should now be classified as contraband, to be put in exactly the same category as guns. This is a most amazing doctrine. I cannot subscribe to it. I grant that gasoline is used in trucks and that trucks are used to carry on war; but gasoline is also used for other usual civil activities of nations. Now, however, you see fit to include it in articles of contraband.

I plead with you, and the gentleman from Connecticut [Mr. SHANLEY] agrees, let us go back to international law. [Applause.]

[Here the gavel fell.]

Mr. GIFFORD. I wish I had time to talk about the mischievous conditions that may arise in South America. [Applause.]

Mr. FISH. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from New York [Mr. FISH] has 25 minutes remaining; the gentleman from New York [Mr. BLOOM] has 27½ minutes remaining.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, while we sit in this great body, elected as Democrats or Republicans, and the middle aisle is the dividing line for the seating of members of both parties, it does not divide in any way, even for sitting purposes, the respect that we entertain for each other, and for the ability and character or service that we render as individuals. A fitting illustration of this pleasing fact was

evidenced on Tuesday last in the debate of the pending bill when the distinguished gentleman from Vermont, whom every Member admires and respects, in the course of his address to the House, paid the gentleman from Connecticut [Mr. SHANLEY] a fine and deserving compliment, referring to him as "an outstanding authority with respect to questions involving international law." It was an expression of respect that one Member, a Republican, in the case of the gentleman from Vermont, paid to another Member, a Democrat, in the case of the gentleman from Connecticut.

The gentleman from Vermont is one of the most modest Members of the House. He could have, if he wanted to, referred to his great knowledge of international law; but in his modesty, which we admire, he did not do so. While he did not tell the House anything of his profound knowledge of international law and of foreign affairs, we from New England who know him realize his profound knowledge and experience in this important field.

His late father, Hon. Frank Plumley, who served with distinction in this body from 1908 to 1916, was one of the outstanding international jurists of his day. He was the only private citizen in the history of our country, as I remember it, who was ever selected by foreign governments to arbitrate and adjudicate their differences. The late father of our distinguished colleague was appointed by the late President Theodore Roosevelt as umpire of the Netherlands, Venezuelan, British-Venezuelan, and French-Venezuelan Commissions, which held protracted sessions in Caracas. As a result of his findings as umpire, his rulings on questions involving neutrality and the rights of neutrals are accepted and followed as precedents.

His late father was later selected by France and Venezuela as sole trier of questions in issue between them. Their representatives went to Vermont, to "Northfield-on-the-Dog," for the hearings of the French-Venezuelan Commission. Our colleague was secretary of that Commission. He later taught international law at Norwich University before he was president of that university.

When our friend speaks about neutrality, he speaks from more than a superficial viewpoint and knowledge as to what he is talking about. As his late father was, the gentleman from Vermont [Mr. PLUMLEY] is recognized as an authority especially on questions involving the rights of neutrals. Whether one agrees with him or not, he is one qualified by education and experience to discuss international law in all of its aspects, and one whose views and opinions are worthy of profound consideration. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I am not afraid that Members of this House will underrate the importance of the joint resolution now under consideration but I am most anxious for each Member to understand the importance of an amendment which I propose to offer. The amendment which I will offer will follow as a new section to section 2. The amendment is as follows:

On page 3, after section 2, insert the following new section:

"TRAVEL ON AMERICAN OR OTHER NEUTRAL VESSELS

"Sec. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall be thereafter unlawful, except in accordance with such rules and regulations as the President shall prescribe, for citizens of the United States to travel as passengers on any American or other neutral vessel carrying arms, ammunition, or implements of war to any state or states named in such proclamation.

"(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation."

A committee amendment will be offered to section 2 of the resolution, striking out the word "unlawful" on line 19, page 2, and inserting language which will permit citizens of the United States to travel on vessels of belligerent states only at their own risk. The resolution fails to deal with the question of citizens of the United States traveling as passen-

gers on American vessels or vessels of other neutral countries. In view of the committee amendment to section 2, to the effect that citizens may travel on vessels of belligerent states at their own risk, it is clearly indicated that our citizens will assume no risk whatever if they elect to travel as passengers on our ships or ships of other neutral nations although the ship upon which they may be traveling may have its bottom filled with all the deadly instruments of war.

The purpose of my amendment is to make it unlawful for citizens of the United States to travel on passenger boats the bottoms of which are filled with arms, ammunitions, and implements of war. I have discussed the amendment with the acting chairman of the Foreign Affairs Committee and with other members of the committee and I sincerely hope that the committee will accept and approve the amendment.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. COFFEE]?

There was no objection.

#### NEUTRALITY AND WORLD PEACE

Mr. COFFEE of Washington. Mr. Chairman, debate today has revealed the irrefutable truth that no two Members of this House entertain the same ideas relative to the pending neutrality bill. Each one of us, I submit, is motivated by the sincerest hopes and desire to insure peace for the United States. Yet we have for the past 3 days witnessed the amazing spectacle of many Members, in their zeal to seek and shed light, talking on a subject with which many are unfamiliar, saying things which many in their hearts do not mean, concerning legislation and a function which properly does not come within the scope of the duties of the House of Representatives.

For my part, I am convinced that no neutrality legislation can be devised which is so perfect and infallible in its provisions and enforcement as to meet all emergencies as they arise. How can we anticipate unpredictable events? How can we know a priori just the manner in which the attempted enforcement of any American neutrality act will adversely react upon the peace and well-being of the people of the United States?

The 1937 Neutrality Act was a snare and a delusion. It held forth to the hopeful American people a mirage that could never be attained. The effect of it during the past 2 years, though unintentional, it is true, has been to align us on the side of the Fascist aggressors against the invaded and all too often defenseless victim nations. I am proud that I was 1 of the 13 who voted against the 1937 neutrality bill. I join heartily with the gentleman from New York [Mr. WADSWORTH] in his well-considered and cogently phrased address of yesterday, in which he powerfully criticized the McReynolds Neutrality Act of 1937. In the debate on that bill both he and I actively participated. We then prognosticated the very happenings which subsequently transpired.

Though we embargoed the shipment of munitions to Spain during the civil war, we continued to sell them to Italy and Germany, which countries conveniently and openly transhipped the munitions and materials of war to the revolutionists in Spain, with whom they were brazenly in partnership in conducting that civil war.

Mr. Chairman, we are the only country in the world which attempts to improve upon international law in such detailed fashion in the form of intricately phrased neutrality measures. This is a recondite subject, having many ramifications. One cannot discuss thoroughly even one branch of the topics embraced by the bill in the time allotted. It seems ludicrous to me that even such small sovereignties as Norway, Sweden, Denmark, Finland, Holland, Belgium, and Switzerland, all democracies in Europe, located in immediate contiguity to the Fascist aggressor nations, are yet able to maintain their independence and preserve a true neutrality without the benefit of any so-called neutrality legislation, though here we are,



separated from aggressor nations by two oceans and thousands of miles of distance, the most powerful and richest nation on earth, yet giving an appearance of national cowardice because of our insistence upon attempting to legislate peace in advance of the event.

Personally I prefer the repeal of all such neutrality bills as in keeping with our tradition and our glorious history. Let us unyoke and unshackle the hands and freedom of action of our President and the Congress in international relations. Let us restore our own confidence in the Constitution. Let us not beguile the unthinking into the belief that neutrality bills enshroud them in a state of permanent peace. Peace is a state of mind, an abstract conception. War or peace is dependent upon a people's will and determination to have war or peace. If war hysteria engulfs the land, no transitory law upon the statute books will preserve and maintain peace. Before that war hysteria finishes its mad course all obstacles of man's making will be engulfed or thrust aside.

I have long felt that we should face the world situation realistically. Frankly, my sympathy is on the side of the so-called democratic powers, not because I hold any brief for the guilty acts they have committed during the recent centuries but because their maintenance of the balance of power in the world has preserved civilization and has brought us out of the Dark Ages. Only because Great Britain has had a puissant navy for four centuries was it possible for France and the United States and the Western Hemisphere to attain their places in the sun. Today we are at the brink of the precipice. Another world war may engulf the fruits of civilization and snuff out the light of learning. Paganism, intolerance, racial hatreds, pogroms are the order of the day. The worship of right is being replaced by homage to might. We may well be concerned at the dark outlook which events in Europe present and which the aggressions of Hitler and Mussolini have portended for a decade.

For that reason, Mr. Chairman, I feel strongly that the United States should denude itself of encumbering and awkward garments which have been disguised as neutrality robes. Let us courageously and fearlessly preserve without restraint our freedom of action. Let us meet each emergency as it arises.

Who knows what the morrow will bring? We may have to act very speedily to fight for peace. Hence, it is my fervent hope that we will repeal all neutrality legislation. In the event that effort fails, I shall vote for the Bloom bill, not because I believe it to be a model of perfection but because I am certain it is a vast improvement over all preceding neutrality bills, and mainly because its passage means a repeal of the Neutrality Act of 1937.

Mr. Chairman, it is of tremendous importance that the citizens of the United States awaken to the need of refusing longer to participate in Japanese aggression in China. As an enlargement of that subject, I am adding a brief statement with respect to my own Japanese embargo bill, H. R. 5432, concerning which countless citizens have expressed themselves.

#### MORE CITIZENS URGE PASSAGE OF JAPANESE EMBARGO BILL

Mr. Chairman, as the author of a bill providing for the embargo of the shipment of munitions and war materials to Japan, I have heretofore placed in the CONGRESSIONAL RECORD some comments from various citizens throughout the United States on the measure. Because of the tremendous interest being shown by the people throughout the country in this measure and the formidable support being rolled up in favor of such legislation, I am including brief extracts from other letters received by me endorsing this bill. These letters are pouring into my offices in unending volume. They emanate from citizens of wealth and poverty, from people of all nationalities from every State in the Union, embrace all religions, and reveal a sentiment of great strength and volume in behalf of this proposed law. This Congress should heed the plea of these people and enact this legislation at an early date so that we will no

longer be held up to the world in ridicule because we are, in effect, active participants in Japanese aggression.

The excerpts are as follows.

CHICAGO, ILL.

I greatly regret the part that the United States has played in helping Japan in her war against China. I congratulate you on introducing the resolution concerning the embargo on war materials to Japan and hope that you will be successful in having it passed.

JAMES M. YARD,

*Executive Secretary, The Chicago Round Table of the National Conference of Christians and Jews.*

NEW YORK CITY.

I want to congratulate you on the resolution proposed to put an embargo on war supplies from the United States to Japan.

Having worn cotton hose for nearly 2 years as the only means possible to me of withholding help to Japan, I hope earnestly that everything possible will be done to further the objective of your resolution and prevent our giving the slightest assistance to Japan in its unwarranted aggression.

LAURA R. SIMONS.

PLAINFIELD, N. J.

It makes us partners in her guilt. Moreover, Japan belongs to the Berlin-Rome axis and these war supplies may eventually be used against us. How sorely we will be punished if our own boys are killed by ammunition we have supplied.

With best wishes that your fine resolution passes.

JEAN C. COCHRAN.

PHILADELPHIA, PA.

I know literally hundreds of thinking people in this city who are heartily in accord with the resolution proposed by you for an embargo on war supplies, and on materials from which war supplies can be manufactured by Japan. We wish every possible success to your move. Press it with vigor.

EDWIN M. WILSON.

BROOKLINE, MASS.

Congratulations for your courage in proposing your resolution for an embargo on war supplies to Japan. I have hoped for such a resolution for over a year and I cannot speak too strongly in favor of it.

MRS. ARTHUR W. HARTT.

NEW YORK CITY.

We are much pleased that you have introduced a resolution for an embargo on war supplies from the United States to Japan.

You have our hearty support in this grand objective, and almost everybody we discuss the matter with feels the same. All success.

WELLS RICHARDSON.

RUTHERFORD, N. J.

The pending legislation placing an embargo on war supplies from the United States to Japan, I heartily favor. I have from the beginning felt our country was criminally responsible for supplying Japan with such a large proportion of her war material with which she has been able to wage one of the most cruel, destructive, and unjustifiable wars ever fought by any nation, civilized or uncivilized, against another nation.

WILLIAM E. SAWYER, *Pastor.*

THE WESLEYAN METHODIST CHURCH.

CLEVELAND, OHIO.

Please accept our thanks and congratulations for your resolution to embargo war supplies to Japan.

We heartily support its objectives and think it should be carried.

EDWARD D. WHEELER.

COLUMBUS, OHIO.

May we express our appreciation for your splendid effort in the resolution for an embargo on war supplies sent to Japan and our hope and prayer that it will pass.

STELLA R. MADDOX.

WASHINGTON, D. C.

The resolution of Congressman COFFEE regarding an embargo on war supplies to Japan is the kind of resolution that should have been in force for over 1 year. I strongly support and urge prompt and favorable action upon it. I consider that the probability of its involving us in war is inconsiderable. I write thus strongly because I am deeply concerned and have wide knowledge of the historical background, having lived in China for over 20 years, from 1906 to 1927. For the greatest democracy to withhold this aid from the great, struggling democracy of China is indefensible. For us to aid Japan in its aggression by failing to take such action is to brand ourselves as immoral.

E. L. FORD,

*Pastor, Foundry Methodist Episcopal Church.*

Brooklyn, N. Y.  
We, too, must be realistic and not allow our money grabbers to sell to the very countries who may later attack us. We are a pack of fools to allow it and I am glad to see that you are doing your best to put a stop to it.

MARTHA CASAMAJOR.

New Brunswick, N. J.  
Let me express the hope that you will push this resolution with all the energy of which you are capable. It seems to me highly inconsistent that while the sympathy of the great majority of the American people is with China in this outrageous undeclared war, our Government permits American merchants to sell the needed war supplies to Japan.

JOHN H. RAVEN, D. D.,  
*Professor, Theological Seminary.*

Chicago, Ill.  
Your resolution for an embargo on war supplies from the United States to Japan seems to me timely and I am sure has the support of a large body of citizens who are looking for some immediate change in our policy in this matter.

ELISE FAY JORDON.

Brookland, D. C.  
I wish to express my deep appreciation of your effort to remove from every thoughtful American citizen the sense of humiliation and sorrow that has been ours, when we contemplate our foreign policy, especially that policy toward aggressors, and I am thinking of Japan now.

For peace-loving America to be providing more than half the war materials to Japan, making it possible for her to carry on a war of horrors, murdering and robbing a peace-loving nation, is hard for us laymen to understand.

EVA HESS.

Leonia, N. J.  
I should be in hearty accord with action by the Congress that would place an embargo upon war supplies from the United States to Japan; as a concrete expression of disapproval of military aggression on the one hand, and of Japanese procedures in China on the other. To be sure, we should be diplomatic; but diplomacy ought not to involve compromise with moral convictions of right and justice.

JOHN W. VOORHIS,  
*Pastor, the Presbyterian Church.*

Ridgefield, N. J.  
I wish to congratulate you upon your resolution for an embargo on war supplies from the United States to Japan.

You have the courage and vision to act for the common security of the world. For as soon as the aggressor nations see that the democracies of the world are united and ready to act for their common security they will think twice before precipitating a world holocaust.

F. E. NULL.

Englewood, N. J.  
I want you to know that a very large majority of my friends and patriots are strongly in favor of your resolution for an embargo on war supplies to Japan. The country has been waiting impatiently for just such a move as yours and Senator PITTMAN'S.

LEONARD JOHNSON, M. D.

Englewood, N. J.  
I am writing to let you know that many of us in this section of the United States heartily support you in your proposal for an embargo on war materials to Japan.

For some time many of us have been asking our own Congressmen to support such a proposal as yours. We feel that it is foolish to cry peace while continuing to sell war materials to a dictator.

VIRGINIA P. MITCHELL.

New York, N. Y.  
I have been glad to see the resolution you have so competently drawn regarding an embargo on war supplies from the United States to Japan, and I sincerely trust that this may be passed by the House.

All of us who are friends of China, indeed, all of us who are friends of Japan, feel the need for such an embargo, that the United States may cease its partnership with the aggressor, Japan, in her cruel and devastating invasion of China.

I favor legislation which would not only place an embargo on all war-sustaining materials for Japan, but which will enable us to assist China in her struggle for freedom, by extending credits and sending supplies.

ELEANOR L. WELCH.

New York City.  
The women of the United States by their purchases are financing the massacre of Chinese women and children by the Japanese and our businessmen are supplying the arms and munitions. Both should be stopped.

HENRY H. ROSLONG, M. D.

Bangor, Maine.  
Can't America be jarred out of its timid "jitters" and face the Far East problem with Colonel Stimson's farsighted realism?

MARION J. BRADSHAW, *Professor.*

Williamstown, Mass.  
I want to express my approval for your resolution regarding an embargo on war materials for Japan, and am writing in support of the objectives which this resolution has. I feel that something of this sort is the only means of putting to an end the shameful action of this country in helping to destroy China.

F. H. CRAWFORD, *Chairman,*  
*Department of Physics, Thompson Physical Laboratory.*

Minneapolis, Minn.  
I am a member of the Minneapolis group for nonparticipation in Japanese aggression, and hope the resolution for embargo on war materials for Japan will be passed. Thank you for your work on this question.

MRS. A. F. MELLEN.

Pittsburgh, Pa.  
I sincerely hope that the House of Representatives will pass the resolution for an embargo on war supplies from the United States. It must cause regret to every friend of the oppressed when he feels that the Japanese invaders of China are armed by supplies from this country. Let us put a stop to this.

JOHN G. BUCHANAN.

Hollywood, Calif.  
I strongly support the objectives of your resolution for an embargo on war supplies from the United States to Japan.

MELVYN DOUGLAS.

Watertown, N. Y.  
I strongly approve of the new resolution introduced by you in support of the arms embargo on war supplies from the United States to Japan. I believe an overwhelming number of the citizens of this country want a stop put to this inhuman and outrageous traffic and trust that this bill will do so.

PAULINE F. GOODALE.

Parkville, Mo.  
I am strongly in favor of the resolution which you have introduced to embargo goods to Japan. You are to be congratulated for your insight. Why in the name of common sense and humanity do we help Japan rape China and then turn around and arm to fight Japan at some later date? I cannot answer the question except it be due to lobbyists. Is business bigger than the Government? We have helped the dictators win Spain. Shall we now continue to help Japan win China?

HOMER L. WILLIAMS.

New York City.  
May I appeal to you, as a loyal American, interested in the peace of the world and particularly the saving of the lives of innocent Chinese people, whose friend we are supposed to be, to support with all the power you have, the resolution proposed by Congressman COFFEE of Washington for an embargo on all forms of war materials to Japan.

Japan's unwarranted rape of China is one of the worst blots on our modern civilization and that America, just because of the personal greed of a small group, should be the silent partner in this ghastly thing is utterly disgraceful.

WILLIAM P. BENTZ.

St. Petersburg, Fla.  
I know something of the honorableness of the Chinese character, and I do feel our country cannot afford to lose their friendship, and apart from the honorableness and morality of the affair, our commerce, if properly built up with China, is worth more to our country than the commerce with the entire South American continent. I think it is high time our country is letting Japan know that she is not destined to control everything in the Pacific, which she is absolutely obsessed with.

If there is anything I can do to help get your resolution passed by the Congress, I shall be most happy to help.

STEPHEN C. LEWIS, M. D.,  
*Good Samaritan Hospital.*

Lawrence, Kans.  
We wish to thank you for proposing the resolution for an embargo on war supplies from the United States to Japan,



because we are heartily in favor of such an embargo and think the world would be better off today had such an embargo been made long ago.

Mr. and Mrs. WALTER H. BURNHAM.

BATON ROUGE, LA.

I favor very much an arms and war material embargo against aggressor nations and especially against Japan because of her wanton methods against the inoffensive Chinese.

LYNN M. CASE.

BARRON, WIS.

I am writing to express my sincere approval of your recent proposal for a bill placing an embargo on the sale of war materials to Japan.

MONONA L. CHENEY.

AUBURNDALE, MASS.

I wish to add my name to the people who strongly support your resolution for embargo on war material to Japan.

Mrs. JOHN E. WILLIAM.

MINNEAPOLIS, MINN.

I wish to go on record as strongly supporting the objectives of your resolution for an embargo on war supplies from the United States to Japan. It is clear, is it not, that, irrespective of the situation in the west, something must be done to stop this diabolical aid to Japan.

May I join with your many friends in commending you most heartily in proposing this important resolution.

PAUL B. BREMICKER,  
General Secretary, Y. M. C. A.

NILES CENTER, ILL.

I am heartily in favor of your resolution for an embargo on war supplies from the United States of America to Japan.

ARTHUR KINBERG.

DURHAM, N. C.

The embargo proposed by you, Congressman COFFEE, seems to me a plausible help toward the solving of a very difficult problem.

SUSAN GOWER SMITH, *Duke University*.

BEAUMONT, TEX.

The resolution for an embargo on war supplies from United States to Japan is very important and I wish to register my support.

HARRIET RIETVEZD.

NEW YORK CITY.

We heartily endorse your resolution.

We congratulate you and ask that you make a strong fight for its passage.

RETAIL STAND EMPLOYEES' UNION,  
AARON D. SCHNEIDER, *Business Manager*.

ELMIRA, N. Y.

It is nothing short of criminal in my opinion for us as a Nation to allow the sale of munitions and armament supplies to Japan under the present circumstances.

E. RICHARD BARNES.

CLEVELAND, OHIO.

I endorse the bill to ban exports to Japan.

Mrs. L. H. JOHNSTON.

DEERWOOD, MINN.

Support JOHN M. COFFEE's resolution. No war supplies to Japan from United States.

FRANK ENGMAN.

LUNENBURG, MASS.

I have noted with great pleasure that you have introduced a resolution calling for an embargo on war supplies from the United States to Japan.

This sale of war supplies to Japan is not only an outrage against humanity, but is a danger to the future security of the United States.

JOSEPH A. HARWOOD.

BRONXVILLE, N. Y.

I heartily endorse your resolution for an embargo on the sale of war supplies by the United States to Japan.

Mrs. D. D. VAN SLYKE.

WASHINGTON, D. C.

I am therefore strong for your bill (H. R. 5432), and I hope that you will be able to have it adopted, or one as nearly related thereto as possible.

JOHN H. COWLES.

NORTHFIELD, MINN.

Your resolution regarding an embargo on war supplies to Japan comes at a crucial time and should receive the heartiest support.

HARRIET M. HEADLEY.

I am strongly in favor of an embargo on war supplies from the United States to Japan.

JAMESTOWN, N. Y.

A. A. KNOWLTON.

MILWAUKEE, WIS.

Most earnestly do I and many others endorse your resolution for an embargo on war supplies from the United States to Japan. It is certainly a tragic situation in international relations if it has come to where we may not refuse to be party to an outrageous and brutal aggression by withholding war materials and supplies with which to carry it out without it being considered either meddling in other folks' business or an unfriendly act.

F. M. SHELTON.

MUSCODA, WIS.

Congratulations on your resolution for an embargo on war supplies from the United States to Japan. We want you to know we are backing you. All power to you.

LOUIS BULTENA,  
Pastor, Presbyterian Church.

WEBSTER, N. Y.

May I add my sincere desire to the host of requests you undoubtedly have received that you will do all you can to see that an embargo is placed on war supplies from the United States to Japan?

Rev. JOHN SCHOTT.

CORVALLIS, OREG.

I wish to express my personal support of effective legislation working toward an embargo on war supplies from the United States to Japan or aggressor nations generally and particularly the Coffee resolution for such embargo. Self-interest as well as humanitarian considerations makes it imperative that we cease exporting supplies which strengthen principles hostile to the causes of peace and decency, and contribute to the strengthening of a potential national enemy.

M. ELWOOD SMITH,  
Dean of Lower Division, Oregon State College.

WINTER PARK, FLA.

A large number of the members of the University Club, including myself, support the objectives of your bill for an embargo on war supplies to Japan. We urge its passage.

HARVEY S. CHASE.

SAN DIEGO, CALIF.

California congratulates you on your well-conceived resolution placing an embargo on munitions to Japan.

Sentiment on the coast is 100 percent behind you, not only in California, but from Mexico to Vancouver.

In the cause of peace and humanity we trust that your resolution succeeds of adoption.

DEE SMITH.

CARROLLTON, KY.

We at home are depending on you at the helm to put this across. If we can bring war in China to an end, we have accomplished a most humanitarian act, and saved one nation from the prey of another.

JANE STRINGFELLOW.

CHICAGO, ILL.

In view of the Japanese rape of China, the very least that we can do as a decent, Christian nation is to place an embargo on war supplies of every sort from the United States to Japan.

I wish to thank you for introducing such a bill, and to urge you to use every possible effort to secure its early enactment. The country is overwhelmingly in favor of such action, as anyone can easily find out by conversing with the people.

E. M. HARRISON, B. D., Ph. D.,  
Pastor, Woodlawn Baptist Church.

NEWPORT, R. I.

I am deeply impressed with the great importance of your resolution for an embargo on war supplies from the United States to Japan, which is gaining such tremendous support to that war in China.

MISS HELENA STURTEVANT.

CRICHTON, ALA.

Your proposed embargo stopping the sale of war supplies to Japan represents a long-needed piece of legislation.

For the sake of innocent sufferers in China, and to set an example to other nations that we stand for peace, I hope your resolution will pass.

ROBT. OF RUBEL, JR.

CLEVELAND, OHIO.

I am writing to urge an embargo on war supplies from the United States to Japan. I strongly support the objectives of the resolution you have proposed in the Foreign Affairs Committee of the House.

ELLA B. METCALF.

ROCHESTER, N. Y.

May I tell you how thoroughly I approve of your resolution for an embargo on war supplies from the United States to Japan. I hope most sincerely that you will keep at it until it is passed.

HATTIE L. WEBBER.

NEW YORK CITY.

I am greatly in accord with your resolution for an embargo on war supplies to Japan and wish you every success. Our part in Japan's war of aggression is a disgrace to the United States of America.

M. E. TOPPING.

PHILADELPHIA, PA.

I wish to go on record as being in strong sympathy with your recent resolution for an embargo on war supplies from the United States to Japan, and I hope that the Foreign Affairs Committee will see fit to adopt it.

SUSAN C. ERWIN.

WYNDMOOR, PA.

I strongly support the resolution which you have proposed for the embargo on war supplies from the United States to Japan.

CAROLINE C. SMITH.

LEONIA, N. J.

Your resolution deserves the powerful support of all thinking people in this country, and we owe you a debt of gratitude for your competently drawn resolution.

ELIZABETH O. LEEPER.

WASHINGTONVILLE, N. Y.

As pastor of the Presbyterian Church here I believe public sentiment is strongly in favor of an embargo on war materials to Japan, such as your splendid resolution would effect.

REV. ALEXANDER M. CONGER.

APPLETON, N. Y.

I would most earnestly urge that you do all in your power for the resolution you have introduced for embargoing war supplies to Japan. I heartily believe in this resolution and all that you are doing to help our old friends in this great time of suffering for them.

GEORGE R. HYDE.

CAMBRIDGE, MASS.

I want to express my thanks for your resolution in favor of an embargo on war supplies to Japan.

I hold reluctance between right and wrong to be immoral and, of course, at present our law is far from neutral.

C. B. RUNKEL.

ST. PAUL, MINN.

You have our hearty cooperation and support of your proposed resolution to place an embargo on war supplies from United States to Japan.

MRS. N. V. LADERE.

LOUISVILLE, KY.

I hope that your resolution for an embargo on war supplies to Japan will be acted on favorably. It is a national disgrace that we are supplying Japan with the war materials to continue her inhuman campaign in China.

MISS KATE G. MILLER.

WINTER PARK, FLA.

I want you to know that I am strongly in favor of your resolution for an embargo on war supplies from the United States to Japan.

MARY LEONARD.

PHILADELPHIA, PA.

I wish to go on record as supporting the objectives of the resolution regarding the embargo on war supplies from the United States of America to Japan.

MAUD H. MYRIET.

NEW YORK CITY.

Please use every bit of influence to have your resolution to have the embargo on war supplies from the United States to Japan go through promptly. I am speaking for a multitude of friends, as we all think this should go into effect at once.

MARY L. VAN LENNER.

LONGEACH, FLA.

You are to be highly commended for bringing before the Foreign Relations Committee a resolution favoring an embargo on war supplies to Japan. It is high time we ended this most disgraceful and shameful partnership in the destruction of the Chinese nation. What infamy! "How long, O Lord, how long?"

W. W. HIGHERBERG.

SARASOTA, FLA.

I most heartily endorse the resolution you have proposed for an embargo on war supplies from the United States to Japan. Let

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us put a stop to the most disgraceful thing the United States has ever been a party to.

MRS. ROBERT G. MOORE.

SCHENECTADY, N. Y.

We urge that you support the Coffee resolution to place an embargo on war supplies for Japan from the United States.

MARY J. BARCLAY.  
MIRIAM JOHNSON.

EVANSVILLE, IND.

Most emphatically do I endorse your resolution for an embargo on war supplies from our United States to Japan. Things have reached a place where something must be done to curb Japan before it is too late for China's good. Everything should be done to make it difficult for Japan to carry on her war against China, and I am very much concerned in any resolution or legislation that will prevent nonparticipation in Japanese aggression.

VIOLA JUNG.

BOSTON, MASS.

We believe that these shipments to Japan could be stopped without incurring the risk of war with Japan, and that it is to our best interest that we give all possible encouragement to the people of China in their struggle against the unprovoked aggression of Japan. We are strongly in favor of such action as may be taken by Congress to make these convictions effective.

Signed by 45 individuals.

RUSSELLS POINT, OHIO.

Am writing you to tell you I am strongly supporting the resolution proposed by you, namely, an embargo on war supplies from the United States to Japan. I trust the Foreign Affairs Committee will give this proper consideration.

MRS. K. PRATER.

URBANA, ILL.

It is said the Foreign Affairs Committee is considering a resolution proposed by you for an embargo on war supplies to Japan.

We have waited long—too long—for someone to make this move. May I commend you for doing this and add my voice to others urging its speedy adoption?

Why should America furnish Japan with materials which are being used to destroy our own schools and hospitals? They are being bombed even though the American flag is displayed. And why should we help to murder innocent civilians, women, and children?

FLORENCE B. ROBINSON.

CINCINNATI, OHIO.

On behalf of thousands of members of the Episcopal Church in the diocese of southern Ohio I write to urge you and other Members of Congress to support the legislation now pending which has as its purpose the prevention of traffic in war materials to Japan.

It is obvious that no legislation will correct the present difficulty entirely, but any action Congress could take to reduce the present traffic in war materials will help to focus the mind of the country on the problem, and thus enable us to move toward the position in which this country will not be guilty of being a party to the tragic destruction going on in China today.

HENRY W. HOBSON.

NEW YORK CITY.

I was pleased to note that you have introduced legislation which would prevent the United States from supplying Japan with war materials. I urge that the bill be passed as soon as possible, in accordance with the great sympathy throughout the country for the Chinese people.

EUGENE FEENBERG.

SARASOTA, FLA.

We wish you to know that we heartily endorse the resolution proposed by you for an embargo on war supplies from the United States to Japan.

We assure you we are absolutely in sympathy with every thing you do along these lines.

LENA R. WULFF.

CHICAGO, ILL.

In the interest of peace, human conduct, and human understanding and for the benefit of the morality of the entire world as well as that of the United States, it is of the utmost importance that the resolution proposed by yourself for an embargo on war supplies from United States to Japan be put into effect and force as soon as possible.

MAXWELL KUNIN.

DETROIT, MICH.

We heartily approve your resolution to place an embargo on all war supplies to Japan from the United States, and urge you to use all your power to make this into law. The producers of war supplies will feel decent once more if all of them are forbidden to aid Japan against China. We know full well that Japan can do nothing against us or China either without United States supplies. The very idea of cash-and-carry is wickedly foolish; and open fraud and a transparent defense of entrenched interests.

Mr. and Mrs. CLARENCE W. WRIGHT.



MINNEAPOLIS, MINN.

In presuming to write to you advocating passage of the bill creating an embargo on war supplies to Japan, I am motivated not so much by the desire to preserve human life, because we all have to die some day, but in preserving the great work of foreign missionaries and educators in China.

J. F. McCLENDON,  
Professor, University of Minnesota.

NEW YORK CITY.

I should like to endorse most heartily your bill which would stop American shipments of war materials to Japan. The vast majority of American citizens do not sympathize with Japan's military aggressions, nor with American merchants' partnership in the bombing of civilian populations. It is time that the Congress of the United States followed the will of the people it is supposed to represent and stopped the sale of war materials to Japan.

WILLIS LAMB.

WYNEWOOD, PA.

I am heartily in favor of the resolution which you proposed to prohibit the export of war supplies to Japan. I think you have done a fine piece of work.

NORMAN E. FREEMAN, M. D.

STREATOR, ILL.

I have noted with great satisfaction the introduction by you of a resolution calling for an embargo on war supplies from United States to Japan, and I thank you. I hope it may have a great support and that we shall say to the world that our people do not approve of such ruthless barbarity as Japan has shown in this "incident" or "undeclared war" on a people that had been making such brave and rapid strides in their endeavors in building a strong, noble civilization.

Rev. ELI PITTMAN.

COLCHESTER, CONN.

Both I and my church people are interested in your resolution putting a war-supplies embargo on Japan. This ought to have been done long ago. We hope that every effort will be put forward to make it a law.

Rev. C. FLOYD MILLER.

ST. PETERSBURG, FLA.

Will you please do all in your power for the support of the resolution for an embargo on war supplies from United States to Japan?

MINNIE B. BARTON.

NEW YORK CITY.

Keep up your splendid work for placing an embargo on all war materials to Japan.

ANDREW TOLSTOY.

SARASOTA, FLA.

We wish you to know that we heartily endorse the resolution proposed by you for an embargo on war supplies from the United States to Japan.

We assure you we are absolutely in sympathy with everything you do along these lines.

CHRISTINA SMITH.

HOMER, N. Y.

We hurt ourselves by our present course. China means more to us ultimately than several Japans.

Rev. BENJAMIN L. HERR.

NEW YORK CITY.

I should like to express to you my enthusiastic support for your resolution for an embargo on war supplies to Japan. I am sure that the country stands back of you in this fine stand that you are taking.

ELIZABETH L. GAMELE.

PHILADELPHIA, PA.

As a regular voter who is sincerely desirous of putting an end to Japan's attack on China, I urge you to vote for the embargo on the sale of war supplies to Japan.

M. ELOISE SCHUYLER.

CONCORD, N. H.

I wish to express my hearty commendation of your resolution for an embargo on war supplies from the United States to Japan. I hope that it will go through the House and the Senate with as little delay as possible.

ARTHUR S. PIER.

GLOVERSVILLE, N. Y.

I am a lover of peace, and believe that our Government should remain neutral so far as foreign wars are concerned; nevertheless I approve of this move, for I have long been ashamed of our partnership with Japan in her aggression upon China.

Miss ANNA C. WRIGHT.

ROME, GA.

I am writing to thank you for proposing a resolution to embargo war supplies to Japan. Feeling is very strong here for such action, and let me urge you to continue fighting for its adoption.

Mr. and Mrs. PHILIP SHULHAFFER.

NEW YORK CITY.

I heartily endorse your proposed legislation on an embargo of war materials for Japan. I hope the bill will soon come before Congress and will secure an early passage. Surely the American people as a whole resent warmly our participation in the Japanese aggression in China.

M. PHILLIPS.

TYRONE, PA.

I am much interested in the objectives of the resolution proposed by Congressman COFFEE, to place an embargo on war supplies from the United States to Japan.

GRACE H. BURKET.

WASHINGTON, D. C.

I want to commend you on your resolution for an embargo on war supplies from this country to Japan. I feel that we should have made this move long before this, and am very hopeful for its passage.

ERNEST H. BAILEY.

COLUMBUS, OHIO.

May I express the deep interest I feel in your resolution calling for an embargo on war supplies from our country to Japan? Surely decent people can view only with horror and shame the murder-for-money policy followed by America thus far.

HENRY FORMAN.

MILWAUKEE, WIS.

I am in hearty accord with your resolution proposing an embargo on war supplies from our country to Japan and trust that you will be most vigorous in promoting it. The utter senselessness of our procedure thus far is all but exasperating to the citizen who has any regard for the rights of other democratic peoples and who is at all concerned about the future international and trade relations of our own country. If exterminating the Chinese would do us any good, I could see some little excuse for it, though even under such circumstances I could not approve; but the fact is that such extermination is detrimental to us, ourselves. Surely we should not be aiding our own enemies, as so far we have been doing.

ELLA M. HANAWALT.

KALAMAZOO, MICH.

I wish to assure you of my hearty and enthusiastic support of your proposed resolution for an embargo on war supplies from the United States to Japan. I most earnestly believe that such a measure is demanded by all considerations both of justice and expediency.

Mrs. J. B. JACKSON.

WASCO, CALIF.

I want to put all my strength behind your resolution for an embargo on war supplies for United States to Japan. We have dallied with this important matter far too long.

JOHN B. TOOMAY.

CHICAGO, ILL.

I am heartily in favor of your resolution to place an embargo on all war supplies to Japan. Our share in this war is a disgrace to the United States, and many of us are thoroughly ashamed of it. Such a resolution is what we want passed.

LILLIAN F. ABBOTT.

CHATHAM, N. J.

I am strongly in favor of your resolution for putting an embargo on all war supplies from the United States to Japan and hope it will go through quickly.

I am not buying Japanese goods if I know it, as I am told the silks we buy enables them to buy war materials.

Miss CORA KINNEY.

YONKERS, N. Y.

God forbid that we help Japan enslave China. Our present policy seems to me incredibly stupid, short-sighted, and ill-advised. The Chinese are a fine people and deserving of our help. They will be our friends.

Miss CORDELINE WENDT.

DENVER, COLO.

I am much gratified to learn that you have introduced a bill for an embargo on war supplies from the United States to Japan.

The contribution of our country to the shameful slaughter that is going on in China should be stopped without delay, and I cannot too strongly express my interest in supporting your efforts in that direction.

Mrs. WAYNE D. MYERS.

I support wholeheartedly your resolution for an embargo on war supplies from the United States to Japan.

It is extraordinary when many view with apprehension the possibility of a future war with Japan that we not only help her to keep up the outrageous aggression in China but are actually arming a potential enemy.

Mrs. B. HUBERT COOPER.

CLEARWATER, FLA.

I express the desire of many of our citizens that you press forward your resolution for an embargo on war materials from these United States to Japan. In the interest of humanity and wavering civilization, induce the Foreign Affairs Committee to work for it.

H. S. FLETCHER.

St. DAVIDS, PA.

Since I am convinced that the exportation of munitions and other war materials from the United States to Japan makes our country virtually a partner in Japanese aggression against China, I earnestly pledge support to the resolution proposed by you for an embargo on war supplies from the United States to Japan. I strongly urge that every available avenue to the accomplishment of this objective be sought.

HARRIET S. HAAS.

LAKE FOREST, ILL.

This brief note is to express most emphatically my complete sympathy with your proposed resolution for an embargo on war supplies from the United States of America to Japan. Reverently I say, God grant that something be done at once to stop this slaughter.

MINNIE MAY RUMSEY.

YPSILANTI, MICH.

This is written to express my appreciation of your action in introducing a resolution to place an embargo on our export of war supplies to Japan. This traffic has proceeded all too long and I hope very much that you will be successful in your efforts to end it.

BERTHA G. BUELL.

YOUNGSTOWN, OHIO.

I hereby assure you of my sincere sympathy with the objectives of your resolution for an embargo on war supplies from the United States to Japan, and urge you to put forth every possible effort in its support.

MARTHA B. STECKEL.

EMPORIA, KANS.

As a loyal American and one who knows the Orient well, I urge you to work for legislative embargo on war materials to Japan. By our trade we are virtually Japan's partner in this unjust aggression. My conscience cries out against America having any participation in the attack upon China. Let us cease arming and aiding the aggressor.

WARREN HORTON STUART.

COLUMBUS, OHIO.

An embargo should be placed immediately on all war materials to Japan. By war materials I mean not only munitions but the other vitally necessary commodities such as scrap iron, gasoline, oil, cotton, and steel.

I cannot help admiring the resistance that the Chinese have offered against such terrific odds, due to the superior modernized equipment of the Japanese war machine, which we in America have helped to maintain by our sales to Japan of the above essentials.

BURTON M. NICHOLSON.

LAKEWOOD, OHIO.

It is indeed heartening to realize that our representatives are considering this America's crime of crimes, her participation in Japan's war guilt.

Many of us American citizens feel strongly our responsibility in this matter, and we are pleased with your resolution for an embargo on war materials to Japan.

Please feel that many of us are strongly supporting your resolution and that we fervently hope you will increase your efforts for the passing of this legislation.

HELEN E. PENMAN.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. SMITH].

Mr. SMITH of Washington. Mr. Chairman, I am thoroughly convinced that the overwhelming majority of the citizens of my congressional district and of the entire Nation strongly favor a policy of absolute, complete, 100 percent mandatory neutrality in regard to all present and future foreign wars. The American people are, therefore, in favor of legislation which will insure insofar as is humanly possible a policy on our part of noninterference and nonintervention in the affairs of foreign nations. The American people are unalterably and uncompromisingly opposed to our

showing any discrimination or favoritism in regard to the disputes and controversies and wars of other nations. They favor a strictly pro-American policy, first, last, and all the time, which alone will keep us out of wars in other parts of the world.

Consequently, I favor legislation which prohibits travel by our citizens on belligerent ships, prohibits trade with belligerents excepting upon a strictly cash-and-carry basis, prohibits financial transactions with belligerents, prohibits the solicitation or collection of funds for belligerents, prohibits the use of our ports as a base of supplies, denies the use of our ports to armed belligerent vessels, and continues in existence the present Munitions Control Board. The pending Neutrality Act of 1939, with the proposed amendments, does all of these things and is neutral in letter and in spirit. We thereunder accord the same treatment to all belligerents, which is the essence of neutrality and is the only policy which will keep us out of war.

Mr. Chairman, in 1897 Chief Justice Fuller, of the United States Supreme Court, in the case of the Three Friends, remarked that:

Neutrality, strictly speaking, consists in abstinence from any participation in public, private, or civil war, and in impartiality of conduct toward both parties \* \* \*.

He went on to say—

That neutrality was the relationship which exists between the belligerents and the states which take no part in the war.

John Quincy Adams, as Secretary of State, wrote that:

The state of neutrality recognizes the cause of both parties to the contest as just—that is, it avoids all consideration of the merits of the contest.

In the negotiation of treaties dealing with neutrality the State Department has held to this traditional American view of neutrality. Up to 1938, 37 treaties dealing with some phase of neutrality had been negotiated by the Department. All of these were based upon the fundamental thesis that neutrality means a strict impartiality in the treatment of the belligerents.

Emmerich de Vattel, the French publicist whose work *The Law of Nations* has been the veritable bible of the United States Supreme Court since the foundation of this Republic on any question of international law, in his chapter on neutrality, states that—

Neutral nations are those which take no part in a war and remain friends of both parties, without favoring either side to the prejudice of the other. \* \* \* So long as a neutral nation desires to be secure in the enjoyment of its neutrality, it must show itself in all respects strictly impartial toward the belligerents; for if it favors one to the prejudice of the other, it cannot complain if the latter treats it as an adherent and ally of the enemy. Its neutrality would be hypocritical neutrality, of which no state would consent to be the dupe.

American courts have held to Vattel's definition of neutrality from their very inception. In 1781 the Federal court of appeals held in the case of the *Resolution* that the idea of a neutral nation "implies two nations at war and a third in friendship with both."

Henry Wheaton is the best-known early American authority on international law. His work *The Elements of International Law* was the first study of the American interpretation and practice of international law. Concerning neutrality he writes that—

The right of every independent state to remain at peace, whilst other states are engaged in war, is an incontestable attribute of sovereignty. It is, however, obviously impossible that neutral nations should be wholly unaffected by the existence of war between those communities with whom they continue to maintain their accustomed relations of friendship and commerce. The rights of neutrality are connected with correspondent duties. Among these duties is that of impartiality between the contending parties. The neutral is the common friend of both parties, and consequently is not at liberty to favor one party to the detriment of the other. \* \* \*

Quoting Bynkershoek, he continues:

A neutral has nothing to do with the justice or injustice of the war; it is not for him to sit as judge between his friends who are at war with each other, and to grant or refuse more or less to the



one or to the other. \* \* \* If I am neutral, I ought not to be useful to the one in order that I may hurt the other.

The pathway of neutrality is thus clearly marked, and it is the pathway of peace. Any other pathway leads to war. The most important and solemn duty to be performed by our Government and Congress at the present time is to keep our country out of war. We must avoid any and every action which might involve our country in war. We should surround ourselves with every possible safeguard to prevent war. We must not again, after our sad and bitter experience in the last World War, allow the desire of a few of our citizens for commercial profits or to extend credit to belligerents to expose us to the danger of a foreign war. Those of our citizens who wish to trade or travel in war zones should do so at their own peril. We hereby crystallize into law the wishes and hopes and prayers of the people of America, and especially of the mothers of America, that we may place peace and the lives of our young men high above the profits of international trade and finance. We refuse to form any alliance with any belligerent nation in the coming conflict, and we remain neutral. [Applause.]

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, I am opposed to the so-called Bloom bill, House Joint Resolution 306. The people of my district and my State, and I believe the people of America, are determined that America shall never again take part in a foreign war. Furthermore, they are unalterably opposed to taking sides in a foreign war.

The primary consideration that confronts us in considering this legislation is what course should we take to insure so far as it is humanly possible that this Nation will not be called upon again to send our soldiers across the water to fight. In determining this question and considering the bill before us, I believe it is the well-considered opinion of the majority of our American citizens that we should observe as a fixed foreign policy absolute neutrality. It is true our sympathies are with the so-called democracies as opposed to the totalitarian states, but that does not mean that America must take sides in European conflicts or join with the democracies in another conflict on foreign soil. It is my judgment that if this bill is enacted into law it will place America in a position not only to take sides in such a conflict but we will be drawn into such a combination of circumstances that it will be practically impossible for us to remain neutral. Furthermore, it will place the power within the hands of the Executive to name aggressors and to exercise his discretion in giving assistance to one foreign power as against another. This is not a neutral position but one which will ultimately lead America down the road to war.

Without doubt this legislation is designed to carry out the policies of the administration which have been openly announced on a number of occasions to which our attention has been called in this debate. America should be concerned with one question, and one question only, in deciding upon this legislation, namely, "What is the best for America?" We have our own domestic problems, which up to date we have been unable to solve. We have expended vast sums of money in an endeavor to break the depression and bring back prosperity. We have done so in vain. Our first concern should be in solving our domestic problems and taking such a course of action as will keep us at peace with the whole world, and, above all, keep us free from any involvements which will lead us into a foreign conflict. The legislation before us is not designed to accomplish that end. On the other hand, it will make more easy the entrance of the United States in a foreign conflict.

This bill places large discretionary powers in the hands of the President which are not lodged there by the Constitution. It repeals all embargoes against the sale of arms and munitions. Our munition makers should not be allowed to traffic in death by selling to belligerents death-dealing instruments of war and munitions. Let America remain neutral and not provide the means by which wars may be prosecuted. If we carry on such traffic, we cannot remain

neutral and are certain to be embroiled in war ourselves. The munition makers want the Bloom bill to be enacted; the American people do not want it.

For one, I still believe that the advice of George Washington and Thomas Jefferson is as sound today as it was when given almost a century and a half ago.

George Washington, in his Farewell Address, said:

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Our foreign policy, with one exception, has always been directed along the lines of the admonition of the Father of our Country. George Washington, perhaps more than any other man in our Nation's history, was familiar with the history of foreign nations and with the wiles, intrigues, and subtle influences, desires, and motives that controlled their actions in their relationships with one another. He had led the struggling, infant nation through the trials and vicissitudes of the Revolution to gain our independence. Out of this wealth of experience he said:

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free country ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

Washington realized, as we should realize today, that our natural advantages, by reason of our detached geographical position, protected by two great oceans, and separated by 3,000 miles or more from the warring nations of Europe and Asia, are our first line of defense. In his words:

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world.

Thomas Jefferson adhered to and advised this same course. He said, in his inaugural address, we should maintain "peace, commerce, and honest friendship with all nations, entangling alliances with none."

SHOULD WASHINGTON'S ADVICE, "AVOID ENTANGLING ALLIANCES," BE DISCARDED?

Mr. Chairman, America today is at the crossroads. We have come down through a century and a half of development and expansion observing the advice of the Father of our Country. During that short span, as the history of nations is reckoned, we have become a great nation and occupy a commanding position in the family of nations. We have developed in power, influence, and in the material possessions and advantages of our people more than any nation of the

world in a like period. Should we now abandon our foreign policy which we have followed through the years and enter into combinations and commitments with Old World nations? Should we abandon our time-honored, independent position and assume the roll of world policeman to settle the disputes of Europe?

The one time we departed from Washington's advice, when we joined in the World War, we proceeded on the false premise that by so doing we could preserve democracy and, as the slogan said, "Make the world safe for democracy." Our American boys, 2,000,000 strong, crossed the seas following the mirage that it was a "war to end war." Instead of accomplishing those great objectives the nations of Europe, after that struggle of death, were bankrupted and thrown into a welter of turmoil, dissension, jealousies, conquests, wars, and rumors of wars, in keeping with the history of European nations for more than 2,000 years.

As a result there has now developed in Europe the Berlin-Rome axis. This combination, together with Japan, has been remaking the map of the Eastern Hemisphere. We have witnessed the conquest of Ethiopia and China, the dismemberment of Czechoslovakia, the taking over of Albania, and the threatened invasion of many other nations in the field of operations of these European powers. Opposed to Germany, Italy, and Japan are England, France, and Russia, with whom other smaller European nations are allied or in the process of alinement. The armed forces of the world are better prepared with armaments for conflict than at any other time in the world's history, and they stand ready for mobilization and ready to strike. They only await the order.

Mr. Chairman, it is said that this threatened conflict is one between the democracies and the totalitarian governments to determine which shall survive and rule the world. When we examine the alinement of these forces and the motivating causes of the unrest, we find this to be untenable. Certainly Russia standing with England and France, cannot be fighting for the preservation of democracy. The dividing line between these two groups of armed countries is not the line between the democracies and the totalitarian governments. The bones of contention today, as they have always been throughout European history, are territory for expansion and development, boundary lines, natural resources, raw materials, property and property rights, trade lanes, and routes of commerce, all climaxed with selfishness, the urge for conquest, and the greed for spoils and power.

The struggle today is the same that has been going on for 20 centuries for the control of the balance of power in Europe. It involves the control of the Mediterranean and Gibraltar, the Suez Canal and the Dardanelles, the control of Spain and the lands rich in natural resources lying east of Germany and Italy, giving an outlet to these nations to the Black Sea and the East. Such a control cuts across the life lines of England and its world-wide colonial possessions and leaves France exposed to crushing attacks from every side but the Atlantic. Its accomplishment would mean the destruction of the Balkan entente consisting of Rumania, Greece, Yugoslavia, and Turkey.

With the horrors and loss of life in the World War still fresh in our minds, the American people are of one mind, that we shall adopt that course of action which will not again involve us in a foreign war. In that great struggle there were approximately 120,000 of our soldiers who lost their lives and 182,000 who were wounded but not mortally. These same nations with whom it is now proposed that we shall join in impending conflicts are still indebted to us, aggregating, with other foreign debts, some \$13,000,000,000, earned from the sweat of the brows of American citizens, many of whom are now in want and privation. This bitter experience has determined the mind of America that it shall remain aloof from foreign conflicts.

My colleagues, as I said on a previous occasion in this House, I do not know what lesson you take from these pages of history. To me they point the way. For my own part our course seems clear. Not another penny should be advanced to any of our debtor nations who have repu-

diated their obligations. They should pay their just debts to us. The war chorus should be silenced and made to understand that no amount of war-inspired hysteria and propaganda will budge us from our fixed purpose to make no alliances with European countries, to enter no war except a war of defense, and never again to send our soldier boys abroad to be slaughtered. We want to remain at peace with the world and be permitted to mind our own business and work out our own destiny. Other nations should be granted the same rights free from our intermeddling. The American people are determined that come what may in Europe, America must keep out, and take no part, directly or indirectly, in European entanglements. We must maintain absolute neutrality with all foreign nations to the end that we be not led into war. We must make no commitments, nor enter into any relationships, understandings, or agreements with any foreign nation with respect to Old World affairs. Furthermore, we should refuse to furnish a single American dollar for another foreign war.

We must preserve and maintain the Monroe Doctrine, limited as it is to the Western Hemisphere, which is a command to the nations of the Old World "Hands off America," a domestic policy of self-defense. Likewise, we must not meddle in European affairs. We cannot say to foreign nations, "Keep out of the Western Hemisphere," and in the same breath seek to inject ourselves into their world and attempt to influence and direct the decisions that they shall make. Our concern is to preserve, maintain, and perfect American democracy, and make it work. This should be done here, in our own country and for our own people. Except by example, we should not attempt to project our democracy or ideology into the governments of other nations.

Whenever we shall, by commitments, collaboration, embargoes, commercial restrictions, quarantine of aggressors, or any other means, endeavor to shape the course of European affairs, we are taking the first step toward war which will ultimately lead us into full and complete participation therein. We should mind our own business, maintain strict neutrality, hold aloof from European turmoil, and not take this first step toward war. Once started down the war road there will be no turning back. We must not under any circumstances become a party to a foreign war.

There is one thing that has caused more heartache and misery in the world than any other, and that is war. The sole objective of war is destruction. Brute force is its main-spring; the dead and the maimed are its harvest. It not only bankrupts nations in their material welfare but it robs them as well of all spiritual values. It not only sets nation against nation but breeds in the hearts of men, hate and the desire to destroy and tear down. It never builds; it never ennobles. Worst of all, its fruitage is the death and maiming of the young manhood of the country. It feeds not upon the old and the maimed but devours the flower of the youth of the country and leaves the living impoverished, sickened, and spiritually weakened for generations, and casts its spell and its burdens upon generations yet unborn. Over 10,000,000 soldiers were killed or died in the World War and over 20,000,000 wounded. It is estimated that it cost the United States to date over \$60,000,000,000 and the nations engaged in it over three hundred and thirty-eight billions. Nothing truer was ever said than the words of Washington in his Farewell Address that America should avoid entangling alliances. America should adopt as an unalterable policy that it shall never again engage in war upon a foreign soil; that our soldier boys, if fight they must, shall spill their lifeblood only on American soil in the defense of America and the liberties of our democracy which have made us a great Nation.

We are being importuned again to go to the relief of some of these same nations as the war clouds gather over them. If we yield to the call, it will only mean one thing should war break over Europe, and that will be that we will be thrown again into the maelstrom of a war-mad world with all our resources and our American youth. With a \$40,000,000,000 debt to start with, we could not finance another



world conflict. We will be bled white and our own democracy may be destroyed. American blood will again run on foreign soil. Thousands, and perhaps millions, more of the little white crosses pointing heavenward will be added to those now standing in the poppy fields on distant shores—saying to the world they, our boys, made the supreme sacrifice; here they lie to

Sleep the sleep that knows no breaking  
Morn of toil or night of waking.

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

#### NEUTRALITY LEGISLATION

Mr. AUGUST H. ANDRESEN. Mr. Chairman, an analysis of the large volume of propaganda coming to my desk during the past week in behalf of the so-called Bloom neutrality bill, sponsored by President Roosevelt, definitely discloses the desperate attempt now being made to involve our country in future foreign entanglements. Pressure for the passage of this nonneutral legislation comes from our New Deal internationalists, who have lately been patted on the back by certain royal figureheads of great European countries primarily interested, by social cajoling, of having the United States provide men, money, and supplies for them in the event of another foreign war.

Personally, and as a Representative in Congress from a great State, vividly recalling the false propaganda which led our country into the last foreign war, I am extremely suspicious of the pressure for the passage of the so-called Bloom bill. This legislation, as now written, does not intend to maintain a neutral position for our country. The provisions of the bill give the President additional discretionary powers in respect to our foreign policy. I am convinced that if this type of unneutral legislation is enacted into law, the first open hostilities between European powers will force our country from its traditional neutral position and into another foreign war. I am not for this type of neutrality.

I shall always support legislation and appropriations to provide for the most perfect system of national defense. I favor fully carrying out the principles of the Monroe Doctrine in the preservation of the integrity of this country and the Western Hemisphere. But I will not support any bill which, by the delegation of great discretionary powers to the President, may involve us in foreign entanglements and the possibilities of another foreign war. I am for real neutrality for the United States and shall, therefore, cast my vote against the Bloom bill now before the House.

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, the very extensive and interesting debate on this resolution has made clear that—

First. Every Member of this body is opposed to war.

Second. Every one of us believes thoroughly in a national defense that is adequate to protect the Western Hemisphere against all foreign aggression.

Third. The Congress will never vote to send our boys to do battle on foreign soil outside the Western Hemisphere.

Fourth. We want to avoid foreign alliances and entanglements.

Fifth. We want to be neutral in all foreign wars.

Sixth. The arms embargo is the vital part of the present neutrality law.

The Bloom resolution is entitled "The Neutrality Act of 1939," the purpose of which is presumed to be to keep the United States neutral if and when other nations are engaged in war. Just what does "neutrality" mean? Webster's Dictionary answers:

Neutrality, specifically in international law; the condition of a state which refrains from taking part, directly or indirectly, in any war between powers.

No one wants to get into war, and we are all groping for a formula that will keep us out of war. There is an honest difference of opinion as to the best route to pursue. No law can guarantee against war, but a genuine neutrality act will be

helpful. The question for us to decide here is as to whether the neutrality law now in force or the Bloom resolution will be most likely to help right now. Let me repeat for emphasis that neutrality is "the condition of a state which refrains from taking part, directly or indirectly, in any war between powers." I emphasize the words "directly or indirectly."

The major purpose of the Bloom resolution which is before us is to:

(a) Remove all restrictions on the sale of arms and war materials.

(b) Prohibit travel by American citizens in "combat areas" designated by the President.

(c) Prohibit American vessels from entering "combat areas."

(d) Ban loans and credits to belligerent nations.

(e) Require the transfer of title to foreign ownership of goods shipped to belligerents.

(f) Regulate the solicitation and collection of funds for belligerents.

(g) Continue the National Munitions Control Board with its licensing system for arms exports.

(h) Continue the restrictions on the use of our ports by submarine and armed merchant vessels.

With present embargo restrictions removed, and the President given the discretion asked for, he will be empowered to so shape the policy of this country up to the time he asks Congress for a declaration of war that it will be almost impossible for Congress to deny his request. It seems unthinkable that such vast discretionary power should be given to any individual under our democratic form of government. Remember that under the Bloom resolution the President, after making a neutrality proclamation, can authorize the sale of arms on ordinary commercial credit to one side and deny such sales to the other side; he can permit our vessels to enter the ports of one belligerent loaded with needed supplies, while barring our vessels from the ports of another belligerent; he can prevent a foreign vessel carrying arms from leaving our ports by requiring a prohibitive bond whenever he suspects that the shipment will be transferred to a tender belonging to a belligerent but "the evidence is not deemed sufficient to justify forbidding the departure of the vessel," while permitting exactly the same sort of a shipment to proceed to another belligerent. Permitting the President to name the aggressor nations will not make for peace.

With all the propaganda agencies of the administration at his disposal, it will not be difficult to sell a foreign war to the people. With Government-regulated radio and with prejudiced columnists, there will be no end to the propaganda. The propaganda of the peace groups will be as a drop in the bucket. There is no question but that an overwhelming percentage of our people today favor the policies of the so-called democracies in Europe as against the dictator nations, yet it is none of our business what kind of government they have in Europe. Let them settle their own quarrels, but they must not come over here. The present neutrality law contemplates an embargo when any foreign war develops. Through a technicality the President has escaped making this embargo effective in the Far East, thereby favoring Japan. If the American people had a vote on whether or not we would help China or Japan in the present war, there would not be enough Japanese votes to count. This is a striking example of discretion lodged in the President. However, if we want to be neutral, we cannot change that law at this time. For my part, I am utterly opposed to giving the President any more discretion, and there is no question but that our people want the Congress to take back some of the power already given to the Executive, rather than to give him further authority.

We all know that Europe is sitting on a powder keg at this moment. If war does come, and the President so proclaims, immediately all shipments of arms, munitions, and implements of war from this country to the warring nations will cease. In the opinion of those who believe in the present neutrality law, this is as it should be. The President and the Department of State think otherwise. The primary purpose

of this Bloom resolution is to repeal the present law, thereby giving to certain warring nations an advantage over others. This is the President's policy. If this is the intent, then the title is a misnomer. It should be "the Unneutral Act of 1939."

Representatives of the Department of State, when appearing before the committee at the hearings, were asked whether there was any change in the international situation which should cause Congress to repeal the provision for an arms embargo at this time, and the committee was told that Hitler's taking over of 27 munitions plants in Austria and the Skoda works and 11 other plants in Czechoslovakia justified the change; that is, Germany and Italy now have more munitions factories than France and Great Britain, so it is the purpose of the Bloom resolution to change the law so that United States munitions factories will be available to Great Britain and France in case there is a war in Europe. This would favor the democracies, not only indirectly but directly. On the other hand, it would militate against Germany and Italy. Do not forget that France and Great Britain control the seas. I cannot think of a more unneutral act than for the Congress to knowingly and intentionally modify existing law for the express purpose of making the United States a supplemental arsenal for any particular nation in time of war.

Neutrality laws must be enacted before the game starts. The game is on in Europe and any legislation changing the rules at this time is bound to be unneutral, if not actually hostile, to one side.

If the administration were not so bold in stating the specific reasons for this demanded change in law, I would be prompted to ask whether this Bloom resolution is intended to be a promise to the democracies, a threat to the totalitarian nations, or just a bluff to the world.

Much is implied in that word "promise." If the Congress, by the removal of this embargo, leads France and Great Britain to believe that we are to become their ally in the production of war supplies in the eventuality of war, then in good morals we must fulfill the promise. We must at least be a silent partner in the war. Great Britain has cash enough to pay for munitions from this country for a time, but it would not be long before her cash supply would be exhausted, exactly the same as was the case in the World War. The next step in the partnership would be for our allies to ask this country for credit, the money to be spent in the United States, as was done in the World War. In the meantime our munitions factories would be expanded, our whole economy would be changed, and we would be enjoying that which for the moment seemed like economic prosperity. However, we would be paying for that prosperity with the money we loaned the allies. In the end we would be "holding the bag," just as we were after the World War. We would have gone so far that it would be very difficult to cease; because if we did, first, we would be breaking our implied promise and pledge and deserting our allies. Second, we would be upsetting our whole local employment and economic situation. Do not tell me that this would be neutrality and for the best interests of our country.

It is admitted that this resolution is intended as a threat to Germany and Italy. Do not tell me that a threat of this type is neutral and will keep us out of war.

There are none among us who will contend that the President's purpose in seeking to strike out the embargo on exportation of arms is that of a passively neutral party. Granting all good motives to the President, and not charging for an instant that he wants to get this country into war, it seems to me that it would be rather difficult to find a quicker way to get into war than to have the Congress of the United States pass the Bloom resolution and announce in this fashion that we are to become the ally and economic partner of certain powers in a prospective and, it seems, imminent European war.

This country wants no more economic stakes in the victory of either side in any foreign war, or, I might add, in the continuation of a war, even though it were temporarily economically profitable to this country. Our people prefer

peace to war profits. They do not want to contribute in any way to any war anywhere.

I have received many communications in regard to this legislation. In substance, these communications urge:

- (1) An embargo on the sale of arms to belligerents;
- (2) Prohibition on American ships carrying any materials to belligerent nations;
- (3) Prohibition of American citizens to travel in war areas;
- (4) Determination by Congress as well as the President as to when the law should be invoked.

The Bloom resolution eliminates these safeguards from the present law. That is its purpose. The people of the country know that this is not intended to be a neutral bill.

Mr. Chairman, let us not be misled by propaganda that the impending war in Europe is a conflict between the doctrines of the democracy as against that of the dictatorship. There is nothing further from the truth. If these nations go to war—as now seems likely—form or type of government will not be the issue. These nations will fight for territory, colonies, boundary lines, raw materials, trade, and, last but not least, power. Our boys went to Europe once to make the world safe for democracy, and we know now that was not the issue at all. It does seem that we should have learned our lesson. We contributed our blood and treasure for what we thought was a Wilsonian ideal. We were all sincere, but we know now that it was just another European war. We changed our entire economy. We piled up billions of dollars of indebtedness. We sacrificed of the flower of our young manhood, and because of that World War we are even yet passing through the valley of one of the greatest depressions of all time. Our people are opposed to embarking upon any policy where there is even a remote possibility of repeating our experiences of the World War.

Of course we have a preference as to the various forms of government obtaining throughout the world, yet we are not the keeper of the world; we are not the policeman of the world. We have enough to do to attend to our own business, make this a better land in which to live, and influence by example rather than by attempted force. Let us quit fussing around in Europe and put our own house in order. For hundreds of years these European territorial and boundary line disputes have raged, and there is no indication that the end is near. Why should we be drawn in? If the pending war develops, it will be but a quarrel over the spoils of the last war. Everybody knows now that the Treaty of Versailles was punitive and Hitler gets some sympathy for the German people in his effort to reclaim the colonies and possessions taken away by that treaty. President Wilson was an idealist. He thought that the ways of Europe could be changed. Now we all realize the sad truth. We paid a terrible price for this knowledge. We should remember the admonition of Washington who, in his Farewell Address, said:

Europe has a set of primary interests which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

While the Bloom resolution completely repeals all embargo law, yesterday the gentleman from Ohio [Mr. VORVY], a member of the committee handling this resolution, gave notice that he would offer an amendment inserting an embargo on arms and ammunition. As explained by the gentleman from Ohio, this embargo would cover only "lethal" weapons; that is, anything that is designed solely for use in offense and defense in war, and would not cover any other articles or materials, even though they could be changed into arms and ammunition by a belligerent, or used both for peace and war.

This amendment limits the embargo, but I prefer the present law. To me this so-called modified embargo will be ineffective, is intended as a palliative to mollify our citizens who demand an effective embargo. It is form and not substance.



I think the gentleman from New York [Mr. BARTON], in his argument yesterday favoring this Vorys amendment, spoke as a realist when he said:

Now we are speaking frankly, and I think honestly there is not the same general objection to the purchase by foreigners of our airplanes, trucks, automobiles, petroleum, cotton, or even scrap iron, though it is recognized that these are essential to the successful conduct of war. These are not primarily lethal weapons. An embargo limited to lethal weapons might well satisfy the desires of those of our fellow citizens to whom the embargo idea has become a symbol and a hope. On the other hand, the foreign nations which may find themselves attacked are not short of lethal weapons. They have already dislocated their economy to erect vast plants for the making of guns and ammunition. What they need are the other materials and products that we have in abundance.

If a compromise is possible on the middle ground of a modified embargo, it would surely represent a consummation devoutly to be hoped for. It would comfort our own people.

The gentleman from New York does not beat about the bush at all. He makes it clear that it is his view that there should be no embargo at all—that is the administration's view—yet he recognizes the fact that the American people feel otherwise, and he wants to placate them with the thought that their symbol and hope is contained in this unneutral bill. He also makes it clear that the Vorys amendment will enure to the benefit of France, Great Britain, and Russia, the so-called democracies, if the contemplated European alliances are effected.

The more experience we have with present neutrality law, the more we are convinced of its impotency so far as guaranteeing against war is concerned. We got along pretty well under international law and if the time ever comes when a change can be made, without taking sides for or against some particular nation and thereby getting us into war, I believe the American people will carefully consider returning to international law where the President exercises his constitutional powers only, and the Congress enacts legislation to meet any emergency. No neutrality law is preferable to the Bloom resolution.

In conclusion, I repeat that you cannot change the rules of the game when the game is on and not be partial. The game is on in Europe and in China. Japan is at China's throat. The totalitarian nations and the so-called democracies in Europe are ready to shoot. Soldiers are marching. Armies are mobilized. The plans of battle have been formulated. The world awaits in fear. This is no time for loose talk, much less for spectacular legislative action. If there was ever a time in our history when we should proceed with caution it is now. To substitute the discretion of the President for the judgment of Congress in these matters is unwise. It matters not how well intended, the Bloom resolution leads toward war and not toward peace.

Mr. FISH. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. JONES].

Mr. JONES of Ohio. Mr. Chairman, the power of the National Government to control foreign relations of the United States is both complete and exclusive.

The complete control is shared by the three branches of the National Government:

First, Congress, the legislative.

Second. The President, the Executive, and sometimes he shares with Senate.

Third. The Supreme Court.

The clauses of the Constitution which give Congress its share are:

Article I, section 8:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States \* \* \* to regulate commerce with foreign nations; \* \* \* to establish a uniform rule of naturalization; \* \* \* to define and punish piracies and felonies committed on the high seas and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer time than 2 years; to provide

and maintain a navy; \* \* \* to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Sections 1, 2, and 3 of article II describe the share of the President alone, and with the Senate, respectively:

The executive power shall be vested in a President of the United States of America \* \* \*. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; \* \* \* he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls \* \* \*. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session \* \* \*. He shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and he shall commission all the officers of the United States.

Article VI, paragraph 2, of the Constitution describes the share of the Supreme Court:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

In our 150 years of constitutional government, Presidents, Congresses, Senates, and the public have combed them for more guidance to answer these questions:

First. Congress may declare war.

Second. The President and the Senate may make peace by treaty.

Third. The Constitution does not mention:

(a) Neutrality.

(b) Abolition or repeal of a treaty.

(c) The recognition of new governments and international agreements short of treaties.

In the past 150 years Congress, the President, and the Senate have crowded upon the reputed prerogative of the other by virtue of these same provisions. Remembering that Congress may declare war upon, and the President and Senate may make treaties with, foreign powers, suppose a treaty is consummated which provides for war when certain incidents happen. Is Congress constitutionally obligated to declare war? To appropriate money to carry on the war?

The famous Jay Treaty furnished a battleground for the fathers of our Constitution to determine these questions. The office of the President emerged the victor while our first President, George Washington, held that esteemed position.

In 1793 war broke out between France and England. The brilliant Washington, eminent statesman, successful Executive, astute scholar, capable general, the Father of his Country, ex-surveyor, soldier, author, beloved character, already belonging to the ages, undaunted by insurmountable tasks with the young Republic, the idol of his fellow men, must have possessed a deep feeling of gratitude for the assistance of his friend, General Lafayette, of France. He surely could yet feel the hot breath of the tyrant King of Britain at the point of his defending sword. His heart surely beat in sympathy to the fallen dead in the battles of the Revolution that set his countrymen free. He surely yet had dammed up inside his magnanimous heart the pity, the compassion for the men who left their bloody footprints at Valley Forge, because a tyrant stalked upon our shores.

He must have sensed the stirring hearts of grateful freemen anxious to pay their debt of gratitude to their benefactor, France. He must have felt the ties of love that existed between his countrymen and France.

He loved Lafayette and France none the less because he loved his countrymen more. With the price of liberty, the happy hearts of freemen in a great republic seared deep in

his soul, he issued the first neutrality proclamation of these United States of America:

ENJOINING NEUTRALITY AS TO WAR AGAINST FRANCE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part, and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid towards those powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

G. WASHINGTON.

By the President:

THOMAS JEFFERSON.

One cannot read that proclamation without there stirring in his breast a pride that George Washington never needed to mention the word "neutrality." The observance of the rules laid down in these few short phrases commanded conduct of the American people so that we avoided that war.

I want this Congress to bear in mind that the first neutrality proclamation was issued by the President under his constitutional authority after a war had broken out between France, England, and several European countries, and the proclamation was addressed to particular belligerents and the condition of war as it existed at that time.

When the chairman of the committee took the floor after the speech of the ranking Member of the minority side, he incorporated in the RECORD the neutrality proclamation of George Washington, and claimed that this bill would give a parallel result. This bill gives wide and extra constitutional powers to the President, and the people of the United States are already afraid of the bias and the prejudice of the present holder of that office. They have listened to the statements of this President.

The people have listened to the address of the President before the Seventy-sixth Congress on January 4 where he virtually invited us to join a holy war. Laying side by side the proclamation of neutrality of George Washington, issued in his constitutional capacity as the exclusive agent of our Government in speaking with foreign countries, the people do not feel that this President bears the armor of peace in his soul.

I ask the Members of the House to read the discussions of Alexander Hamilton, under the pseudonym "Pacificus," contributed to the Gazette of the United States in the first article dated June 29, 1793, where Hamilton discusses the constitutional questions fortifying President Washington's position that he had constitutional power to issue a neutrality proclamation.

Hamilton contended:

First. That the conduct of the foreign relations of a state is an executive function and, except where the Constitution provides, otherwise, belongs to the President upon whom the Constitution bestows the executive power; and

Second. That power granted by the Constitution to Congress to declare war does not diminish the discretion of the President in the exercise of powers constitutionally belonging to him.

The language of the Constitution: "The executive powers shall be vested in the President of the United States of America" is entirely different phraseology from: "All legislative powers herein granted" that limit the powers of Congress to specified powers and the phraseology that the powers and functions of the judiciary "shall extend to" certain enumerated cases.

"Executive power" though clearly stated is vague and has been subject to constitutional interpretation.

The interpretation of these enumerated powers is frequently such as to give the President an extraordinary and practically undefined range of authority.

The exact limits of the Presidential power in time of war is entirely different than his power in time of peace.

Neutrality legislation addresses itself to conduct of this Nation in time of our national peace. From the point of view of a peaceable nation, I will discuss the President's powers in reference to negotiations with foreign countries.

The function of managing the foreign relations may be classified into two distinct branches:

First. The power of intercourse, intercommunication, and negotiation.

Second. The power of entering into formal or binding international compacts.

The second power is shared by the President with the Senate, but the former belongs exclusively to the President.

John Marshall, in the House of Representatives on March 7, 1800, stated:

The President is the sole organ of the Nation in its external relations and its sole representative with foreign nations.

At this time I want to call your attention to the status of the Department of State, which has been recognized as a department more directly subject to the control of the President than any other department. The act creating the Department of State in 1789 was an exception to the acts creating other departments of Government. From the beginning the Senate has never assumed the right to direct or control it, except as to clearly define statutory matters not connected with the conduct of our foreign relations.

I note in the Fifty-ninth Congress, first session, page 1420, that Senator John C. Spooner made this observation in regard to addressing communications to the State Department:

We direct requests to the real head of that department, the President of the United States and as a matter of courtesy we add the qualifying words "if in his judgment not incompatible with the public interest."

In the light of this observation let us see what control the President exercises over our foreign relations.

The President possesses the whole power of initiating and formulating the foreign policy of the Government.

We have seen the President exercising that power freely, and defying us to give us any information as to what his foreign policy is. The President, through the State Department, has the exclusive channel of communication between this country and foreign nations, and when he chooses to give us any information, then only can we get it. The agents of countries rely upon his word and rely upon Congress to back up its agent.

Ex-President Taft, on diplomatic correspondence, has said:

He—

The President—

is bound in such correspondence to discuss the proper construction of treaties. He must formulate the foreign policy of our Government. He must state our attitude upon questions constantly arising. While strictly he may not bind our Government as a treaty would bind it, to a definition of its rights, still in future discussions foreign secretaries of other countries are wont to look for support of their contentions to the declarations and admissions of our Secretaries of State in other controversies as in a sense binding upon us. There is thus much practical framing of our foreign policies in the executive conduct of our foreign relations.

Students of government who know of these constitutional powers of the President are gravely concerned about



the effect of any commitments given by this President of the United States, because during the administration of this President, Congress has been subservient to the will of the President and should he make a commitment to any combination of nations in Europe or Asia, whether wise or unwise, the people of America are afraid of an appeal to uphold the hands of a President who has made a mistake, who has submitted to pressure, who has submitted to his own personal beliefs to back up those beliefs with our men, with our money, with our homes, with our savings, and with our blood. There has been considerable discussion as to the real motive of the King and Queen of Great Britain visiting our shores. There has also been negotiations between Great Britain and Russia which have embodied mutual commitments of protection.

The people of America do not want the President to commit us to any combination of foreign powers who by treaties and pacts duly consummated among themselves, may bind us by their conduct and alliance, and, if I might go so far as to say, political intrigue on the happening of a certain event that they have provided for, that we should go to war.

President Wilson contended:

The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely. The President cannot conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made, if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

The cases of *Foster v. Neilson* (2 Pet. 253), decided in 1829, and *Williams v. Suffolk* (13 Pet. 415), decided in 1839, have definitely upheld this power of the President and there can be no question as to the President's right and power under ordinary circumstances to initiate and formulate such foreign policies as he may deem proper, and virtually commit Congress and the country to their execution.

Policies leading to disturb relations with foreign countries and even endangering the peace and safety of the country have been adopted at the will of the Executive.

It is no wonder that the people of the country are crying out for a voice in determining the conduct of their foreign affairs. It is no wonder the people of the country have risen up and demanded that their representatives address themselves to neutrality, and it is all the more conspicuous how ineffective the bill under consideration is to give the people any assurance that their relations with foreign countries will be the relations directed by themselves or dictated by one person, the Chief Executive.

In the last 10 years there have been rumors that at London a full year before our declaration of war, President Wilson committed us to assist the Allies in the World War. I say committed us, because with it he committed over 350,000 boys of America to slaughter, he committed \$25,729,000,000, the cost of the war up until June 30, 1921, of hard-earned American money from the rank and file of the people, representing their savings over a period of years, and he committed thousands of the finest young men in the country to maimed and broken bodies, crushed hearts, and nervous wrecks. The boys themselves that fought in that great conflict, if they knew where to strike at neutrality would want to muzzle any Chief Executive of either party from making such a commitment without any control, direction, and guidance of the people, who give their sons and daughters, their wealth, their homes, and their lives for some imagined ideology of a President. And here is the gravamen of the really popular demand of the people. The striking resentment of the public against one-man commitments have been ringing to high heaven long before there was a putsch in Germany and a march on Rome, and this administration instead of answering that call with a constitutional curb upon the President, yes, even a chance for the people to vote upon a constitutional amendment that would give them the right to commit themselves to the President before he commits

himself to any foreign country has never been brought forward by this administration.

As early as 1826, when President Adams was about to send representatives to the Panama Congress, Senators Hay, Woodbury, White, Van Buren, and Benton opposed the United States sending members to such congress, because they thought it was to be a congress of belligerents that by our very taking part would compromise the neutrality of the United States, would involve us in "entangling alliances," and incur the risk of war with Spain.

Van Buren—later President—said:

It is, then, the design of the Executive to enter into an agreement at the congress that if the powers of Europe make common cause with Spain, or otherwise attempt the subjugation of Spanish America, we shall unite with the latter and contribute our proportion to the means necessary to make the resistance effectual.

Van Buren observed further that this was—

a measure by which the peace of the country is to be exposed to a contingency beyond the control of our government \* \* \* we shall bind ourselves, in a certain event, to pursue a certain course, whatever those to whom the Government of the country may have been committed, shall think the honor or interest of the country may require.

In the House of Representatives President Adams' participation in the Panama Congress was equally opposed by some Members.

The resolution of Congress to instruct the ministers through the influence of Webster was eventually voted down. Congress yielded, because it was convinced, as summed up by Senator Johnson, of Louisiana:

There is nothing peculiar in the present case. The President has at all times the power to commit the peace of the country and involve us in hostilities, as far as he has power in this case. To him is confided all intercourse with foreign nations. To his discretion and responsibility is entrusted all our delicate and difficult relations; all negotiations and all treaties are conducted and brought to issue by him.

Even the opponents of President Adams, among whom was the illustrious Van Buren, later to become President of these United States, admitted that no matter what action the Senate or Congress might take, President Adams could still constitutionally provide for such a mission on his own authority.

The Panama mission of 1826, with all the reputed dangers attributed to it, is of little importance here, except to illustrate that the President alone has the power to decide upon a certain diplomatic policy such as this mission presented, and it was likewise within his exclusive power to determine whether or not its consequences might involve the peace and safety of this country.

This power of the President has been demonstrated in actual practice again and again. During a period of about 25 years—1823 to 1849—the Cuban policy of the Executive was consistently friendly to Spain and a guaranty of Spanish sovereignty; after the Mexican War that was changed to a policy whose chief end was the acquisition of Cuba by the United States, and in the development of which American diplomacy has been characterized as aggressive and intolerant; while during the period after the Civil War it was again changed to a policy of commercial and humanitarian interest, culminating finally in actual intervention and war.

President Grant's handling of the *Virginius* incident in 1873, President Cleveland's of the Venezuelan affair of 1895, and President Wilson's of the Mexican situation throughout the entire course of his administration illustrate the power of the President both to bring on and to avert diplomatic crises. Mention need only be made of such events as Washington's neutrality policy, the Monroe Doctrine, the annexation of Texas, the Mexican War, the Alabama claims settlement, the acquisition of the Panama Canal, the "big stick" doctrine, our entrance into the war with Germany—all these and many more must be set down to the credit of Executive leadership in the field of foreign relations.

I say without fear of contradiction that the President, through his exclusive control of diplomatic intercourse, holds

in his keeping the peace and safety of the United States, that he may initiate diplomatic policies, conduct diplomatic relations in such a manner as to force this country into war without any possibility of hindrance from Congress or the Senate. It has been suggested by some newspaper circles, and denied by the President, that the President invited a participation on the high seas at a conference between the United States and Italy, Germany, and other European powers.

The people of America fear the President of the United States and his bid for consultation and influence in the power politics of Europe, and the President of the United States surely knows that they fear it. And this Congress surely does not want the people of America to again be committed by one man to a course of conduct concerning nations and people with whom we have no direct national quarrel.

And I submit that whether you pass the neutrality legislation or not, if the President wants to meet upon the high seas with Hitler, Mussolini, Chamberlain, or Daladier, or Kaiser Wilhelm, that this Neutrality Act will never stop him, and it is needless to say that he can commit us to war and this Neutrality Act will be of as little value as a bucket brigade in the Chicago fire.

Let me call to your attention a second phase of the President's control over foreign relations. Has anyone ever disputed his power to recognize the belligerency or independence of new states and governments? Has anyone questioned his right to refuse to recognize Czechoslovakia and his right to protect the Czechoslovakian Embassy in the city of Washington against the orders of the German Government?

This power, though not expressly granted by the Constitution, is implied from the general power to enter into diplomatic relations with foreign countries through the making of treaties, the exchange of accredited envoys. The power is not conferred on any one department, but is now generally conceded as belonging to the Executive.

In practice in 150 years of the history of our constitutional Government, recognition has always been extended as the exclusive act of the President. New states come into existence often by revolution from an existing state. Recognition is a normal act provided the new community has won its contest and successfully maintained its separate existence and independence, but recognition at a proper time and premature recognition are entirely two different things, and the President of the United States again can commit us to war and this neutrality legislation will not help one iota.

Let us examine the record of the Presidents of the United States with reference to this power.

In 1817 President Monroe, sympathetic with the aspirations of the South American provinces for recognition, feared possible complications with Spain and declined to recognize the new South American states until he was satisfied that Spain would not resent the act with war.

President Jackson was extremely cautious about arousing the hostility of Mexico through a premature recognition of Texas, and referred the Texas situation, in his message of December 21, 1836, to Congress. Let us see what he said about premature recognition at that time:

At all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as a justifiable cause of war, is always liable to be regarded as proof of an unfriendly spirit to one of the contending parties.

He therefore announced that he considered it "with the spirit of the Constitution and most safe," that the power of recognition, when probably leading to war, should be exercised "with a previous understanding with that body by whom alone war can be declared, and by whom all provision for sustaining its perils must be furnished."

The power of recognition belongs to the President, and I am sure I need call your attention to no further cases to

show how easily that power may involve us into serious complications with foreign nations, and in such cases should be exercised with due regard to that branch of the Government whose power it is to declare war.

Because Congress has the power to declare war, the salient feature of this bill is that it commits Congress ahead of time to give the President the sole power to determine our future course of conduct with foreign nations and virtually destroys the constitutional power to deliberate in the greatest deliberative body of the world, the grave consequences and the grave necessity of declaring or not declaring war against a foreign country in the future.

The President has power to receive and send accredited envoys and he also derives the power to withdraw the diplomatic representatives at his pleasure, or dismiss representatives of foreign powers, and thus sever all relations with the particular country.

Is there anything in this bill that will stop a President of the United States, who is intent upon placing his bid in power politics in foreign alliances from exercising this power in such a way as to produce an immediate incident with foreign nations?

The President has publicly spoken that he would use methods short of war. In the time allotted to me I have not been able to discuss the exclusive powers of the President that are short of war commonly known as powers in the twilight zone.

The people of America fear that as long as Congress is subservient to the will of one man, that those of us who might honestly oppose the commitments of this President would be subjected to the indignity of being called copperheads, reactionaries, partisans against the President. The people of America are afraid that the debate will turn upon the same battleground as the reorganization bill presented with party stalwarts taking the floor calling for the members of the majority party to read the story of Lorna Doone, and to aim their guns lower.

The people of the United States do not want one-man government. They do not want this President, or any other President, to have the power to commit us to war by his conduct of foreign relations. They do not want us committed to power politics in Europe over the conference table. They resent open letters to foreign governments over affairs that have our personal sympathy and compassion, but are none of our national business. They resent notes of protest from our State Department that infer our personal bias, passions, and prejudices. They do not want the discretion of life and death of their children lodged in the ambitious hands of one man. They do not want a bill that will serve one side, sold to them as a neutrality bill.

The people of America resent military flourishes that shadow totalitarian state receptions.

The people of America want a man to fill the office of the President of the United States with the vision of a Washington, and with the philosophy of a man content with the greatest honor which the world can bestow upon one of her children.

I shall vote against this bill because it will not vouchsafe the people the relief they want—peace.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, in this present Congress on March 4, at a joint session in this room, we sat at a ceremony in commemoration of the One Hundred and Fiftieth Anniversary of the Commencement of the First Congress of the United States under the Constitution. One of the speakers on that occasion was the Honorable Charles Evans Hughes, the Chief Justice of the United States, and I quote from his speech on that day:

The American people are eager and responsive. They listen attentively to a vast multitude of appeals, and with this receptivity it is only upon their sound judgment that we can base our hope for a wise conservatism with continued progress and appropriate adaptation to new needs.

We shall do well on this anniversary if the thought of the people is directed to the essentials of our democracy. Here in this body



we find the living exponents of the principle of representative government—not government by direct mass action, but by representation which means leadership as well as responsiveness and accountability.

And he goes on developing that thought, which time does not permit me to quote here, but finally he arrives at a sentence that makes a telling point in American progress—and I quote:

And what the people really want they generally get.

What have the people asked for? The universal demand by the fathers and mothers and the thinking folks of this Nation is for a neutrality bill.

This bill before us has two bad features: One, section 3, "Areas of Combat Operation." This section we are now told will be stricken from the bill. I wish to congratulate the committee on that decision.

The second feature to which there is objection is the elimination of the embargo on arms and munitions. Some argument has been advanced that there is no logical difference between the selling of such articles of highly explosive natures as machine guns, and so forth, and the selling of commodities such as wheat, cotton, and motorcars. Therefore, they say be prepared to forego the exporting of cotton, wheat, and so forth, or be logical and abandon the present policy regarding the sale of arms.

One editorial has rightly referred to this reasoning as "dangerous nonsense." Arms and munitions by their very nature are highly specialized commodities, specifically and originally designed for the taking of human life and the destruction of property. The fundamental difference, therefore, of character between arms and other objects of trade has had a just recognition throughout the history of international law, the distinction being absolute contraband and conditional contraband of war.

As I have stated, the bill had two objectionable features: The naming of combat areas and the lifting of the arms embargo. The former has been eliminated by the committee, and I intend to vote against the latter. I believe that such action is carrying out the mandate of the people and will help in keeping our Nation out of war and foreign entanglements.

Mr. FISH. Mr. Chairman, I yield 1 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, there is a wave sweeping over this entire Nation which, rightly or wrongly, intelligently or unintelligently, demands of this Congress the enactment of a neutrality law that will keep this Nation out of war. [Applause.] The mail which I have received in great volume since I have become a Member of Congress has reflected this sentiment in no uncertain terms. The men and women of America are demanding that we lay our cards on the table and tell the nations of the Old World that we are going to stay out of any foreign war.

The pending neutrality legislation—the so-called Bloom bill—is, as I understand it, the administration's answer to the demand of the people of this Nation that we write legislation which will keep us out of war. Without emotion I want to endeavor to analyze this bill, section by section, for a few moments, as I find there is a tremendous amount of misinformation, not only in this House but throughout the length and breadth of the land, as manifested by the editorials which appear in the pamphlet submitted by the gentleman who has acted as chairman of the Foreign Affairs Committee.

Section 2, 4, and 5 of the present bill, with the deletion of section 3, as proposed by amendment, are the administration's response to the demands of the people that the Congress write a neutrality law which will effectively keep us out of war. Bear in mind that none of these sections become operative until a proclamation has been issued by the President under the authority of section 1 of the act. This section is not mandatory in character but vests in the President great, broad, discretionary power. Before he is required to act and required to issue a proclamation naming the countries at war he must make certain findings, and this bill reserves

to him the discretion as to when he shall make those findings, if he makes them at all.

First, he must find that a state of war actually exists between certain foreign nations. Second, he must further find it is necessary to protect the security or preserve the peace of the United States or protect the lives of the citizens of the United States. Then, and only then, by the terms of this act is he required as a mandatory duty to issue a proclamation naming the states that are involved in this controversy. Remember that sections 2, 4, and 5 are under the very terms of this bill dependent upon the issuance of such a proclamation, and none of these sections become operative, not a single provision of this law, as a matter of fact, becomes operative, to affect and protect the neutral position of this Nation until the President in his discretion sees fit to issue such proclamation. In the event of a general undeclared war in Europe, who can state with certainty when the President will make such findings, if at all, and issue the proclamation? Under the present law he has failed to publicly note the existence of a state of war that has been carried on for a long time between Japan and China.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. KEEFE. Mr. Chairman, he has utterly failed to perform this solemn duty imposed upon him by present law to find that a state of war exists, and as a result, despite the fact that every citizen of the world knows a war is continuing over there in China the President has seen fit, because of some purpose that he alone knows, to publicly refuse or fail to carry out the mandate of this Congress contained in the present law and proclaim the existence of a state of war and impose an embargo.

In considering the first section of this bill I ask, Who is there who can say in the event of the existence of a state of war between the nations in Europe the President will issue a proclamation that will set in force the provisions of the so-called neutrality act? Suppose he does see fit to issue a proclamation naming the nations involved in war, then what happens? There are a lot of people who have a mistaken idea as to what will happen.

The next section provides what? They propose an amendment which says that no citizen of the United States shall sail upon a foreign ship except at his own risk and subject to such regulations as the President may again determine. In other words, the people of this country demand that, in the event of a finding of war and the issuance of a proclamation, citizens of the United States stay off foreign ships and keep this country out of war.

Mr. Chairman, I would like to go through all the provisions of this act, but I cannot do it in just a few moments. May I take time at this point to call attention to just one thing. There is a bill pending before the Committee on Merchant Marine and Fisheries which is the first cousin to this act. You enact the pending neutrality bill and you will be called upon to pass the bill now pending before the Committee on Merchant Marine and Fisheries. What does that bill provide? It provides for the setting up of a revolving fund of \$100,000,000 in the Treasury of the United States and creates a Bureau of War Risk Insurance which will permit the United States to insure the hulls and the bottoms of every foreign ship which will be called upon to carry the merchandise back to Europe that these foreign belligerents may order and pay for on the line and in which we have no interest. It further will permit this War Risk Insurance Board to insure the lives of American seamen and American bottoms carrying this contraband, if you please, to foreign nations, contraband in which we have no interest and which will directly take us into war. I am opposed to it. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, to you who would eliminate the arms-embargo provision from any bill in the hope

that it will keep us out of war, let me bring back the lesson of history of 20 or more years ago.

This week we observed the twenty-fifth anniversary of the firing of the shot at Sarajevo. This week we observed the twentieth anniversary of the conclusion of the World War by the peace treaty at Versailles. Those echoes are resounding in this Chamber today.

When that war came on Charles M. Schwab, of Bethlehem, took himself immediately to London and came back with substantial munitions orders. When they began to transport munitions from this country there was introduced in the Senate of the United States by Senator Hitchcock a resolution, one of perhaps a score, to put an embargo upon the shipment of arms. What happened to that resolution? I will read you from history. Lord Cecil Spring-Rice, the British Ambassador, advised Viscount Grey that such a position by the United States would be unneutral. On the 11th of December 1914, Viscount Grey suggested unofficially to the Government of the United States that the Hitchcock resolution would be "special legislation passed while a war was in progress, would be a radical departure from long-established custom, and would be definitely an unneutral act." We tried to put an embargo in effect at that time, but the wells of hysteria had been churned and emotions were running full force. Mr. Bryan said to Viscount Grey that the administration was not behind the Hitchcock resolution. It was then too late to avert the inevitable with an embargo on arms. We were moving on into Armageddon, and it was too late. I say to you gentlemen today, it will be too late if we do not put an arms embargo in this bill today. [Applause.]

Let the first artillery shot be fired on the other side and then hysteria will move across the land even as it did in 1914, let the first vessel bearing arms of American manufacture be torpedoed whether title passed or not, and frenzy begins its tragic march. I prophesy to you today that if we do not put an embargo on arms and ammunition in this bill we will never have another chance. The ghost of history rises today to admonish us of the experiences of 20 years ago.

Secondly, I hope that section 2 will have the exception eliminated so that not even the President of the United States can make any exception with reference to our citizens traveling on vessels of belligerents. [Applause.] It was 23 months from the time the *Lusitania* went down off the Irish coast until we went into war. What were the events of history? First, 159 American lives went down to a watery grave on the *Lusitania*. Then in succession came the torpedoing of the *Gulflight*, the *Falaba*, the *Dacia*, the *Hesperian*, and the *Arabic*—British and French vessels with two or three Americans on board. We read the front page accounts. Staring at us were photographs of American citizens who were victims of submarine warfare. Hysteria and frenzy went across the land. Then came the *Sussex*. Then came the *Laconia*. President Wilson was sending a message to Congress when the *Laconia* was torpedoed off the Irish coast with two American women on board. The son of the American mother who lost her life was living in London. He telegraphed to President Wilson and said, "What are you going to do about it?" Once more hysteria went across the country, and inevitably we were being led into the abyss of Armageddon. If we avail ourselves of the lessons of history, we will demand an unequivocal measure which will absolutely prohibit the travel of American citizens on belligerent vessels.

Third, I say to you who entrust yourselves to the abstruse tenets of international law, go back and read about the tortuous course of international law in 1917. Read about contraband and noncontraband, visit and search, search and seizure. Read the notes on blockades, effective blockades, and cordon blockades. Read all the tortuous language of diplomacy. Yes, it was down the pathway of international law that we walked into carnage and shambles in 1917. For the sake of an elusive and undefined and unenforceable thing which provides no embargo on arms, no prohibition against travel on belligerent ships are you willing to give away what progress we have made toward peace?

It is interesting to hear the older Members of the House talk about the night of April 6 when the war resolution was adopted. I was a student at a university and getting ready to go into that war. I served 18 months over on the other side. Today, in the light of history and on the basis of that background, according to my own lights and with what conviction I can muster, I am going to do my little bit to help keep America out of the next war. [Applause.]

In so doing I shall support an arms embargo. I am going to support a provision to keep our citizens off of belligerent vessels, as a hope, even though slender and tenuous, that it will stop the wells of emotion and hysteria and keep the feet of America in the pathways of peace. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. JOHNS] such time as he may desire.

Mr. JOHNS. Mr. Chairman, I am opposed to this bill in its present form. Unless it is amended very materially, I shall vote against it.

The bill as written gives entirely too much power and discretion to the President of the United States. No one man, whether he be President, or a private citizen, should have such power given him where this discretion and responsibility rests under our Constitution in this Congress.

With the provisions of this bill as presented to us, the President has the power to decide for himself where a state of war exists between certain nations. He may then by proclamation say what commerce, if any, may be carried on with the United States and these warring nations, what amount and kind of credit they shall be granted. Under his power he need not take into consideration any existing indebtedness that may then exist between either of the warring nations or other nations owing to the United States. In other words, this bill gives to the President absolute power and discretion to regulate commerce between this Nation and other countries involved in war and the amount of credit to be extended to them.

It will be much better for us to keep the power given us to regulate the commerce of the United States at all times.

The President has it within his power if Congress is in session, and if not in session, to call it into special session to bring to it any facts which in his mind may be of sufficient importance to justify our intervention in any war to protect our interests at all times.

The citizens of our Nation, at least in my district, are against giving this power to any one man even though he be the President of the United States. It is a dangerous thing to do, and I am against it.

Mr. FISH. Mr. Chairman, I yield the gentleman from North Dakota [Mr. BURDICK] such time as he may desire.

Mr. BURDICK. Mr. Chairman, from the debate there remains no doubt that the present bill, the so-called Bloom neutrality bill, embodies the demands of the administration and of the President of the United States. I am opposed to the act, not because the President is a Democrat. I would much more prefer to favor the President than to oppose him, and I am sure my record will show that I have never cast a party vote against any measure in this House. I have at times voted with the administration when I was the only Republican on this side of the Chamber who did.

At no time, however, have I failed to vote my convictions, and no matter how friendly I may be to the President and in favor of many of his objectives, I still, as a Member of this House, have a duty to perform and in the performance of that duty I must follow my convictions as I see them. According to the best light I have, the passage of this act may lead us into war. I do know that by following the present law we have kept well out of foreign embroilments. My purpose is to keep the United States out of any foreign war no matter what countries may be mentioned. We had absolutely no business in the last war; we are paying for it now. Thousands of the best men in the United States lost their lives, hundreds of thousands of others were injured in body and mind, and billions of dollars were thrown into the mad whirl of war. All to no purpose, because the peace



terms of that peace were a breeder of war, and for proof of this we can stop long enough to unfold the present picture of Europe. In addition to that we loaned billions of dollars to the Allies and today we are holding the sack for a total debt of \$20,000,000,000, a very small portion of which will ever be paid. We are paying it each day. We are paying the interest on this debt every day. Have we not learned any lesson from interfering in Europe?

I am opposed to this act because it puts too much responsibility on the President of the United States. Why do we want to shirk our constitutional responsibility? We were elected by the people; we represent them; it is our duty to pass upon the question of war. I am willing to shoulder this responsibility as long as it is my responsibility. Why hand this power over to the President? Some have said we are not doing this in the present act; but let us see. Under this act the President, when he sees fit, can, by proclamation, declare that certain nations are at war. After he so declares he can then, by another proclamation, prohibit citizens of this country from traveling on any vessel belonging to any of those countries at war. He can by proclamation prevent citizens of this country or any ship of this country from entering into any combat area as the President shall fix it in his proclamation announcing a state of war. The President can further prevent business transactions with those countries. An exception is made in case of old war debts; but that is meaningless, as no country seriously intends to pay those debts. Those Liberty bonds have been and will be retired by taxes paid by the citizens of this country.

The present law gives the President power to proclaim a state of war whenever he finds that a state of war exists. No one knows how long it will take the President to make this discovery. Japan has been murdering China now for approximately 2 years and the President has not as yet made that discovery. If he did, then under the present law the embargo provision against arms would apply to both China and Japan. Since the President has not made that discovery yet we have sold enough scrap iron, guns, and munitions to Japan to assist in killing millions of Chinese.

Suppose again the President did name countries at war, but left the allies of those countries out, we could still ship all the death-dealing instruments our munition manufacturers desired to sell to those countries. This alone would have the effect of forcing those countries who suffered from our action into a declaration of war against this country. With the embargo left out of the present bill, it looks to me like a clean-cut munitions bill to sell munitions to anyone who had the cash. If that is our Christian attitude on stopping war, I say it is none of Christ's teachings.

The act will give a power to the President that he should not ask for and should not have. If we want to keep out of war, let us keep out. If we mean to do the right thing, and the Christian thing toward all nations, let us take control of the munitions plants of this country now, in accordance with my resolution now before this Congress, and stop the paid propaganda for war. It is all right for the King and Queen of England to visit us. We welcomed them as we should the sovereign powers of any nation, but just because of that visit, let us not embrace England or any other country with a revocation of the Johnson Act, that prevents a country in debt to us of getting any more money; just because we like the King and Queen of England personally, do not let us put the President in a position where, if England is at war, he cannot determine that fact as he cannot determine that fact with respect to Japan and China. If he did not determine it, we could ship our whole munitions output to England, and that alone would be sufficient cause for the opposition to England to declare war against us.

Let us be men about this matter. If we want to fight England's battles, let us stand up here and say so; if we intend to keep out of all foreign wars, let us stand up here and say so and not clothe the President with powers which in all probability will lead us into war.

Remember the history of our times in 1914 to 1917—the great war hysteria which swept America. It was all hand-

made—made to order—made for a purpose—made for war profits. That same hysteria can again be artificially created—we are not yet immune from it. The same interests control our munitions, the same financial interests of the United States have old debts in Europe, which they will want our young men to protect, and that selfishness and greed and profits, at the proper time, will make monsters of us all. We covet no foreign territory as a nation, we wish to be friendly with all nations; we desire to live under the Golden Rule. We want peace, and we believe in Christ and his teachings. If this Congress will keep its powers and follow those teachings, we will not get into any war. If it is necessary to drive the money changers out of the temple before we can accomplish this mission of peace, let us have the courage of Christ and drive them out. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. FORD].

Mr. FORD of Mississippi. Mr. Chairman, judging from the remarks of my colleagues on the left side of the House and their loud applause to the suggestions that we go back to international law, I take it for granted that they do not have very much objection to this bill. If they are really in earnest when they are committing their applause and making the statements that they favor international law, then after the adoption of the amendments which will be proposed by the Democratic members of the committee, my Republican friends should certainly support this bill. When we really analyze the bill, section by section, lay aside our political thoughts, and lay aside our prejudice against some of the foreign countries, we have practically international law if this resolution is adopted with the proposed amendments.

What do we find under section 1? We find that the provisions of that section simply give the President the right to issue a proclamation when two or more states become engaged in a conflict and he believes the peace of this country and its citizens are in danger.

Then under section 2 it provides that when American citizens travel in ships of belligerent nations they do so at their own risk. The bill would give them timely warning of that fact.

Under the decision of the Supreme Court in the Curtiss-Wright case, the Court clearly holds that the President has unlimited powers in dealing with foreign countries and in dealing with nations engaged in war. This resolution, if adopted, does not give the President any more power, in my judgment, except to issue proclamations, than he has under international law and the Constitution of the United States. The argument that it gives the President all of this power is certainly not consistent with the language contained in the bill itself. The bill takes no power from Congress. Under the Constitution Congress has the sole power to declare war.

We find if section 3 is deleted—and that was really the section that gave him wide power in defining combat areas—and if you gentlemen on the left and my colleagues on the right who are pleading to go back to international law support the amendment to strike out section 3, we strip the President of practically all the power that this resolution gives him that he does not now have under the Constitution of the United States and under international law.

Section 4 prohibits loans to nations that are engaged in war except on a general commercial basis and not to exceed renewals for 90 days.

Under our present law or under the so-called Johnson-McReynolds Act this country and our nationals are prohibited from making loans to those countries that are in default on the obligations which they now owe. This simply gives the President additional power to prohibit loans to belligerent states and prevent renewals for more than 90 days. Certainly no valid objection could exist to giving the President this power, because it would tend to keep us from being involved as we became involved during the World War.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. KUNKEL. If these loans are not paid at the end of 90 days, they become automatically renewed, do they not?

Mr. FORD of Mississippi. They do not.

Mr. KUNKEL. If the loan continues, what are you going to do about it?

Mr. FORD of Mississippi. Just as we have done in the past.

Mr. KUNKEL. If you once let that loan get established, you have established a credit that may become permanent, have you not?

Mr. FORD of Mississippi. We must have commercial transactions with the foreign nations of the world. If we do not, we perish economically. There is no way around that. We cannot bottle ourselves up in this country without having the usual commercial transactions; and if it is necessary to extend loans in order to carry those on, and those countries become engaged in war, then, of course, demand will be made for them to pay. If they do not pay, we can only extend it for 90 days. If they refuse to pay, then, of course, there is nothing we can do but refuse more loans and thereby prevent them getting deeper in debt to this country or its nationals.

Mr. SHANLEY. Will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. SHANLEY. The Johnson-McReynolds Act prohibits loans, and I know the gentleman is in favor of that act. That is one of the most salutary laws that we have had in post-war days. In your opinion, is there any danger that any of the amendments or specific acts that we have today on the statute books would in any way interfere with the Johnson-McReynolds Act, prohibiting loans to foreign debtor nations?

Mr. FORD of Mississippi. In my judgment, the amendments would not. This bill goes right along in connection with that act and adds something to it, because this section deals with belligerent states, and the Johnson-McReynolds Act deals with our present debtor nations.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. VORYS of Ohio. The Johnson Act has this exception, "excepting renewal or adjustment of existing indebtedness." This bill, which comes later, provides a new kind of existing legal indebtedness. Would not the gentleman say that, therefore, the Johnson Act is, by implication, extended so that it would except from its terms loans which the President would permit to be made under the amendment which is to be offered?

Mr. FORD of Mississippi. Oh, not in the least, because the Johnson-McReynolds Act deals with debtor nations at the time the act was enacted. This deals with such countries as may become engaged in war in the future.

Mr. VORYS of Ohio. But the Johnson Act excepts from its provisions existing indebtedness.

Mr. FORD of Mississippi. Yes; but at the time of the enactment of the act. By that language and provision, it cannot keep on excepting existing indebtedness, because if it did it would not have any effect at all.

Mr. VORYS of Ohio. If it would permit a new kind of legal existing indebtedness, would that not clearly come within the exception of the Johnson Act?

Mr. FORD of Mississippi. Section 4 simply deals with those countries that may owe us in the future and which may hereafter become engaged in a state of war. That is the only possible meaning it could have. It would give the President power to deal with those conditions.

The law also provides that no bonds or other obligations of belligerent states shall be sold in the country and to our nationals. If that does not tend to promote peace, I do not understand what the promotion of peace is. The bill also prohibits the solicitation of funds for belligerent countries, and that should tend to keep down feeling in this country and thereby promote peace.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. COOLEY. Will you explain to the committee why it was that the Foreign Affairs Committee would not insert a

provision in this bill with regard to travel by American citizens on American vessels and vessels of other neutral nations?

Mr. FORD of Mississippi. Certainly we did not want to restrict travel of our own citizens on our own vessels.

Mr. COOLEY. In other words, your committee is perfectly willing to have another *Lusitania* incident by providing that you can have mixed cargoes of human beings riding on top of implements of war, headed for belligerent ports. Is that not true?

Mr. FORD of Mississippi. No; I think not. If my memory serves me correctly, the *Lusitania* was a British ship.

Mr. COOLEY. Would the gentleman object to a provision which would make it unlawful for citizens of our country to travel as passengers upon ships the bottoms of which were loaded with implements of war?

Mr. FORD of Mississippi. Does the gentleman mean our own ships?

Mr. COOLEY. Yes.

Mr. FORD of Mississippi. How in the world could you man the ships if our own citizens did not travel?

Mr. COOLEY. I said "travel as passengers"; not as members of the crew.

Mr. BLOOM. That is covered by the rules and regulations. That question has never been before the committee.

Mr. COOLEY. I would be glad if the gentleman would point out what provision in this bill prohibits the very thing that happened when the *Lusitania* went down.

Mr. FORD of Mississippi. I know of no absolute provision to that effect, and personally I would have no objection to such an amendment.

Mr. COOLEY. Section 2 deals only with vessels of belligerent states and does not deal with vessels of the United States.

Mr. FORD of Mississippi. That is correct. Another important provision of the pending bill is contained in section 4, subsection (d). This section provides that when the President issues a proclamation under section 1 of the act, it shall thereafter be unlawful, except in accordance with such rules and regulations as the President shall prescribe, to export or transport to any state named in the proclamation any articles or materials until all right, title, and interest therein shall have transferred to some foreign government, agency, institution, association, partnership, corporation, or national. This is a departure from international law, but, in my judgment, a wise one, since it prevents our citizens from making claims for any losses that might arise from the seizure or destruction of property which they might sell to countries engaged in war. I think this provision will do much to promote peace and keep us from becoming involved in any foreign entanglements. I would like also to call attention to the fact that the proposed bill continues the National Munitions Control Board and requires munition manufacturers to register with the Secretary of State and also makes it unlawful for them to export arms, ammunition, or implements of war without first having obtained a license therefor. This provision enables the Secretary of State to keep a close watch on all munition manufacturers and their business with foreign countries. It is a wise provision and should be retained.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. Ford] has expired.

Mr. BLOOM. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, for 3 days now the pending House joint resolution to amend the 5-year-old so-called Neutrality Act has been debated on the floor of this House. For the most part, the debate has been on a high plane during which time the issues involved have been discussed. Only one or two Members have insisted upon injecting personalities into the debate. Although there are wide differences of opinion on the floor of this House, the same as there are vast differences of opinion throughout the country, it is only fair to say that it is obvious that all Members who have participated in this debate have one outstanding purpose in mind and that is for America



to remain at peace with the rest of the world. I am sure that this also applies to every Member of this House irrespective of his views on neutrality or political affiliations.

I think it is generally conceded that no one Member of this House or group has a "corner" on all the patriotism in the land. All good, sincere citizens in and out of Congress desire to aid in keeping America out of war; yet, from the very beginning of this debate, the gentleman from New York [Mr. FISH] has repeatedly referred to war hysteria of this administration, as if Uncle Sam is parading over the world looking for someone to fight. Evidently the gentleman is laboring under the hallucination that someone in this Congress, or connected with this administration, is anxious to start a war any moment. No one should object to helpful and constructive criticism, either against the present so-called Neutrality Act or against the pending bill to drastically amend the present law. For anyone to assume, however, that any Member of either House of Congress, or the President of the United States, our great Secretary of State, or any other Member of the President's Cabinet would purposely espouse a foreign policy that would drag this country into a war with any nation on the face of the earth, is manifestly unfair and ridiculously absurd. There has, of course, been a lot of war-hysteria talk over the radio and upon the floor of this House, but such talk has come largely from those who for political purposes insist upon singing a hymn of hate against the President who has used every power at his command to keep America out of another awful war.

The most horrible thing imaginable is war. Such legalized murder should be outlawed by every civilized nation of the world. War never settles anything. Generations yet unborn will still be paying dearly for the World War after we shall have long since passed from the present scene of action that we were told was to make the world safe for democracy, but in fact made it safe for the war profiteer, the munition makers, and certain international bankers.

No one is here advocating war. All are agreed that this horrible, uncivilized, and barbaric practice of legalized military murder has no rightful place among honorable and decent people. [Applause.] But all admit it is extremely difficult, if not impossible, to legislate in time of peace to forestall future international emergencies. All agree it is impossible to legislate against passion, prejudice, intrigue, and rascality.

Because of insinuations, charges, and countercharges about war hysteria, I have endeavored to make it plain that all loyal patriotic American citizens are, of course, opposed to war. Not only do our people of all classes, young and old, wish to remain definitely out of any and all entangling alliances in the Old World, and therefore out of any and all future wars, but this is especially true of our war veterans and their wives and families. I say this for the reason that there are some who apparently believe that to be a war veteran is to be a jingoist, who would like for America to become involved in every misunderstanding or international disturbance across the seas. But, of course, nothing is further from the truth.

Who could possibly know better than our war veterans and their wives, mothers, and sisters of the horrors, heart-breaks, and utter stupidity of war? Having served as a buck private during the World War, with many months of overseas service, and having a vivid remembrance of my experience in the front lines with the Thirty-sixth Division, I think of war as a horrible and unforgettable nightmare. More than three millions still left of the four and one-half millions of veterans of the World War, as well as veterans of other wars, their mothers, wives, widows, and children, will join in a fervent prayer that America mind her own business and stay forever out of war or any entangling alliances that might possibly involve us in future wars. [Applause.]

Let me add, in this connection, that one thing war veterans and their wives and children have consistently and

enthusiastically been fighting for during the past 20 years is for a real law with teeth in it to eliminate, if humanly possible, any future war profiteering. That, in my judgment, would do more toward maintaining the peace of America and the world than all the neutrality legislation we might write during this or any other Congress. [Applause.]

For many years patriotic citizens have gathered from almost every town and hamlet in the United States in conventions annually here in the Nation's Capital and have discussed and passed resolutions on the cause and cure of war. At each convention the long list of the causes of war has grown longer, but no group in or out of Congress has ever found a sure cure for this horrible holocaust called war. As long as there is hatred in the hearts of men and a mad desire on the part of war lords for power, there is no possible way to legislate war out of existence.

Of course, there is no sure cure for war any more than there is a cure for thievery, highjacking, or murder. Yet the most perplexing problem facing us as lawmakers is how to enact sane and practical legislation that will promote the spirit of peace and good will and to at least do our utmost in preventing America from being embroiled in another death struggle. For my part I can think of no condition at this time that would cause me to vote to send an American soldier to a foreign soil to help settle foreign quarrels of ungrateful nations across the sea. [Applause.]

But getting back to the pending bill, serious objection has been raised against the bill, the heart of which, if passed, will eliminate the controversial embargo clause. The most of us supported the present neutrality law in good faith believing that it would help keep our country neutral between any two warring nations. It is generally agreed, however, that the present law is unfair and unneutral. That it has had the exact opposite effect from that which we had anticipated no one can truthfully dispute. It has penalized the weak and helpless nations and made us practically an ally of some of the strong aggressor nations, nations which are more interested in expanding their borders than in aiding in the maintenance of world peace. As has been repeatedly brought out in this debate, the United States, under the present weak and unsatisfactory law, is actually aiding Japan by shipping war materials, scrap iron, and other sinews of war against poor helpless China. Such a condition is not only indefensible but absolutely unconscionable. [Applause.] So it is quite evident that 5 years of unneutrality have demonstrated the futility of the present law. It is also clear that the law must either be discarded or drastically amended. We have no neutrality now.

It would now appear that the objectionable features, actual and imaginary, will be deleted from this bill before its final passage. Now that this has been practically agreed upon, I am delighted to see some of the ablest Members of the minority side enthusiastically supporting this legislation. This is not a political question. It is not a partisan matter and should not be thus treated. Yet a few, unfortunately, have attempted to inject partisan politics into this discussion. Despite the barrage of unfair criticism that has been leveled at the President and his foreign policy, I feel that a vast majority of our people, regardless of politics, are convinced that he has done everything humanly possible to promote the good-neighbor policy among the nations of the world and to prevent our country from being drawn into another devastating war.

It is significant that our great Secretary of State, Hon. Cordell Hull, also a lifelong advocate of world peace, and whose firm but fair position toward all foreign governments—a policy that has met with widespread approval throughout the entire country—has wholeheartedly endorsed the pending bill. For my part, I prefer to heed the advice and counsel of President Roosevelt and Secretary of State Hull on foreign affairs than some of those who so bitterly assail them because of their straightforward and sincere foreign policy. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT], who for 3 years was national commander of the Veterans of Foreign Wars.

Mr. VAN ZANDT. Mr. Chairman, because of my activities in veterans' affairs in the recent past it has been suggested that I should voice the views of veteranism on the question of neutrality. Let me hasten to disclaim any such presumption. I speak only for myself, as a Representative of the Twenty-third District of Pennsylvania.

It is true that as commander in chief of the Veterans of Foreign Wars of the United States for three terms it was my privilege to speak for that splendid organization of overseas veterans of all wars and campaigns of this country since the Spanish-American War. I also am proud of my membership in the American Legion, which has done so much to perpetuate a fine spirit of patriotism in America.

My duties as commander in chief of the Veterans of Foreign Wars brought me in contact with thousands of veterans in all sections of the country. They are my "buddies," my best friends, and, naturally, I have kept in close contact with them since I left my official post. I receive scores of letters from veterans throughout the Nation in my mail every day. Therefore, I am in a position to know what is in the minds and the hearts of the veterans of America. And while I do not assume to speak for any veterans' organization, I feel that I can reflect accurately the opinions held by the vast bulk of the rank and file of veteranism. And since the average veteran is the average American, I am confident that the views that I express here are the views of an overwhelming majority of the American people on the question of neutrality and the even more vital question of war which goes hand in hand with it.

In making separate mention of the veterans I do not intend to make any distinction among the American people. If there is any difference between the veteran and the non-veteran, it is this: The average veteran is even more bitterly opposed to war than the average American, if that is possible. Veterans who fought in France saw their "buddies" die beside them. They saw the bodies of other messmates riddled with shrapnel and their best friends writhing in agony that comes from gas.

When you consider that only 35,931 men in the American Expeditionary Forces were killed in action but 14,785 died of wounds and 122,558 died of other causes out of the 4,791,171 men actually mobilized in the armed forces during the World War, a remarkably high percentage escaped unscathed by bullets. But the horror of the hateful experience of war was stamped upon their memories. They know the utter futility of that war fought "to make the world safe for democracy."

It was not so much their own experiences that make the surviving veterans hate war, but the sight of their crippled comrades, maimed for life. Death would have been merciful to some of the boys who returned from France. I have seen thousands of them in veterans' hospitals throughout the country awaiting their rendezvous with death. There they lie, 20 years after the last shot was fired in France, thousands of men still suffering with lacerated flesh, suffocated lungs, shattered limbs, mangled bodies, and shadowed minds.

No man could gaze upon the sights I have seen without an appalling sense of the brutality and hideousness of war. That feeling is shared by veterans generally and that is why veterans hate war. That is why veterans oppose so bitterly any policy that is likely to lead us down the road to war. That is why the average veteran and the average American demand a strict neutrality policy that will keep us out of war—other people's wars. That is why they demand that this country keep free from entangling alliances, either express or implied, because that is the inevitable way to war.

But, as much as the average veteran and the average American hate war, they always are ready to fight in a war of defense. The American people are prepared to defend our own shores and our possessions overseas. They are prepared to maintain the Monroe Doctrine by defending any part of the western world from attack by force or from political encroachment by any Old World powers.

The President repeatedly has expressed himself as a believer in the Monroe Doctrine "in all its pristine purity." On that point, the President is at one with the vast and overwhelming majority of the American people. And that is the basis of our policy of hemisphere defense.

But the President has failed to follow the Monroe Doctrine in its entirety. The President apparently has forgotten the Monroe Doctrine is in two parts—two essential parts, two parts each of equal importance to the American people. If we are to maintain the Monroe Doctrine "in all its pristine purity," we must remember that one part of that fixed foreign policy of the United States was especially designed to keep us out of other people's wars—Old World wars.

Let me quote, in part, from the message sent to Congress on December 2, 1823, by President Monroe, the message out of which grew that famous doctrine. I quote:

Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we always have been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we never have taken any part nor does it comport with our policy so to do.

In other words, the Monroe Doctrine, "in all its pristine purity," assumes an inherent right to deny European interference in the western world, but that right is directly dependent upon our promise and our policy not to take part in the wars of European powers. If the second and highly important part of the Monroe Doctrine is omitted, then that 116-year-old policy becomes a selfish instrument. If we ourselves violate the "pristine purity" of that great doctrine, we put ourselves in the false position of demanding of other powers that which we ourselves are unwilling to give—that is a guaranty to keep our hands out of Old World affairs, while we demand that Old World powers keep their hands out of the western world.

Whether we had what we regarded at the time as good and sufficient cause to enter the World War on the side of the Allies, the fact remains that we violated the Monroe Doctrine "in all its pristine purity" when we did so. And we have had cause to regret it ever since. It is idle to say that we might have had greater cause to regret it if we had failed to throw our weight on the side of the Allies and thus win the war. I have yet to find one single benefit the American people derived from the World War.

And merely because we, ourselves, violated the Monroe Doctrine once, that is no justification for violating it a second time by adopting a policy now which, in all probability, would give future generations cause for regret and, in all probability, just cause to curse us in our graves.

A moment ago I said that I had failed to find one single benefit the American people derived from the World War. I now wish to modify that statement with a reservation. We had a bitter experience which can prove a lasting benefit to the American people if we will but profit by it. If we toss that experience aside, then I will allow my original statement to stand—the American people have not derived one single benefit from the World War.

For that reason alone we should exercise the greatest care and caution about passing a measure in the name of neutrality which would be anything but neutral. In the first place, unless there is a will to neutrality the word becomes empty and meaningless. And there is no will to neutrality in the measure before the House. It is not designed to keep the United States from taking any part, directly or indirectly, in a war between two powers. It is designed to put the United States in a position to become the indirect ally of the so-called democracies of Europe in the event of war with the dictator nations.

Unless a neutrality law or a neutrality policy will keep us out of war, other people's wars, it is worthless. How could the United States become the indirect ally of the so-called democracies, their ammunition depot, in fact, and yet remain neutral? And, what is more to the point, how could we long remain out of the war as an active ally? The answer is



obvious. We would be in for another bath of blood and tears, another series of economic dislocations and depressions. And in the end we might sacrifice our own democracy by reason of our unneutral actions and our ultimate participation in the war. Any mis-called neutrality measure, such as the Bloom resolution as it stands, which almost certainly would lead us into war—other people's wars—is worse than worthless. It is a fraud, a delusion, and a snare.

No other characterization could more aptly fit the Bloom resolution as it was presented to this House. It was "rail-roaded" through the Foreign Affairs Committee with unseemly haste in an effort to foist it upon the American people in the name of neutrality. It was not until after the measure was reported to the House that Congress and the country became fully aware of the grave dangers inherent in the measure.

Now that the plans of the administration to rush this resolution through the House have gone awry, the full significance of the adroit and deceptive language of the measure has become apparent to all who can read between the lines. It now is obvious that the purpose of this measure was to commit the United States to a virtual war alliance with the so-called European democracies. The tricky language was calculated to make the United States the ammunition depot for Britain and France, if and when war breaks out in Europe, with that pair on one side and the dictator nations of Germany and Italy on the other side.

If we should aid one side in a general European war, our experience in the World War is sufficient proof of our eventual entrance into the conflict on that side. The sympathies of the administration in power at that time were on the side of the Allies and we finally declared war on Germany. History could not fail to repeat itself in the event of another European war with the same general line-up of foes.

As I have stated repeatedly, I am not complaining about the side that would be chosen in advance for American boys to fight on in the next European war. I protest against American boys being thrust into any war on either side in the Old World. It is possible that we might be drawn into the war by the same methods that sucked us into the World War, but by the eternal, I do not propose to sit here silent when an attempt is made to trick the American people into a war alliance by legislative action.

I will grant that a vast and overwhelming majority of the American people abhor Hitler and despise Mussolini. The totalitarian state is repugnant to American ideals of democracy. And the methods used by that precious pair of dictators in governing their unfortunate people is even more repulsive to free-born, liberty-loving Americans.

While the so-called democracy of Britain and France is not democracy as we know it, it is far closer to our conception of good government than the ruthless regimes now in power in Berlin and Rome. But a people deserve no better government than they get. If Germans and Italians wish to submit to that yoke, that is their business, not ours.

Furthermore, the question of sympathy for England and France or antipathy toward Germany and Italy is not involved in honest neutrality legislation. The question before the House and, more properly, before the American people, is this: Shall Congress, in the name of neutrality, enact legislation which would be a virtual war alliance with any nation or nations?

If we are going to turn our backs, close our eyes, and shut our ears to the solemn warnings of Washington, Jefferson, and Monroe against all entangling alliances and participation in the wars of Europe and enter into a war alliance with the so-called democracies, then the proposition would not properly come before this House. If the President wishes to toss all our traditional policies into the scrap heap, it is within his constitutional powers in the conduct of foreign relations to negotiate a war alliance treaty with Britain and France against Germany and Italy. That is the orderly procedure in such matters. Treaties with foreign powers are not originated and consummated by legislative action of Congress alone.

Naturally, the President does not dare to flout American public opinion in any such high-handed fashion. And, even if he dared to do such an outrageous thing, he knows full well that the body at the other end of the Capitol never would ratify any such alliance. The storm of protest aroused by some of the President's domestic policies, which led to their ignominious defeat, would seem like a mild summer zephyr in comparison to the cyclone of disapproval which would sweep this country if he dared to play ducks and drakes with our foreign policy in that manner.

Nevertheless, that would be the honest and straightforward way to proceed in this matter which so deeply affects the lives of the American people, the lives of generations unborn. That sort of procedure would give the American people an opportunity to learn what was going on behind the international scenes. They would have full knowledge of what such a treaty meant to them and they could make themselves heard in no uncertain fashion.

Strangely and sadly for the leader of a democracy, under which the Government is supposed to derive its just powers from the consent of the governed, the President has seen fit to seek extraordinary powers never dreamed of by the makers of the Constitution and to achieve his ends by indirection.

Of course, it is difficult to say at this date what might have happened if the American people had been aware of what was transpiring behind the international scenes during the days before this country entered the World War. But, the fact is, they did not know what was going on. The then President, some of his intimates, but not all of his Cabinet, and a few international bankers, knew what was happening and how America was being eased over the brink and into war. But the American people were in complete ignorance of the diplomatic double-dealing that was double-crossing them.

I say to you gentlemen of this House, if the American people fight the Nation's wars, die in the wars, and then pay for the wars, they are entitled to know all about why we might go to war, how we are going to be drawn into a war, when we are likely to go to war, and on which side we are going to fight the war. Neither the administration nor the Congress has any right to keep the American people in the dark about such a grave matter as the danger of war.

I have listened with some impatience to the arguments made by gentlemen seeking to justify this measure. I have heard the threadbare argument that this measure is only intended as a bluff to make the dictators behave. The roars of the British lion have failed to frighten Mussolini or halt Hitler's march to the east. And, it is extremely doubtful whether we could run a bluff on the dictators with a phony neutrality law, even if it amounted to a virtual war alliance with the so-called democracies.

I do not for a moment question the President's desire to avert a war in Europe, but I do question the wisdom of any policy or program which would result in the United States being involved in war. If the President believes it is the will of the American people, if he believes he can get away with it, let him go the whole hog on this proposition. Let him tell Hitler and Mussolini point blank that the United States is prepared to aid, or even fight on the side of Britain and France, in the event of war with the dictators. Instead of asking Congress to enact a phony neutrality law and achieve a war alliance by indirection, let him announce his purpose to Congress, the country, and the world.

Since this measure was reported by the Foreign Affairs Committee, the administration and the members of the committee have been hearing from the country. Now we are told that the most objectionable sections will be withdrawn. I have no doubt the gentleman making that announcement made it in good faith. But if that is done, the measure certainly will not be acceptable to the President. Moreover, it will not be a sound neutrality measure no matter what is done to it by this House.

The longer I study this cross-word puzzle of neutrality by law, in which the words come out neutral when read across and unneutral when read down, the more firmly I am con-

vinced that legislative neutrality is an impossibility in the world situation today. It would be far wiser to scrap the entire neutrality law and toss this measure into the wastebasket than to enact an unneutral neutrality law with the avowed purpose of aiding either side in any war.

Under the present conditions in the world, it would be far safer for America to adopt a strict and sincere policy of neutrality, not a law. Our current royal visitor, Prince Olav, pointed out in an interview appearing in this morning's papers that the Scandinavian countries do not have neutrality laws, but maintain strict neutrality policies. And it is significant that the Scandinavian countries were able to remain neutral throughout the World War with that conflict raging in their back yards.

The first essential to the maintenance of neutrality is a strong national defense. History has demonstrated that the neutral rights of nations are not respected by the belligerents in war unless the neutral is powerful enough to enforce respect. Even such a potentially powerful nation as the United States, which found itself woefully unprepared at the outbreak of the World War and far from prepared even when we entered the conflict, had its neutral rights disregarded and our nationals and our ships subjected to all sorts of indignities by England before Germany began sinking our ships and killing American citizens.

But surely it would be far safer for the United States to adopt a strong policy of actual neutrality than a phony, unneutral proposal such as we find in the original Bloom bill. Under the Constitution, the President is entrusted with the conduct of foreign relations. But Congress and Congress alone can declare war. In view of the highly explosive state of affairs in Europe, Congress should be taken more into the confidence of the administration about the developments in the Old World. And, above all, Congress should be consulted before any action is taken that would have the effect of committing us to war. Congress should be consulted before—not after—the deed is done and America's course is beyond the control of Congress.

Wars do not come overnight, as a rule. Wars usually come as a consequence of a train of events. We have seen the long and hideous shadow of a general war in Europe for more than a year now. No one has any doubt about the eventual outbreak of hostilities. Only the time for the start of the war is obscure to us.

Perhaps it is unnecessary for Congress to remain in session indefinitely awaiting the outbreak of war. Perhaps it may come before this session adjourns. In any event, if Congress is not in session when some new emergency arises, Congress should be convened at once. Congress could enact any emergency measures necessary to meet any special circumstances that might arise. And thus we might avert and avoid the necessity of American boys ever again going to fight a war on foreign soil.

No Member of this House wants to go home and tell his constituents he voted for a measure, which even remotely held the danger of war within its four corners. Therefore, I urge the Members of this House to hesitate and to reflect before they vote for any so-called neutrality law, which would have the practical effect of aiding and abetting any nation or set of nations in the Old World in this coming war. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I am for strict neutrality in dealing with foreign countries, and firmly adhere to the principles laid down by our first President, George Washington, in his farewell address.

Few of us today realize, or can appreciate the dangerous difficulties met and overcome by our early Presidents in guiding our country through perilous times of an early existence, and establishing the Nation on a firm foundation of freedom and independence.

History tells us that President Washington postponed his retirement to Mount Vernon on account of the "perplexed and critical posture of our affairs with foreign nations." It

is difficult for us today with our secure and well-defined borders, with our closely welded and tested Union, with our long and popular tradition—but lately disturbed—of indifference to the quarrels of the Old World, to realize how dangerously exposed we were in the earliest years of the Republic to the storms of European politics. The Revolution, although it secured our political independence, did not make us economically independent of Europe. After the war, as before it, our prosperity depended on our foreign commerce. Manufactures were in their infancy. Laborers were scarce and land was abundant. Our enormous surplus of foodstuffs, lumber and timber, fish, and tobacco had to be exchanged abroad for the luxuries, and even for some of the bare necessities, of civilized life. We were vitally concerned, therefore, in the commercial policy of the European maritime and colonial powers—France, Spain, Holland, and Great Britain. Furthermore, the land between the Alleghenies and the Mississippi was a vast "arena of friction." Indian tribes and confederacies still harassed our settlements as they spread northward from the Ohio and southward from the Cumberland, while the agents of England and Spain, our neighbors on the north and south, were busy with a disavowed but rather obvious propaganda to encourage the Indians in their resistance to the establishment of our authority in the lands which had been ceded to us by the Treaty of Paris. England even retained garrisons in half a dozen fur posts strung along the Lakes from Dutchman's Point on Lake Champlain to Mackinaw on Lake Michigan—all in the territory of the United States.

Our diplomatic relations also were highly unsatisfactory. With Spain, who had been the ally of our ally France in the Revolution, we had made no treaty at all in 1783, nor were we able to conclude one in the critical years that followed, although Spanish control of the Mississippi and Spanish possession of Florida (lying all along our southern border) made an agreement concerning the navigation of the river and the policing of the hostile tribes of Creeks and Cherokees an imperative necessity. With France we had a treaty, the earliest in our national history, dating from the dark days of the American Revolution (1778). But as this treaty was in the form of an alliance, pledging us under certain conditions to fight by the side of France for the protection of her American (West Indian) possessions, and giving her the privilege of using our ports for her prizes of war, it proved eventually to be more of an embarrassment to us than the lack of a treaty with Spain. As to England, there was, of course, the famous treaty of 1783. But instead of settling old disputes, this treaty only opened new ones. Every article in it, except the first, which recognized the independence of the United States, led to contention and mutual charges of bad faith.

To deal with the delicate diplomatic situation we should have had a well-organized department of foreign affairs, with the tradition of a firm and consistent policy, backed by the strength of the united Nation. Instead of that, when Jefferson assumed the office of Secretary of State, in the spring of 1790, he inherited a legacy of mistrust and contempt bequeathed by the weak Government of the critical period. It was certain, under these conditions, that the first serious strife among the maritime nations of Europe would be the signal for trouble in America. And, indeed, it looked as if that trouble were at hand in the very first year of Washington's government, when Great Britain threatened to go to war with Spain over the seizure of British ships attempting to establish a trading post on the western coast of America at Nootka Sound. In case of war the British would probably march across our territory from Canada to attack the Spaniards on the Mississippi. They would kindle war in Florida and Louisiana and rouse the Indian tribes on our borders. Fortunately, the war cloud blew over and our country was left in an apprehensive state of peace during Washington's first administration, to establish the Federal Government.

Hardly was Washington seated in office for a second time, however, when the storm burst. In the first days of April 1793 a British packet sailed into New York bearing ominous news. The French Republic, whose baptismal victory over the Prussians at Valmy the Americans had celebrated with civic feasts and processions, with bell ringings and banquets, only a few weeks before, had fallen into the hands of the radicals, who had guillotined their King, hurled defiance against all the thrones of Europe, and added England, Holland, and Sardinia to the list of their enemies in arms. A few days after the arrival of this news citizen Edmond Genet, the Minister from the French Republic to the United States, landed in Charleston with "the smell of blood on his ambassadorial garments." Genet was enthusiastic, vain, rash, and emotional. He came not as a diplomat but as the agent of the French Republic. Even before his credentials were presented at Philadelphia he began to violate the principles of international courtesy and law, equipping vessels in our ports to fight the British, enlisting our seamen, establishing courts for the condemnation of prizes, ordering French consuls to carry out his belligerent plans, demanding an advance



payment of the interest on the French loan for the purchase of war supplies.

As Genet was making a triumphal progress up to Philadelphia, feted by the Francophile Republicans of the Southern States, the President summoned his Cabinet for advice as to how to treat the new envoy. Should he be officially received and the republic which sent him recognized? If so, what would be the effect of our relations with those maritime countries with which the French Republic was at war and with which our trade was flourishing? There was the embarrassing Treaty of Alliance of 1778 with France, pledging us to fight her battles and opening our ports to her prizes. Was there occasion now for France to demand fulfillment of the pledge and so involve us in a war with Great Britain? The Cabinet agreed unanimously that Genet should be received, but that, at the same time, a proclamation should be issued forbidding our citizens "to take part in any hostilities on land or sea with any of the belligerent powers" or to carry contraband goods to their ports. Washington published the proclamation on the very day that Genet entered the Capital, April 22, 1793.

#### "THE PROCLAMATION"

"Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, of the one part, and France on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

"I have, therefore, thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

"And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons, who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the powers at war, or any of them . . . ."

France had sent us men, ships, and money to help secure our independence. France was our ally now, and England a surly neutral. France was a republic, proclaiming the end of the reign of despots and of the privileges of aristocrats in the Old World as we had proclaimed it in the New World. France had thrown open her ports to us, while England forbade us to use them. Should we treat our enemy better than our ally? We had dismissed Genet for overstepping the bounds of propriety, but we tamely allowed England to retain our fur posts, to seize our ships, and to impress our sailors. If the French faction did not want war with England, at least they were willing to go to the very verge of war.

But Washington was determined to have peace. In April 1794 he appointed John Jay, Chief Justice of the Supreme Court, as special envoy to Great Britain to negotiate a treaty.

Our first President, having successfully guided our Nation through all the dangers that beset the Government by firmly establishing the principles of neutrality, left for our guidance, in turning over the responsibilities of our Government to his successor, the principles laid down in the imperishable words of his Farewell Address, which have been followed in making America a Nation that is preeminent among world powers.

Let us heed the advice of Washington today and not yield to the "insidious wiles of foreign influence," and remember his admonition to "observe good faith and justice toward all nations; cultivate peace and harmony with all." Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least is recommended by every sentiment which ennobles human nature. Alas, is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amiable feelings toward all should be cultivated.

And remember that he cautioned:

A passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the allusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gliding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues of foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot.

And for guidance—

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions or her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another.

And today, in light of the experience of the years since our Nation was founded, as a Member of this House, I sanction his statement as did the Members of Congress 146 years ago, when he said:

My proclamation of the 22d of April 1793 is the index to my plan, sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

Mr. Chairman, in conclusion, let us firmly adhere to the principles of neutrality and deal justly and equitably with

all foreign nations with malice toward none and friendship for all. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, I realize that an adequate speech cannot be made on this subject in any 3 minutes. I started off with the idea in mind of having 20 minutes.

I realize, of course, that this is not a perfect bill that has emanated from any one brain. Much has been said about those who have contributed to the bill. We must not forget the hand of Secretary Cordell Hull and his part in it. Contributions have been made by others, even from the negative side of the subject, and still other contributions will go into the bill before its consideration is completed.

I realize, and I think we all realize, that the foreign policy of the United States is its first line of defense. Nothing is ever lost in an international relations policy by reason of clarity, plain dealing, candor, and a fair way of handling affairs. There are a few things that must be done in carrying out the Nation's foreign policy and there are a few things that we cannot forget, some things about which the United States must say, "This is ours, and we maintain it." That is done here, not as forcibly as it could be done, but as much as is dared to be done. This makes for peace and security, makes for the sort of thing that people understand. Would you rather in your personal affairs deal with a man when you know nothing of what is going on in his heart, or with one who has expressed himself, and you know where he stands? This is the issue: Whether a positive, absolute method of dealing with something set out in metes and bounds that are held up to the Nation shall obtain, or whether there shall be employed a method of inertia, inactivity, and negation. This, as I see it, is the issue here, the only thing on which any great issue has been drawn. So we have here the land of Thomas Jefferson, the country of Stephen Decatur and John Hay, the land in which Monroe laid down his famous doctrine. The policies outlined in the early days were clear enough, were they not? Whenever we have here a measure that can be brought before us that deals in fairness and sets up specific things on which we can put our finger and say, "This is what Uncle Sam will do," do not forget that whenever we move among nations and deal in international relations we always have to deal through the heads of the nation in a moving, changing picture; we must act through proclamation—proclamation by the Nation's head. This is what we are trying to say and do in the powers that are being given to the Chief Executive by this act. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Maine [Mr. BREWSTER].

#### SELLING ARMS

Mr. BREWSTER. Mr. Chairman, the sole issue, in my judgment, is whether or not the arms embargo shall be continued. That policy was adopted by the almost unanimous action of this Congress 4 years ago.

We are now on the verge, apparently, of another cataclysm. There is a difference of opinion as to whether or not our failure to embargo arms 20 years ago brought us into the World War, but it cannot be successfully denied that we followed then the policy of international law which is now so earnestly urged as the prescription for our economic and international ills. We reelected a President upon the proposition that he kept us out of war; yet within 4 months after that, under this international law that we hear so highly touted now, America went into the war and from the consequences of that holocaust we are still struggling to free ourselves.

Mr. Chairman, 4 years ago this Congress solemnly resolved that we would do away with arms sales in the event of war. I hear it suggested that we leave freedom to the President. We decided after the World War that we would not guarantee the status quo. That was the meaning of the decision of America to stay out of the League of Nations; yet today we are being led toward the holocaust of war, not merely to guarantee the status quo but in order to follow a new and

insidious doctrine of collective security which is held by those in high authority.

#### LIMITING POWERS OF PRESIDENT

We decided to limit the powers of the President and the Secretary of State because they were honest enough to tell us exactly what they believed. They believed that they should unite with the so-called democracies, in which they include Russia, the greatest and most sinister dictatorship on this earth, to prevent other countries from recovering what we ourselves at Versailles condemned as an unwise and unjust treaty—one that deprived great powers of things they should rightly have. Yet today we are being led again to the brink of that abyss. I ask that America stand by the policy solemnly adopted 4 years ago and that we keep America on a peacetime economy.

I recognize the subtle distinctions which may be drawn as to the sale of arms and other implements of war. I agree with all that. One may even point out that this goes to a substantial extent in the direction of that assistance to certain countries that some so much desire. But I say that America can guard its heritage by keeping our economy on a peacetime basis rather than by making America a great arsenal. France and Britain have not the gold to pay for a single year of war. That means we must either extend them credit or take goods in exchange. And all for what? To preserve the status quo that the statesmen of Great Britain themselves admit is utterly indefensible. [Applause.]

#### WAR OR PEACE?

The question of war or peace vitally concerns every town and every citizen of the United States. It is well that Congress and the country should pause occasionally to consider the direction in which we are being led.

Norway, Sweden, Denmark, and Holland kept out of the World War, although those countries were on the very edge of the abyss with myriad daily contacts with both sides. Keeping America out of war should be much simpler when we contemplate our strength and our resources and the 3,000 miles of ocean that separate us from the scene of conflict.

What mysterious power cultivates so insistently and insidiously the idea that America must necessarily be involved in any future war? That idea is public enemy No. 1 to persuade us immediately to join Europe in choosing sides.

Congress by an overwhelming majority has adopted a certain policy to keep us out of war. Now it is proposed to change that policy in order, as everyone admits, to help one side in what is believed to be an impending conflict. By no stretch of the imagination can that be called neutrality.

#### WHAT IS THE ISSUE?

The immediate issue is as to what rules the Congress shall lay down for the conduct of our foreign relations in the event of war. At the present time in the event of war the President is obliged to stop all shipment of arms and munitions to any of the belligerents. The President wishes to do away with this limitation and permit belligerents to buy arms and munitions here, providing they pay for them in cash and take them away in other than American ships.

England and France are very much concerned that they shall be able to buy arms and munitions in this country in the event of a European war. The British Navy would presumably control the sea and be able to carry the munitions to Europe; America would thus become a great arsenal for supplying Britain and France.

#### GOOD BUSINESS OR FOOL'S GOLD

At first flush this seems like a good business proposition. Those who oppose this proposal, however, point out that the gold supplies of Britain and France are now depleted to such an extent that they would be able to pay for these munitions in cash only for a very limited period, even assuming we wanted any more gold. Fool's gold it has well been called. Thereafter we should be obliged to take goods of some character in exchange. This would mean that while we would occupy some Americans in making munitions we would throw other Americans out of employment in the industries affected by the imports from abroad. Gradually our entire economy



would become dislocated. America would find itself on a war basis until finally our participation in the war might again seem the only solution of our troubles. Some suggest that this is a part of the plan.

This past week, coincident with the return of the King and Queen to London, it was announced that discussions were underway regarding the refunding of the British debt in order to clear the path for further loans from America.

#### WHAT DOES THIS MEAN TO AMERICA?

Every town in America contributed boys to the last war, and some of them never returned. This will be even more the case in the next war, as the instruments of destruction have so terrifically increased. As we witness the havoc wrought by the last war on our economic structure—with the consequences of which we have been struggling for the past decade—one is compelled to wonder what would be the results upon our economy of embarking in another major war, not with the comparatively puny debts of 1914 but with a national debt now approaching \$45,000,000,000.

#### TWO SIDES

Let us be fair and admit that there are two sides to this argument and that there are many sincere and patriotic Americans ranged on each side.

#### COLLECTIVE SECURITY

One point of view emphasizes collective security. The advocates of this viewpoint insist that dictatorships are now abroad ravaging the world. The gangster tactics of certain world rulers, it is urged, are more and more evident, and their objectives are becoming clear. Meanwhile the great democracies of the earth, represented by Great Britain and France, find themselves increasingly pressed on every hand with the prospect of a major conflict with the totalitarian powers in Europe and in Asia.

The possibility is persuasively portrayed that Germany, Italy, and Japan may gang up on France and England and destroy the British Empire and then at their leisure move on America. Accordingly, it is urged that it is much more prudent for America to take a hand in the struggle before it is too late and save Great Britain and France from destruction, at least by furnishing arms and ammunition and other supplies, and, if necessary, by armed intervention on the part of the United States.

#### AN AMERICAN VIEWPOINT

The opponents of collective security argue that the danger of disintegration of the British Empire is greatly exaggerated and that Europe possesses all the forces necessary to curb the totalitarian states. The vast strength of the British Empire, both in men and materials, is pointed out—with almost 50 percent of the resources of the inhabitable globe in the possession of Great Britain and with a navy that dominates the seven seas.

The smaller democracies of Europe are meanwhile in intimate contact with the scene. They remained out of the last war because they did not apparently believe their vital interests to be involved and suffered comparatively little harm. While they individually are of small consequence, they collectively represent a considerable force and also considerable resources. They are far more vitally involved than the United States in the preservation of democracy in Europe and may be depended upon to act when, as, and if they believe democracy is really at stake.

In addition there is Russia with its vast resources and manpower and potentialities of various kinds. There is nothing to indicate that Russia proposes to let Germany, Italy, or Japan become dominant in the world as their ambitions and ideologies clash at a hundred different points, and sooner or later the Russian deluge will let loose. Russia has a variety of vital interests in Europe and in Asia that must inevitably become involved in any major European or Asiatic strife, and Russia may be depended upon to see to it that neither Germany nor Japan become dominant in the world scene.

The British are obviously reluctant to do business with Stalin since he is fully as ruthless a dictator as any ruler in the world. This demonstrates, however, that the problem is not one of ideologies but of the age-old racial and territorial

quarrels of Europe and Asia with which America has no primary concern.

Great Britain would very much prefer to do business with the United States. The only difficulty is that we have no vital interests that are immediately involved since our trade stakes in either Asia or Europe are not worth a month of war nor the life of a single American doughboy.

#### ADEQUATE ARMAMENT

There is a strongly American point of view that desires to see America adequately prepared to protect the American hemisphere north and south against encroachment of any kind and then to bide our time and wait and watch developments across the sea without involving ourselves in entangling alliances or committing ourselves to the course that we shall follow in any circumstances when they arise.

Meanwhile, it will be well for America to give very serious thought to foreign affairs and to the sacrifices that are inevitably involved in any major conflict overseas. Not the last of the sacrifices will be the remnants of our democracy, as America is altogether likely to go totalitarian the day war is declared.

#### MIND OUR BUSINESS

The President apparently has a Messianic complex to make the world safe for what he terms "democracy," although this includes the most ruthless dictatorship the world has ever seen in Soviet Russia. No challenge of his sincerity is involved in pausing to consider before plunging America into the maelstrom of another war.

America may yet be the "lost horizon" where some semblance of our civilization may be preserved.

The historic policy of America laid down by George Washington is to mind our own business. We violated that principle in the last war and are still struggling with the consequences.

Great Britain has grown great and has contributed greatly to the progress of civilization and the stabilization of society by looking strictly after its own particular interests and not permitting purely sentimental or idealistic considerations to determine its course of action in various portions of the globe.

America may profitably study this example and be sure that the vital interests of America are at stake before we become involved in controversies in other hemispheres.

Let America get ready. Then let America be still. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KUNKEL] such time as he may desire.

Mr. KUNKEL. Mr. Chairman, I intend to vote against the Bloom bill in its present form. In my opinion, section 4 is at least as objectionable as section 3, which the committee has indicated will be deleted from the bill by a committee amendment. There is little use arguing against the Bloom bill, because, thus far, the arguments advanced in its favor have only been directed toward the bill with the first "whereas" clause and section 16—the repeal clause—included and the rest of the bill entirely eliminated. As to a bill in this form, some very eloquent but somewhat questionable arguments have been made. The chief claim of the proponents of the present bill is that it grants the Executive no powers which he does not already possess under the Constitution. Consequently, to pass the bill, except for the above referred to parts, would be a useless gesture. If this argument of the proponents is so, it is certainly ridiculous for Congress to hand out powers it does not possess to a branch of the Government which already possesses them. If this argument is so, why should Congress assume, or attempt to assume, a responsibility which it does not have when, under the Constitution, it lacks the power to control the incidents of this responsibility? Clearly under this argument this bill rests an unwarranted responsibility on the Congress, while the executive branch retains the complete power which it always has had under the Constitution and always will have unless the Constitution is amended.

On the other hand, if this argument of the proponents is not so, then clearly, by the language of the bill, we are grant-

ing extensive powers to the Presidential office. This would be most unfortunate, particularly when we do not know in advance what powers may or may not be necessary and useful under conditions which may or may not materialize in the future.

Whether we hesitate to give or assume to give additional powers to the Presidential office because of doubts as to whether they should be given, or whether we hesitate to transfer those powers because they cast such a tremendous burden and responsibility on the Presidential office, it seems to me that we should vote against this bill.

In conclusion, all I have to say is that no matter what kind of a bill is passed here this afternoon—be it good, bad, or indifferent—it is my hope and prayer that in any event we do not become involved in any foreign wars. We can talk all we want to about what the Congress can do to prevent a war, and what the President can do, and what the Secretary of State can do, but in the last analysis, in my opinion, it is going to depend on the state of mind of the great body of good, sound American citizens. If they do not permit themselves to be swayed by propaganda and hysteria, but continue to view current conditions with their customary good judgment and good sense, this country will not become embroiled in a war. [Applause.]

Mr. FISH. Mr. Chairman, I yield myself the balance of the time remaining on this side.

Mr. Chairman, I am convinced that if this bill is adopted without the arms embargo and a war breaks out in Europe, we will be in that war following our arms traffic and be sending our youth over there within 6 months. I am also convinced that if we get into another world war, we will come out of that war a bankrupt Nation, win or lose. I am further convinced that if we get into another world war, we will lose our own free institutions and come out of that war either a Fascist or a Communist nation. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE of Oregon. Mr. Chairman, as I look back over my record of a little more than 6 years in this House, I can recall but few of my votes on important measures which I would now change, regretting the position I took when the bills were up for final passage. One outstanding exception to the record which appears to me fairly satisfactory is the present neutrality law. I voted for it because it seemed to be a solution and we were fascinated by the word "neutrality." It was in the air. Most of us voted for it. Many times I have been sorry that I did so. If I interpret correctly the story of world affairs since the passage of that neutrality legislation, I must conclude that it has offered great encouragement to the aggressor nations, namely Germany, Italy, and Japan. Indeed, as far as shipment of munitions is concerned, we were neutral in the great conflict in Spain and, as a result, the fires of liberty and freedom which were glowing brightly in that country such a short time ago have been extinguished, and today, if reports are true, thousands of the fine patriotic men and women of Spain are facing the firing squads. Yes, we refused to sell arms to a nation begging to buy them, thus remaining "neutral" while helpless, struggling people went down before foreign conquerors, who used the arms and munitions furnished those aggressor nations—Italy and Germany. During all the time the conflict was going on, Italy and Germany denied that their soldiers were, in any numbers, fighting in Spain or that they were furnishing munitions and airplanes. We now have incontrovertible evidence from their own present boasts that what they then said was not the truth. I cannot imagine that any Member of this House wants to see the reign of Hitler further extended throughout Europe, wants to see Hitler "kultur" imposed upon the world.

We know that in our attempt to be neutral, under the present law, China is being slowly conquered in an undeclared war waged by one of the aggressor nations. Genghis Khan and Tamerlane were never, in their most bloody campaigns, more cruel than is the present conqueror of China.

By allowing Japan to buy in our ports the larger portion of the raw materials which they converted into instruments of destruction, we have aided another ruthless aggressor.

No sane, right-minded person wants war. Not a Member of this House would, under any conditions, vote for war if it could possibly be prevented. But, unfortunately, the decision on war may not be made on this floor nor by the Members of this Congress. If we are again forced into a war it will, in all probability, be because of conditions we are helpless to prevent. The question for us to consider is what legislation will be the most valuable in keeping us out of the coming conflict. I think the great majority of the students today freely admit that a great conflict seems imminent, and not because the democracies of western Europe desire it. They know they must defend their own sources of food supplies, and their own shores. They cannot submit to the surrender of further territory, as they have unfortunately done in Austria and Czechoslovakia. When the next great push comes, engineered by Hitler and the group behind him, resistance must be offered by France and England. Further concessions on their part will be a confession of fatal weakness.

This legislation which we are now considering and will finally enact will in all probability be the law by which we shall be governed when the next great conflict comes, whether it is in the immediate future or removed some years. If we can, from their past conduct, forecast the plans of Hitler and Mussolini, then we must conclude that the conflict is inevitable. I am well aware, as we all are, that such a war would result in annihilation of the tangible evidences of great civilizations. Airplanes coming over by thousands, dropping their bombs on Paris, London, and the industrial centers of western democracies, would leave complete wreckage. Of course, if aggression comes, the European democracies must fight back. They cannot surrender achievements of a thousand years and allow Hitler and Mussolini to divide the world between them, reducing proud people to the position of mere slaves and serfs. They must resist strongly with all the modern resources at their command or face horrible consequences—helpless, absolutely helpless, in this day of machinery and chemicals used for destruction of human beings.

There is little chance of a rise of the common people in a rebellion in Italy or Germany. Modern methods of destruction are so ruthless, instruments of war are so terrible and so controlled by governments, and chemicals in quantity are so essential, there is simply no opportunity for those in opposition to tyrants to rise, throw off the yoke, and establish different forms of government. In the centuries of the past, when our ancestors could go into the forests and fashion bows or stout clubs in preparation for a clash with the best-trained troop of despots, there was a possible chance for an uprising, but there is precious little today, in this day of secret police, concentration camps, purges, and mass executions. So if the reign of the aggressors is to be resisted, that resistance must come when the aggressor nations fix the time by making demands to which the western democracies cannot accede. It is my opinion that time would have arrived before this had it not been for the message of our President addressed to Hitler, causing the war vendors of Germany to stop, listen, and consider. They have worked up such a spirit of war, accumulated such a mass of machinery and bombs, and are kept at such fever heat that the slightest incident may push some group over the danger line and then the conflict will be on.

Is any Member of this House so forgetful of the history of civilization as to think we could preserve the neutrality required under the present law if England and France were begging us to sell them guns and airplanes for their defense? If they offer to pledge the balances that they hold in our banks and the last remnants of their gold, can we refuse to make such sales? Should we resist their pleas?

I am for this bill because I have faith that our President is just as desirous of keeping us out of war as is any Member on this floor. I am for this bill because the Secretary of State, Cordell Hull, has said publicly that he believes the right to sell arms and munitions of war in case of a conflict



would be potent toward peace and not for war. He spent years in this House and in the other body, always honestly in the service of the people, and while I have doubted the wisdom of some of his decisions since he has been Secretary of State, no one doubts his integrity nor his desire to maintain peace and to preserve American institutions.

I am for this bill because it does the very thing public opinion will force us to do should we some day, in the near or distant future, read in the papers that much of London is in ashes and Paris a ruin. The most bitter opponent of this bill could not resist the public indignation which would flame all over our country should this disaster come and this House continue to refuse to send munitions of war to the suffering, bleeding democracies of western Europe. I know many on this floor find much pleasure in bitterly criticizing England and at times she and her statesmen certainly merit the most vehement denunciation. We should not, however, forget that we speak the English language, and that English traditions and English history, with all its mistakes, have been the background from which has come our American institutions. We must acknowledge that our heritage of freedom came largely as a result of their struggles. Sad, indeed, would be the day for America, should Hitler and Mussolini rule supreme and Britannia no longer "rule the waves."

I am for this bill because it is a clear-cut attempt to go just as far back as we can go to the old law of international relations, which is the outgrowth of the customs of the centuries. Time after time, on this floor, I have heard different Members speak bitter words about our entrance into the great World War. I am one who still believes that we went into that war to save civilization from a German peace, and that, while we made tremendous sacrifices of lives and of money and of morale and stability, we did prevent worldwide domination of German militarism in a most terrible form. I believe it would then have been imposed upon the world and that by this time we would have been forced to isolate ourselves from Europe, which would have meant a complete reversal of our economy. Future historians will, I think, give full credit to the heroes of that struggle for saving a civilization which we must now protect by taking a stand through legislation, happily not through warfare.

I do not belong to that class which cries for peace at any price and advocates avoidance of war under any and all conditions. I think one of the worst things that came to America in that trying period of the World War was the sentiment which swept through the land with the expression "We are too proud to fight." It made the German general staff believe that under no condition would we fight. Had England during the last days of July 1914, speaking through Lord Grey, said to the Kaiser: "If you invade France by way of Belgium and make a scrap of paper of that treaty protecting the neutrality of Belgium, and solemnly entered into, then you will meet the full force of the British Empire, for we will be on the side of France," then the Kaiser would never have brought on the World War.

If we pass this neutrality act by a good, strong vote, I believe it will have a deterrent influence on Hitler and Mussolini, as did Roosevelt's letter some weeks ago. If Hitler and Mussolini really know that the factories and farms of America could be used to supply the French and English armies, I believe they will be very reluctant to bring on the conflict. If, on the other hand, this legislation should fail, then the aggressor nations, Germany and Italy and Japan, will believe that our country is so divided there can be no united support for the democracies of the world, and they will be more apt to precipitate the struggle.

I shall vote for the pending bill because I believe it is a war deterrent, because I believe it will do more than any other course we can follow to ward off the continued aggressions of Hitler and Mussolini.

The debate on this neutrality bill is the most interesting and important that has taken place in this House since I have been a Member of it. Many of our keenest and ablest Members have analyzed the situation from every angle, have set forth their views in carefully written and most eloquently

spoken words. Those who have been schooled by committee hearings and intensive study have brought to us statements of their conclusions which afford guidance to those of us who have not had the advantages of such stores of information. An old farmer from the mountains of eastern Oregon cannot hope to compete with brilliant colleagues who have taken part in this discussion. Because I do feel so strongly on this matter I have gladly accepted the opportunity to make a few observations which appear to me to be important. I have, since early youth, been an avid reader of history. I taught it for years with enthusiasm which I strove to impart to my students. The import of its lessons has been the theme of my thoughts during long days of riding in the hills of the cattle country. I am now so stirred by those lessons and memories and by the present occasion that I feel impelled to set forth my views in the hope that some younger Member may be moved to more thoughtful consideration of a point of view resulting from long years of study and contemplation. I believe we must now take a stand dictated by reasoning and based upon the teachings of history and our own experience in international affairs.

Yesterday morning the papers carried the information that the British fleet has, under orders, taken the first of its battle-line positions north of Scotland, just as the fleet did in July 1914. The Premier of France announces that there are 3,000,000 heavily armed men on the borders of France, all prepared to jump at the throat of that much-harrassed nation. Every nation of Europe is either mobilized or semi-mobilized. England has moved up war maneuvers from September to August; the very air is charged and supercharged with rumors of war. English boys who are trained aviators sit in their planes all night long near the English Channel, ready to go into the air at a moment's notice to meet in the great "central blue" the enemy planes of the aggressor nations. Truly the conflict so graphically foretold by Tennyson long years ago in his Locksley Hall seems about to occur.

The choice of whether that catastrophe and dread destruction should come is not up to England, nor will the decision be made by Scandinavian nations. Madly ambitious, war-crazed men are again in control of Germany, Italy, and Japan. I firmly believe that the men and women in the homes of those countries do not want to fight, and that if they had a chance to express themselves freely they would overwhelmingly vote against further encroachment or aggression, but citizens of the aggressor nations are mere pawns moved by others, they are as impotent as the clouds that float above them. It would seem to us observers on this side of the Atlantic that Great Britain and France can retreat no further. It would seem that the time for a stand has come, as it came to General Haig when the British Army fought every day and retreated every night, and he issued his now famous order, "We retreat no further, here is where we win or die." The western democracies have allowed aggressor nations to absorb proud Austria, brave and industrious Czechoslovakia, rugged Albania, and patient, long-suffering Spain. The next unholy demand of Hitler is awaited with dread and anxiety. Action would seem to be the only antidote to the ghastly fear which has enveloped Europe.

Should we some morning in the near future read in our papers that much of London and Paris were in ruins and many of their munition factories destroyed, could we justify our course before the eternal bar of history if we then refused to sell airplanes and munitions of war to those bleeding democracies of western Europe? They would be ready to buy them, to pay for them, and transport them across the ocean at their own risk. Do you think we, in the name of humanity, could refuse to open up our almost unlimited resources to the nations of Europe which are today defending the principles of free government? If any act of this Congress can avert the expected conflict, we have no right to withhold it. If any act of ours will strengthen the hands of democracies, we have no right to withhold it. We still have a lingering hope that all nations will realize the utter futility and tragic waste of war and will ultimately join in a federation of the world.

People of all nations know mistakes were made at the conclusion of the Great War, and that "yesterday this day's madness did prepare," but the great majorities are helpless. You and I are privileged to take a stand—to make a definite move toward peace. Upon us rests a burden and an obligation.

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. MOUTON].

Mr. MOUTON. Mr. Chairman, after all the splendid oratorical efforts that have been made by so many of my distinguished colleagues, all with such long years of brilliant service as Members of this body, in analyzing and explaining the provisions of the neutrality bill now under consideration by the Committee of the Whole, House Joint Resolution 306, it is hardly conceivable that I, a comparative newcomer, should presume too greatly upon your time and attention with a lengthy dissertation of the merits of this proposal. I do want, however, to say these few words about my individual sentiments concerning the same.

I believe, and I weigh my words carefully when I say this, that this resolution represents just about the best possible solution, or compromise, if you care to call it such, to this momentous and highly controversial subject which your Committee on Foreign Affairs could bring forth. To our esteemed and lovable acting chairman, SOL BLOOM, belongs the greatest of praise for his diligent and tireless labors on this question. He has given unstintingly of his time and energy over these past few months in presiding over the long and tedious hearings and the many executive sessions held by the committee in working out and perfecting this most patriotic of all legislative undertakings—fabricated solely for the purpose of keeping our great Nation out of war. He has done a masterful job; one of which he can feel justifiably proud. To our very able acting chairman, alone, however, does not the entire credit and praise belong; to the full membership of the committee, majority and minority alike, do I, likewise, pay tribute for their altruism, ability, and unity of purpose.

Neutrality, Mr. Chairman, is, at best, a most difficult subject with which to cope. There are many and varied views as to just how real, genuine neutrality on the part of our country in the event of future foreign wars can best be attained. I may say right now, however, that I am thoroughly in accord with the often repeated statements made by Members on both sides of the aisle, that there is no question but that all are sincere in the belief that their particular brand of neutrality will most effectively accomplish the all-consuming desire to keep the United States out of foreign embroilments. To that end we are all united. We are divided only as to the best means to attain that end. I have a healthy respect and high regard for the motives of each Member of this Congress on that score.

While certain Members, or groups of Members, may entertain views of quite an opposite nature, I believe that your Committee on Foreign Affairs has come to you with a bill that will best insure our being neutral in future foreign conflicts. Briefly summarizing its contents: Section 1 places upon the President the duty of naming the nations involved, in the event he finds that a state of war exists. This, then, to a degree, makes possible the operation of the following sections of the proposal. Section 2 is designed to lessen our chances of becoming involved in foreign conflicts by placing the responsibility for personal safety squarely upon the individual who chooses to travel in ships of belligerent nations. Section 3, I understand, is to be deleted by mutual consent, so I will, therefore, pass over same without comment. Section 4 considers the permitting of commercial short-time obligations of peacetime character in the United States for nations proclaimed to be at war. This is tantamount to a cash transaction in every accepted sense and is designed only as a normal and reasonable aid to those engaged in foreign commercial affairs. Section 4, also proposes to strike another blow at the yoke of foreign entanglements, by following the same cautious line of thought as contained in section 2, except that the theory is applied to materials and

supplies, instead of humans, being transported to proclaimed belligerents. Complete transfer of title to the foreign government or agent or agency concerned, of all articles or materials being shipped to belligerents from our country, is required under this section. Again, it follows, by taking every precaution humanly possible to remove the cause, you will have progressed a long step toward removing the effect. After such a cargo or shipment leaves our shores, it becomes solely and entirely the responsibility of the titleholder and, thereby, precludes the possibilities of the development of a series of circumstances giving rise to an undesirable and unpleasant situation involving the seizure or destruction of American property. This, with certain innovations, is merely a continuation of the "cash-and-carry" feature of the act of May 1, 1937, which feature expired May 1, 1939. Section 5 prohibits the solicitation and collection of funds in our country to aid belligerent governments. Section 7 is designed to prevent the use of American ports as a base of supply for foreign nations proclaimed to be at war. Sections 8 and 10 are designed, respectively, to restrict the use of American ports and territorial waters by submarines and armed merchant vessels of foreign nations, and the continuing of the set-up and functions of the National Munitions Control Board for the administering of the provisions of the resolution and for the licensing of exports and imports of arms, munitions, and implements of war. Section 9, I understand, is to be stricken from the bill by mutual agreement.

Most of the provisions of the resolution now under consideration are for the purpose of continuing in effect similar, or essentially similar, provisions in the present neutrality law, the major differences being the discontinuance of the embargo on arms and the renewal, with minor alterations, of the so-called cash-and-carry feature of the old law, which, as said before, expired on May 1, 1939. After exhaustive hearings on the subject, and after due deliberation, your Committee on Foreign Affairs is of the opinion that these changes and rectifications are warranted and will bring our country closer to the realization of a true status of neutrality should hostilities develop abroad. Nothing has been said by the opposition to the bill that has not already had full and careful consideration by the Committee on Foreign Affairs and I see no logical reasons why the neutrality of the United States, designed along the lines and principles laid down in the pending proposal, should fail to be effective, as well as is humanly possible to contemplate, when placed into practice.

I believe that the bill is worthy of the approval of the Committee of the Whole and I urge that, regardless of political faith or creed, we rally behind it and support it to the very utmost. [Applause.]

Mr. BLOOM. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman, the people of Oklahoma want America to stay out of war. They are certain that the last war was unprofitable to this country, from both a financial as well as a moral standpoint.

Any attempt at neutrality by passing legislation, viewed at its best, has been unsatisfactory. The acts of 1935 and of 1937 have been faulty. Situations are constantly arising that are unpredictable, and we have been finding ourselves hampered by the very laws we have passed in the hope of achieving neutrality.

In my judgment we can rely on the good judgment and the patriotism of President Roosevelt and Secretary Hull, who have recommended this legislation. The traditions and history of our country have established that, regardless of party, our great Presidents were actuated in international affairs with pure motives and with an eye single to the interest of the people of America.

It may well be that it is safe to amend the bill so as to return to the tenets of international law, but failing in that it is the part of wisdom to follow the advice of those charged with the responsibility for foreign affairs, namely, the President and the Secretary of State.



This seems to be a proper time to discuss a subject that is of interest to thousands of Americans—the metaphysical side of the whole question of international relations, and practical means of approaching nearer to the diplomatic efficiency that is useful in national crises as well as such preparation for them as may be made.

Discouragement and pessimism are the devil's weapons. Persevering effort is profitable in this line as in others.

Feudalism, dueling, witchcraft, human slavery have gone by the board. We thought our way out of them. A few of our superstitions, too. It is inconceivable that we may, and inevitable that we must, think our way out of bigotry, hatred, war, and depression. Even the cynics would concede that the effort to do so is worth while—that there is glory even in trying.

The battle plan is not necessarily one of armies, navies, or air forces; mental and moral cooperation for a better world order is the prime requisite. From principle has flowed the world's mental progress, and from principle it will still proceed.

All over the land the cry has gone up for better service. Training for public service. For the Nation and the world. How noble and comprehensive it sounds. How can we apply it with wisdom and patience to the daily needs of people and nations? What practical suggestions offer to breast the opposition to things new and out of the regular channel?

The doctor, the lawyer, and the engineer is expected to undergo a long period of training before he practices his profession. The plumber, the carpenter, the bricklayer is expected to serve an apprenticeship before he is master of his trade. In this age of specialization the craftsman and the professional man, to be respected in his line, must qualify by training and experience. Before he can regularly engage in his occupation he must undergo intensive preparation. Complexity requires such skilled training, and all concede its desirability and its necessity.

But, through some strange and unaccountable quirk of the public mind, such reasoning does not apply to those engaged in public service. All sorts of obstacles stand in the way of the development of the profession of civil servant. The slow and expensive school of hit-and-miss experience has trained (or not trained) too many public officials. We have used the trial-and-error method—trial while one administration has been in office and error of the individual's being swept out later by the spoils system. For instance, local elections often turn on the supposed convictions of the candidates with regard to, say, war debts, the tariff, the League of Nations, prohibition, and other matters unrelated to the proper selection of the elective or appointive officer. Fitness is often forgotten.

The Army has its West Point and the Navy its Annapolis for the training and education of two of the most highly respected and efficient personnels to be found anywhere in the world. It is economic good sense to have similar and comparable training and education for those who administer our domestic affairs and treat the diplomatic issues abroad.

No system of training is found in our governmental scheme of things for the diplomatic and administrative career service comparable to the specialization for force on land and sea, exemplified by West Point and Annapolis. Incredible. But it is not enough to inquire why, but to point out how the lapse may be rectified.

I have proposed a National Academy of Public Affairs to be located at Washington, the nerve center of the Government of the Nation.

West Point and Annapolis are world-wide in their implications and acceptance. The military leaders on either side of our only Civil War were graduates of West Point. In the World War a West Pointer commanded the Army, and Annapolis produced the admirals. The Academy of Public Affairs, had it been established a few generations ago, con-

ceivably would have produced the diplomatic brains for our part in the World War.

By the terms of the bill introduced by me (H. R. 1957) there would be established in Washington, where the Father of his Country visualized a great American university, a national academy of public affairs. Its function would be the education of young Americans in diplomatic and administrative career service—specialized civil servants. The school would be free of charge, coeducational, nonsectarian, and nonpartisan, operated by a board composed of certain Cabinet members; namely, the Secretaries of State, Treasury, Interior, Commerce, Agriculture, and Labor.

The Cabinet members, while politically selected, have almost uniformly in the last half century been appointed by reason of their attainments in various walks of life. Without exception, the Presidents of both political parties have sought to rise above party politics in the selection of their intimate advisers in the Cabinet. So the board of supervisors for the academy would be composed of outstanding American citizens with a broad comprehension of the needs of the Nation. This board would select the faculty, officers, would prescribe the course of study, entrance requirements, and regulate the conduct of the academy. It would also determine whether the school should be a postgraduate institution, and fix the term required for graduation.

The general idea is to create an institution for metaphysical purposes comparable in plan, form, and intentment to Annapolis and West Point, which are so high in public esteem in America and the world. Young America clamors for the honor and recognition of appointments to these two academies. Young America's parents are proud to have the honor conferred upon their sons. Visualize expectant American youth eager to enter the national academy of public affairs, an institution not of force but of mental defense.

The courses of study would, of course, be developed as the institution grew in public opinion and experience. It would be logical to anticipate that the curriculum would include language, history, and government. Economic history, sociology, international law, and structure and functions of government, both domestic and foreign, would naturally have a place. Political history, the study of political parties, statistics, the principles of public administration, and finance, also social and economic planning, government accounting, public-welfare administration, diplomatic study of public opinion, and world trends of civilization, modern, medieval, and ancient, would properly come within the range of study prescribed for students at the academy.

The selection of the students by the President, Senators, and Congressmen is provided. It cannot properly be said there is any political taint in that system. It has been in vogue for generations in the selection of candidates to West Point and Annapolis, and has been uniformly successful, producing a high order of scholarship. It guarantees a broad cross-section of the whole population of the States better than any other plan would or could. This tested means of selection has general public approval—it would not seem wise to deviate from such a plan. It has a historic background of national acceptance.

Why spend the public money in this manner? Why are not the endowed colleges and State universities doing or capable of doing the same training contemplated by the academy? There is a quick answer—we have many military academies in America—yet none of them approach the standing of West Point. The R. O. T. C. units in the college can never hope to compete with the Military Academy. West Point and Annapolis represent the Government. National and world opinion would favorably receive an official institution and its graduates; it has been slow to accept the private or State institution and its product for the particular capacity under discussion. Training for the Government should be training by the Government. The civil servant who would graduate from the academy would re-

ceive recognition the world over, because of the very fact that his training came under the direction of the Nation itself. In 150 years of national life, no college, no matter how popular it may have become along other lines, has achieved any considerable or outstanding reputation for the training of the civil servant.

The location of an academy of public affairs in Washington would assure the student ample contact with the realities of government and administration, and prevent overemphasis of the theoretic and academic. It would open up a large and highly important field to able young people. Thousands would dedicate their lives to the ideals which the institution would represent. Changing social conditions require new means of attacking new problems; changing world conditions justify another look in the direction for the public service. From the broad cross section of American life, from which it would be selected, the student body would represent imagination and foresight coupled with native ability, broad training and discipline in judgment, initiative, decision, foresight, and expression which would give the academy and its graduates a high place in thoughtful public opinion in America and in the world.

It should be one more nail in the coffin of the spoils system. The realist as well as the idealist should approve. Each administration has its "brain trusters" whose work is crippled by the political shafts aimed at them. Conceivably, we might by this movement, amongst others, develop an administrative personnel that would obviate the need to draft dollar-a-year men or "brain trusters" when serious emergencies arise.

Our Diplomatic Service is remarkably lacking in career-service personnel. To say the least, graduates of the academy of public affairs would have special training to fit them for the Diplomatic Service, and from that should grow outstanding examples of trained and poised American diplomacy. It has been said that America never lost a war nor won a conference. The day must come when she must attain success in the field of diplomacy as she has in war and in business.

Graduates of the institution would not necessarily remain in the service of the Federal Government. All graduates of the Naval and Military Academies do not. Many of them would likely enlist in the rank of municipal and State governmental service. Their training would make them desirable. There are foreign fields to which they might attain. We might even elect some of them to Congress or to governorships.

Fifteen hundred scholars run the British Government. The British civil service, impervious to politics and by law forbidden to participate therein, has attained such a high standing that it is an insult to assert its integrity. Britain has arrived at this stage by slow and painful progress when we think of the parliamentary corruption of, say, the time of the Pitts. America will, of course, come into her own in that regard, but the outstanding reputation of the academy would bring us to that stage decades sooner than otherwise, because in a few years it would be so entrenched in the hearts and minds of the American people that its atmosphere and its graduates would be accepted not only in America but the world over. It would soon couple the practical with the sentimental.

We are evidently undergoing a renaissance of political thought in America. One achievement of this renaissance might conceivably be the establishment of the national academy of public affairs. The end sought is not the education of human robots, but leadership in the inevitable new world order.

Mr. BLOOM. Mr. Chairman, I yield the balance of the time remaining on this side to the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Chairman, for 2 days we have debated this bill, and the last statement made by

the ranking minority Member upon the committee is the keynote of every word, practically, that has been said against it. His statement was that if the arms embargo was repealed it would involve us in a foreign war. I have heard debate for 2 days upon that question and no one, not even the distinguished gentleman who made that statement, has pointed out one single reason why that statement is true. The House is not going to accept the conclusions of those who oppose this bill and say that it will involve us in war, when no one has pointed out in the slightest particular how the repeal of the arms embargo will get us into war, or tend to get us into war.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I do not have time to yield now, which I regret.

What I said in opening the debate upon this question was that it was the delivery and transportation of arms and not their sale that was calculated to get us into war. If there exists some reason why repeal of the arms embargo will get us into war, someone of those who spoke would have discovered it.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I regret I cannot yield. I have only 5 minutes.

They talked about the Netherlands, and they talked about the Scandinavian countries and their not being involved in war. Let me call your attention to the fact that the Scandinavian countries were not separated from the Central Powers by an ocean, like the United States. They did not have to transport arms and munitions or goods overseas.

That is where our trouble arose. It is because of questions that arise with reference to the rights of our citizens upon the ocean in their own travels and in the shipment of their goods that we must remove some of the causes that might bring about these irritations. I say that if we had had the law we now have when the World War came on our chances of becoming involved would have been far less remote. What brought us into the World War? It was the shipment of our goods, it was the destruction of the lives of our people upon the high seas, it was the credit that we granted to foreign nations. They are what brought us into the war. It was not the sale of arms or the sale of goods.

I shall vote against any amendment to go back to international law and repeal the entire Neutrality Act because I believe we had international law in 1917 and it did not keep us out of war. What we are trying to do by this bill now is to remove the causes that got us into war before.

To those who believe this bill is not the right kind of a bill, let me cite in conclusion an interview I had this morning with Secretary Hull. Let me call your attention to the fact that this bill was drafted on the recommendations of the Secretary of State after he had conferred with Members of both bodies, and it embodies what he believes is the very best means to keep us out of war.

I desire to say in conclusion, Mr. Chairman, that in order that there may be no misunderstanding in this House, I can assure you that Secretary Hull today stands by the position taken in his letter of May 27, 1939, which is in the hearings, and upon which this bill was based. The legislative suggestions outlined in that letter are incorporated substantially in the joint resolution now before us. The suggestions outlined in that letter and contained in this bill Secretary Hull believes to be the most effective legislative contribution at this time toward keeping this country out of war if war occurs.

I say this to the Members of the House: If we want to get ready to prevent our involvement in war, let us stand by this resolution. Let us enact now, before war breaks, these provisions which I believe will go a long way toward preventing our involvement.



The gentleman from Illinois talked about war hysteria and about excitement. Of course, it will come. Before it comes, let us set our house in order. Let us say to our citizens, "We are not going to be responsible for the shipment of your goods." Let us say to them, "We are not responsible for your transportation upon the vessels of belligerents." Let us say to Europe, "We are not going to finance another war. We are not going to permit you to send your bonds here. We are not going to lend you money. You must pay cash for what you get." Let us say to our citizens, "In order to be neutral and prevent hysteria, nobody on either side can come over here and take up a collection, which will create a feeling of sentiment or loyalty to one side or the other." America will stand for peace, and that is what this bill is intended for. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The Clerk will read.

The Clerk read as follows:

*Resolved, etc.,*

PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

SECTION 1. (a) That whenever the President shall find that there exists a state of war between foreign states, and that such war endangers the lives of citizens of the United States and threatens the peace of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

(b) Whenever the conditions which have caused the President to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same.

Mr. TINKHAM (interrupting the reading of sec. 1). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINKHAM. Mr. Chairman, the Clerk is just beginning to read the bill. Is not this the proper time to offer a substitute?

The CHAIRMAN. The first section of the bill must be read before any amendment is in order.

The Clerk resumed and concluded the reading of section 1.

The Clerk read the following committee amendment:

Committee amendment: Strike out all of lines 5 and 6 on page 2 and insert: "and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States."

Mr. BLOOM. Mr. Chairman, I move that the committee amendment be adopted.

Mr. FISH. Mr. Chairman, I seek recognition on the committee amendment.

Mr. Chairman, I do not believe this amendment is very important and, as far as I am concerned, I do not propose to fight it. It does give additional power to the President of the United States, which most of us do not like to do. There are far more important amendments coming up upon which I want to take part and therefore I am not going to engage in any fight on this amendment, but I think it ought to be clearly defined just what it does.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. BLOOM. Is it not a fact that this committee amendment was suggested by one of the Republican members of the committee and adopted unanimously?

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. VORYS of Ohio. This amendment was suggested by myself as something better than the atrocious language for which it is substituted. Under the original bill we had to find that the war endangered the lives of citizens and threatened the peace of the United States. Therefore the original bill would have required the finding of an unfriendly act on behalf of other nations before a proclamation could be issued. I, therefore, made this suggestion which I believe my esteemed

and able colleague the gentleman from Texas [Mr. LUTHER A. JOHNSON] offered as an amendment.

Mr. BLOOM. It was the gentleman's amendment, and it was adopted unanimously by the committee.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. CASE of South Dakota. I would like to call the attention of the gentleman to the fact that when a resolution of inquiry was introduced by myself in the Seventy-fifth Congress, the Secretary of State in replying to the question of whether or not a state of war existed in China, in his reply as given in the CONGRESSIONAL RECORD of December 6, 1937, said:

With regard to the seventh question, neither the Chinese Government nor the Japanese Government has declared war on the other. The President of the United States has not found "that there exists a state of war."

Further:

With regard to the eighth question, the entering into force of the restrictive provisions of the Neutrality Act of May 1, 1937, is left to and is dependent upon decision of the President by a finding "that there exists a state of war."

The language that is suggested by the committee amendment, I agree, is preferable to the original language in the bill, but it seems to me that it adds a further condition that will provide an escape for the President if he does not want to issue the proclamation. If this language were stricken out entirely, then the President would be bound to issue a proclamation if he found that a state of war existed, but this additional language, whether you use the original language of the bill or the language of the amendment, gives him a further means of postponing a proclamation, because he may even find a state of war to exist, but unless in his opinion, in some way it is necessary to promote the security or preserve the peace of the United States or protect the lives of citizens of the United States, he need not make the proclamation.

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the amendment is contained in the portion of section 1 which is in italics and is in the identical language as the provision of section 2 which expired on May 1, and which in committee the gentleman from Ohio [Mr. VORYS] and myself, as well as other members of the committee, thought an improvement over the language of the bill as written.

The reason for the amendment, Mr. Chairman, I may say, is this: If a war exists between two states, regardless of the size of the states or the magnitude of the war operations or the effect of such war upon the United States and its citizens, it would be foolish for the President to find a state of war to exist when it is in such a remote place that we could not possibly become involved. So the amendment simply provides that when a state of war exists and it is necessary to promote the security or preserve the peace of the United States or to protect the lives of the citizens of the United States, then the provision shall be invoked.

As I have said, the provision follows the language of section 2 of the old law which expired, and therefore I think the amendment ought to be adopted.

Mr. HINSHAW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HINSHAW. If the language now contained in lines 7 and 8, as proposed by the committee, is adopted, would it later be in order to strike that language while striking other language in the paragraph?

The CHAIRMAN. Does the gentleman mean an amendment to strike the entire paragraph or section?

Mr. HINSHAW. No; I had in mind certain other language. For instance, I want to move that in lines 3 and 4

the words "the President shall find that" and, in lines 7 and 8, the language that is now in italics be stricken. Is this the proper time to offer an amendment to the committee amendment to effect that, or can I wait until a later time?

The CHAIRMAN. The Chair thinks the gentleman's remedy would be, as he seems to have in mind, to vote down the committee amendment and then offer his amendment.

Mr. TINKHAM. Mr. Chairman, I seek recognition on this amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TINKHAM. Mr. Chairman, so that the Committee may understand the import of this section, let me read a memorandum prepared by the committee and printed in the original bill. The memorandum says:

Section 1 differs from the corresponding section in the Neutrality Act of May 1, 1937, in that, first,

There is no provision for an arms embargo.

Second, there is no provision for the application of this joint resolution to civil strife.

Third, this joint resolution does not go into effect automatically when the President finds the existence of a state of war between foreign states. He must also find that such war endangers the lives of citizens of the United States and threatens the peace of the United States.

Let me call to the attention of the Committee that these changes give to the President of the United States arbitrary power to intervene in any war he chooses; in effect, to pick the aggressor.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Texas.

Mr. LUTHER A. JOHNSON. Was there any opposition to this amendment in the committee? Was it not worked by Republican and Democratic Members alike and unanimously adopted?

Mr. TINKHAM. It was not unanimously adopted. I for one saw immediately that it meant intervention by the President of the United States in the wars of the world, and I opposed it.

Mr. BLOOM. The gentleman did not object.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. ALLEN of Pennsylvania. Did the gentleman vote against this amendment in the committee?

Mr. TINKHAM. Certainly. I opposed it.

Mr. BLOOM. No.

Mr. ALLEN of Pennsylvania. I think the RECORD shows that the gentleman did not vote against it.

Mr. TINKHAM. I contended that this meant intervention, and opposed it.

Mr. CORBETT. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. CORBETT. I would like to make a remark at this time that we considered this bill with such amazing rapidity in the committee that I, for one, do not remember whether we supported this language or not, but regardless of whether we did or not, the Members on the majority side are apparently changing their minds on neutrality legislation, and even if we did support this increased power then, why do we not have the right to recognize that it is an unwholesome increase of power, and now oppose it?

Mr. BLOOM. Will the gentleman yield?

Mr. TINKHAM. I will if you will give me some more time. I shall be glad to answer any question, but I shall ask for more time.

Mr. BLOOM. Is it not a fact that we gave to every member of the committee all the time necessary on these amendments and we considered every amendment suggested by Republicans as well as Democrats? Is that not the fact?

Mr. CORBETT. May I answer that?

Mr. TINKHAM. Let me answer it, please. I have sat on committees in this House for 25 years. Plenty of time was given to this bill, a great deal of time, and properly so, because this means war or peace for us, in my opinion, but when it came to acting on the bill, the briefest time was given. Parliamentary tactics were invoked, and I, for one, was cut off several times when I wanted to make a suggestion or argument.

Mr. BLOOM. I am sorry the gentleman feels that way, but let me say there were 14 meetings, 47 witnesses called, and 13 meetings in executive session. All of those executive sessions were for the consideration of this bill, and I do not believe that any member of the committee outside of the gentleman from Massachusetts [Mr. TINKHAM] will say that they were not given an opportunity to debate and to offer amendments, and the amendments were considered by the chairman.

Mr. CORBETT. Include me with the gentleman from Massachusetts [Mr. TINKHAM] in that group.

Mr. TINKHAM. The chairman of the committee, who is adept at the manipulation of language and facts [laughter], is correct in saying that there were a multiplicity of hearings. I agree to that. I think they were very proper, but when it came to the consideration of the bill, section by section, the bill was forced through as rapidly as possible, and I stand by that assertion.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FISH. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from New York.

Mr. FISH. To substantiate what the gentleman has to say, as one who has served for almost 20 years on that committee, for the first time in all that time the 5-minute rule was invoked by the Committee on Foreign Affairs in the consideration of this bill.

Mr. TINKHAM. The honorable Representative from New York is absolutely correct. The text of this bill was forced through and every technical objection was raised to its full consideration. That should be known to this House.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. CORBETT. I would like to say in that connection that as far as I can find in the reports of the hearings of our committee, there is not a single word of hearings specifically on this bill; that there was not one witness who appeared before the committee on this bill.

It is true that we went through the form of a hearing on other neutrality proposals, but I can recall that even the suggestion to return to a section once passed over was objected to. I also had the experience, in the consideration of an amendment which I offered, to be allowed not even sufficient time which would have permitted the reading of a rather long amendment.

Mr. TINKHAM. That is absolutely correct as I remember the events as they occurred.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman recalls the afternoon, or the morning when an effort was made by the chairman of the committee and other Members to jam the bill through by 5:15 in the evening, knowing that many of the Republicans could not be there, and that that was



on the eve of the visit of the King and Queen of England to this country. [Laughter.]

Mr. TINKHAM. I remember that. I charged, and I charged publicly, that the chairman of this committee desired to don knee breeches [laughter], go to the Canadian border, and on bended knees, present this bill on a silver platter to the King and Queen of England who were arriving in the United States the next day. [Laughter and applause.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. ALLEN of Pennsylvania. I am sure the gentleman does not wish to imply to this House that the hearings were not fair, and honorable, and thoroughgoing in every respect. When the committee members learned that the Republican Members had social engagements we voted to adjourn out of deference to them.

Mr. FISH. But none of those Republicans were invited.

Mr. ALLEN of Pennsylvania. That was not the morning of the garden party. [Laughter.] They wanted to leave to take care of other engagements.

Mr. TINKHAM. I reiterate the statement that I consider, after 25 years' experience in this House and on its committees, that the text of this bill was forced through. Every technical rule of parliamentary procedure that could be used was used so that there could not be full and complete discussion.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Massachusetts.

Mrs. ROGERS of Massachusetts. Does the gentleman recall that in January I suggested that the Secretary of State be called to testify before us, or if he could not come that some representative be sent to speak for him; and it was only about a month ago that Judge Moore, of the State Department, came to discuss this extremely important matter with us, and that other resolutions were passed in the committee?

Mr. BLOOM. Mr. Chairman, I make the point of order that none of this discussion is pertinent to the amendment that is before the Committee.

Mrs. ROGERS of Massachusetts. It is very pertinent to the pending amendment. We all want satisfactory legislation. I think it is very pertinent to the amendment.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. LESINSKI. Mr. Chairman, I object.

Mr. CASE of South Dakota. Mr. Chairman, I offer a substitute to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota as a substitute for the committee amendment: On page 2, strike out lines 5 and 6.

The CHAIRMAN. The Chair would call the gentleman's attention to the fact that this is not a substitute for the committee amendment.

Mr. CASE of South Dakota. Mr. Chairman, if I may be heard, this amendment is offered in lieu of the committee amendment and strikes out lines 5 and 6.

The CHAIRMAN. The Chair reads the following from the rules of the House:

To a motion to strike certain words and insert others, a simple motion to strike out the words may not be offered as a substitute.

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Dakota is recognized for 5 minutes.

Mr. CASE of South Dakota. Mr. Chairman, the purpose of the amendment I sought to offer was to strike out lines 5 and 6, and drop the committee amendment. Before speaking to that, however, I want to refer to the incident that has just happened on the floor and to say that I think the ability of this House to enjoy the humor and good feeling of the situation such as that is the best guaranty, if it can be preserved, that we can write legislation in this House. [Applause.] During the consideration of one of the important measures in a previous session of Congress, it happened that my office was visited by a Russian exile, a woman who wanted a pass to the gallery. She said to me as I gave it to her: "Just think. I am going to see the most important thing in the world." I did not catch her meaning and asked her what it was. She said, "I am going to have an opportunity to see the last great deliberative assembly of the world actually speak and discuss legislation where men can speak their minds."

I was impressed by the fact that the acting chairman of the committee the other day invited amendments from the minority side as well as from the majority side; and I have hoped that in the amendments that may be offered during the deliberation of this resolution under the 5-minute rule that amendments from either side of the House may be offered and may receive full and open consideration, for the most dangerous situation that could exist in the contemplation of this legislation would be a spirit of partisanship. I believe that the men on my right are just as good patriots as the men on my left.

I know if a war should come to this country, the men on the left and the men on the right will be found fighting shoulder to shoulder for the welfare and defense of the United States. [Applause.]

The fact that we enjoy the good feeling that has existed during the previous speech augurs well for the consideration of the pending bill. If we can preserve our consideration upon a plane which recognizes good spirit and good intent on both sides of the aisle, this bill will be properly considered. When we come to deliberate and discuss a measure such as this, no one who has been elected to the House of Representatives should be accused of small or petty motives. It seems to me that good faith ought to be extended to every one and it is in that spirit that I sought to offer an amendment which would make a proclamation dependent only upon the finding that a state of war existed. We have already seen even that requirement avoided in China. The President has not found a war to exist there. We should not authorize any more excuses for avoiding a proclamation such as might be contemplated under this or any neutrality legislation. The gentleman from Texas [Mr. LUTHER A. JOHNSON], in commenting upon my earlier remarks with respect to the justification for the committee amendment, said he thought it was not necessary to have a proclamation if a war should occur in some far-off part of the world that did not directly concern us. If that be true, then, what possible danger can there be in having the proclamations that are contemplated by this resolution? If they do not concern us, then there is no danger in having a proclamation. The proclamation will only be effective if and when some citizen of the United States seeks to travel on a belligerent vessel or seeks to sell some of the things prohibited or do something else that may be prohibited under a proclamation.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. In reply to the question of the gentleman as to what harm may be done under certain circumstances, the gentleman realizes that when the President exercises this authority, he immediately sets in motion the machinery and the various provisions of the bill. Certain things have to be done. What is the necessity for starting all of this machinery in motion and having all of these things done if we are not interested or may not be involved?

Mr. CASE of South Dakota. If the proclamation is issued and becomes effective in a single instance, that one instance might be the justification for having made the proclamation. It might avoid our involvement in war. If the President cannot find and has not yet found that a state of war exists in the Orient, then I am very much opposed to authorizing any additional excuses for avoiding a neutrality proclamation. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOOM. What becomes of the amendment which the gentleman offered?

The CHAIRMAN. The Chair ruled it was out of order, and therefore it is withdrawn.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in connection with the pending committee amendment, I am rising in opposition to it and to announce that if that amendment is voted down I shall offer an amendment to strike out the words in line 3, "The President shall find that", and to strike out lines 5 and 6. This would make section 1 (a), a provision mandatory upon the President. It would then read as follows:

That whenever there exists a state of war between foreign states the President shall issue a proclamation naming the states involved—

And so forth. If you will vote down the committee amendment and consider and adopt the amendment which I shall offer, we will then make this a mandatory provision instead of a permissive one. It may be said by some that discretion should lie in the President to determine what shall be a state of war and when it shall exist. I would like to tell a brief story about a certain building inspector of my acquaintance who was informed that certain buildings built prior to the enactment of a building code were not in conformity with that code, and that consequently these buildings should be repaired, changed, modified, or altered. The building inspector said, while he would like to do that, he really did not know anything about it, "and I do not want to know anything about it." That is the idea which is embodied in the present language. I cannot say whether the President wants to find out whether there is a war in China today or not, but certainly if it states in the act whenever there exists a state of war between foreign states it shall be mandatory upon the President to so declare, then the section will be in good order.

Mr. BLOOM. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the section referred to provides that whenever the President shall find that a state of war exists and that the lives of citizens of our country or the safety of our country is at stake, he shall issue this proclamation. If this section is changed to read the way it has been suggested when a war exists, we will say, between Italy and Albania, the President would automatically have to issue a proclamation, although we would not be altogether concerned with that war because the lives of the citizens of this country are not in danger.

Mr. HINSHAW. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from California.

Mr. HINSHAW. Is there any reason why we should not recognize all wars, whether they be large or small?

Mr. BLOOM. That is a matter of opinion. May I say that the Committee may feel that is the way to do it. You may just want to keep on tying the hands of the administration and of the President when a state of war exists, between, we will say, Hungary and Czechoslovakia, or between some other small countries. You may want to make it so that he should automatically issue a proclamation. However, in my opinion, and in the opinion of the administration, that would be a rather severe way of doing it.

Mr. HINSHAW. Would it not be well for us to treat fairly with all nations concerned?

Mr. BLOOM. You are fair to all nations. We are not concerned in other countries' troubles. We are trying to keep the United States out of war. The trouble has been in most of these arguments with the question of what the United States is going to do when it does get into a war.

What we are trying to do is keep the United States out of war, and no one can deny that if he will read and understand this bill, and there is no politics in what I say.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. It seems to me it begs the question to say we are not interested if there is a war between Albania and some other country. What possible harm is there in having a proclamation issued? It would be effective only as to relations with those particular belligerents.

Mr. BLOOM. Oh, no. For example, war might occur between two small states in the interior of Europe, which could not possibly affect the peace and safety of the United States in the slightest degree, yet the President would be under the necessity under this law of issuing a proclamation—

Mr. CASE of South Dakota. Yes, but the proclamation would be effective only as to relations with those particular belligerents.

Mr. BLOOM. Yet the President would be under the necessity under this law of issuing a proclamation and putting into force vast machinery and restrictions with varying penalty provisions which would circumscribe the rights of American citizens and otherwise disorganize and complicate our economic system, all for no very good or sufficient reason.

Mr. CASE of South Dakota. Yes, but if one of those American citizens happened to get into that territory and do some act that was proscribed by the proclamation, why should we not have the proclamation in order to prevent involvement?

Mr. BLOOM. I do not agree with the gentleman there. If that is taken out, as far as I am concerned it would not make a particle of difference, but I see the danger if you do take it out. I see that it is going to handicap this Government. It is going to make the President issue a proclamation at any time any kind of a war exists in any part of the world.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Is it not the present law that if there is a declared war the President must take action?

Mr. BLOOM. No; if it does not endanger the lives of our citizens and does not endanger the peace of our country it is not necessary under this provision to issue the proclamation.

Mr. KUNKEL. I mean under the present law.

[Here the gavel fell.]

Mr. MARTIN of Colorado rose.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 5 minutes.

Mr. KEEFE. Reserving the right to object, Mr. Chairman, I should like time enough to ask two or three questions.

Mrs. ROGERS of Massachusetts. Will the gentleman extend that time another 5 minutes?

Mr. FISH. The gentlewoman from Illinois would like to be heard, and I join in that request.

Mr. HOOK. I should like to have 5 minutes on this amendment.

Mr. BLOOM. Mr. Chairman, I modify my request and ask unanimous consent that all debate on the pending amendment close in 20 minutes.



The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized for 5 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, something has just occurred here on the floor which ought to raise a question in the mind of any thinking man as to the wisdom of enacting a law that will put the President of the United States and the United States in a neutrality straight jacket. The pending bill carries a proposed amendment in section 1 which, it has been disclosed in debate, was placed there unanimously by the Committee on Foreign Affairs and was originally suggested by a minority member of the committee. It now transpires in the debate that some of the minority members have changed their minds about the wisdom and desirability of their own amendment, which we are told was given much greater deliberation and consideration in the committee than can possibly be given it here in the House.

Mr. CORBETT. Mr. Chairman, will the gentleman yield? The gentleman is referring to my statement.

Mr. MARTIN of Colorado. Not just now.

In the course of this debate and since this amendment was adopted they have changed their minds. In 20 minutes we are going to have to make a guess on this amendment. That is what we are going to do. We are not going to deliver any informed judgment on this apparently important amendment. We are going to make a guess on it. That is all our vote will be, a guess. Suppose we guess wrong. We only have time to change our minds between now and the roll call. Suppose after the roll is called on the bill we find something that we think was a mistake and on which we want to change our minds. Suppose after the bill gets to the White House and is signed by the President we find that we have made mistakes, that we have done things on which we would like to change our minds. I want to say to you that after this bill gets to the White House, or any neutrality bill gets to the White House and gets the signature of the President, there are going to develop things on which, if Congress had the chance, it would like to change its mind.

What we are doing right now is changing our minds on the last Neutrality Act. When we passed that Neutrality Act we changed our minds on a prior neutrality act. That is all we have been doing here in Congress for the last 5 years, changing our minds on neutrality acts. We have passed four of them and they are all conceded to be unworkable or unsatisfactory. Now we are undertaking the fifth. Therefore, I believe we would be wise if instead of passing any neutrality bill we repealed all neutrality acts and left these matters where the founding fathers originally placed them and where the Supreme Court of the United States says they belong and from where, the Supreme Court says, they cannot be taken; that is, in the executive branch of the Federal Government.

The major impression I have received in 2 days of very able debate on this bill, a debate which reflects credit on the House, is the utter folly and futility of Congress attempting to lay down rules to govern the unforeseen and unpredictable events and conditions of the future. [Applause.]

[Here the gavel fell.]

Miss SUMNER of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this bill is the answer to letters we have received pleading for a real neutrality law.

We have now had time to study the implications of the hearings, the argument and the bill itself. Whether or not you have been in Congress long enough to know the ropes you will perceive that this bill, because of its delegation of authority, is a rope which may strangle any further efforts of the Congress to preserve peace. Even though the President might use his power inadvertently, unintentionally,

Section 4d has the same effect as the cash-and-carry provisions of former law. It will permit ships loaded with war supplies to leave our shores, and be bombed by enemy submarines 3 miles from our coast.

The provisions relating to financial regulations on page 4 are so ambiguous that all sorts of dangerous schemes are made legal.

The law gives notice that the Congress will back the Executive in everything he does or says under its ambiguous provisions. There are all sorts of things short of war which he can do under these ill-defined powers which a dictator might feel to be unfriendly if he happened to feel that the President is unfriendly. If, for instance, the dictator should read in the newspapers the same statement which you and I read in which, as I remember, the President was quoted as saying that certain dictators did not "understand anything short of force" used against them, what do you think such a dictator would do? Immediately on passage of this law he would use every means in his power to turn the world against us, to stir up revolt within our country. Not against England, because the head of the English Government can be turned out the moment there is a vote of lack of confidence in Parliament, but against us where the President, to whom you are delegating these ill-defined powers, has a fixed term.

I, for one, think that it is possible to write a law which will be a life line toward safety for this and other nations. This bill can be recommitted for further study. It can be rewritten so as to provide that if and when the President finds a state of war existing likely to involve the peace of America he must call back the Congress if in vacation, he must recommend regulations, which shall become the law only with the advice and consent of both Houses of Congress.

In these modern days of newspaper and radio, the welfare of our people is not safe in the hands of any one man. It is fairly safe in the hands of this House of Representatives—an unpredictable body, but a body before which every plea of justice of our citizens or the citizens of other nations has a chance to be heard.

Those who contend that the Congress has not the power under our Constitution to arrogate to themselves any power, have forgotten the most powerful weapon which the authors of the Constitution placed therein. That weapon is the power to originate money bills and pass them over the President's veto. Those powers enable us to pry from the Executive every single privilege that he has today.

The power to appropriate money was the power with which the British people, through their representatives in Parliament, wrested away every power from the King and finally reduced him to a master of ceremonies. When the founding fathers wrote it into our Constitution they must have contemplated that we would use it when needed for the welfare of our people.

Today when the White House endeavors to control your votes as Representatives, by promising to approve or threatening to withhold projects for your district, they are using a power which you delegated to the Executive very recently. It is an abuse of that power. It robs you of your right and duty to vote your convictions.

The time has come that all such dangerous powers, which may be used either intentionally or inadvertently for the destruction of our people, shall be given back to the people and shall reside in their Representatives.

Thus, in the future, as in the past, we may press on to a higher stage of civilization, leading, not forcing, the world to democracy and peace by setting them a successful example. [Applause.]

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on May 28 of this year I had the privilege of an invitation to appear and did appear before the Allied Veterans of Kings County, in the State of New York, at the Academy of Music in the city of Brooklyn, to talk on the

subject of neutrality. This organization represented the American Legion, Veterans of Foreign Wars, Spanish War Veterans, and the G. A. R. It was long before this bill was brought to the floor of this House. On that night I said that neutrality cannot be legislated; that neutrality is a question of policy, a matter of a state of mind that must be brought about through proper diplomatic relations, and a program of propaganda analysis to stop war mongering. I made the statement on that night that the issue is whether or not we will again lend ourselves to a program which will lead again to sending our boys overseas to fight and die on foreign soil. Many other statements were made that night on the subject. I have heard them reiterated on this floor for the last several days.

I have heard the arguments pro and con. I believe that every man and woman who rose on the floor of this House was sincere in his or her convictions, which makes my conviction firmer that you cannot legislate neutrality.

I had occasion—pardon me for the reference again—to speak in the great State of New York last Saturday at the celebration of Finland Day at the world's fair as their guest speaker, and at that time I said, "We hear a cry for neutrality; neutrality is a state of mind; it cannot be legislated, but can be brought about only through the practice of Christian principles and friendship such as that enjoyed between the people of nations as friendly as the nation of Finland." We cannot go on throwing in the face of dictators or in the face of the people of other nations the fact that we are going to enter into their troubles and still remain neutral. We must mind our own business and take care of our own domestic and foreign problems.

When we say that the President shall have the right to declare that a state of war exists in some other nation, we are saying to those nations things and doing things that those nations will not do themselves. They will not declare war, but you want the United States to say to those nations, "You are at war and we are going to declare war for you."

Is that the kind of neutrality program you expect to enact here? I hope not. There is only one thing, in my opinion, to do, and that is to repeal all so-called neutrality legislation which is in fact unneutral and return to the policy this Nation has followed for 150 years until we meddled with it, and leave to the President the authority which is rightfully his by authority of the Constitution, which was given to him when this Nation was established by our founding fathers.

Let us forget the idea of fighting one another. Let us try to arrive at a solution of this problem coolly and collectively as our founding fathers did. When we have done that and when we have placed the responsibility where it belongs, this body will have done its duty. If we do anything else, we will have committed an unneutral, and not a neutral, act. [Applause.]

Let me say to you that I have faith in the President of the United States and the Secretary of State—not because the President happens to be a Democrat. I have faith in any President that the people of these United States in their wisdom will elect. I believe that as long as he holds that high and exalted position the responsibility should be his, and I believe the people of this Nation want that responsibility placed there. [Applause.] The whole issue before us is whether we will again enter a world conflict with all its horrors and heartaches. I for one will, I hope, never be a party to any action that will cause any of our boys to shed their blood on foreign soils.

Let me close with this thought: We cannot have neutrality unless we approach the problem with a spirit of Christianity. Unless the peoples of the earth place their trust in God and treat their fellow beings as our Creator intended that we should, there can be no neutrality. We must provide for a course in propaganda analysis in every educational institution in America, so that we will not be swayed by vicious propaganda, which is the thing that drags us into all wars.

Build up the resistance of the people to this war propaganda, and neutrality will be a reality.

Mr. KEEFE. Mr. Chairman, I would like to address myself for just a moment to the pending amendment, without any emotional appeal to the membership of this House. The gentleman who is in charge of this bill stated to the House a few moments ago in justification of this amendment that it was inserted as a protection against the necessity and requirement of the President issuing a proclamation in a case where a war might break out in certain nations remote from our own interest. I think that was the statement which was made in justification of the amendment. If I am wrong in that, will the gentleman correct me?

Mr. BLOOM. If I may be permitted to say, I said that where the lives of the citizens of the United States or the safety of our country is at stake, then the President could issue a proclamation. The gentleman had not finished my statement. That was the whole thing. If you will kindly read the statement, you will find out just what it means.

Mr. KEEFE. The gentleman has put the matter just in reverse. I call his attention to the fact that, in my humble opinion, the operation of the operative sections of the Neutrality Act as it is written should depend upon the existence of a state of war, regardless of where that war is, rather than upon a finding by the President that a state of war exists, for this reason: You have protected the rights of the President in his capacity as President, because when he issues his proclamation it is of no effect as affecting anybody, because you have still the reservation in section 2 and in section 5 and in section 4 and in all the operative provisions of this law—you have still the reservation in the President of the right to make rules and regulations that would permit us to carry on the commerce of this Nation and to protect the lives of our citizens. There is absolutely no necessity for putting this provision in section 1, which acts as a further discretionary barrier against the finding of the existence of a state of war.

And suppose that a state of war does exist between some of the countries that you named, Mr. Chairman, and he, mandatorily, under the provisions of the law, issues a proclamation, and the President then concludes that the safety of this country is not involved, that the welfare of our citizens is not involved, have you not protected the rights of the President by still reserving to him the right to make rules and regulations governing the conduct of citizens under section 2; governing the exportation of arms and munitions and other commodities under subsection (d) of section 4, because in all of these provisions it is provided:

Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, except in accordance with such rules and regulations as the President shall prescribe.

Now, it is my position and the position of the people I represent that the question as to the issuance of a proclamation should be dependent upon the actual existence of a state of war, and not be dependent upon the determination of the President that those things are involved which are contained in this amendment. Then if he sees fit in his discretionary powers as President to make rules and regulations in the case of an isolated war between two isolated nations, why is he not fully protected and why are not the rights of the President fully protected?

Mr. BLOOM. Are you asking me?

Mr. KEEFE. Yes.

Mr. BLOOM. Is it your thought to have the President issue a proclamation if war should exist between any two nations in the world?

Mr. KEEFE. Yes.

Mr. BLOOM. However far they may be removed from us?

Mr. KEEFE. Exactly.

Mr. BLOOM. Why should a proclamation of that kind be issued or this resolution go into effect to no purpose?

Mr. KEEFE. There is nothing in the resolution that compels putting into effect any involved machinery. You are setting up a straw man.



Mr. BLOOM. It goes into effect as soon as the proclamation is issued.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. As I understand the Chair, the Chair ruled that a substitute to the committee amendment was not in order. May I ask, however, if the committee amendment should be voted down, then would it not be in order for me to offer an amendment to strike out the two lines that are proposed to be stricken by the committee amendment?

The CHAIRMAN. It would.

Mr. CASE of South Dakota. I thank the Chair.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and there were on a division (demanded by Mr. HINSHAW)—ayes 132, noes 73.

So the committee amendment was agreed to.

The pro forma amendments were withdrawn.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania: On page 2, line 1, strike out all after the enacting clause and insert the following:

"Repeal of Neutrality Acts of 1935, 1936, and 1937.

"The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed."

Mr. FISH. Mr. Chairman, I make a point of order against the amendment.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman reserve his point of order?

Mr. FISH. I would rather not reserve it because I think we should not bring it up at this time. I think this is not the proper place for the amendment. Mr. Chairman, I press the point of order.

The CHAIRMAN. Will the gentleman from New York state the grounds of the point of order?

Mr. FISH. Mr. Chairman, I make the point of order that the amendment is not germane to this section of the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. ALLEN of Pennsylvania. Mr. Chairman, I realize that the amendment is subject to a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania concede the point of order?

Mr. ALLEN of Pennsylvania. I concede the point of order, Mr. Chairman, and wish to offer another amendment.

The CHAIRMAN. The gentleman from Pennsylvania concedes the point of order.

The point of order is sustained.

The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania: Page 2, line 1, strike out all of section 1 and insert in lieu thereof the following as a substitute for the joint resolution:

"REPEAL OF NEUTRALITY ACTS OF 1935, 1936, 1937

"The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed."

Mr. FISH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. FISH. Mr. Chairman, it seems to me this amendment is not germane to section 1 but would be germane to section 15, now called section 16, on page 15, the repeal of the acts

of 1935, 1936, 1937. That is where the amendment belongs, not in the first section of the bill.

The CHAIRMAN. Has the gentleman from New York concluded?

Mr. FISH. This, of course, is the first time I have heard the amendment read. It seems to me there is but one place for it, and that would be that section of the bill where reference is made to the specific laws that are repealed. There is no reference to any of these laws in the first section of the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. ALLEN of Pennsylvania. I do, if the Chair please.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Mr. Chairman, it is my understanding that it is in parliamentary order to offer a substitute either after the first paragraph of the bill has been read or after the entire bill has been read. If my amendment is adopted I intend to offer amendments throughout the reading of the remainder of the bill striking out the various paragraphs as they are read.

Mr. Chairman, I believe my amendment is in order and ask for a ruling on the point of order.

Mr. FISH. Mr. Chairman, I submit that it may be in order to strike out the enacting clause at any time, but I submit the pending amendment has nothing whatever to do with the first section of the bill.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from Pennsylvania offers an amendment in the nature of a substitute for the pending joint resolution. To this amendment the gentleman from New York makes the point of order that it is not germane to the section offered.

The Chair is of opinion that the amendment is clearly germane to the pending resolution, because the pending resolution contains a section repealing certain provisions of existing neutrality laws. The amendment offered by the gentleman from Pennsylvania seeks to repeal the neutrality law. The amendment is, therefore, germane. As to the point of order made by the gentleman from New York that it is not germane to the section the Chair invites attention to section 2905 of volume VIII of Cannon's Precedents of the House which state:

A substitute for an entire bill may be offered only after the first paragraph has been read or after the reading of the bill for amendment has been concluded.

The Chair is of opinion, in keeping with the precedent to which attention has been invited, that the amendment offered by the gentleman from Pennsylvania is in order at this point.

The point of order, therefore, is overruled.

The gentleman from Pennsylvania [Mr. ALLEN] is recognized for 5 minutes.

Mr. ALLEN of Pennsylvania. Mr. Chairman, by way of explanation I may say that this amendment seeks to repeal the neutrality laws we have passed since 1935. Because of objection raised by the gentleman from New York [Mr. FISH] to my first amendment, it will be necessary as this bill is read, and if my amendment carries, to move to strike out the various sections and provisions as they are read. This will be done.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not at this moment.

Mr. LUTHER A. JOHNSON. I wish some information.

Mr. ALLEN of Pennsylvania. I yield.

Mr. LUTHER A. JOHNSON. I wanted to understand the effect of the gentleman's amendment, whether or not the amendment contemplated and embraced the repeal of the neutrality law including the Munitions Board and everything else.

Mr. ALLEN of Pennsylvania. It includes everything and wipes the slate clean.

Mr. BLOOM. Does the gentleman mean the Munitions Board, too?

Mr. VORYS of Ohio rose.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I cannot yield further until I finish my statement.

Mr. Chairman, during the past 3 years when I have been a member of the Foreign Affairs Committee I have undergone varying experiences and differing opinions regarding this problem of neutrality. I have come to the conclusion after serious study and thought that the security of our Nation is better assured in the vault of international law than behind the barriers of any neutrality legislation we may write here today. [Applause.]

I have never done a thing in my life in which I felt more convinced of being right than in offering this amendment today. Our people do not necessarily demand neutrality legislation. Our people ask us to do our duty to preserve the peace for America and to remain free from entangling alliances.

That is what they ask of us, and it is our duty to answer their plea in a constructive and forceful way by our own action and by our own words as various problems may confront us in the months and years to come.

Mr. Chairman, the code of international law which exists today was not written by any one man or group of men at any particular time. International law is very much like our own Constitution. It has been written in the rich experiences of other nations and other people in bygone times; people who faced situations similar to those which confront us today; people who were forced to master problems similar to those which we are asked to solve today. The Constitution of the United States of America goes back 600 years to the government of the Germanic tribes of Europe. Its perfection is based on the experience of people throughout the 600 years of its history. Mr. Chairman, is it not foolish for us to think in this body today that we can write better neutrality legislation than that which has been handed down to us throughout the years? International law is based on realistic principles.

[Here the gavel fell.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. ALLEN]?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Chairman, international law conforms to the laws of nature which govern this universe. International law governs international situations. Are we not short-sighted when we attempt to enact local legislation which shall be applicable to world conditions? It is no more possible to do that than to invoke a municipal ordinance of some small village of this Nation and try to apply it to the government of the 48 States.

We are dealing with an international situation, a complex situation, and we have to handle it under an international code. We are deluding our people when we infer that neutrality legislation will guarantee their peace or their neutrality against unforeseen and unpredictable circumstances. It has been said during the course of this debate that our people want some kind of neutrality legislation, that they feel this will safeguard their interests. But we are not being honest with them, knowing as we do that neutrality legislation passed here today will not safeguard their interests or guarantee peace in the future. Those of you who feel as I do are not being fair with the people of this Nation if you do not declare the truth instead of trying to lull them into a false sense of security.

If we lead our people to believe that they can hide their weaknesses and emotions behind legislative barriers, we are weakening them, when it comes to facing problems which will arise in the future. Let us be honest with them. Let us tell our people that peace for America and neutrality depend entirely on them. It depends on their own attitude in a time of crisis. It depends on their conduct in this troubled world. If we tell our people that, we are

telling them the truth. If we lead them to believe that neutrality legislation alone is going to protect their interests, we are deluding them.

The neutrality legislation which we might pass today, as well as that which we have passed during the past 4 years, is purely man-made legislation. International law has not been written by man, but, I repeat, by the experience of the ages.

Mr. Chairman, if this amendment is agreed to, we will rededicate our foreign policy to the precedents and principles of international law as enunciated in the historic practices of our Government during 150 years. We will solemnize the realization that America should be the most militant guardian of neutral rights. We will foster all efforts to restate and modernize international law so as to obtain certainty in its rules and administration. We will thus avoid emotional fluctuations at home and suspicions abroad from belligerents. We will preserve this Nation from Old World antipathies and jealousies. We will encourage the use of diplomatic measures and processes of free government to protect our interests under international law, as the problems arise. We will unfetter hands that are bound today, hands that must necessarily be free to protect the interests of our Nation. We will reiterate our opposition to entangling alliances or advance commitments. You will restore the political independence of this Congress and all future administrations and future Congresses. You will declare our unwillingness to shackle our foreign policy so as to render it impotent or dependent upon the acts of other nations. We shall, if we pass this amendment, give notice to the world of our implicit faith in the heritage of international law and our traditional policy of honest neutrality.

Mr. Chairman, I sincerely hope the Members of the Committee will adopt the amendment which I have offered, and I believe in doing so we will be fair with ourselves and with our people.

[Here the gavel fell.]

Mr. RICHARDS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, I do not think I will need the time, but like the gentleman from Pennsylvania, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina [Mr. RICHARDS]?

There was no objection.

Mr. RICHARDS. Mr. Chairman, I am astounded at the action of my dear and able friend from Pennsylvania, who is a member of the Committee on Foreign Affairs as I am a member of that committee. For 2 or 3 long months we tried to formulate a bill which would at least have a reasonable chance to insure neutrality and peace to the United States in case foreign nations became involved in a war. Not on any day or at any hour did the gentleman from Pennsylvania present the momentous question that he has today presented to the House and to the committee for its study and consideration. The gentleman not only did not present this amendment to the committee but he, along with every other Democratic member of the committee, agreed to bring this bill on the floor of the House for your consideration, and that was done with a unanimous favorable report.

Now, what does the gentleman do? The gentleman comes here and contradicts the action he took after 2 months of deliberate study and presents to the House an amendment that will have the effect of scuttling every important section of this bill; in other words, he attempts to kill that which he helped to create.

Let us get clearly what this amendment will do. A great many gentlemen on the Republican side of the House and some Members on the Democratic side have opposed this bill because it repeals the embargo features of the present law. How these gentlemen can support the amendment offered by the gentleman from Pennsylvania I cannot see, because the gentleman's amendment repeals the embargo law in addition to dealing a death blow to every section of the bill now before



you. Some gentlemen on both sides of the House have risen here and have objected to this bill on the ground that it is a British-French bill. How those gentlemen and ladies could vote for this amendment I cannot see, because the amendment carries us straight back to international law, if there is any such thing, and there is not a Member of this House who will contend that, in the event of foreign war, international law as it now exists will not be favorable to England and France and their side of the struggle.

I do not admit that the gentleman's amendment would carry us back to international law, because there is no such thing. [Applause.] In my study of this question I have found that international law is whatever any nation or group of nations who control the channels of trade of the world say it is. Back in 1917 it happened that the Allies controlled the channels of trade in the world, and international law as it existed at that day—and it did exist to some extent—definitely placed our influence on the side of the Allies before we ever got into the war, because international law was what Great Britain said it was.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I cannot yield.

Mr. ALLEN of Pennsylvania. I will ask unanimous consent that the gentleman be given additional time.

Mr. RICHARDS. Very well; I will yield at that time. If international law amounted to so little at that date; then, with the disturbed condition of the world today, and with the constant flaunting in the face of the world of a spirit of utter disregard for the humanitarian rights and desires of people struggling for peace, liberty, and existence, what does it amount to now? I subscribe to the idealism of Woodrow Wilson when he said in effect that to have permanent peace on this earth and to have a brotherhood of man there has to be a get-together of the nations of the world in a spirit of peace; but with conditions as they are today that wish and that desire is only a dream. No Member of this Congress can say that all the nations of the earth are willing to sit down with us and discuss these questions in the proper light and with the proper desire.

The bill before you, the bill the gentleman from Pennsylvania supported before he offered his amendment, will give us something besides international law. In this bill, it is true, we have no provision for an embargo. But we say in this bill that we want to help out international law, if there is any such thing. When we say that we are going to do everything possible to discourage our citizens from doing those things that may bring on incidents to stir the people of this country up to the point where they would want to go to war, and at the same time make it easier for the President of the United States—it matters not whether he is a Democrat or a Republican—to perform his duties as far as foreign affairs are concerned. In an attempt to that end we have put in this bill several sections that I wish my friends would seriously consider before they vote to scuttle them through the amendment offered by the gentleman from Pennsylvania.

One of these sections is that our citizens shall not travel on belligerent ships. Is there any man or woman in this House who does not believe that travel on belligerent ships during the World War had something to do with our involvement? Is there any man or woman here who does not remember the stupendous consequences of the sinking of the *Lusitania*?

The bill we have here—and I believe practically every other Democratic member of the committee believes in it—also prohibits certain financial transactions with belligerent powers. Is there any Member of this House, man or woman, who does not believe that financial transactions involving foreign governments and this country before we became involved did not have anything to do with getting us into that war? Everybody knows that when obligations were floated here by foreign nations engaged in conflict, immediately a propaganda agency was created, by the fact itself,

to enable collection of those debts, and the only way collection could be made possible was by involving the United States of America on one side or the other to insure the victory of the cause in which those investments had been made.

The bill also prohibits the use of American ports as a base for belligerents. Under international law we are not protected there.

[Here the gavel fell.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I will yield to the gentleman in a moment.

This bill also prohibits the arming of merchant vessels. This amendment, which is not agreeable to me in every particular of its phraseology, was offered by my good friend the gentleman from Massachusetts [Mr. TINKHAM]. At the time he offered it I voted for it, and I believe mine was the deciding vote on the amendment. But, Mr. Chairman, I voted on that amendment in committee after serious study extending over several days. If the amendment had not carried I would possibly have given notice to the committee that I would support it on the floor of the House. However, I would not have come in here with an eleventh-hour attack and tried to scuttle the very artery and blood carrier of this bill.

Now I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. The gentleman has cited several provisions in the act which we are now considering which might be desirable. My point is that in the event we face a crisis in the future this Congress will be free to enact such legislation as it feels is necessary to protect the best interests of our people, and that is the duty of going back to international law. It gives us freedom to act as we think best at the time.

Mr. RICHARDS. I say in reply to the gentleman from Pennsylvania that this Congress is always free to pass any law or to repeal any law, and if this law is not sufficient to properly meet the conditions 1 year from now or 2 years from now or 6 months from now, I will be the first one to vote for a law to take its place and properly meet the situation in the best interest of the American people.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield again?

Mr. RICHARDS. I yield.

Mr. ALLEN of Pennsylvania. If we change existing law in the middle of the game, then we are permitting an unneutral act.

Mr. RICHARDS. What kind of game is the gentleman from Pennsylvania talking about?

Mr. ALLEN of Pennsylvania. Just what the gentleman said a moment ago. You were talking about existing law and how the Congress can change it at any time, but if we do change it after war is started, then we are guilty of changing the rules in the middle of the game and we have committed an unneutral act.

Mr. RICHARDS. I will say, in reply to the gentleman from Pennsylvania, my position on that is identical with the position of the gentleman from Connecticut [Mr. SHANLEY], and that position is that if it is for the best interests of the United States, then change the rules at any time, as long as we have to deal with foreign nations who change their rules of the game overnight.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield.

Mr. MOTT. Is it not a fact that when the time comes when we ought to change our minds or we think we ought to, we would then have to become neutral anyway and it

would not make any difference? We could amend or repeal the law without violating any neutrality.

Mr. RICHARDS. That is possibly true, although I did not understand everything the gentleman said.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from Massachusetts.

Mr. HEALEY. If we change our policy so as to affect adversely one of the belligerents, the belligerents may consider that an act of war and a hostile act, may it not?

Mr. RICHARDS. That is true. These nations object to our changing the rules of the game, but they are quick to change the same rule when it benefits them. [Applause.]

Mr. HEALEY. I call the gentleman's attention to an incident that occurred prior to our entry into the war when President Wilson at that time informed the State Department and the Congress that if a certain act was undertaken changing our policy it might be looked upon as an unneutral act.

Mr. RICHARDS. That is correct.

Mr. HEALEY. Because of changing the rules in the middle of the game.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have opposed the Bloom bill very largely because it repealed the arms embargo.

I am convinced if we sell arms and ammunition to warring nations, nothing in the world can keep the United States out of that war. But this is a proposal by the gentleman from Pennsylvania [Mr. ALLEN], who has been on the committee for 3 years, who now wants to undo the work and the efforts of millions of Americans, peace-loving Americans throughout this whole country of ours, in every single congressional district, who want a neutrality law that will be a deterrent, no matter how large or how small, to keep us out of war by preventing the traffic in arms and ammunition for blood profit and war profits and to destroy people with whom we are at peace. The gentleman from Pennsylvania now comes along and proposes an amendment to wipe out everything that has been done by this and previous Congresses and by the peace-loving people of America, and take us back to the days of 1927. This Allen proposal takes us back to international law, international law that has been repudiated time after time by Great Britain, who ignores it completely when it serves her purpose, who issues new regulations governing international law any time when it serves her control of the sea or her commercial interests. For all these years under international law, foodstuffs have been non-contraband, but in the last war every ship taking foodstuffs to foreign lands or neutral nations was seized by Great Britain in violation of international law.

It is now proposed, under the guise of international law, to go back 20 years and destroy the progress that has been made for peace in this country, for keeping us out of war, for keeping our soldiers out of foreign lands, and it is now proposed to open wide the gates and let us sell anything in the way of arms, ammunition, and implements of war, to let our men and our nationals go on belligerent ships to incite us into war, as happened in 1917. Do you mean to say to me, you Democrats and Republicans, that you have learned nothing from the World War, that you want to go back to the World War days and provocations? If you pass any such resolution as this you will have us in war just as soon as a war breaks, not 6 months from then, but within a month or 2 months we will be preparing to send the youth of America to another blood bath in Europe.

For what purpose? Because of war profits; because someone wants to sell arms and ammunition for blood money, which means taking American soldiers into war. That is what this amendment does. The Bloom bill is bad enough. I will never vote for the Bloom bill in its present form, but this proposal is 1,000 times worse than the Bloom bill. [Applause.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FISH. Certainly.

Mr. ALLEN of Pennsylvania. The gentleman is not indicting this Congress and the intelligence of future Congresses when he states that they will plunge this Nation into war unless neutrality legislation happens to be on the books?

Mr. FISH. I am not indicting this Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FISH. I know what the last few Congresses have done to enact neutrality legislation probably before the gentleman from Pennsylvania came into Congress at all. For years this sentiment for neutrality has been increasing and so have the demands that we do something. What do you do in your district when there is an epidemic of diphtheria or typhoid? Do you not try to avoid it? Do we not have health rules and regulations against it? Do you not try to keep away from such contagious diseases? Now, you open wide the door by this proposal of yours. It is the greatest blow to the peace-loving people of America that has ever been introduced since the World War, and I do not believe your constituents will stand for it.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FISH. No. I am sorry that I cannot yield.

The Allen amendment wipes out everything—loans to belligerent nations; travel on belligerent ships; submarines in ports; everything that the Congress has enacted in recent years to keep us out of foreign wars, at the demand of great groups of peace-loving people. Who demands this? The American Federation of Labor is against it. The American Federation of Labor, representing the wage earners, want an arms embargo. The farmers, the National Grange, want an arms embargo. I do not know of any group, outside of the Communists, who want to sell arms, munitions, and implements of war to belligerent nations. This is exactly what they would want, to get us into war in defense of Soviet Russia.

Now, there have been a lot of high-minded Members who have forgotten and who have not studied international law for a number of years. At one time international law meant something. It was built up step by step, but it has been so repudiated, particularly by Great Britain, that it hardly exists. That is the reason why we wrote the first neutrality bill, the second neutrality bill, and are again considering another neutrality bill. I know what I am going to say may lose some Democratic votes. When I spoke under the rule I foolishly did not say some things I would like to have said, because I feared I might lose a few Democratic votes. My colleagues on the Republican side urged me not to refer to the President, saying "Don't say this and don't say that."

This is no time to mince words. This is a dangerous proposal at any time in view of what happened in the World War. It would not be so bad if Thomas Jefferson were President. We know what he thought about keeping out of the eternal wars of Europe. It would not be so bad if those great Democrats, Grover Cleveland or Andrew Jackson, were President, but we have got a man in the White House who has already committed himself to take sides in a European war. He is an internationalist; he is an interventionist; he believes in the League of Nations and in economic sanctions and in policing and quarantining the world with American blood and treasure. President Roosevelt is the first President we ever had, to believe in all these forms of collective security. Every one of these high-sounding phrases means exactly one thing. They mean war—bloody, ruthless, destructive, ruinous war in which even the victor loses.

He has a right to his views, and so has that distinguished man who is Secretary of State, Mr. Hull, with whom I served



for many years in this House, although he was not then a member of the Committee on Foreign Affairs. But he is a fine, high-minded man. He also believes in those principles of internationalism. He is consistent, and I like people who are consistent. He believes in internationalism; he believes in the League of Nations; he believes in economic sanctions and apparently is urging this Bloom interventionist bill.

Therefore we are already committed if either the fake Bloom neutrality bill passes or if we go back to international law, making it far worse. I do not ask you on the Democratic side to accept what I have to say about the President. I quote to you what the New York Times had to say in an article by Arthur Krock, a very distinguished writer. The New York Times is probably the greatest paper in America, and again a consistent paper, and I admire them for it.

It is an internationalist paper and an interventionist paper, and has been a League of Nations' paper for 20 years. This is what Arthur Krock has to say in that paper, and there is no smarter reporter here in Washington, even though he be a Democrat. [Laughter.] He said on April 14, in the New York Times, in an article entitled "The President Moves Our Frontier Far Eastward":

The President on Tuesday indirectly but unmistakably—and in advance of battle—ended all pretense that this Nation, so far as he can act for and influence it, will attempt to maintain neutrality in a European war.

Tuesday that Nation's constitutional spokesman in foreign affairs, Commander in Chief of the Army and the Navy, virtually announced in advance of war a course of aggressive partisanship.

Now, let us go on and quote from another source. The Saturday Evening Post, in an editorial on May 20, 1939, said the following:

For a year and a half the President of the United States has been talking war. He began it with a "quarantine speech" in Chicago in October 1937, saying there was no escape for us through mere "isolation or neutrality" and that the "peace-loving nations must make a concerted effort" to quarantine and stop the aggressors.

Again, the New York Times has this to say:

President Roosevelt strongly implied in his press conference today that he believed the involvement of the United States in any general European war was inevitable, and that this Nation should stand shoulder to shoulder with Great Britain and France against Nazi-Fascist machinations aimed at world domination by force.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. BARRY. Conceding all the gentleman has said to be true, is he not inconsistent in supporting or advocating the Bloom bill in preference to this amendment? This amendment restores to the President really what the Constitution gave him, whereas the Bloom bill gives him many additional powers.

Mr. FISH. Let me say to the gentleman that the gentleman would be right if it were not for the fact that I am against both the Bloom bill and this amendment all the way through. I think this amendment is even worse than the Bloom bill, and I hope this amendment will be voted down so the people back home may know that the Congress wants to keep the country out of foreign wars. [Applause.]

Mr. BLOOM. Mr. Chairman, I move that the Committee do now rise to receive a message from the Senate and allow certain bills to be sent to conference.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Joint Resolution 306, the Neutrality Act of 1939, had come to no resolution thereon.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. FRAZIER, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6791. An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. SHEPPARD, Mr. TOWNSEND, and Mr. BRIDGES to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6970. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 27. Concurrent resolution authorizing the conferees to amend the title of H. R. 3325, the stabilization fund and dollar devaluation bill.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6977. An act to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938.

The message also announces that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 294. Joint resolution providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece.

#### URGENT DEFICIENCY BILL, 1940

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, with Senate amendments, disagree to the amendments of the Senate, request a conference with the Senate, and that the Speaker appoint conferees; that the managers on the part of the House may be allowed to agree to the Senate amendments with or without amendment notwithstanding the provisions of clause 2 of rule XX; and that the conferees may have until midnight tonight to file their report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. TAYLOR of Colorado, WOODRUM of Virginia, CANNON of Missouri, LUDLOW, THOMAS S. McMILLAN, SNYDER, O'NEAL, JOHNSON of West Virginia, TABER, WIGGLESWORTH, LAMBERTSON, and DITTER.

#### SUPPLEMENTAL WAR DEPARTMENT APPROPRIATIONS, 1940

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair

hears none and appoints the following conferees on the part of the House: MESSRS. SNYDER, TERRY, and POWERS.

#### NEUTRALITY ACT OF 1939

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, the Neutrality Act of 1939.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, with Mr. COOPER in the chair.

The Clerk read the title of the joint resolution.

Mr. KEE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am astonished today to find myself for the first time since I came to Congress, on the same side of a question as my distinguished friend and fellow member of our committee, the gentleman from New York [Mr. FISH]. I agree with his proposed action and expect to follow that action, but I must say to the Committee that I do not agree with the reasons he has put forward to support that action. Nor do I agree with the grounds upon which he predicates his proposed action, nor do I agree with the statements he made in support of his argument. I do not agree with him that there is any immediate danger of war in this country. I do not agree with him that the President of this country or any Member of this Congress, in either House, has it in his mind today either collectively or individually to lead this country into war. On the contrary, I believe it is the most earnest thought and effort of our distinguished leader today, and in the minds of all the Members of this body, honestly, earnestly, and conscientiously to do whatsoever they think is within their power to keep us from any entangling alliances with foreign nations, and from any danger of being drawn into a foreign conflict.

I agree that it is impossible by the passage or writing upon the books of any legislation, whether we designate it a neutrality act, a peace act, or by some other name, any legislation that will absolutely insure our safety and security and the peace of our country in the event of an international conflagration. It is my firm conviction that we can never legislate for this Nation absolute security against the dangers of war, nor can we legislate our people into a neutral frame of mind and keep them so when either their sympathy or their resentment has been once aroused.

For 6 long years I have been a member of the Committee on Foreign Affairs, considering, among other matters connected with our foreign relations, the important question of neutrality. For 6 long years that committee has labored zealously and earnestly and has given to this question its best effort and thought.

After 6 years of labor, and after 3 long recent months of hearings upon this question, and having reconciled the divergent views held by the members of the committee, we finally prepared and brought here what we thought was the best measure that could possibly be written in order to attain our objective. This is not a complicated measure. The principal change in the present law made by the bill is that it repeals the embargo provision. The other sections of the bill are merely restatements of what I think are necessary provisions—provisions which must go into the law of this land, whether we call it a Neutrality Act or not. If we adopt today the amendment which has been so suddenly sprung upon this body by the gentleman from Pennsylvania [Mr. ALLEN], what is the result? We go back to the chaotic conditions of other days. We delete from our statutes every provision of law relating to neutrality that has ever been written into the statutes by the Congress of the United States.

[Here the gavel fell.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. ALLEN]?

There was no objection.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. KEE. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Is it not a matter of simple fact that if the Congress of the United States cannot be trusted to face an emergency intelligently when it arises it cannot be entrusted to write neutrality legislation?

Mr. KEE. I agree with that statement, but may I say that the emergency is before us today and we are meeting the emergency with the bill that we have presented to the House.

Mr. ALLEN of Pennsylvania. Are we not writing a set of rules when we do not know the game, what it will be, who the players will be, or where it will be played?

Mr. KEE. Not with this measure. The gentleman certainly has not given the measure the thought and study I had supposed he was giving it during the past 3 months, if he holds the view his question implies.

Mr. THOMAS F. FORD. Will the gentleman yield?

Mr. KEE. I yield to the gentleman from California.

Mr. THOMAS F. FORD. Are we not in this bill simply writing a set of rules for our own people, to enable the President to take such action as is necessary to keep them from embarrassing our people?

Mr. KEE. Not a set of new rules, but rules with which we are all now and have heretofore been familiar, and rules which we know are required.

Mr. CORBETT. Will the gentleman yield?

Mr. KEE. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. The gentleman made the statement that the Bloom bill meets the present emergency. What emergency does the gentleman refer to?

Mr. KEE. I refer to the requirement presented to us by the people of America who are demanding today that we place upon our statute books an act prepared by the best thought of the land, and one which will serve to keep us out of war just as surely as any measure that can be prepared.

We have prepared this bill and present it here today. If the amendment offered by the gentleman from Pennsylvania is agreed to, what will it do? It wipes off of our statute books all restrictions of American travel upon the vessels of belligerents, as well as every other vessel in time of war. It will destroy all inhibition against shipments to all the nations of the earth, including belligerents, of every manufactured commodity on earth. It would repeal all rules and restrictions against the use of ports by submarines and warships during the time of war and conflict. It will repeal all inhibitions against loans and credits to foreign countries, or the making of financial arrangements in this country by foreign nations, except those that may come within the terms of the Johnson Act. It repeals and takes off our books the act which created the Munitions Board, a provision of law that has met with universal favor. Not a single voice in the country has been raised against the creation and functioning of the Munitions Board.

Mr. Chairman, it is a strange thing to me, after 5 years of service upon this committee, 3 of those years having been served with my good friend who offered this amendment, 3 months served with him in hearings upon this legislation, that this question was never presented, either by the gentleman from Pennsylvania [Mr. ALLEN] or by anyone else on either side of the House; yet today we come here and find ourselves surprised with the offering of an amendment which destroys all the work of years.

Mr. Chairman, I ask that the membership of the Committee vote down the amendment.

[Here the gavel fell.]

Mr. CORBETT. Mr. Chairman, I rise in opposition to the pro forma amendment.



Mr. Chairman, may I say first of all on behalf of my good colleague on the committee, the gentleman from Pennsylvania [Mr. ALLEN], that I know that from the first time testimony was ever presented to the committee in support of his particular amendment he has sincerely so advocated. I happen to have the office across the hall from him and have had numerous occasions to discuss this problem with him. I want to report to the membership of the Committee and to the people of the country that the gentleman from Pennsylvania [Mr. ALLEN] has been amazingly sincere and consistent in his advancement of this particular proposition.

Mr. JARMAN. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Alabama.

Mr. JARMAN. Does the gentleman recall that the gentleman from Pennsylvania [Mr. ALLEN] ever offered an amendment to this effect?

Mr. CORBETT. I am quite sure he did not offer an amendment as such. However, I will say that was the idea that he advanced and discussed, concurring with the gentleman from New York [Mr. WADSWORTH] and others.

Mr. MAAS. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Minnesota.

Mr. MAAS. Does the gentleman remember my appearing before the committee as a witness in support of my own bill, that has exactly the same purpose, and that I was heard for 45 minutes?

Mr. CORBETT. I believe the gentleman was the first one who appeared before the committee on that proposition.

Mr. FADDIS. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Does the gentleman remember I appeared in support of just such an amendment at the same time?

Mr. CORBETT. Yes.

Mr. BARRY. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from New York.

Mr. BARRY. Does the gentleman recall the expression "that only a fool will not change his mind?"

Mr. JARMAN. Despite all of this, the gentleman does not recall that the gentleman from Pennsylvania [Mr. ALLEN] introduced an amendment to this effect?

Mr. CORBETT. The gentleman perhaps misunderstood me. I agreed with his statement that the gentleman from Pennsylvania [Mr. ALLEN] did not introduce such an amendment.

Mr. JARMAN. There has been some reference to testimony on this matter.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. I think the membership of the House for the most part will agree that there has been an amazing development of sentiment in support of my amendment during the debate on this neutrality bill. It was with that thought in mind that I offered the amendment which portrays my own views on the whole matter.

I never dreamed when we were discussing the matter in the committee that the sentiment in the House for such an amendment would be as strong as it is or I would have offered the amendment long ago.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. When I have finished my statement I shall be happy to yield to the gentleman, if I have any time left.

I made such remarks as I just did regarding my colleague because I do not approve of some of the attacks that have been made on him. I made those remarks because I know he is making a sincere effort to secure the adoption of his honest convictions, and I made those remarks despite the fact that I will not vote for his amendment.

If we may clarify the choices before us today, let me say that we have three basic alternatives. We can maintain the present neutrality laws, we can adopt the Bloom bill, or we

can adopt the pending amendment and go back to international law and constitutional procedure.

Which of the three courses will we choose? I want particularly to address myself to my colleagues on my own side of the aisle, because I feel that to a considerable degree they are being led into an inconsistent position. They have repeatedly objected to the fact that the passage of the Bloom bill will take away some of the restrictions imposed by the present neutrality laws on the powers of the President, and, furthermore, that the Bloom bill will grant increased discretionary power to the President. If this amendment is adopted there will be a still further increase of arbitrary power in the hands of the President. To be clear and complete, under international law, with no rules governing, with no automatic embargo, with all the rules regulating travel of American nationals, and with the rules governing the cash-and-carry transportation of American goods eliminated, the President will be left with more power than even the Bloom bill grants—that is, the Bloom bill as it will be amended. Therefore the position of our ranking Member is highly consistent in that going back to international law would be even worse than the passage of the Bloom bill. [Applause.]

[Here the gavel fell.]

Mr. MARTIN J. KENNEDY. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MARTIN J. KENNEDY: On page 2, line 1, after the enacting clause strike out all of the language of the resolution down through and including section 14, and insert the following:

"Whereas the policy first stated by George Washington that the United States should not involve itself in any foreign entanglement has proven salutary as a safeguard for America when strictly observed and when the Congress of the United States departed from this policy in 1917 under heat of war propaganda, thousands of our young men were killed and injured, as well arousing the hostile feelings of the nations of the world against us; and

"Whereas attempts are now being made to have the Government of the United States again ignore the advice of George Washington and again embroil this country in the clash of foreign empires; and

"Whereas considerable speculation exists in the foreign chancelleries and among the peoples of the world as to the position of the United States should another European war arise; and

"Whereas foreign countries are making efforts through propaganda to ensnare the United States on their respective sides; and

"Whereas the Congress of the United States and the people of the United States have only an interest in continued peace of the world and the happiness of our country; and

"Whereas under the Constitution the Congress of the United States has the sole power to declare war; and

"Whereas the neutrality law has come to a termination: Therefore be it

*"Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that the entire world be put on notice that the Congress of the United States will not declare war on any country unless our own safety is directly and immediately involved by a hostile force or by an actual violation of international law which endangers the safety of our country and its citizens; and be it further*

*"Resolved, That certified copies of this resolution be sent by the State Department to the foreign offices of every country in the world."*

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MARTIN J. KENNEDY. I do, Mr. Chairman.

The CHAIRMAN. The Chair will be pleased to hear the gentleman on the point of order.

Mr. MARTIN J. KENNEDY. Mr. Chairman, by the very preamble of this resolution, I believe that my amendment is in order. If the Members of the Committee will read the preamble to House Joint Resolution 306 they will find that it covers the entire field of neutrality. There is no question in my mind that if this joint resolution is adopted all the things proposed in my resolution will be covered. Therefore, I feel that my amendment is in order.

The CHAIRMAN (Mr. COOPER). The Chair is ready to rule.

The gentleman from New York [Mr. MARTIN J. KENNEDY] offers an amendment as a substitute for the pending amendment offered by the gentleman from Pennsylvania [Mr. ALLEN]. The amendment offered by the gentleman from New York contains a preamble. Obviously that would not be in order at this point, because a preamble can be in order for consideration only after the body of a bill or joint resolution has been considered and perfected.

The Chair further invites attention to the fact that the resolving clause contained in the amendment offered by the gentleman from New York is not germane to the joint resolution now pending.

The Chair is of the opinion that the amendment is not in order and, therefore, is constrained to sustain the point of order.

Mr. MARTIN J. KENNEDY. Will the Chair hear me further on the point of order?

The CHAIRMAN. The Chair has already ruled. The Chair regrets that he cannot hear the gentleman further on the point of order.

Mr. IZAC. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the World War was no sooner over than 4,000,000 veterans immediately took it upon themselves to go before the American people and demand that some sort of neutrality legislation be enacted to back up international law. This matter hung fire, together with the proposal to take the profits out of war, for several years. Finally the American people were educated up to the point where they believed, and believe now, if you please, that neutrality legislation is necessary to amplify and make authoritative the tenets of international law. You are flying in the face of the American people when at one fell swoop you throw away all the gains that have been made by neutrality legislation in the past, and do not forget that.

I believe you will go along with me that you like the Munitions Control Board. I have not heard a word against it from anyone. I believe you will like this idea of making the title pass before any goods leave this country. I believe you will like many things that are either in the contemplated bill or actually accepted now as a part of the neutrality policy of this country, and that you will be unwilling to wipe the slate clean, as it has been termed by my colleague from Pennsylvania, and go back to international law.

Personally, I can see where it would untie the hands of the President to go back to international law. If you of Irish extraction, for instance, think that the present law helps England, what will be the situation under international law? Why, it will be ten times as bad. I am no lover of the English Government but I do love the British people, because I suffered in prison camps with some of those poor, emaciated boys, under the guns of their own people, fortifying the German lines at the front. I know what those British Tommies went through, but I have no respect for their government or for the softness with which that government is approaching international problems today.

I want to be fair. We are interested in one thing, and that is keeping this Nation out of war. You are not going to do that by telling the American people that we have been making a mistake all these years, and that now we have to go back to international law.

Maybe in 4 years, after you educate the American people to the belief that neutrality legislation and keeping out of war are not synonymous, then, perhaps, they will be willing to let you go back to international law; but can you not remember what it was like in 1917? You had international law then. I have often said to myself that international law is the finest thing in the world to get together on after a war has been fought, and decide how much we owe each other. [Laughter.] That is international law, if you please, because in the last analysis international law is what the big boys say it is when war is going on, and when their backs are up against the wall as Germany's was. She said what international law amounted to in 1917—unrestricted

submarine warfare—and that is why we got into that war. England was not guiltless either, but there was one thing you could do. You could protest if you did not like the way they acted under international law. If that did not serve your purpose, there was one thing left to do after that, and that was to go to war about it, and it was a question for a while whether we would go to war against England or Germany, for both had violated international law.

So do not put your full trust in international law, but rather expect that international law is to be backed up by some neutrality legislation that the American people want and demand. They have been demanding it for the last 5 years, and they are going to continue to demand it until you educate them differently.

I believe the amendment should be voted down. [Applause.]

Mr. BLOOM. Mr. Chairman, I would like to see if we cannot come to some agreement with regard to time on this amendment.

Mr. FISH. I think we might let the debate run along a little while longer, as this is the most important section of the bill.

Mr. BLOOM. I had in mind agreeing on time with respect to this amendment.

Mr. FISH. My suggestion is that we continue the debate for half an hour and then see how many want to speak.

Mr. BLOOM. Mr. Chairman, I want it understood that I am agreeable to anything at all. I will sit here all night if necessary, but I think we ought to agree upon some time on this amendment, whether it is going to be an hour or 2 hours.

Mr. FISH. There are so many Members on their feet seeking recognition, and inasmuch as they have not time in general debate they want to be heard now, and I am willing to sit here until 10 o'clock tonight.

Mr. BLOOM. Suppose we let the debate run for 30 minutes, and at the end of that time agree on some time for ending debate on the amendment.

Mr. FISH. We will know much more about it then.

Mr. BLOOM. I wish to state that an agreement has been entered into between the gentleman from New York [Mr. FISH] and myself that every speaker on this amendment should speak only 5 minutes and not be given additional time.

The CHAIRMAN. The gentleman will have control of that, because they cannot speak more than 5 minutes except by unanimous consent.

Mr. EATON of New Jersey. Mr. Chairman, the experience of this House this afternoon must throw a flood of light throughout the nations of the world as to the confused and uncertain opinion of America on the subject of neutrality.

Yesterday a distinguished gentleman announced on this floor that in his judgment the 531 Members of the Congress did not have as much judgment as the one President of the United States. I did not believe the statement then, but after what I have heard here this afternoon I have come to fear that perhaps he was right [laughter], and I, of course, assume my place and acknowledge my guilt as one of you.

I have been for 15 years on the Foreign Affairs Committee and during the last few years we have had interminable hearings every year and each year have concocted some sort of impossible neutrality law, each with a different hump on it from the one we had before; and, now, today we have a neutrality law before us which the distinguished leader on my side loathes with all his heart, but which he is anxious to have saved, because without it he is afraid we will go back to international law as the basis of our international policy.

We have international law now. The peacetime business of the world would cease without it. There is an international law of peace, there is an international law of



neutrality and of war which, of course, suffer great shocks and stress in times of conflict. But, Mr. Chairman, if we went back to international law and divested ourselves of this strange statutory hodgepodge that we now think is neutrality legislation, we would once more invest the President of the United States with the prerogatives and surround him with the limitations of the Constitution which have been practiced and observed by all Presidents for 150 years; and in addition to that, we would give back once more to the Congress of the United States its own proper constitutional standing and authority in all matters that have to do with foreign relations and with war and peace.

I was sorry to hear gentlemen express shock and surprise when my friend, Mr. ALLEN of Pennsylvania, offered his motion. There is no man in this House or in any other house of higher quality of character and of finer intelligence than this particular gentleman, and I am only sorry that with his rare integrity and courage he is on the wrong side of the aisle. [Laughter and applause.] I have talked with him many times on these questions, as have many others, and I believe that the idea expressed in his amendment has taken hold in this House, that the thing to do now is to sweep the decks, get clean of the grave clothes, and give this greatest of all Nations that you love and adore freedom to go out in the world and say to mankind that the time is here for civilized societies not to fear and hate each other, not to engage in armed conquest and aggression, but to begin to confer on the possibilities of establishing our relationships, national and international, once more upon law, upon decency, upon morality, and upon humanity. It is this ideal and this idea which brings so many of the Members of the House regardless of party to the support of the Allen amendment which I sincerely hope will pass.

Mr. TINKHAM. Will the honorable Representative from New Jersey answer a question?

Mr. EATON of New Jersey. He might not be able to, but he can try.

Mr. TINKHAM. I think the honorable Representative minimizes his ability. Did not following that course in 1917 plunge us into war?

Mr. EATON of New Jersey. What course?

Mr. TINKHAM. The use of international law and its manipulations.

Mr. EATON of New Jersey. You might just as well say that whistling Yankee Doodle started the San Francisco fire. [Laughter and applause.]

[Here the gavel fell.]

Mr. STARNES of Alabama. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I rise in support of the so-called Allen amendment. I was very much amazed a moment ago, as I usually am, at the mental gymnastics and verbal pyrotechnics of my good friend from New York [Mr. FISH]. [Laughter and applause.] In his oration he stated that he was opposed to the Allen amendment because it would kill the Bloom bill, yet he was opposed to the Bloom bill.

Mr. FISH. That is not quite right.

Mr. ALLEN of Pennsylvania. Will the gentleman yield at that point?

Mr. STARNES of Alabama. I cannot yield in the short time I have.

Furthermore the gentleman stated that he favored an embargo, yet an embargo presupposes a state of war, and the gentleman from New York [Mr. FISH] is opposed to a law which will permit the President of the United States of America to declare that a state of war exists, and therefore issue a proclamation bringing into force an embargo law. It seems to me that only the all-seeing eye of an inscrutable providence can follow the germs of thought through the labyrinthian caverns of the mind of the gentleman from New York relative to neutrality.

Mr. FISH. Will the gentleman yield?

Mr. STARNES of Alabama. I cannot yield.

I favor the Allen amendment because it frees the hands of the officials of the United States of America, upon whom the Constitution devolves the duty and responsibility of handling our international relations.

Mr. TINKHAM. Will the honorable Representative answer a question?

Mr. STARNES of Alabama. I cannot yield until I have finished my statement.

I favor the repeal of the present Neutrality Act and am opposed to the enactment of any other neutrality law at this time, because every act we have passed since 1935 has placed the United States of America on the side of the stronger nations of the earth. I am further opposed to it and favor its repeal because by virtue of that act itself it places the United States of America in an unneutral position.

Finally, I favor the repeal of neutrality legislation which we have enacted because it is a renouncement of the traditional policy of the United States of America which we have followed for a century and a half.

Let me say to you that the enactment and enforcement of such unworkable legislation as we have enacted since 1935 with reference to neutrality would have made it impossible for the United States of America to be the free and independent Nation it is today, if such laws were in force and effect throughout the civilized nations of the world in 1776. [Applause.]

I know not what course others may take, but in the present circumstances, since the Bloom bill itself admits that the neutrality legislation of 1935 and 1937 was a mistake, and by express terms it itself will repeal those laws, I think the most sensible thing the American Congress can do today is to cast aside this hypocrisy, this fraud we have been practicing upon our own people and the people of the earth, repeal all of this unworkable hodgepodge of neutrality legislation, so-called, and return to well-ordered ways, guided by the Constitution and by international law. Let us take ourselves out of the bypaths of hysteria and hypocrisy and put this Nation again upon the high road to common sense, decency, and sanity in our dealings with ourselves and the other nations of this earth. [Applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, a great deal has been said about how we got into the World War. We did not get into the World War because of international law. We got into the World War because of the violations of international law and because of our failure to punish those violations. [Applause.] It was not because we did not have a neutrality law that we got into the World War. It was because we failed to enforce our own neutrality that we got into the World War. We announced an intention at the beginning of hostilities in Europe to be neutral. We did not remain neutral, however. We were forced step by step into the World War because we were not able to defend our neutrality and our international rights. We were weak. Had we had the navy that Theodore Roosevelt advocated we would never have been in the World War. We seem to forget that the first American ships that were sunk were sunk by the British, not the Germans, with gross disregard of our international rights and our neutrality. Neutral ports were blockaded against the shipping of America while we were a neutral, and we did nothing about it. Had we had a powerful navy and had we said to both sides, "We demand respect for our international rights; we will enforce our neutrality"; if we had sunk ship for ship, we would have been let alone. We would have never been in the World War, and we had no business getting into it.

The same situation exists today on both fronts, in the Pacific and in the Atlantic; but today we are no longer a weak nation. We do not have to fear now, if we will but mind our own business and stand ready to defend our own rights, which we are now able to do.

Mr. TINKHAM. Mr. Chairman, will the honorable Representative from Minnesota yield?

Mr. MAAS. I yield to the distinguished member of the committee.

Mr. TINKHAM. Is the honorable Representative from Minnesota aware that when we were making our protests and continually protesting to Great Britain that the agent of President Wilson, Mr. House, was telling Great Britain:

You do not have to take these messages and these statements seriously.

Is not that right?

Mr. MAAS. I realize that, but no law could have stopped that.

Mr. TINKHAM. No law?

Mr. MAAS. The whole theory of a neutrality law is based upon this same American misconception that you can solve every problem by the panacea of passing a law. You cannot do it. It takes as hard work and character to stay out of war as it does to stay out of immorality. You will remember that we tried to solve immorality by prohibition, but we walked back down the road of repeal; and we should do the same thing now on our unneutral neutrality laws.

The misconception that seems to me to be a fundamental in our consideration of neutrality legislation is that incidents cause wars. This, of course, is utterly ridiculous. It is not because some American happens to be on a ship that is sunk that causes war; it is not because some American happens to be selling merchandise to one country or another that gets us into war. The incidents are used, to be sure, to start up propaganda, but the thing that gets us into war is when our vital economic structure is affected. We are not going to rush into war if we are not hurt, no matter how much of our products are sold or not sold. We are proceeding, it seems to me, on the wrong basis, and, therefore, I am strong for the Allen amendment to go back to international law. If embargoes are needed at some particular time to meet a particular situation, if it is thought they will help us, Congress can pass them any time, and then if there are serious consequences, let Congress make the decision which will bring about those serious consequences.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. BREWSTER. As I understand, the gentleman stated that we would not get into a war unless our vital economic interests were seriously involved.

Mr. MAAS. I think that is correct.

Mr. BREWSTER. How did it come about that we entered the World War?

Mr. MAAS. Because we did not continue to enforce our neutrality and our international rights, and ultimately we got entirely over on the side of France and England. Had we in the very beginning insisted upon our rights, had we continued our commerce to Denmark, for instance, and not weakly yielded to the Allies, we would have had just as much at stake upon the other side. We would not then have had an overpowering interest on one side as against the other, which is what finally brought us into the war.

Any kind of a law which ties our hands when all other nations are not similarly restricted seriously cripples us in dealing with international problems. Such one-sided restrictions practically destroy our influence in dealing with other nations. The so-called aggressor nations pay little attention to our warnings or protests today, because we have voluntarily so tied our own hands by neutrality laws and semi-official pledges not to fight under any circumstances, that the world is sure we do not mean our warnings and that our protests are mere idle gestures.

There was a day when the whole world respected our position and paid attention to our warnings. There was a day when Japan abandoned a planned invasion of China at the mere warning of an American President. There was a day when France withdrew her troops from Mexico at a mere warning by an American President, that France would

stand the consequences if she did not immediately get her troops out of this hemisphere. There was a day when England recalled war vessels dispatched to Caribbean waters merely upon a warning issued by an American President.

But that was all before we set out to guarantee peace by a law. Those incidents, each one of which actually prevented a war, occurred when we relied upon international law and our own military power to back up and enforce our rights under international law.

It is so ridiculous to expect to pass local laws to try to govern the international situation and to expect other nations to be affected even though they have had no part in making such laws, and never subscribed to them.

We will not become involved in a war unless our vital national interests are seriously interfered with so long as we are neutral in fact. Of course, if we project ourselves into alien quarrels we will be drawn into a resultant war. Every so-called neutrality law we have acted upon has in fact been just the opposite—an unneutral act. In every case, the enforcement of the law aids one side in a war, and the nonenforcement aids the other side.

Neutrality means to be neutral, not to take sides, to treat all parties exactly alike. We do not need a new law for that. In fact, no such law can be written in advance.

No neutrality law would have saved us from the disaster of the World War.

In my opinion a law such as we have now on the books, or as we have before us for action today, would have merely speeded our entrance into the World War.

We were dragged into that war, not because we relied upon international laws of neutrality, but because we failed to enforce and defend that policy. The Allies were the first to sink our ships and to interfere with and restrict our shipping. We wrote notes, but we did not retaliate as we should have.

Later, when Germany found herself cut off from supplies from the United States, it set out to try to deny those same supplies to its enemies, France, England, and Italy. The Germans were convinced that we would not go to war in retaliation for sinking our ships, since we had not done so when England sank our ships and blockaded neutral ports against our shipping.

Had the United States rigidly adhered to its announced policy of neutrality from the very beginning and had we vigorously defended our shipping, we need never have become involved.

Our peace and security lie in our remaining out of the overseas quarrels, in which our vital interests are not affected, and in our maintaining such a Naval Establishment as will insure the protection of our commerce and the defense of our legitimate rights.

No nation on earth will sink our ships, blockade neutral ports, nor invade, directly nor indirectly, this hemisphere if such a nation knows that to do so will bring immediate and effective military reprisals from us.

The defense of the United States requires more than the mere ability to hold off an invader from our shores. It requires that we be able to vigorously punish any aggressor against us and to do so in his own homeland.

The mere defeat of his expedition against us is not a vitally serious matter to him. He can and probably will try again, and all history bears this out. But if serious damage can be inflicted upon his homeland, he will think twice before starting such an adventure. It is not the fear of defeat for an expeditionary force that deters aggressors, but the fear that they themselves may be invaded in return for such aggression that keeps them at home in the first place.

There is a way that we may be assured of the maximum freedom from our participation in foreign wars.

That is to let the world know that we will not interfere in foreign wars in which our vital interests are not involved; to assure the peoples of the world that we will not invade foreign lands for the purpose of acquiring territory; that we will use our military forces only in protecting our own



interests. At the same time, let us warn the governments of the world that we will tolerate no encroachments in this hemisphere, and no interference with our international rights anywhere. Let us in unmistakable terms assure one and all that to interfere with us will bring immediate and drastic punishment from the United States, and then we will be let alone.

There is no royal road to peace nor security. The price of freedom is still eternal vigilance.

Let us abandon the foolish illusion of peace by a law, and depend on plain, hard common sense, which says "mind our own business, and be so powerful in our self-defense that no one will risk our righteous wrath."

If we pursue such a policy we will be let alone, and we will have peace.

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, this amendment deals with the very heart of the legislation. I do not care to criticize my friend from Pennsylvania, the author of the amendment. I am not going to vote against the amendment because he offered it, as my friend from New York is going to vote against this bill because he does not like the name of the gentleman on our side who offered the bill. I think we ought to pass upon this question stripped of all personalities and of all prejudices.

There has been a good deal of talk here as to how certain features of the bill would affect this country or that country. I have not in any of the remarks I have made so far on this bill had anything to say with reference to any country, because deep in my own heart what I am trying to do is to pass the very best piece of legislation I can to help America, and America only. [Applause.] Some have said this would hurt this country, some have said it would hurt the other country. Someone has well said, I think with the distinguished gentleman from California [Mr. Izac], the emergency is now here. If all signs do not fail we are on the brink of another holocaust, another world war. The question is simply this: Shall we junk the neutrality legislation that we passed just as another war breaks out, or shall we give it a trial? This is the question.

Mr. TINKHAM. Will the honorable gentleman yield?

Mr. LUTHER A. JOHNSON. I am happy to yield to the distinguished gentleman from Massachusetts.

Mr. TINKHAM. Will the honorable Representative from Texas explain in any detail whatsoever, or in any way, how shipment of arms to Europe, to the warring nations, is going to be helpful to peace for the United States?

Mr. LUTHER A. JOHNSON. I answer the gentleman's inquiry by asking him the reverse of his question: How will the shipment of arms help to get us into war? Can the gentleman tell me how the sale of arms or the sale of any other commodity will get us into war?

Mr. TINKHAM. It seems to me there is a commitment on us if we do it.

Mr. LUTHER A. JOHNSON. If we sell to all countries alike, there is certainly no commitment.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. My time is limited, but I yield.

Mr. VORYS of Ohio. The distinguished gentleman from Texas has been a member of the Committee on Foreign Affairs for many years. We have on our statute books now a law that has been in effect for 30 years, since 1909, consisting of a number of sections defining offenses against neutrality.

We have another law consisting of a number of sections enacted in 1917 dealing with neutrality and another one in 1922, together with an amendment to the 1922 law passed in 1930, all of them being laws which deny certain rights to American citizens in order to keep us out of war. The gen-

tleman from Pennsylvania said he wanted the slate clean. Can the gentleman, from his vast experience, tell us why he failed to include in his repeal all of these laws which the experience of three decades has left upon our statute books to keep us out of war?

Mr. LUTHER A. JOHNSON. I assume it was because of the haste in which the amendment was prepared. The gentleman probably did not have the opportunity to search the statute books to find out that all of these laws had been on the books for so long a period of time.

Mr. Chairman, if this amendment is adopted here is what will happen. We have the National Munitions Control Board, that every witness who appeared before our committee commended. That is a permanent institution and both in peacetime and in wartime before any shipment of arms may be made the manufacturers have to get a permit. Registration of all shipments is had so that the Government may keep in touch with what is happening and being shipped. It has been a very effective board. Under the pending amendment that National Munitions Board will be junked.

We have also a provision of law by which credits to warring nations are excluded. Does any Member of this House now believe that the American people want us to again finance foreign wars, lend money to foreign governments with which to carry on war? If you do not believe that, then you ought to vote against the pending amendment.

Someone said it was not because of this or that or something else that we got into the World War; that it was because of propaganda or because of economic conditions. We got into the World War because of certain conditions that happened, certain offenses that were committed against our citizens and against our citizens' property that inflamed the passions of our people and led us into war.

This resolution and the neutrality laws we have heretofore passed are the result of the experiences of the World War and eliminates some of those things that might cause our people to become inflamed, thereby involving us in another war. It is said that we cannot foresee what conditions may rise in another war. We can foresee that there is an ocean intervening between us and warring nations. We know there will be the transportation of goods between our country and foreign nations. We know that the title to all those goods will be transferred before those goods are shipped. This will eliminate the danger of aggression to our citizens in the shipment of their goods in time of war. [Applause.]

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last six words.

Mr. Chairman, I rejoice at the introduction of this amendment by the gentleman from Pennsylvania. It is something I have been hoping for for 4 years. I believe it offers the only sound solution to this difficult problem of the management of our foreign relations.

Yesterday I endeavored to point out the utter impossibility of the Congress ever writing down a rule of conduct, binding and inflexible, which could be expected to meet the emergencies of the future. Those emergencies are bound to vary to an extraordinary degree. I shall not enlarge upon that subject just now.

Mr. Chairman, I am for the pending amendment, first, because it will restore the management of our foreign relations to an orderly, constitutional process. Today that management has been distorted, and I am not saying this in criticism of the present occupant of the White House. I am saying it, rather, in criticism of the tendency. Today that process has been distorted by the action of the Congress in delegating to the President, no matter who he may be, powers outside his constitutional limitations, powers extraconstitutional in character. I endeavored to call the attention of the committee yesterday to the fact it was

utterly impossible to draw a neutrality act which does not confer discretionary powers upon the occupant of the White House.

We have had a discussion here this afternoon of the first section of this bill, and apparently no two of us have agreed as to what the power of the President should be with respect to declaring that a state of war exists. In the very first section of this bill we find that impossible situation, a situation which of course must result in an enormous increase in the power of the Executive, whether he asks for it or not, and I doubt very much that he asks for it.

If we wipe out, as the term has been used, the neutrality acts now upon the statute books and refrain from enacting additional neutrality acts, what will be the situation? The President will exercise his powers under the Constitution, just as everyone of his predecessors have exercised them. One gentleman spoke here today and said that if we go back to so-called international law and wipe out these neutrality acts, we will thereby enhance and increase the powers of the President. That is exactly not so. We are returning the office of President and its functions to its constitutional field and when we do that we, by the same degree, restore to the Congress of the United States its proper function in its connection with foreign relations.

Mr. BLOOM. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from New York.

Mr. BLOOM. With reference to the Constitution, international law is nothing else than the law of nations. When we do that you come right back to the Congress, as originally planned in the Constitution, to make the laws under such circumstances.

Mr. WADSWORTH. I desire to distinguish between the Constitution of the United States and international law. There is no connection between them, none whatsoever. International law represents the ideals of civilization, an attempt of human beings down through decade after decade to restrict the horrors of war and to do so by asserting the rights of neutrals. But that has nothing to do with the Constitution of the United States, in which international law, so-called, is not mentioned.

Mr. BLOOM. The laws of nations are.

Mr. WADSWORTH. The Constitution confers certain powers upon the President and certain powers upon the Congress. Until we passed the so-called Neutrality Act there was no attempt to create an unbalance as between those two powers. So I say that if we will face the truth in this matter and cast aside all these wild dreams of being able to write a rule of conduct to suit a situation which is utterly unpredictable, and return to orderly processes, we will be walking along the road of safety for our Nation. There never was a safer ark of the covenant than the Constitution of the United States.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman yesterday made a very powerful presentation with regard to freedom of action of Congress. I hope the gentleman will refer to that.

Mr. WADSWORTH. At the expense of being repetitious, let me remind you that every time you adopt a rule which is to bind us in the face of future events you are by that much tying the hands of the Government and the people of the United States. Every time you adopt a rule that under certain circumstances such and such shall be done, although

you can never anticipate what those circumstances will be, you have taken away from the Government of the United States a degree of freedom of action. Freedom of action is our one safe road, freedom for the President and the Congress, acting together, to determine our course in the face of an emergency, freedom to determine what is best for our country. When you retain that freedom you are walking the road of safety.

That has been my contention from the beginning of this whole discussion. When you depart from that you have gone off into a field speculative in character. No one knows where you are going, and before you know it you will get in trouble. Why can we not trust ourselves? Why can we not trust the Congresses and the Presidents of the future to meet the crises which may overtake them, in the interest of this country, untied and untrammelled.

You pass neutrality acts such as this one and the others preceding it and, as has been intimated upon this floor, there is something in each one of them which is regarded as unneutral, and you are placed upon the defense before you start. It has been said again and again in the debate upon this floor that such and such a provision will help two of the nations abroad and that if you leave it out it will help two other nations abroad. Why talk about who we are going to help? That is not the point. Let us not talk in any such fashion at all. Let us not adopt rules which will be open to suspicion, and these rules are already open to suspicion. Abolish the rules, and do what is best for your country. [Applause.]

Mr. BLOOM. Mr. Chairman, I should like to ask the gentleman from New York what he considers a proper time for debate on this amendment?

Mr. FISH. I should think 1 hour.

Mr. BLOOM. Mr. Chairman, before we agree on a limitation of time for general debate, let us find out the number of gentlemen in the Committee of the Whole who wish to speak.

The CHAIRMAN. The Chair requests that, as he calls the following names, gentlemen as their names are called will be seated, because the reading of this list will indicate that the Chair has their names here.

Mr. FADDIS, Mr. JARMAN, Mr. GREEN, Mr. BURGIN, Mr. BELL, Mr. PATRICK, Mr. ARNOLD, Mr. MASON, Mr. CRAWFORD, Mr. McDOWELL, Mr. SCHIFFLER, Mr. REED of New York, Mr. HAWKS, Mr. JONES of Ohio, Mr. HINSHAW, Mr. BREWSTER, Mr. ROBSON of Kentucky, Mr. TINKHAM, Mr. BENDER, Mr. KEEFE, Mr. VAN ZANDT, Mr. KLEBERG, Mr. MASSINGALE, Mr. MOSER, Mrs. ROGERS, of Massachusetts, Mr. STEARNS of New Hampshire, Mr. CLASON, Mr. CREAL, Mr. BARTON, Mr. SHANLEY, and Mr. BLOOM.

The Chair may state that, whatever time is fixed for debate, the time will be divided equally among the Members whose names appear on this list.

Mr. BLOOM. Mr. Chairman, may I ask how many names are on the list?

The CHAIRMAN. Thirty.

Mr. BLOOM. Mr. Chairman, I move that all debate on the pending amendment close in one hour and a half, the time to be equally divided among the gentlemen whose names have been read by the Chair.

The motion was agreed to.

The CHAIRMAN. Under the limitation of time, the Chair having indicated the number of Members who desire recognition, the time allotted each Member will be 3 minutes.

The Chair recognizes the gentleman from Florida [Mr. GREEN] for 3 minutes.

Mr. GREEN. Mr. Chairman and my fellow Members, America stands alone. In our national-defense requirements, in our economic future, in our industrial stability, and in practically everything, our Nation stands alone. The American development, progress, wealth, and enterprise generally is envied by many foreign nations. This neutrality bill is the most important piece of legislation which has been before this Congress. It is one requiring our most thoughtful study and conscientious effort. I warn you that the time is rapidly



approaching when you and I will realize fully that America's security in every way is America's responsibility and that we cannot depend upon help, aid, or assistance from abroad.

I would call the attention of my colleagues to the debts owed our Government by the foreign governments. As of March 1, 1939, this debt stands as follows:

*Statement showing total indebtedness of foreign governments to the United States, Mar. 1, 1939*

Country	Total indebtedness	Principal unpaid <sup>1</sup>	Interest postponed and payable under moratorium agreements	Interest accrued and unpaid under funding and moratorium agreements
<b>Funded debts:</b>				
Belgium	\$440,080,212.01	\$400,680,000.00	\$3,750,000.00	\$44,650,212.01
Czechoslovakia	165,729,490.80	165,241,108.90		488,381.90
Estonia	20,736,660.17	16,466,012.87	492,360.19	3,778,287.11
Finland	8,248,799.24	8,122,086.44	126,712.80	
France	4,160,824,820.69	3,863,650,000.00	38,636,500.00	258,538,320.69
Germany (Austrian indebtedness) <sup>2</sup>	26,011,672.09	25,980,480.66		31,191.43
Great Britain	5,419,388,374.72	4,368,000,000.00	131,520,000.00	919,868,374.72
Greece	34,068,437.00	31,516,000.00	449,080.00	2,103,357.00
Hungary	2,394,620.70	1,908,560.00	57,072.75	398,987.95
Italy	2,022,745,422.62	2,004,900,000.00	2,506,125.00	15,339,297.62
Latvia	8,546,036.99	6,879,464.20	205,989.96	1,460,582.83
Lithuania	7,650,387.79	6,197,682.00	185,930.46	1,266,775.33
Poland	259,502,346.55	206,057,000.00	6,161,835.00	47,283,511.55
Rumania	63,990,795.60	63,860,560.43		130,235.17
Yugoslavia <sup>3</sup>	61,740,546.89	61,625,000.00		115,546.89
<b>Total</b>	<b>12,710,628,623.86</b>	<b>11,231,083,955.50</b>	<b>184,091,606.16</b>	<b>1,295,453,062.20</b>
<b>Unfunded debts:</b>				
Armenia	23,303,395.87	11,959,917.49		11,343,478.38
Nicaragua <sup>4</sup>	385,372,179.65	192,601,297.37		192,770,882.28
Russia				
<b>Total</b>	<b>408,675,575.52</b>	<b>204,561,214.86</b>		<b>204,114,360.66</b>
<b>Grand total</b>	<b>13,119,304,199.38</b>	<b>11,435,645,170.36</b>	<b>184,091,606.16</b>	<b>1,499,567,422.86</b>

<sup>1</sup> Includes principal postponed under moratorium agreements and principal amounts not paid according to contract terms.

<sup>2</sup> The German Government has been notified that the Government of the United States will look to the German Government for the discharge of the indebtedness of the Government of Austria to the Government of the United States.

<sup>3</sup> This Government has not accepted the provisions of the moratorium.

<sup>4</sup> The United States holds obligations in the principal amount of \$289,898.78, which, together with accrued interest thereon, are to be canceled pursuant to agreement of

Apr. 14, 1938, between the United States and the Republic of Nicaragua, ratified by the United States Senate on June 13, 1938.

NOTE.—Indebtedness of Germany to the United States on account of costs of army of occupation and awards under Settlement of War Claims Act of 1928, as amended, not shown in above statement, but discussed on p. 29 and following.

The enormous amount of \$13,119,304,199.38 is the grand total of the amount of total indebtedness today, or rather, of March 1, due our Government by foreign nations. If we now had this money paid to our Government, think of the economic security this would mean to us. The payment of this large amount of cash in the Federal Treasury at this particular time would bring to the American people untold prosperity and economic security. This vast sum represents actual money and materials which our Government has furnished to these foreign nations. You will note the significant thing also that \$11,435,645,170.36 is the unpaid principal.

I hope you will not confuse this foreign debt with the other costs incurred by the American Government and American people on account of the World War. I am confident that \$40,000,000,000 would not cover the actual cost to America of the World War. I would ask of you, what are these foreign countries now doing to enrich America and to help our Government or our people as such? To the contrary, they are looking out for themselves and their own peoples and annually spending huge amounts for armaments and their own security. If these foreign governments, the most of them, would pay to America even 25 percent each year of what they are now expending for armaments and war preparation, their debts to us would soon be retired. Apparently they are not thinking of paying us, but, to the contrary, are arming to the teeth to defend themselves in the future against all comers. This makes it more evident to us that America stands alone and cannot depend upon assistance from foreign nations.

Little Finland, I believe, is the only one which is meeting its obligations. This, one of the weakest of all the debtor nations, has paid us as follows:

Dec. 15, 1932	\$58,000	\$128,235.00	\$186,235.00
June 15, 1933		148,592.50	148,592.50
Dec. 15, 1933	62,000	148,592.50	\$19,030.50
June 15, 1934		147,507.50	19,030.50
Dec. 15, 1934	62,000	147,507.50	19,030.50
June 15, 1935		146,422.50	19,030.50
Dec. 15, 1935	65,000	146,422.50	19,030.50
June 15, 1936		145,285.00	19,030.50
Dec. 15, 1936	67,000	145,285.00	19,030.50
June 15, 1937		144,112.50	19,030.50
Dec. 15, 1937	69,000	144,112.50	19,030.50
June 15, 1938		142,905.00	19,030.50
Dec. 15, 1938	71,000	142,905.00	19,030.50

In addition to the thirteen-odd billion which is mentioned, Germany is due the United States a war debt total of 508,687,731.45 reichsmarks. This figure is of March 1, 1939, at which time I believe a reichsmark was valued at some 40 cents American money. What is Germany now doing toward paying the debt due our Nation? I believe it is well known by all of us the rampant dictatorship and militaristic fervor which now permeates all Germany and how this Nation is now taking within its iron grip small, weaker states.

It is quite interesting to know that Italy is due our Government well over \$2,000,000,000. What has been its history over the past 2 or 3 years—killing Negroes in north Africa and overrunning Spain. These nations have money for armaments but not money to pay the United States. It is significant that France is due the United States almost four and one-quarter billion dollars. Do we hear of any proposal being made by these nations to settle up these war claims to our Government? I have not heard of such, but I am soon expecting these nations to make overtures to our Government with the ultimate hope of getting from our Nation loans and assistance.

Such materials as are sold to foreign nations—war materials or otherwise—should be sold strictly on a cash-and-carry basis. They should be compelled to put the money on the barrel head before the supplies leave American shores.

It is my belief that our Nation should stay far and apart from foreign turmoils, interferences, and local wars and involvements. We are a young, progressive, new nation. Our Nation has been built through liberality, frugality, perseverance, Christianity, and patriotism. We cannot and do not understand the various and several hatreds, feuds, and disagreements existing as such between foreign nations. By these nations' very history and traditions, they have inbred likes, dislikes, fancies, and hatreds. We have not lived with them in these traditions and in their history. We do not understand their inbred feelings, one toward the other. We never will, and I, for one, do not desire to do so. Likewise we have no business trying to interfere with their quarrels and fights and sticking out our necks to be chopped off to help or hinder any of them. I earnestly hope that our

Nation may never again become involved in their turmoils, feuds, and wars.

The Monroe Doctrine proclaims the Western Hemisphere as ours, and I believe our responsibility reaches as far, and only as far, as the Monroe Doctrine proclaims. At the present time, at least, it is not evident that any foreign nation plans to come over and try to take America. When and if this should become apparent, then is the time for us to defend to the last man and last dollar our American homes and rights.

Many of these foreign nations are adequately able to pay their debts to America. Let us take, for instance, Great Britain, with its far-flung possessions upon which the sun never sets. Let us see what it has in the Western Hemisphere.

The British colonial possessions in the Western Hemisphere are—

Newfoundland and Labrador: Newfoundland, an island on the northeast side of the Gulf of St. Lawrence; area, 42,000 square miles; population (1935), 284,844. Labrador, situated on the northeast coast of the American Continent; population, 4,264.

The Bermudas: A group of about 300 small islands lying approximately 580 miles to the eastward of Cape Hatteras, North Carolina; area, 19 square miles; population (1931), 27,789.

West Indies: Bahama Islands, a group of islands situated east of Florida; area, 4,375½ square miles; population (1931), 59,828. Barbados, the most easterly of the Caribbean Islands; area, 166 square miles; population (1937), 190,939. Jamaica and dependencies, an island in the Caribbean Sea south of the eastern extremity of Cuba; area, 4,450¼ square miles; population (1921), 858,114; Cayman Island, Turks and Caicos Islands, dependencies; area, 89 square miles. Leeward Islands, southeast of Puerto Rico; total area, 708 square miles; total population (1937), 142,063. Windward Islands, three islands south of Leeward Islands: St. Lucia, area, 233 square miles; population (1937), 67,404; St. Vincent, area, 198 square miles; population (1931), 47,961; Grenada, area, 133 square miles; population (1937), 88,201. Trinidad (and Tobago), an island 16 miles east of Venezuela; area, 1,862 square miles; population (1931), 387,425; Tobago, area, 116 square miles; population (1931), 25,358.

British Guiana: Situated on the northeast coast of South America; area, 89,480 square miles; population (1937), 337,039.

British Honduras: Situated on the east coast of Central America; area, 8,598 square miles; population (1931), 51,347.

Falkland Islands: Situated in the South Atlantic Ocean, 480 miles northeast of Cape Horn; total area, 4,618 square miles; population (1931), 2,392.

#### FRANCE

Now what are the French possessions in the Western Hemisphere?

They are—

St. Pierre-Miquelon: Two small groups of islands south of Newfoundland; total area, 93 square miles; total population (1936), 4,175.

Guadeloupe and dependencies: A group of islands in the Lesser Antilles; area, 688 square miles; population (1936), 304,239.

Martinique: Situated south of Guadeloupe; area, 385 square miles; population (1936), 246,712.

French Guiana: Situated on the northeast coast of South America; area, 34,740 square miles; population (1936), 30,906.

Now, would it not be equitable and just for these two great powerful nations that, combined, owe us some two-thirds of the foreign war debt, to cede to the United States sufficient of their Western Hemisphere lands and possessions to justly settle these debts? The United States has for a long while been very desirous of a great super highway connecting Alaska with the Northwest of our great country. As chairman of the Territories Committee of the House, for the past several years, I have been deeply inter-

ested in a project of this kind but we have been unable to work out a satisfactory agreement even for a right-of-way from the State of Washington to Alaska. How appropriate it would be for Great Britain to cede to the United States a strip of territory of, say, 100 miles width, reaching from the State of Washington to the southern end of Alaska. Also, would it not be very appropriate for Great Britain and France to cede to the United States, British and French Guiana, South America, in order that the United States could more surely perfect its just rights in industrial and trade life of the South American republics? Would it not be indeed appropriate for the Bahama Islands and Trinidad together with other islands in the Caribbean Sea to be permitted to fly the American flag and be a part and parcel of the United States?

I call on the Foreign Affairs Committee and the State Department and the treaty-making legislative branch of the Congress to give consideration to these matters to the end that these just debts may be settled for the betterment of all nations concerned. No; I am not advocating a war in an effort to collect these debts. These debts are not worth a world war. No just monetary value can be placed upon the life of men. When war comes, men die. I would not advocate a war to collect these debts but I do believe that super-statesmanship and diligent effort may be able at this critical time in the history of the world to work out a solution to equitable and just agreement and settlement of many of these foreign debts. I urge my colleagues to have these matters uppermost in mind in connection with the bill before us today. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks and to include therein the matters referred to by me.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. JARMAN. Mr. Chairman, I find myself in thorough agreement, and cannot fail to so state, with every word uttered by the distinguished gentleman from South Carolina [Mr. RICHARDS] and the distinguished gentleman from West Virginia [Mr. KEE] in their expressions of surprise that this amendment came as it did this afternoon.

I will admit that the distinguished gentleman from Pennsylvania [Mr. ALLEN], for whom I have always had a very high regard, stated to us this morning that he insisted on doing it over our protest, but I just did not believe he would carry out that intention until he did it. He and the gentleman from South Carolina and myself have several times cast votes contrary to the normal Democratic vote in the committee—that is, we have decided minor questions in favor of the other side of the aisle—but after having reached a decision there, the able gentleman from South Carolina and I did not change.

The gentleman stated that the passage of this neutrality law was not being honest with the people. I would like to know when was he honest with the people back yonder in the committee or in introducing this amendment here today? He said it was because of a changed sentiment since that time. If we are to legislate here on changes of sentiment, every time we are deluged with a bunch of propaganda or by pressure efforts—if we are to legislate in that way, changing day after day, with the daily changes of sentiment, I am sorry for the country. [Applause.]

The gentleman spoke of international law having come about through the experience of the ages, and yet after 2 or 3 months of conference he wishes to change this entire bill here this afternoon on the floor of the House. If it passes in this House this afternoon—time does not permit me to go into it, but I wish to go on record as saying and calling your attention to what happens if it passes today in Committee and fails in the House tomorrow—it will no more accomplish what some people who are for it think it will than anything in the world. Wait and see when we get back into the House. [Applause.]

[Here the gavel fell.]



Mr. STEARNS of New Hampshire. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN], and rather than use words of my own, I should like to place before the Committee the words of another which express my thoughts most effectively.

Lest I be cut off at the end, I would say to begin with that it is no munitions maker who writes these words. This is no Anglomaniac, this is no administration "yes" man; it is Prof. Philip Marshall Brown, professor of international law at Princeton University, and one of the editors of World Affairs, the organ of the American Peace Society, the oldest and most distinguished peace organization in this country:

ON BEING NEUTRAL

Although the United States has done more than any other nation to establish and simplify the law of neutrality, the subject of late has become increasingly obscured. The fundamental reason for this confusion of thought is to be found in the conflicting policies advocated by various groups. There are many who hold that the experience of the World War proves that it is practically impossible to assert and maintain neutral rights without ultimately resorting to war. They would virtually abandon all claims to neutral rights and either withdraw into an armadillo kind of isolation or openly take sides against an "unjust aggressor." Those who want peace at any price have sought by so-called neutrality legislation to determine in advance the policy to be followed by the United States in time of war. This legislation has resulted in unanticipated anomalous situations with respect to the Spanish civil war and the war between China and Japan.

There are those who talk of coercive "measures short of war" to be used by a neutral nation against an unjust aggressor, in the strange belief that the latter will not eventually strike back with warlike measures. This group of Americans has a large number of distinguished adherents. Whatever the arguments they may invoke in support of such a policy, one thing is perfectly clear—it is not neutrality.

As between those who would supinely abandon neutral rights and those who would take sides openly because they believe neutrality to be either impossible or shameful, there would seem to be a respectable middle course for those honest and reasonable people who believe that the way to be neutral is just to be neutral. With his good common sense, President Washington saw this clearly, and a long line of court decisions and able state papers have developed perfectly logical and clear principles of neutrality. The World War did not demonstrate so much their futility as their need of adaptability to changing conditions of warfare.

The main principles of neutrality have been succinctly summarized under the captions "Abstention," "Prevention," and "Acquiescence." A neutral nation will not merely be impartial but will sedulously abstain from taking sides in any way whatever. It will do all in its power to prevent its territory being used for unneutral purposes. It will acquiesce in certain restrictions on peacetime intercourse which the exigencies of war may impose. If a neutral nation holds that its rights have been infringed, it does not have to go to war in their immediate defense. A right need never be sacrificed simply because redress cannot be had at once. That is not the way law works, and international law is no exception, as was demonstrated in the settlement of the "Alabama claims" by Great Britain by the payment of \$15,500,000 to the United States.

These simple and sane principles of neutrality have been elucidated by the rule of reason in numerous instances. They would seem to be better bases for national policy than the intricate kind of so-called neutrality legislation of recent years. No matter how distrustful Congress may be of the Executive power, it cannot take on itself any full responsibility for the conduct of foreign relations or share the responsibility for diplomatic negotiations. The movement back to normal neutrality would seem therefore to be entirely in accord with the dictates of common sense and in harmony with over 140 years of experience. The United States would still be free to retire like an armadillo into a fancied isolation if it so desires, to adopt "measures short of war," or to side openly against an unjust aggressor. It would be free to abandon rights of neutrality or to claim, assert, maintain, and ultimately to vindicate its rights. In any event, under these well-tested rules, the course of action would not be rigidly prescribed in advance, and representative government would still be able to draw upon the best judgment and precedents available to reach a sound decision concerning the attitude the United States should take in time of war.

[Here the gavel fell.]

Mr. STEARNS of New Hampshire. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to include the balance of the article read by me.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. PATRICK. Mr. Chairman, at last, after 3 hours' constant effort, I am on my feet.

I am going to still support the Committee, even though it worked us out of time we would like to have had.

Mr. Chairman and members of the Committee, in a neutral matter of this kind several things present themselves differently from our approach to other matters on legislation applying within our native confines, but let us not try to find any solace in the idea of falling back on international law. International law stands today as a ship without an anchor and a vessel without a captain, so far as the United States is concerned.

I am going to support the Committee and oppose this amendment because the amendment would throw us right back onto international law, which would mean destruction so far as our being able to anchor to anything definite and secure is concerned. We are the outstanding power Nation and leading unit of the Western Hemisphere, with all its responsibility; can we not say something? Are we able to stand on our own feet and lay out certain rules and measures—and surely nothing more intelligent or needful could be prescribed than that which is set out in the measure before us today—and listen to me, please. Let us not forget that when we move to the scope of international activity in commerce and behavior, it is a different matter from our usual actions here. Let us not get disturbed, then, about the power one man must employ, because when we move into international relations, then we are a unit, not Democrats or Republicans, but a people are we. We can all be concerned here at home when we are passing laws for this Nation about the power we give to the President, and everything like that, but regardless of whether the Democrats are in power or the Republicans are in power, or whoever is President, we have got then to unify ourselves under the head as one Nation, and then there is one other thing to be considered, and that is that this is a moving figure and if we can pass a constructive neutrality law, it must be made to fit a changing picture, a moving figure that will follow and support a reshaping of things. Therefore, we must set out by allowing the President to meet stipulated circumstances and issue a proclamation, let the enforcement of the law begin and then let that judgment hold forth, and by no other means and by no other system and by no other measure that has yet been conceived can any kind of neutrality law ever hope to be effective. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. CLASON] is recognized for 3 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MASON] is recognized for 3 minutes.

Mr. MASON. Mr. Chairman, and members of the Committee, I was one of 13 in this House who voted "no" on the 1937 neutrality bill which is now the law. I have never regretted that "no" vote of mine. It was one of the first votes I cast in this House. I voted "no" on that bill because, as I said then, I felt that the provisions of that bill would tend to drag us into war rather than keep us out of it. I have had no reason to change my mind during the last 2 years. I am opposed to the Bloom bill for exactly the same reason. I feel that the provisions of this bill will tend to entangle us rather than keep us free if the bill becomes law. I am for the Allen amendment. I am for it because I believe it would restore in this Nation the proper constitutional balance between the executive department and the Congress on war matters. I think that is the essential thing we should do. I do not believe that this Congress is playing fair with the people of the Nation when they cause them to believe, as they have caused them to believe in past years, that by the passage of a law, we can keep this Nation from becoming entangled in other quarrels. It cannot be done. It is time for us to confess to the people of this Nation that we cannot do that by law. By the passage of so-called neutrality bills, we are really telling the people of this Nation to pull the ostrich act of burying its head in the sand, and thereby believe that we are out of danger. That is the situation these neutrality laws bring about. We have been at fault in this matter. I think we cannot and should not tie the hands of the officials of this Government and prevent them from acting as circumstances warrant when occa-

sion arises. The passage of any neutrality act does that thing. We should certainly repudiate the neutrality acts that have failed, that we have been foolish enough to pass in the past, and reinstitute a constitutional balance of power. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FADDIS] is recognized for 3 minutes.

Mr. FADDIS. Mr. Chairman, in enacting legislation of this or, of course, of any other kind, we are attempting to produce something for the use of this Nation, for the protection of, and for the service of our interests as they may appear in connection with any situation.

On page 15 of the Bloom bill, line 7, is the heading, "Repeal of acts of 1935, 1936, and 1937."

I should think that would be sufficient reason in the mind of any clear-thinking man on this committee today to support the Allen amendment.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. HOUSTON. I just want to bring this out as a matter of record, that in the event the Allen amendment is agreed to, that does not repeal the so-called Johnson Act.

Mr. FADDIS. No; it does not. It will still prevail.

I should think that the fact of the admission in the Bloom bill itself that three times this committee and three times this Congress have acknowledged themselves unable to enact legislation along this line would be sufficient to convince anyone that the Allen amendment should be adopted.

Three times this committee has tried, three times this Congress has tried to write legislation for the protection of the interests of this Nation in times of emergency, and three times they themselves have admitted that they are impotent in this respect. With this in front of us as an example, have we any reason to believe that we can do any better today than we have done in the past? Every man knows that the original legislation in 1935 was enacted against the sound judgment of practically every Member who voted for it; that it was enacted in response to the hysterical demand from this Nation that legislation of this kind be enacted. Now, it is time for the Congress to meet the country fairly and squarely and acknowledge that they themselves have learned the absolute impossibility of legislating a policy for this Nation to follow in situations which are as yet unknown and which must continue to be unknown until they arise. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from North Carolina [Mr. BURGIN], is recognized for 3 minutes.

Mr. BURGIN. Mr. Chairman and ladies and gentlemen of the Committee, this amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] has my sympathy. The fact of the matter is, I feel, that that is the thing, perhaps, that ought to be done; but under the circumstances I shall vote against it for the reason that I feel the people as a whole back in our different districts are not yet ready for it. In my district they have felt for the last 3 or 4 years that the neutrality legislation passed by this House is a measure trying to prevent America from getting into another war. I think that this suggestion has lodged in the heart of my friend, Mr. ALLEN, and in my heart and in the hearts of a number of other people. The profound address of the gentleman from New York, Mr. WADSWORTH, and the gentleman from Connecticut, Mr. SHANLEY, and the gentleman from New Jersey, Dr. EATON, a member of our committee, were very convincing, but I ask you to consider the question whether the people in our different districts are ready for this. Perhaps it was a mistake in the beginning. I am not saying that that is my opinion, but perhaps it was a mistake to ever enact a neutrality law at all. However, we have a neutrality law on the books and the people as a rule do not know much about it. I do not know much about it. I have been a member of this committee for 6 months. I have heard neutrality talked, I have slept with neutrality, I have

eaten neutrality, and I know very little about it yet. I think that is the same thing with the country at large.

In this House we have heard a great deal about the Bloom bill.

I make no criticism of anybody who has criticized the Bloom bill. It amends the present law, ameliorates it, probably lessens its more rigid provisions, and perhaps the best thing to do at this time is to pass the bill the committee has brought in, leaving it to some future Congress to correct it entirely. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Connecticut [Mr. MILLER] is recognized for 3 minutes.

Mr. MILLER. Mr. Chairman, I say frankly and in all sincerity that I am heartsick at the thought of even the possibility that this House would seriously consider repealing all neutrality legislation.

Mr. FISH. Mr. Chairman, will the gentleman yield for just a moment?

Mr. MILLER. I yield.

Mr. FISH. I call attention, Mr. Chairman, to the fact that the gentleman from Connecticut [Mr. MILLER] is one of the most distinguished veterans of the World War, a man who knows what he is talking about, because he suffered in that war. [Applause.]

Mr. MILLER. Mr. Chairman, I cannot yield further for that.

Mr. FISH. He is about to make a direct appeal to everyone in this House. [Applause.]

Mr. MILLER. Mr. Chairman, I do not want to inject my own personality into this, but I do say that the veterans of the World War united in an organization at the end of the war and, as was pointed out by the gentleman from California [Mr. IZAC], studied this question of neutrality and year after year passed resolutions in their national conventions asking for neutrality. They still want neutrality. They want our present act perfected, not annihilated. If the people of this country thought for one minute that here this evening we were going to wipe out all neutrality legislation, our mail would be heavier in the next few days than it was during the well-known Supreme Court fight of the last session. [Applause.] I have received hundreds and hundreds of letters asking for neutrality legislation, but not one asking that we repeal the present neutrality law. No proponent of the Allen amendment has stated on the floor of this House—nor will he contradict the statement—that if we were to wipe out existing neutrality law we would be right back where we were in 1914.

Over yonder on the hills of Arlington and in the cemeteries across the sea lie thousands of victims of international law, who, if they could, would raise their voices against the proposed Allen amendment to wipe out all existing neutrality legislation. If in the period from 1914 to 1917 we had had on our statute books even the present neutrality law, I believe President Wilson would have enforced the law and that we would not have participated in the World War.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. ANDREWS. Referring to the gentleman's statement, would he not agree that today, as in 1914, the power to declare war still rests with the Congress of the United States?

Mr. MILLER. The power to declare war, yes; but not the people who could involve us in a war, numerous American citizens and international bankers. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. MASSINGALE] is recognized for 3 minutes.

Mr. MASSINGALE. Mr. Chairman, I am opposed to the amendment offered by my friend from Pennsylvania because I believe it will not satisfy the wishes of the American people to revert to international law if, indeed, as suggested by my friend from South Carolina [Mr. RICHARDS] there is any international law to revert to. What we ought to do and what we should have done from the beginning is to come



clean about neutrality and not engage in political bunk. That is all we have been feeding the people. They have had no neutrality law, and we ought to have told them that they did not have any. The law we are now operating under is no neutrality law. I doubt very much if it is within the ability of Congress to draw a neutrality law that has any force or effect. The effect of any law we can pass in Congress and label neutrality is simply an expression to the President of what Congress thinks should be his course of conduct in case this country be in danger of involvement in war with another government. That is all it means. The Constitution of the United States and the Supreme Court of the United States have declared the power of the President of the United States to be supreme when it comes to such matters as this. What difference does it make if we get up here simply for the purpose of trying to prejudice somebody for or against the President of the United States and talk about giving him additional power? He has all the power he wants. The trouble is that we are trying to put something over on the American people, trying, some of us, to beat down the ears of the President of the United States in the esteem of the people of this Republic. Why, the people have more confidence in the President of the United States and in his statesmanship, and ability, and Americanism than they have probably got in all of this Congress put together. They elected him but they did not elect each of us to assume the leadership or to make the policy for the Government of this country. [Applause.]

So much misinformation has been disseminated about neutrality that the people really believe we have a neutrality law that will keep the United States out of war. We have no such law and never did have. True, the people of the United States want such law and, I say, despite the Constitution and the holdings of the Supreme Court of the United States we, as the Congress, ought to express ourselves so strongly against the doing of anything by the President or the Secretary of State that would endanger involving this country in war that these gentlemen would heed and follow the wishes of Congress. Such provisions in the proposed law as forbidding loans to countries at war, prohibiting shipments of arms and munitions, and so forth, in American vessels, forbidding travel of Americans in war zones, and denying to warring nations the use of our ports for their ships should become the law of this land and, if so, it will greatly lessen the danger of our own involvement. We should stay at home and not jump into the rows and troubles of Europe. We may have our sympathies for or against any other nation, but let us not make the mistake of letting our people or our banks furnish money or credit to any European country that may be involved in war. We have plenty to do if we look after our domestic affairs. We should be busy taking the inequality out of some of our laws and not too much concerned over Europe. Personally, I am convinced that the best service we are capable of rendering our own country is to turn our hearts and minds to consideration of America. Make sure that no American is hungry or in need of the essentials of life and there will not be danger of war. Our people want peace, Congress wants peace, the President wants peace, and I think the thing to do is to keep the most helpful features of the present Neutrality Act and extend it so it will be of more effect as an effort to keep us out of war.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for 3 minutes.

Mr. REED of New York. Mr. Chairman, in the very brief minutes allotted me, and they are all too brief, I want to remind the House that 22 years ago this fall I stood at Fort Seville, near the city of Verdun. There I saw 7 miles swept absolutely clean of every vestige, every shrub; every living thing was gone. It had been plowed over with explosive shells. Artillery was then firing. The commander of that fort told me that at one time at the peak of the drive against that particular section, the city of Verdun,

that the troops came on and on and fell in such numbers that they could not climb over their own dead.

I think not many people have gone over a battlefield following a war, and I want to tell you while you are discussing this bill something about the realities of war.

Until 1932 ten cartloads of skulls and bones were taken to the building established to hold the bones of those who died on that spot. Just over beyond is a valley where you can see a hundred thousand little crosses that has been a place of pilgrimage for the mothers of the soldiers who died there. You can see them kneeling there day after day, praying that there shall never be war again. This includes the German mothers, as well as the French mothers, and others who have gone here. I say to you that is war. The mothers of this country at this very minute are in jitters fearing this Congress or this administration will carry us into another holocaust.

Regardless of the high type of statesmanship on this floor, much as I believe in international law, and I would like to see us go back to international law, there is one thing I would never wipe from the statute books and that is the right to say to any nation at war, "we will or we will not sell arms to you. We will embargo if we see fit, whenever war is declared." That is what the people want in this country. Are you going home to these mothers, to these peace societies, these farm organizations, and these parent-teacher associations and stand before them, after you have put on the books something they believe is their protection against war and sending their boys to war, and say that you voted for this amendment to wipe it out? They still have confidence in that neutrality act.

Mr. Chairman, I am against the Allen amendment. It should be defeated. I do not want to see this House misled today. I want to see you vote that amendment down. I am against the Bloom bill also and, when a motion is made to recommit the bill, if it is made, I shall vote to recommit the bill to the committee and let that committee take time to give this subject further study. We are at peace with all the world. Let that committee take time to plumb this question down to its very depths, then bring in here something sane and sound that will protect the people just as far as human fallibility will permit. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. HAWKS].

Mr. HAWKS. Mr. Chairman, I have not spoken on the pending bill because I do not assume to be an authority on international law nor upon neutrality; but I would like to remind the Members of the House of the letters that have been received from the folks back home demanding that this Congress pass a neutrality act. Right or wrong, the folks back home want us to do something. There is not a man in this House who is in position to ignore the demands of the people who sent him down here. If your folks want a neutrality act, it is not your business to tell them you are not going to give them one. It is not your business to tell them that you are going to put this country back on the basis of international law. International law in their minds means just one thing: It means 1914, it means 1917, it means graves in France and graves in Arlington; it means heartaches at home; and you and I are in no position to deny those people the things that they want. I want to tell you it is unmistakable that they want neutrality. They have every confidence that the Congress can pass a neutrality act. It may not keep us out of war, it may not do that thing that we all want, namely, preserve peace, but it should make us stop and think. We should be able to pass an act here that will make it harder to get into war and if we have not the intelligence to pass that kind of a law all of us ought to be sent home. We have not any business down here. If you are honest with yourselves as you sit here trying to make up your minds what you are going to do, you should remember one thing. You should remember that the folks back home insist that you do some-

thing definite at this time to put them at peace and give some sense of security.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JONES].

Mr. JONES of Ohio. Mr. Chairman, somebody said that the passage of this amendment will take us back to 1914. I would like to have you consider whether or not this amendment will take us back 150 years. I believe this country would be in better shape if the State Department had drafted a neutrality proclamation for the other end of Pennsylvania Avenue instead of bringing this bill down here before Congress. Bear in mind that the first neutrality legislation was written by George Washington in 1793 after several nations in Europe were at war. He wrote it with reference to a set of facts that were already in existence.

If there is any need today for statesmanship, it is the call for statesmanship at the other end of Pennsylvania Avenue to issue a proclamation of neutrality, with the vision of Washington, with the philosophy and the ideals of a man of Washington's character who is satisfied with the singular honor of being the President of the greatest nation on the face of the earth. With that kind of proclamation and the discontinuance of careless, ill-framed statements of the State Department and the President at every turn of events in Europe the people of America would be reassured of peace.

I am sure the people of the United States are satisfied that the Monroe Doctrine was born under constitutional authority. It kept us out of foreign entanglements then. These examples illustrate how neutrality first took its roots in America. By the constitutional authority for 150 years vested in the President, that I discussed this morning, these proclamations really guaranteed neutrality to our people.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. JONES of Ohio. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Is the gentleman in favor of my amendment?

Mr. JONES of Ohio. I think we should give very careful consideration to this matter in order to bring ourselves to the same position that George Washington found himself in during the year 1793. I am giving the amendment my very careful consideration because the neutrality proclamation of Washington kept us out of that war, it certainly ought to be looked upon as a guiding star for us today.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW] for 3 minutes.

Mr. HINSHAW. Mr. Chairman, the present Neutrality Act has gotten us into trouble in a couple of different ways. We tried to bring its provisions into action once, and what we did was to favor one side of that conflict as opposed to the other side. There is another conflict raging today, that between Japan and China, and as to that the President has not invoked the Neutrality Act, and consequently we are favoring Japan over China.

Mr. BREWSTER. Does the gentleman object to that?

Mr. HINSHAW. I do not want to discuss that at this point. I am talking about the Neutrality Act.

Mr. BREWSTER. The gentleman apparently wants to consider that policy.

Mr. HINSHAW. I have not yielded for that purpose.

I say that it is going to be very difficult for us to draft any kind of a neutrality law that will not do damage to one nation and do good to another. At the same time, this neutrality law, unless it is very rigidly enforced, is going to be very difficult for us to follow. The pending bill is even more unneutral, as I see it, than the existing act, in that there are more discretionary powers granted in it. However, in the first section, paragraph 1, if we perhaps struck out the word "President" and inserted the word "Congress," it would give some responsibility for the actions of the United States to this body supposedly sent here to represent the people. I

believe that we are in confusion badly confounded, and I believe that this whole matter should go back to the Committee on Foreign Affairs for them to make another try at it. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. KLEBERG] for 3 minutes.

Mr. KLEBERG. Mr. Chairman, I have remained seated in this Chamber throughout the entire period of this debate. I have not had an opportunity to attend the deliberations of the Committee on Foreign Affairs, not being a member of that committee, but I am convinced that in the light of past history the greatest neutrality act this Congress could enact at the present time would be the adoption of the amendment offered by the distinguished gentleman from Pennsylvania [Mr. ALLEN]. [Applause.]

Mr. Chairman, past history would indicate, certainly, if we still have the faith of our fathers and believe in the God of our fathers and in the constitutional form of representative democracy we are pleased to call the Government of the United States, that a greater faith in the Congress of the United States and in the office of the President would give us a greater guaranty of safety and peace than any of the various measures we have considered and enacted into law in the past. I must say at this moment, however, that the bill offered by the committee is, in my candid opinion, a great improvement on the Neutrality Act under which we now function. I cannot believe there could be any device that would effectuate unneutrality more quickly than the section of the present act referring to embargoes.

I shall support the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN]; and if that amendment should fail, I shall support the bill offered by the committee, which, I am sure, has received the best study of the committee. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, it is an extraordinary situation that a bill should be passed by so overwhelming a majority the last time we had the question of arms embargo up here—there was only one dissenting vote in the House, and that vote was cast by the gentleman from Minnesota, Mr. Bernard, who has not returned to this Chamber—and that we should now be told that an arms embargo is altogether wrong. What mysterious influence has operated so completely to change our minds? It is even suggested that a constitutional question is involved, although it is certainly a novel suggestion that the legislation under which we have been functioning without question for 4 years, signed by the President, does not come within the constitutional power of the Congress. It is curious to hear the doctrine seriously advanced that Congress has power to declare war, but has no power to adopt legislation designed to insure peace.

I cannot see that under an arms embargo we will keep out of war. I can say that under international law as hitherto interpreted we did not stay out of the last war. I can point out how almost inevitably we will become involved in the next great conflagration unless an arms embargo is adopted.

Great Britain and France do not possess the gold treasure to finance a single month of war. In one of the great engagements overseas they expended \$600,000,000 worth of ammunition in a single fight, and they have less than \$2,000,000,000 in gold left now.

What does this mean? It means that either we will give them credit or we will take their other goods in pay. Just so certainly as that happens, within a year we will be at the edge of the same abyss we faced in March 1917 when Ambassador Page told us that we would either have to take up arms with Britain or everything was lost. I do not want to see America walk to the edge of that abyss again. I say, let us stand by the considered policy we adopted 4 years ago, and which we have reiterated in each of the incidents that have since occurred, and leave with the Congress and the President under



the present limitation the responsibility of keeping America upon a peacetime economy. That is the best guaranty that America will keep out of the next war. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. Moser] for 3 minutes.

Mr. MOSER. Mr. Chairman, on a resolution like the one under consideration by the Committee and on the proposed amendment pending, I feel as though I would rather reminisce than advocate. As a Christian nation, we who believe in Holy Writ have learned that Moses went into a high mountain there to obtain the Law of God. When he descended and found his associate Aaron had erected a golden calf before which his followers were worshiping, in his anger and passion he literally broke the Law of God writ on tables of stone.

The durability of this law transcribed on stone has failed since the very beginning of law. God's law in the form of commandments have been broken and violated ever since first given to man. As civilization advanced mankind set himself into nations, and nations have found it necessary to enact and enforce laws. Laws transcribed whether on parchment or paper have proven no more efficacious than those written on stone. If people observed the Golden Rule, there would be no need for law. Because they do not, laws must be enacted to restrain them, and yet no nation seems to have found a method of eliminating law because the people were that kind toward other people they did not need law. People among themselves violate existing laws of their government. It is equally true of all peoples and nations.

The law of nations came into being as international law to protect the rights and freedom of peoples of one nation as against the aggression or transgression of another nation. This law of nations was violated by a great power as the aggressor in the great World War, styling it as a "scrap of paper." With this arrogant and defiant action, we are all familiar. At the end of that World War, representatives of the combatant nations met in Versailles to arrive at a conclusion of peace. From this meeting there emerged the theory that a League of Nations should be devised and set up to provide as a collective dictator over all nations to protect the peace and domestic tranquillity of each member against the aggression of another. Naturally an aggressor must of necessity be determined, and once determined economic sanctions were to be applied to the aggressor. We have since observed the example of the League's members becoming aggressors and severing connection with it; waging war (undeclared war if you please) but nonetheless war, with all its agonies and consequences against another member of the League, even the same as if there had been no League among its agreeing nations at all, their becoming signatories to the compact and agreement, carrying no weight at all, the contract being manifestly regarded as another "scrap of paper."

Though President Wilson verily believed the entrance of the United States into the World War would in effect be a "war to end all wars," and to make the "world safe for democracy," his effort was immediately repudiated and the peace treaty with a League of Nations tied into it was rejected by a recalcitrant Senate, a separate treaty being subsequently entered into and the United States of America remained aloof from the entangling alliances with foreign nations, against which both Washington and Jefferson vouchsafed their forebodings.

We recall next, how a World Court was set up and every energy expended to have the United States enter into this newer compact. It was rather universally styled as a "back-door entrance to the League of Nations." Each proposal to enter into and participate in the World Court has been rejected by the Senate. It appears rather strikingly significant, however, that after the proposed entrance was last rejected by the United States Senate, the Neutrality Act of 1935 came into being. I was not then a Member of this House, but I have a vivid recollection of the subsequent enactments since I have been a Member of the body.

I recall the vote on the embargo on shipments of arms to Spain, when only one Member of this House, and in fact the entire Congress of the United States, voted against it, as referred to by the previous Member to occupy this well of the House. Having had occasion to check that vote on an inquiry from a constituent, I learned that detailed result, the vote in the Senate having been unanimous. I have since been traduced and threatened with a plotted kidnaping as advocated by a deserter from the Loyalist Army in Spain, who came to my district to agitate and advocate acts of that rash character. I received a telegram from that same group demanding that we lift that embargo on arms to Spain and impose it immediately on Germany, Italy, and Japan. This gives a concept of what evolves in the minds of certain people who abuse the liberties with which we indulge strangers within our midst. When the receipt of this telegram was incidentally mentioned to Colonel McIntyre, secretary to the President, he exclaimed: "Why, that is the very step that would immediately plunge this country into war." There is little doubt in my mind, the agitator could have desired no less than exactly this occurrence.

When in April 1937 we voted the amendment providing the cash-and-carry plan, I vouchsafed the opinion to a colleague, that regardless as to how and what we legislate, when it comes to regulating and restraining the passions of man, our enactments will be ineffective and impotent. Since the beginning of civilization, all attempts of man to restrict and restrain these passions have proven futile. As a school-boy I learned in history that Penn's treaty with the Indians was the only one never signed and the only one never broken. Though I voted for the cash-and-carry amendment, I did so predicting its violation and its impotency, and I find I was not mistaken.

Though I advocated ratification of the eighteenth amendment by the assembly of my State, and collaborated with Government agents engaged in the enforcement of the Volstead Act to carry out the provisions of that amendment, I learned very early in experience that the appetites, desires, and passions of mankind are not subject to legislative enactment and executive enforcement, and was soon won over to the opinion that no law could be passed to force people to remain sober. I saw the Volstead Act violated and flouted from its enactment to its nullification by the repeal of the amendment, and then saw a senator in my State escape his previous conviction by a court's determination of exonerator for the violation of the act, on the repeal of the amendment before the sentence had been imposed.

Whether it be in the traffic of liquor, narcotics, or munitions, regardless of the law, when the profit to be realized becomes great enough to take the risk, people theretofore to all appearances previously law abiding will take the risk of its violation. Only when the spirit of God looks upon the hearts and minds of mankind as it did upon the face of the waters in the Genesis, will we have the application of the Golden Rule, freedom from violation of law, whether of nations or neutrality. The millennium is not in sight. I cannot forecast its probability. I hold therefore that regardless of what action this Congress may take on the question of neutrality, it will be violated as soon as there is enough profit in it to warrant the chance they may have to take to satiate the greed of the unscrupulous.

With the cessation of hostilities in Spain, the Spanish embargo was duly lifted by Executive proclamation. With the expiration of the period of its enactment the cash-and-carry automatically expired, yet we, as Members of the Congress, receive declarations of dire consequences because of it by well intentioned constituents and correspondents. But under the existing neutrality law as it was enacted in 1935 and continues, we have unwittingly placed our President of the United States in the very position the Nation declined to take when remaining aloof from the League of Nations with its power to determine the aggressor and impose economic sanctions. We would have the President determine the aggressor and impose an embargo, amounting to the same

thing, to all purposes exactly the same as if we were signatories to and participants in the League.

I would like to go back to the early days of the war cry in the early teens, and before we entered the World War in 1917, particularly. It was Count von Bernstorff who issued the warnings right here in Washington to Americans to remain off the ocean-going vessels on the ground they were carrying contraband. This brought the condemnation of the American people, the press, and the administration upon the head of the count and won him his passports. Today we have before us for consideration in this resolution the same proposed authority to issue such warning, but we would impose it upon the President and direct that he assume the prerogative that Count von Bernstorff arrogated to himself, virtually repeating the offensive conduct of Citizen Genet in the early history of our Republic.

Trust in God; rely on international law, the law of nations; and enforce the Monroe Doctrine and this Nation will be as near neutral as we have ever been, far more so than any act we may pass here today can make us be.

Regardless of what we enact here today on neutrality, I forecast its disregard and violation when profits entice and lure the unscrupulous. [Applause.]

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I just want to make this observation: I have been very much interested in the discussion on this proposed amendment of the gentleman from Pennsylvania [Mr. ALLEN], but let us see what the situation would really be.

International law today declares that arms and munitions shipped to a belligerent are contraband, and ships which carry contraband are subject to be sunk or subject to be seized and destroyed or detained. Now, I ask the people who talk about international law and those people who are afraid of an arms embargo, why, in the name of common sense, if international law declares arms and munitions shipped to a belligerent to be contraband, why cannot we at least, as a Congress, declare that no contraband shall be shipped from the United States in a ship operated and manned by citizens of the United States. [Applause.] We will be doing nothing but writing into substantive law a prohibition which is practically contained in international law.

Mr. Chairman, we have had the Ten Commandments for many centuries, but although those Ten Commandments say "Thou shalt not kill," killing has been going on ever since. We have had to implement those Ten Commandments by the adoption of statutory law throughout the length and breadth of this land, defining killing, and punishing the violators; and it seems to me it is high time that we implement some of this international law, in response to the unanimous demands of the people of this Nation, that we write a neutrality law at this session that will keep us out of war.

Perhaps the neutrality law that we write cannot anticipate the things of the future, but at least we can incorporate in it prohibitions that will cover the experiences which we had from 1914 to 1917. [Applause.]

The CHAIRMAN. The gentleman from Kentucky [Mr. CREAL] is recognized for 3 minutes.

Mr. CREAL. Mr. Chairman and members of the Committee, the American people all believe that Congress has sense enough to write some kind of a neutrality law, whether we do have such or not. But to admit that there is nothing that can be done about it would mean a loss of prestige in the minds of the American people.

As to international law, that is as dead as the blue laws. I challenge the readers of history or the teachers of history to tell me of any one nation that was engaged in war with another nation for a period of 6 months that did not violate international law in some respect. Then there is no such thing, and when you are talking about basing it on international law, who enforces international law? It has no police power to enforce it.

One other point. When they talk about leaving Congress free and at liberty to do what it pleases, after we see what happens, gentlemen, then it is too late to act. It was too late to act after the sinking of the battleship *Maine*. It was too late to stop the clamor of the people. President McKinley was pushed into war. Every war we have gone into we have gone into while international law was the only neutrality law that we had—the War of 1812, the World War, and the Spanish-American War—each and every one of them.

Now to say that we can do nothing about the matter is to meet the issue pleading weakness which we do not possess.

In defense of all neutrality laws that are passed, and all the criticism that has been made, I wish to remind you of this: None of the neutrality laws passed in the last 4 or 5 years took us into war. Who can say whether or not they kept us out? None of them took us in. I do not know if we had not passed those laws whether we would have been in war or whether we would not have. Who can say? I voted for the last neutrality law. I am not prepared to say, I would not dare to say that without it we might not have become involved with Germany or Italy. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. McDOWELL] is recognized for 3 minutes.

Mr. McDOWELL. Mr. Chairman, I believe my voice at this moment is the voice of the young men of America. I impose upon your time to earnestly plead that this body with all its sincerity, and its patriotism, and its courage does not again inadvertently create a situation whereby we go to war for purposes other than that of defending our country.

The thoughts of war are not in the abstract to me and those I represent. If war comes I shall be a soldier as will millions of those I am pleading for. My hair is not gray; I shall not stand on the curb and watch the troops march by. I am a veteran of the next war. The risks will be mine and the risks will be given to 10,000,000 other young men and boys who carry the guns and sail the ships and fly the planes.

I have asked at various times on this floor: Whom are we going to fight and why? Nobody has yet answered that burning question, but I know and you know that if we light a fuse the bomb will explode. This Bloom bill is in itself a lethal weapon. To my way of thinking all neutrality bills are potential lethal weapons. All neutrality bills are dangerous, unworkable, and un-American.

We are the Congress of the United States, we represent the people of the United States. We are unanimous in our desire to avoid foreign entanglements and war. The President is in the White House, the Congress is in the Capitol, the wars are in Europe and in Asia. Our only safe course is to meet the emergencies when they come.

Our responsibilities to the young men of the Nation are far more than economic, far more than political. They mean life or death in half the homes of the Nation. We cannot here control the maddened passions of an inflamed world. We cannot here apprehend political and military situations that are rapidly rushing toward a bloody climax.

I do not want to go to war. Millions more like me do not want to go to war. This bill means war. I shall vote against it and when the war comes I shall quit this body and go to war. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. BARTON] is recognized for 3 minutes.

Mr. BARTON. Mr. Chairman, I came to this House a year ago, having told the people of my constituency that there were too many laws on the statute books, and that a large number of those laws were public frauds, in that they sought to promise to the American people blessings and benefits which are beyond the power of legislation to confer. I had been here only a short time when I made a sad and sobering discovery. If I may borrow the biblical language of my friend from New Jersey, Dr. EATON, "It is easier for a camel to pass through the eye of a needle" than it is for a Member of this House, particularly on the minority side, to get a bad bill repealed.



I have consistently replied to people who have written me about the neutrality act that I was in favor of the repeal of the act because, in my opinion, it tended to give the American people a false sense of security. I cannot add anything particularly to what has been said in elaboration on that point, but if I had my way, I would say to the nations of the world, "Our policy is that, if and when the circumstance arises, we will conduct ourselves in whatever way we believe will best contribute to our own interests and to the peace of our people."

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. BARTON. I yield.

Mr. SHANLEY. The gentleman does not believe from the statements that have been made on this floor that international law got us into the last war?

Mr. BARTON. I wish I had time to discuss that. I certainly do not believe it.

Mr. SHANLEY. And the gentleman will bear me out and suffer me to say that the Allen amendment certainly will not get us into this new war that apparently is in the mind of some people, by bringing into being international law?

Mr. BARTON. May I say to the gentleman in answer to that I think the most dangerous mistake that can be made in international relations is an indulgence in sentimentality or self-delusion. If we keep a law on our statute books which leads the nations of the world to believe that under any and all conditions they will not have to figure on the resources of the United States, and if we keep on the books a law which makes our own people feel that behind that law they have a security that really does not exist, we are deluding the world and deluding our own people and endangering our own peace. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Missouri [Mr. BELL] is recognized for 3 minutes.

Mr. BELL. Mr. Chairman, as we proceed here we may be passing or failing to pass the most important piece of legislation that has confronted this body for 20 years. As I have listened to the debate in the last few hours I have been more deeply impressed, perhaps, than ever before with the sincerity and patriotism and earnestness of this body. It does not make any difference which side of the aisle one sits on, one finds the same earnest desire to serve our country. I believe we are all seeking to keep this country out of war.

A certain general once said to an army as he stood upon the sands of the Sahara and looked at the great Pyramids in front of him: "Men, 40 centuries are looking down upon you." Every man in this room knows that today 130,000,000 people of the United States are looking to this body to keep us out of war.

Yesterday, as the distinguished gentleman from New York [Mr. BARTON] addressed this body, I looked around and saw not only on the other side but on this side that his words were leaving an impression. I was impressed and I feel that most of us were impressed when he said that should London, or Paris, or any other great city of Europe be bombed from the air, 30,000,000 radios would make those explosions audible to the ears of America. That statement convinced me as I have never been convinced before that our present Embargo Act would not stand 30 days in the event of a war in Europe. I therefore switched my attention to the Bloom bill.

I am opposed to the amendment offered by the gentleman from Pennsylvania, although I know his amendment is offered in the greatest sincerity, and I have great respect for his ability, but I am opposed to the amendment because it puts us right back in the so-called field of international law. We have heard a lot of learned talk about international law, but every time I heard it I thought of the story of the man who went to the circus and looked the elephant up one side and down the other and then said, "There just ain't no such animal." A distinguished commentary upon English law more than 100 years ago made the statement that no rule of conduct is worthy to be called a law unless that rule of conduct is backed by the force of a sovereign power capable of enforcing it. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. VAN ZANDT] is recognized for 3 minutes.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT to the amendment offered by Mr. ALLEN of Pennsylvania: At the end of the Allen amendment after the word "repealed", change the period to a colon and insert: "Provided, however, That nothing contained herein shall affect the powers or authority of the National Munitions Control Board as authorized in section 5, Public Resolution No. 27, Seventy-fifth Congress."

Mr. VAN ZANDT. Mr. Chairman—

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. ALLEN of Pennsylvania. I merely want to inform the gentleman from Pennsylvania, that I think his amendment a very good one.

Mr. VAN ZANDT. Mr. Chairman, much has been said here today about the World War, the number of men who lost their lives, and those who are still confined to Government hospitals as the result of service to their country. There has also been mentioned the war debt, amounting to billions which still today remains unpaid. Mr. Chairman, very little has been said about the activities of munitions manufacturers not only during the World War but before and afterward.

Some few years ago the Congress of the United States saw fit to appoint a committee to investigate the activities of these munitions manufacturers. That committee was made up of Members of the body on the other side of the Capitol. Its investigation covered a period of months during which time the activities of the munitions manufacturers and their deliberate attempt to involve our Nation as well as others in wars was for the sole purpose of disposing of their products. Some few years after this committee presented its report to the Congress of the United States. After due deliberation Congress decided a neutrality law was necessary and in that law they incorporated section 5, providing for the National Munitions Control Board.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. Surely.

Mr. ANDREWS. Did I understand the gentleman from Pennsylvania [Mr. ALLEN] to say that he accepted the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT]?

Mr. VAN ZANDT. He did.

Mr. Chairman, should the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN] be adopted the committee would certainly want to continue in effect this National Munitions Control Board. Let me cite for your information the power of this Board relative to the situation existing in the Far East. The Secretary of State called upon the airplane manufacturers of this country to stop the exportation of planes to Japan. Every plane manufacturer in the country except one stopped immediately shipping planes to Japan, and that one was asked for a report by the Secretary of State. In that report the manufacturer asked permission to complete the order and then he could be expected to stop shipping planes to Japan. That manufacturer kept his word, and what are the results? Today no planes of American manufacture are being shipped to Japan. The same control can be applied to munitions or any other implement of war; and I ask you to adopt this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I think the debate today, if it should be read by our President or by any future President, will serve to make it understood that it is the full and complete desire of this Congress that the Executive

so conduct himself that this country may be kept out of war. The most persuasive argument to me is that during the World War while actual conflict was going on the nations that desired to be neutral remained so without having statutes on their books. They kept themselves free. With that experience certainly we should profit thereby.

We should have no desire to do something to mislead the people. An act labeled "neutrality" should not be an alibi for clear understanding of the consequences. That attitude does not please me at all. We fully understand that those thrilling speeches of the gentlemen from New York [Mr. WADSWORTH and Mr. BARTON] simply led to their final conclusion that present statutes should be repealed, and they favor, as I understand it, the pending amendment.

Let that be fully understood before you further attempt to misquote those gentlemen. Those were convincing speeches. However, when the gentleman from New York [Mr. BARTON] declared that 35,000,000 radios would bring to our ears the screams of the women and children of bombed cities, I want to remind you that we have been very callous in such matters. Thirty million radios have not seemed to arouse us very much about the screams from Ethiopia, China, Spain, or Czechoslovakia. Our people seem to have kept their equilibrium. There is, however, a marked preference toward democracies. It is all too plain that the country would be greatly aroused if England or France were involved. No wonder that some writer coined the phrase, after carefully considering the conversations held at the White House, "Is not France our first line of defense?" It was refuted at the time, but it summed up the situation probably rather accurately. It was an apt expression, having in mind the developments of those few days. The effect of this bill is well understood. We can very well say to the dog that is chained, "Come and get your food. You are just as much entitled to it as these other dogs." Knowing in advance that the chain is effective, the words have a hollow, mockery effect when the title is "strict neutrality."

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, my people have written to me imploring, "Give us neutrality which will keep us out of war." This plea comes from the peace-loving Christian men and women of my State, and I think they echo the feeling that exists throughout the entire country. It includes the Veterans of Foreign Wars and the American Legion, who have as a plank in a patriotic platform that we should have neutrality which will keep us out of war. That, I may say, is my own feeling. I think those ex-service men who would have us take the profits out of war, provide adequate defense, and enact neutrality legislation which would tend to keep the Nation out of war would approve of this bill, with certain amendments which the committee has proposed and which, I am informed, others will offer. Therefore, I am interested in perfecting this bill rather than a substitute therefor.

I have been impressed with the seriousness and the sincerity of the speeches made here today in our struggle to find that which will keep us out of war. I shall find it necessary to vote against the amendment offered by the gentleman from Pennsylvania, though I recognize his seriousness and sincerity in offering the amendment. I do not believe we can turn back and put ourselves again, as formerly, on the basis of international law. International law is unique in that it has no penalty other than war, and I fear it is a slender reed on which to lean in order to keep out of war. We will try to enact that sort of neutrality which will have the desired effect of keeping us out of war.

I do not see any consistency on the part of those who oppose this bill because it gives too much power to the President, and who, therefore, demand that we repeal all our neutrality laws and return to the basis of so-called international law. If we should return to the basis of international law, the President would then have more power than is con-

ferred upon him by this unamended measure. Many times we have heard Members cry out against the power of the President, as if they feared he would deliberately plunge us into war. Some have even indicated that we are being led into war. I think much of that is political bunk. I do not have any such fear of the President, yet I do not want any man to carry too great a power or weight of such responsibility. It is a matter of degree. I must remind the opposition that under our constitutional system, established by the founding fathers, the President is, within limits, the spokesman for our Nation in international matters. We must, under our system, confer upon the President some powers in dealing with other nations.

I am watching every amendment which is proposed to the Bloom bill. It may be far from perfect and I want to see it amended. If I feel after the several amendments have been incorporated in the bill that it will meet the prayer of our people to keep us out of war, I shall vote for the committee bill as amended. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, less than 2 years ago a series of meetings were held in this Capital City at night. To those meetings were invited representatives of the great powers of this earth. We began with our own representative, Cordell Hull, Secretary of State. The meetings were held once a week and were closed meetings. What was said was off the record. I call the attention of those Members who were in this House at that time and those Members who have come here since then to the fact that when the Ambassador from Spain came before that meeting his face twitched with emotion, and he spoke under great strain at the attitude of our Government toward the Loyalist Government of Spain, which he represented. We invoked our neutrality law against that country. We found that a state of war existed in that land. That act operated to the detriment of one side in that struggle. I wonder if we realize that if the Loyalist Government in Spain had succeeded we would have made just one more enemy in Europe against the United States? I am not disposed to say what took place in those meetings, but every Member who was there knows that when the Ambassador from China came before us the very atmosphere of the room was charged with sympathy for him. When the Ambassador from Japan came before us, we know what the attitude of that meeting was that night toward his Government. Yet we invoked the neutrality law against Spain, but we do not invoke it against China and Japan, when every schoolboy in this country knows that a state of war exists today in China and has existed for 2 years. What a farce our neutrality law when we invoke it against one country where they have civil war and do not invoke it against another country where a greater war exists than in Spain. Our interests in China are as great, if not greater, than they are in Spain. In which case are we neutral?

I simply call this to your attention in order that we may at least observe how our neutrality law has worked so far as it has been applied to two wars going on in the world since we put it on the statute books. My judgment is it has not worked, and it does not establish the United States to be neutral when we invoke the law against one and not the other, because our very act makes us unneutral.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. TAYLOR] for 2 minutes.

Mr. TAYLOR of Tennessee. Mr. Chairman, while I have fully appreciated the importance of this momentous legislation, I had not intended to make any remarks thereon until the pending amendment was proposed. I am not only opposed to this amendment but I am opposed to the so-called Bloom bill unless it is materially amended.

I recognize that international law has unfortunately become outmoded and has degenerated to the law of tooth and talon, the law of the jungle. It only serves those who are



in a position to exert might, and in some instances it operates against those who are recognized to occupy a position of right. There was a time when international law possessed a code of ethics which was universally respected, but, sad to relate, that integrity has become only a memory. International law today is an empty phrase, innocuous and meaningless.

I feel that unless this Congress can evolve some neutrality measure that will meet with the expectation and the hope of the American people we will convict ourselves—I regret to say it, but I shall say it—of imbecility. The people of this country are expecting this Congress and they are depending upon this Congress to pass some sort of neutrality legislation that will safeguard us against participation in any foreign war. As one Member of this body I am willing to support any measure that is calculated, even remotely, to secure this country against such a tragic and melancholy holocaust as it experienced in 1917. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. DUNN] for 2 minutes.

Mr. DUNN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 5 minutes.

Mr. BLOOM. Mr. Chairman, since under the limitation time for debate expires at a quarter past 6, I yield my time to the gentleman from Pennsylvania.

Mr. DUNN. Mr. Chairman, if I were convinced beyond a doubt that the bill now before the House would lead us one step toward war I would not support it. It is my opinion that this bill, if enacted into law, will keep us out of war.

Mr. Chairman, in the World War thousands of men were blinded. Although, in my opinion, blindness is not the worst affliction that can befall man, nevertheless, it is a terrible handicap. I know what I am talking about because for 30 years I have been without vision. Do you suppose that I would favor legislation which I knew would result in the murdering of hundreds of thousands of human beings and the maiming of thousands for life? No; I would not. War is inhuman.

If we would take the profits out of war, and there would be no such thing as annexations or indemnities, it is doubtful whether nations would go to war. I do not think that the people of our Nation or any other nation in the world wants war. I do not believe that our great President Roosevelt would intentionally have us participate in a war unless it was absolutely necessary to defend the people of our country. The President has demonstrated many times that his main interest is in humanity.

No matter how long we live and regardless of how much money we accumulate or what position we attain, the time comes when we must depart from this earth and leave everything behind. I would not object if it were said about me after I pass from this planet, "MATT DUNN, while he was a Member of Congress, didn't accomplish a great deal but at least he made a big effort to help his fellow men." [Applause.]

If we would use about one-tenth of the money which is expended for munitions and other damnable devices of war for education and the eradication of slums, we would not only be doing something constructive but also very humane.

Almost every square foot of ground in Europe has been saturated with human blood because of religious, national, and race hatred, and human blood will continue to be spilled until that time comes when man will look upon his fellow man as his brother. Any country that persecutes people because of their religion, nationality, race, or color should be condemned—in fact, our country is guilty of inhuman treatment of many of its own people. The great God of the universe has put on this earth an abundance of everything necessary for man and yet in every nation in the world thousands of human beings are poverty stricken. It is disgraceful and abominable for mankind to be compelled to suffer in a world of plenty. I hope the time is not far distant when the people

of every nation in the world will come under one flag—the flag of humanity. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Maine. Mr. Chairman, people are thinking and talking much about neutrality these days. The thought is, of course, that to remain neutral will tend to keep us out of war. From our early history, we have had neutrality legislation. On the whole, it has been helpful in preserving peace. Wise action now may cause calamity to pass us by should war break out in Europe. It is conceded that "changing the rules of the game" after the commencement of hostilities would be much more difficult.

We shall find profit in discovering just what our present law is and the principal point of controversy in the legislation now pending.

The act of May 1, 1937, provides that the President, on becoming aware that a "state of war" exists between two or more foreign countries, shall so proclaim, designating the nations involved. After this proclamation, it becomes unlawful for anyone to ship "arms, munitions, or implements of war" to any of the belligerents thus designated. This provision also applies to "civil strife," like the recently concluded war in Spain.

The present law does not provide for an embargo on foodstuffs and nonmunitions generally. It does, however, stipulate that, after proclamation by the President of a state of war or civil strife, such material—to be designated in the proclamation—can be exported to the nations involved only after the ownership has "been transferred to some foreign government or person," and even then it must be transported in a foreign vessel. These stipulations—foreign ownership and foreign transportation—are the oft-mentioned cash-and-carry provisions.

The foregoing covers the important provisions of the present neutrality law except its stipulations that, after the President has issued his proclamation as to a state of war or civil strife, American citizens must not travel on the vessels of any of the belligerents; and loans must not be made to belligerent countries.

The reason for an embargo on munition shipment to belligerents is in part humanitarian and in part for our defense and protection. That we are furnishing material to be used by warring nations for mutual destruction is an unpleasant thought. Exports of that character did much to get us into the Great War. We wish to remove that factor, one of the tendencies toward our embroilment in another European struggle. The munition makers are, of course, opposed to the embargo, and many join them in the argument that the nations determined to fight will get the materials of war from somewhere. "We may as well have the business," they say. This view—dollars above decency—happily, did not prevail when the act of 1937 was passed.

Little or no humanitarian thought pertains to the cash-and-carry provisions. They are purely for our own protection. If, as in the Great War, an American firm gives liberal credits to a foreign belligerent, that firm becomes desperately interested in the success of that nation. If the country which has bought the goods on time faces defeat, there is at once much pressure to get us into the conflict to rescue the American firm from loss. This was undoubtedly the most powerful consideration among those which drew us into the World War. If England and her allies had not owed American business interests two billions or more dollars on January 1, 1917, the declaration of war against Germany on April 6 of that year would probably never have been made.

Hence the present law now says to foreign belligerents, "If, while you are engaged in war, you buy goods of any sort from American firms, you must pay for them before they leave our shores." Loans to belligerents are prohibited for the same reason.

The other part of the cash-and-carry plan, prohibiting transportation of belligerent purchases in American ships,

seeks to avoid another source of international complication. A ship, loaded with goods for one belligerent is often sunk or captured by another nation. If it is an American craft, popular feeling runs high and the urge to join in the conflict is great. Hence, the logic of insisting that a nation at war shall furnish its own transportation. Somewhat similar reasoning leads to the provision in the present law that Americans must not travel on ships of foreign belligerents in wartime. This is an attempt to guard against another *Lusitania* incident.

The law we have been discussing is neutral, all the way through. It makes no attempt to distinguish between the aggressor and the aggrieved nation. Under the act of 1937, all nations—treaty breakers and treaty keepers—look alike to us. Among the changes proposed in the legislation now pending, is that we shall confer upon the President the authority to designate the aggressor nation and that upon such declaration an embargo shall follow.

It is perhaps well to consider this, but now and always it should be remembered that America has no excuse for meddling, even to this somewhat limited extent, in foreign affairs, much less for sending a military force to Europe, unless certain that the democracies of the world are being destroyed. Therefore, I am opposed to this amendment, believing it is wise to retain the embargo we have. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT] to the amendment offered by the gentleman from Pennsylvania [Mr. ALLEN].

Mr. FISH. Mr. Chairman, as I understand it, the amendment we are now voting upon is the Van Zandt amendment.

The CHAIRMAN. The gentleman is correct.

Mr. DONDERO. Mr. Chairman, for the benefit of the members of the Committee, may the Clerk again read the amendment?

The Clerk read the amendment to the amendment.

Mr. ANDREWS. Mr. Chairman, I rise to ask the Chairman if I am not right in stating that the gentleman from Pennsylvania [Mr. ALLEN] stated he would accept the amendment?

The CHAIRMAN. It is not within the province of the Chair to answer that inquiry.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I rise to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN of Pennsylvania. Is it possible for me to answer the question of the gentleman from New York at this time?

The CHAIRMAN. The time, as fixed heretofore, is exhausted.

Mr. McLEAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McLEAN. If the amendment is adopted, the gentleman from Pennsylvania can still move to strike out other provisions?

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. ALLEN of Pennsylvania) there were—ayes 162, noes 97. So the amendment to the amendment was agreed to.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California to the amendment offered by Mr. ALLEN of Pennsylvania: After the amendment offered by Mr. VAN ZANDT, insert: "Provided further, That nothing in this amendment shall affect the prohibition against loans and credits to belligerents provided in subsections 4 (a), (b), and (c)."

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. ALLEN], as amended by the amendment of the gentleman from Pennsylvania [Mr. VAN ZANDT].

The question was taken; and on a division (demanded by Mr. ALLEN of Pennsylvania) there were—ayes 68, noes 195.

So the amendment was rejected.

Mr. KNUTSON. Mr. Chairman, I have an amendment at the Clerk's desk which I would like to offer at this time.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Strike out all of section 1 and insert the following—

Mr. FISH (interrupting the reading of the amendment). Mr. Chairman, would it be in order for the committee members to be recognized first to offer amendments?

Mr. KNUTSON. I have already been recognized.

The CHAIRMAN. If there is any member of the committee seeking recognition, he is entitled to recognition.

Mr. FISH. Mr. Chairman, I would like to be recognized.

Mr. KNUTSON. I already have the floor, and have been recognized.

Mr. H. CARL ANDERSEN. Mr. Chairman, the gentleman from Minnesota [Mr. KNUTSON] has already been recognized.

The CHAIRMAN. Recognition is in the discretion of the Chair, and the Chair will recognize members of the committee first. Does the acting chairman of the committee seek recognition?

Mr. BLOOM. Mr. Chairman, I would like to ask whether the committee amendments to section 1 have been agreed to?

The CHAIRMAN. The only one the Chair knows about is the one appearing in the print of the bill, and that has been agreed to.

Mr. BLOOM. In line 16, there is a committee amendment.

Mr. KNUTSON. Mr. Chairman, I was recognized by the Chair.

The CHAIRMAN. The Chair feels that inasmuch as members of the committee were not on their feet and the gentleman from Minnesota had been recognized, the gentleman is entitled to recognition.

The Clerk will continue the reporting of the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Strike out all of section 1, and insert the following:

"That section 1 of the joint resolution of August 31, 1935 (Public Res. No. 27, 75th Cong.), as amended, is amended to read as follows:

"PROVISIONS RELATING TO WAR MATERIALS AND LOANS

"SECTION 1. (a) Whenever a foreign state is at war with any other foreign state, the President shall by proclamation so declare, and shall include in such proclamation the names of the states involved in the war, and, from time to time, by amendment to such proclamation include the name of any other state when it becomes so involved, or exclude the name of any state when it ceases to be so involved, as the case may be. A state named in such proclamation as involved in the war shall for the purposes of this section be deemed to be a state to which such proclamation applies.

"(b) Whenever a proclamation issued pursuant to subsection (a) is in effect, it shall, notwithstanding the provisions of section 3, be unlawful—

"(1) for any person to export from any place in the United States to any state to which such proclamation applies any arms, ammunition, or implements of war which the President by regulations issued under subsection (d) defines as such, or any articles or materials which the President by regulations issued under subsection (d) defines as capable of being converted into arms, ammunition, or implements of war, or

"(2) within the United States for any person, or either within or without the United States for any person who is a citizen of the United States, to make any loan, directly or indirectly, to the government of any state to which such proclamation applies, or of any political subdivision thereof, or to purchase or sell any obligation of any such state or political subdivision issued after the enactment of the Neutrality Act of 1939,

unless the President has by proclamation designated such state as having agreed to and as complying with a code of warfare acceptable to the United States.

"(c) Whenever a proclamation issued pursuant to subsection (a) is in effect it shall, notwithstanding any provision of subsection (b) or of section 3, be unlawful—

"(1) for any person to export from any place in the United States any arms, ammunition, or implements of war which the President by regulations issued under subsection (d) defines as such, or any articles or materials which the President by regulations issued under subsection (d) designates as capable of being



converted into arms, ammunition, or implements of war, to any state that is in arrears or in default in payments due on any debt of such state to the United States, or

"(2) within the United States for any person, or either within or without the United States for any person who is a citizen of the United States, to make any loan, directly or indirectly, to the government of any state or of a political subdivision of any state that is in arrears or in default in payments due on any debt of such state to the United States, or to purchase or sell any obligation of any such state or political subdivision issued after the enactment of the Neutrality Act of 1939.

"(d) As soon as practicable after the enactment of the Neutrality Act of 1939, the President shall by regulations define every article and material which constitutes arms, ammunition, or implements of war, and every article and material which is capable of being converted into arms, ammunition, or implements of war and shall not amend or modify such regulations during any period during which any foreign state is at war with any other foreign state.

"(e) Whoever violates any of the provisions of this section shall upon conviction thereof be fined not more than \$250,000 or imprisoned for not more than 5 years, or both.

"(f) As used in this section "citizen of the United States," in the case of a person other than an individual, means a person organized under the laws of the United States, the laws of any State of the United States, or any political subdivision of any such State, or the laws of any Territory, district, or possession of the United States."

"Sec. 2. This joint resolution may be cited as the 'Neutrality Act of 1939.'"

Mr. BLOOM. Mr. Chairman, I make a point of order against the amendment.

Mr. KNUTSON. Mr. Chairman, the amendment is clearly in order.

The CHAIRMAN. Will the gentleman from New York kindly state the grounds of his point of order?

Mr. LUTHER A. JOHNSON. The amendment is not germane to the section, Mr. Chairman. We could not understand the reading of all of it. It sounded like a new bill, but it relates to all sections, and I think from a casual reading of it, it is not germane to this section.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. KNUTSON. Yes.

The CHAIRMAN. The Chair will be pleased to hear the gentleman.

Mr. KNUTSON. Under the ruling of the Chair earlier in the afternoon it was held that any motion to strike out everything after the enacting clause and substitute some other provision would be in order after we completed the reading of the first section or the entire bill. Upon that ruling I rest my case.

The CHAIRMAN (Mr. COOPER). Unfortunately for the gentleman from Minnesota he has not offered his amendment in that form. In the form in which the gentleman has offered his amendment, the Chair is of the opinion that it is clearly subject to the point of order, and therefore sustains the point of order made by the gentleman from New York [Mr. Bloom].

Mr. KNUTSON. Mr. Chairman, in view of the seriousness of this matter I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the Committee?

The question was taken, and the decision of the Chair was sustained.

Mr. VORYS of Ohio. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. Vorys of Ohio: On page 2, after line 15, insert the following:

"(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms or ammunition from any place in the United States to any belligerent states named in such proclamation."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. VORYS of Ohio. Mr. Chairman, this amendment follows the general form of the present act, but provides for an embargo confined strictly to arms and ammunition. "Implementations of war," whatever they are, have been eliminated from the embargo, and therefore all the elaborate machinery in the present act for defining "implements of war" has been omitted.

Webster's Dictionary, here at the desk, says:

Arms. (1). Instruments or weapons of offense or defense; loosely, objects of any kind that may be used as weapons.

Ammunition. (2). Articles used in charging firearms and ordnance of all kinds, as powder, projectiles, rockets, etc.

This amendment would therefore embargo anything that is designed solely for use in offense or defense in war—lethal weapons—and would not cover any other articles or materials, even though they could be changed into arms or ammunition by a belligerent, or were used both for peace and war, such as trucks, commercial airplanes, sandbags, food.

The prohibition in the present act against transshipment to neutrals is omitted as being needlessly complicated. If the transshipment is actually an "attempt to export" to a belligerent, in a roundabout way, it is forbidden by this amendment.

The provision in the present act for libel and forfeiture of illegal shipments is omitted, as this is clearly covered by sections 233 to 245 of the United States Code, title 22, which are still in force.

This amendment provides the sort of arms embargo the American people think they have now. It is the kind they want, that experts on international law think should be retained. It will help keep us out of war by forbidding a traffic that would mean murder to people with whom we are at peace, murder to our peacetime economy, murder to our neutrality. We are not required under international law to ship arms to anyone. This merely prevents the shipment of "absolute contraband" which is subject to seizure by any belligerent.

By this means we will, as Washington said in his 1793 proclamation:

With sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

This amendment will not please any strict isolationist or any strict interventionist or any strict defeatist. The isolationist would have us stop all trade with all belligerents and get off the seas. The interventionist would have us stop all trade to one side and furnish everything to the other side and go to war. The defeatist would have us call the whole thing off and rely upon international lawlessness. This amendment will suit ordinary Americans and American historians and American experts on international law. I am told that no other nation has an arms-embargo law. I am proud that this is an American idea and ideal, that we will not help to kill people in other people's wars, because we want to be neutral and friendly and at peace.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. CRAWFORD. As I understand the gentleman's proposal, neither an alien nor a citizen of the United States could manufacture such articles in this country and ship to a belligerent?

Mr. VORYS of Ohio. They could manufacture arms and munitions, but they could not ship them.

Mr. CRAWFORD. Do I understand that the bill now proposed to be voted on, the Bloom bill, does permit aliens to operate in this country, through the ownership of plants and through production, and, therefore, can ship goods? Will this bill permit them to do that?

Mr. VORYS of Ohio. The Bloom bill permits it. This amendment which I have offered does not.

Mr. CRAWFORD. Then if the American people have to submit their plants and their operations to aliens, where do we get under the Bloom bill?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I now insist upon my point of order, that the amendment is not germane to this section.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. VORYS of Ohio. Mr. Chairman, I merely wish to say that this amendment dealing with neutrality, restoring a part of the present law which contains in the same section a similar provision, is certainly germane to the bill and germane to section 1.

The CHAIRMAN. Has the gentleman from Ohio concluded?

Mr. VORYS of Ohio. I have concluded.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Ohio offers an amendment to section 1 of the pending bill. The gentleman from Texas makes the point of order against the amendment on the ground that it is not germane to the section to which it is offered.

The Chair invites attention to the fact that section 1 of the pending resolution provides only that the President shall have authority to issue a proclamation as to the existence of a state of war between foreign states and to name those states. Paragraph (b) of section 1 further provides that whenever the conditions which caused the President to issue any proclamation under the authority of this section has ceased to exist he shall revoke the same. The provisions of section 1 of the pending resolution, therefore, do not relate to the matters sought to be covered by the amendment offered by the gentleman from Ohio.

The Chair invites attention to the fact also that succeeding sections of the joint resolution contain provisions with respect to other matters, and especially invites attention to the provisions of section 4 which, among other things, provide that whenever the President shall have issued a proclamation under the authority of section 1 it shall thereafter be unlawful except in accordance with such rules and regulations as the President shall prescribe to export, or transport, or attempt to export or transport, and so forth, articles or material.

The Chair is very clearly of the opinion that if the gentleman's amendment be in order it would have to be offered to section 4 and not to section 1. The Chair, therefore, sustains the point of order.

Mr. VORYS of Ohio. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. VORYS of Ohio. Mr. Chairman, I offer another amendment, which consists of changing the letter "(c)" to "section 2" and adding a new section at this point in the bill.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio: On page 2, after line 15, insert the following:

"Sec. 2. Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or attempt to export, or cause to be exported, arms or ammunitions from any place in the United States to any belligerent state named in such proclamation."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BLOOM. Mr. Chairman, have we completed section 1?

The CHAIRMAN. Section 1 has been read and is still open to amendment.

Mr. VORYS of Ohio. Mr. Chairman, this amendment contains exactly the same language of the other amendment.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the same point of order against the amendment.

The CHAIRMAN. The Chair invites attention to the fact that the pending amendment is offered as a new section. It would be in order at this time first to consider perfecting amendments to section 1. The amendment offered by the gentleman from Ohio will be held in abeyance until any perfecting amendments to section 1 have first been acted upon.

Mr. BARTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON: Page 2, line 3, after the word "President", insert "or Congress by concurrent resolution."

Mr. BARTON. Mr. Chairman, I would just like to read to the Committee once more the first line of section (1) (a) as it will read with this amendment:

SEC. 1. (a) That whenever the President or Congress by concurrent resolution shall—

Mr. BLOOM. Mr. Chairman, will the gentleman from New York yield?

Mr. BARTON. I yield.

Mr. BLOOM. The committee will be willing to accept the gentleman's amendment.

Mr. BARTON. Thank you. That saves the Committee from hearing an address.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. SCHIFFLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHIFFLER: Strike out page 2, line 1, all of pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, to and including, and all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 on page 14, and insert and include the following as a new paragraph:

"EXPORT OF OTHER ARTICLES AND MATERIALS

"SECTION 1. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of Senate Joint Resolution 51 as enacted into law, first session, Seventy-fifth Congress, and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to belligerent states, or to a state wherein civil strife exists, is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe as to lakes, rivers, and inland waters bordering on the United States, and as to transportation on or over lands bordering on the United States, for any American vessel to carry such articles or materials to any belligerent state, or to any state wherein civil strife exists, named in such proclamation issued under the authority of section 1 of this act, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to so transport.

"(b) Whenever the President shall have issued a proclamation under the authority of section 1 of this act, and he shall thereafter find that the placing of restrictions on the export of articles or materials from the United States to belligerent states, or to a state wherein civil strife exists, is necessary to promote the security or preserve the peace of the United States or to protect the lives or commerce of citizens of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe as to lakes, rivers, and inland waters bordering on the United States, and as to the transportation on or over land bordering on the United States, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any belligerent state, or to any state wherein civil strife exists, named in such proclamation issued under the authority of section 1 of this act, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in citizens of the United States no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials. Insurance written by underwriters on any articles or materials the export of which is prohibited by this act, or on articles or materials carried by an American vessel in violation of subsection (a) of this section, shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder or by the owner of the vessel carrying the same shall be made a basis of any claim put forward by the Government of the United States.

"(c) The President shall from time to time by proclamation extend such restrictions as are imposed under the authority of this section to other states as and when they may be declared to become belligerent states under proclamations issued under the authority of section 1 of this act.



"(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under the authority of this section."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the point of order that the amendment is not germane to the section to which it is offered.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. SCHIFFLER] desire to be heard on the point of order?

Mr. SCHIFFLER. Mr. Chairman, the proposed amendment would reenact in the exact language of our present law or the law which expired on May 1, the so-called cash-and-carry act. It would strike out all of the provisions of the so-called Bloom bill. I contend it is pertinent and germane, because it may be considered as an amendment as well as a substitution for all of the provisions of House Joint Resolution 306.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from West Virginia [Mr. SCHIFFLER] offered an amendment which, as the Chair understands it, in effect is to strike out all after the enacting clause of the pending resolution down to and including a certain part of page 13, which would include the striking out of a number of provisions or sections of the bill which have not yet been read.

Based upon the decision of the Chair rendered on the first amendment offered to the pending resolution, in which the gentleman from Pennsylvania [Mr. ALLEN] offered an amendment, to which the gentleman from New York [Mr. FISH] made a point of order, the Chair is clearly of the opinion that the pending amendment in the form in which offered is subject to the point of order, and therefore sustains the point of order.

Mr. TINKHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINKHAM. Can I at this time offer a substitute bill for the present bill and have it pending?

The CHAIRMAN. It would depend to some extent on the form in which the gentleman offered it. It could be pending all right.

Mr. TINKHAM. I offer this as a substitute for the present bill.

The CHAIRMAN. Does the gentleman offer an amendment to strike out section 1 of the pending resolution and offer a substitute for the bill?

Mr. TINKHAM. For the bill. That is exactly what I propose.

The CHAIRMAN. In the event the substitute should be agreed to, in succeeding sections of the bill amendments will be offered to strike them out?

Mr. TINKHAM. Exactly.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM].

The Clerk read as follows:

Mr. TINKHAM offers the following amendment: Strike out section 1 and insert:

"That whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"The President shall, from time to time, by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation No. 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.

"Whoever, in violation of any of the provisions of this joint resolution, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this joint resolution, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed or forfeitures incurred, prior to such revocation.

#### "EXPORT OF OTHER ARTICLES AND MATERIALS

"SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this joint resolution and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to belligerent states is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe as to lakes, rivers, and inland waters bordering on the United States, and as to transportation on or over lands bordering on the United States, for any American vessel to carry such articles or materials to any belligerent state named in such proclamation issued under the authority of section 1 of this joint resolution, or to any neutral state for transshipment to, or for the use of, any such belligerent state. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to so transport.

#### "FINANCIAL TRANSACTIONS

"SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this joint resolution, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or political subdivision or person, or to solicit or receive any contribution for any such government or political subdivision or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its citizens, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions. Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government or political subdivision, but all such solicitations and collections of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"(d) Whenever the President shall have revoked any such proclamation issued under the authority of section 1 of this joint resolution, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

#### "EXCEPTIONS—AMERICAN REPUBLICS

"SEC. 4. This joint resolution shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

#### "NATIONAL MUNITIONS CONTROL BOARD

"SEC. 5. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the 'Board') to carry out the provisions of this joint resolution. The Board shall consist of the Secretary of State, who shall be chairman and executive officer

of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this joint resolution, or by other law, the administration of this joint resolution is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this joint resolution, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than \$50,000 during the 12 months immediately preceding the renewal, or a fee of \$100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any money in the Treasury not otherwise appropriated, the sum of \$400 to every person who shall have paid a registration fee of \$500 pursuant to this joint resolution, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than \$50,000 during the 12 months immediately preceding his registration.

"(d) It shall be unlawful for any person to export or attempt to export, from the United States to any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, without first having obtained a license therefor.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

"(f) Licenses shall be issued to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"(g) Whenever the President shall have issued a proclamation under the authority of section 1 of this joint resolution, all licenses theretofore issued under this joint resolution shall ipso facto and immediately upon the issuance of such proclamation, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state and said licenses, insofar as the grant of authority to export to the state or states named in such proclamation is concerned, shall be null and void.

"(h) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

"(i) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 ed., title 50, sec. 72), are hereby repealed as of December 31, 1937.

"(j) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder.

"(k) The President is hereby authorized to proclaim, upon recommendation of the Board from time to time, a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

#### "AMERICAN VESSELS PROHIBITED FROM CARRYING ARMS TO BELLIGERENT STATES

"SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this joint resolution, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

"(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States.

#### "USE OF AMERICAN PORTS AS BASE OF SUPPLY

"SEC. 7. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States fuel, men, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a belligerent state, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 ed., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men or any part of the cargo to any warship, tender, or supply ship of a belligerent state.

"(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously cleared from a port of the United States during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent state, he may prohibit the departure of such vessel during the duration of the war.

#### "SUBMARINES AND ARMED MERCHANT VESSELS

"SEC. 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

#### "TRAVEL ON VESSELS OF BELLIGERENT STATES

"SEC. 9. Whenever the President shall have issued a proclamation under the authority of section 1 of this joint resolution it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the state or states named in such proclamation, except in accordance with such rules and regulations as the President shall prescribe: *Provided, however,* That the provisions of this section shall not apply to a citizen of the United States traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further,* That they shall not apply under 90 days after the date of the President's proclamation to a citizen of the United States returning from a foreign state to the United States. Whenever, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

#### "ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

"SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

#### "REGULATIONS

"SEC. 11. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred



on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

#### "GENERAL PENALTY PROVISIONS"

"Sec. 12. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

#### "DEFINITIONS"

"Sec. 13. For the purposes of this joint resolution—

"(a) The term 'United States,' when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

"(b) The term 'person' includes a partnership, company, association, or corporation, as well as a natural person.

"(c) The term 'vessel' means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

"(d) The term 'American vessel' means any vessel (including aircraft) documented under the laws of the United States.

"(e) The term 'vehicle' means every description of carriage (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on or over land.

"(f) The term 'state' shall include nation, government, and country.

#### "SEPARABILITY OF PROVISIONS"

"Sec. 14. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### "APPROPRIATIONS"

"Sec. 15. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the point of order that the amendment is not germane to the section to which it is offered and in the interest of time and economy I raise the point of order at this time and insist on it.

Mr. TINKHAM. What is the point of order?

Mr. LUTHER A. JOHNSON. It is not germane to the section to which it is offered. That is an entirely new bill.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. TINKHAM] desire to be heard on the point of order?

Mr. TINKHAM. Mr. Chairman, I do. The bill I have offered is the present law and I offer it as a substitute for the bill now pending before the Committee. Certainly it is germane, after the first section of the proposed bill has been read, to offer as a substitute another bill.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. TINKHAM. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. When did the gentleman become converted to the present law? He voted against it when it was passed originally.

Mr. TINKHAM. I did not understand the question.

Mr. LUTHER A. JOHNSON. The gentleman voted against this law when it was passed before.

Mr. FISH. Has the Chair ruled?

The CHAIRMAN. The Chair is endeavoring to hear the gentleman from Massachusetts, [Mr. TINKHAM].

Mr. TINKHAM. May I say to the Chair, it is always in order, after the reading of the first section of the bill, to offer a bill as a substitute for the measure pending before the Committee and I have proposed in my amendment that the first section of the bill now pending before the committee be stricken out and the text I have offered, which is the present law, be substituted therefor.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule. The gentleman from Massachusetts offers an amendment to strike out section 1 of the pending resolution and substitute for the joint resolution the amendment proposed by him, which, as the gentleman states, is the existing law.

To that amendment the gentleman from Texas makes a point of order on the ground that the amendment is not germane to the pending joint resolution.

The Chair invites attention to the fact that the joint resolution contains a provision repealing existing law; there-

fore the Chair is clearly of the opinion that an amendment embracing existing law is certainly germane to the pending joint resolution and overrules the point of order.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent that my amendment may be held in abeyance and be considered as pending, in order that the Vorys amendment may be considered first.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his amendment may remain pending, for consideration after the consideration of the amendment offered by the gentleman from Ohio [Mr. VORYS].

Mr. LUTHER A. JOHNSON. Reserving the right to object, Mr. Chairman, I do not understand just what situation that leaves us in.

The CHAIRMAN. The practical effect of it, if the Chair may be permitted to suggest it to the gentleman, is that there would first be a vote on the amendment offered by the gentleman from Ohio, which seeks to add a new section to the joint resolution. The amendment offered by the gentleman from Massachusetts seeks to substitute another provision for the pending resolution.

Mr. HOOK. Mr. Chairman, I object to the unanimous-consent request.

The CHAIRMAN. Objection is heard. The gentleman from Massachusetts is recognized for 5 minutes in support of his amendment.

Mr. TINKHAM. Mr. Chairman, in this amendment I have proposed the existing law. It retains the arms embargo but eliminates the civil-strife provision of the law, as well as the cash-and-carry section. Otherwise it is the law exactly as we have it today. As the House knows, by limitation of law the cash-and-carry section of the present act was eliminated last May. Although I am opposed to the cash-and-carry section, if anyone wishes to add it as an amendment to my amendment in the event that my amendment is adopted, I shall be pleased to have him do so if he believes that it will facilitate the passage of the bill.

The present law, which is what I now propose as an amendment to this resolution, was originally passed by the Senate and by the House, amended, during the Seventy-fourth Congress without a record vote. The Senate agreed to the House amendments 79 to 2, and the bill was approved August 31, 1935.

Public Resolution No. 74, Seventy-fourth Congress, approved February 29, 1936, extending and amending Public Resolution No. 67, was passed by this House by a vote of 353 to 27 and by the Senate without a record vote.

Public Resolution No. 27, Seventy-fifth Congress, approved May 1, 1937, which amended Public Resolution No. 67 as amended, was passed by the Senate by a vote of 63 to 6 and by the House, amended, 376 to 13.

It is this legislation which the House passed by such a large vote that I am offering tonight to this Committee.

What has come over the Members of the House that they should now refuse to adopt this same legislation which was previously passed by the Congress by such impressive votes? In my opinion, there has been at work a poisonous, systematic propaganda, emanating largely from alien sources, to change the attitude of those who previously voted for a bill identical with the bill which I now propose. There can be no other explanation. Certainly conditions have not so changed since the present law was passed as to justify the fundamental changes which have been made in the bill now before us, giving the President unlimited authority and personal power and eliminating the arms-embargo section.

I have not yet had a direct answer to my question as to how the peace of the United States will be furthered by sending arms and ammunition to England, France, and Russia. If we do not pass a law embodying an arms embargo, as I propose, we are taking the first step toward war. The sale of arms and ammunition was one of the chief factors that involved us in the last war.

I wish to add that in 1915 I stood on this floor and saw introduced the various legislative proposals which we now

know one by one led us into war. These proposals seemed very innocent to us at the time, but they all looked toward war, and to war they drew us.

In my opinion, in opposing the pending bill we are fighting the second battle of Bunker Hill and giving notice to the world that we will not surrender our resources and men to fight the battles of other nations.

[Here the gavel fell.]

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TINKHAM. Why should the present law be repudiated? What is the reason for this new proposal? As I stated, back in 1915 and 1916 we saw legislative proposals advanced that seemed plausible on their face, but as we now analyze them we know that they were leading us inevitably to war. Let the committee explain why we should abandon the present law, with its salutary arms embargo, and substitute the proposed bill. Has the committee been influenced by reading the editorials and articles of columnists who are a part of an alien propaganda organization in this country, just as they were from 1914 to 1917? If they have been, and if, as I believe, this bill is a product of alien propaganda and not of American sentiment, of the sentiment that is based on and has its roots in the long-time tradition that the United States should not interfere in the political affairs of other nations, then it seems to me that the House should reject the pending bill and substitute for it the present law exactly as written, which is the proposal I have offered.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Texas.

Mr. LUTHER A. JOHNSON. Did the gentleman vote against the present law when it was passed?

Mr. TINKHAM. I did because of the cash-and-carry section, a section that is not included in my proposal.

Mr. LUTHER A. JOHNSON. The gentleman would rather not have that in his amendment as now offered?

Mr. TINKHAM. That is correct. I have eliminated that section.

Mr. LUTHER A. JOHNSON. Has the gentleman anything in lieu of that?

Mr. TINKHAM. No; nothing in lieu of it, except international law.

Mr. Chairman, I want this House to consider what are the reasons for the proposal that the present law be superseded by a new statute. Read your daily papers, read your columnists, and you will find that it is the very papers and the very columnists who used all their influence to project us into the last war. They are for this proposed bill because they desire to project us into the next for for alien purposes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not true that the conditions in the Orient and the conditions in Europe are different today from what they were when the present so-called Neutrality Act was passed?

Mr. TINKHAM. They are a little more intense, but essentially they are not different at all. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the amendment. I would like before sitting to submit the unanimous consent request that all debate on this amendment close in 3 minutes, which I would like to use.

Mr. CORBETT. I object, Mr. Chairman.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I have a very important amendment and I would like to have 5 minutes.

Mr. LUTHER A. JOHNSON. My request referred to the pending amendment.

Mr. SCHAFER of Wisconsin. I have an amendment to offer to the Tinkham amendment and I want at least 5 minutes on that.

Mr. CORBETT. Mr. Chairman, I would like to have 5 minutes on this amendment.

Mr. LUTHER A. JOHNSON. Then, Mr. Chairman, I ask unanimous consent that all debate upon the pending Tinkham amendment close in 15 minutes, of which I may have 2 minutes to close.

The CHAIRMAN. Does the gentleman from Texas ask unanimous consent that all debate on the pending amendment offered by the gentleman from Massachusetts and all amendments thereto close in 15 minutes?

Mr. LUTHER A. JOHNSON. Yes, Mr. Chairman; and that I may have 2 minutes of that time.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Chairman, I would like to have 5 minutes of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CORBETT. Mr. Chairman, I rise at this time particularly to raise several questions which are germane both to these amendments and those that are to follow. I particularly want to call the attention of the gentleman from Texas to my remarks because I expect to address to him a question or two. The current proposal, or the Bloom bill we have here, is a measure which will strike out the existing law which the gentleman from Massachusetts seeks to re-establish by his substitute bill. Throughout this debate those who are proposing the change have challenged those of us who are opposed to the change to give the reasons why a change would not be good. I believe it falls upon the affirmative in this debate to sustain the burden of proof and tell us why they feel that this change is necessary at this moment, and if the gentleman is willing and ready I would like to yield at this point for an answer.

Mr. LUTHER A. JOHNSON. I am not the affirmative. The gentleman from Massachusetts [Mr. TINKHAM] is the affirmative, and I refer the gentleman to his colleague from Massachusetts.

Mr. CORBETT. The gentleman misunderstands. I would like to know why, and at sometime during this debate the question should be answered, Why has this proposal to change the existing rules come in at this time and what is the haste?

Mr. LUTHER A. JOHNSON. I will answer the gentleman by saying that if he had been on the floor the other day when we adopted the rule and had heard my speech I think he would be convinced that the change is a good one. I cannot repeat the statement here.

Mr. CORBETT. I was here and I heard it and I was not convinced. [Laughter.]

However, in that connection, as I pointed out earlier, we have three choices before us today, or perhaps four. We have the law as it was at April 30 of this year, the law as it would be retained by the Tinkham amendment, international law, and the Bloom bill.

The gentleman from Texas, I submit, in his speech yesterday or the day before, made the statement that it would be highly unneutral to change the laws or the rules during the game. I submit that the game is on. I submit that there is war in Asia. I submit that mobilization is an act of war, and therefore the game is on in Europe, as well as Asia, and we are here today proposing to change rules. I submit that by the gentleman's own words we are here today proposing to do an unneutral thing.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. Yes; I yield.

Mr. LUTHER A. JOHNSON. I differ with the gentleman about there being a state of war. I think we are very close



to war, and that is the reason I want to act before we get into war. I think the game has not been started, but the referee and the players are already on the ground ready for the whistle.

Mr. CORBETT. Would you not call the situation in China a state of war? That is the game we are talking about.

Mr. LUTHER A. JOHNSON. The gentleman knows that in committee we had many, many witnesses who testified with reference to the conflict between China and Japan, and that it was agreed by both Democrats and Republicans that while there was a state of war existing it was a de facto and not a de jure war, and that the President had not abused his discretion in not so proclaiming.

Mr. CORBETT. I wonder if the gentleman would sometime—I am going to have to leave the floor for a little while—inform the Committee here what the effect of this change of the rules will be on the current situation in Asia? Will this throw open to Japan the right to purchase arms, ammunition, and implements of war in the United States or will it not?

Mr. LUTHER A. JOHNSON. If invoked, yes; if not, no.

Mr. CORBETT. If it is not invoked, then we are in a condition of peace, and there is no reason why Japan cannot come here and purchase arms, munitions, and implements of war. [Applause.]

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the amendment offered by Mr. TINKHAM of Massachusetts: At the end of Mr. TINKHAM's amendment insert: "Provided further, That no implements of war, munitions, or war supplies, shall be sold or transported, directly or indirectly, to any foreign government or any political subdivision thereof while such government is in default in the payment of its obligations or any part thereof to the Government of the United States."

Mr. SCHAFER of Wisconsin. Mr. Chairman, if this amendment is accepted, we can rest assured that America will not become entangled in wars of foreign nations. I am opposed to subsidizing future wars of foreign nations, particularly nations which now owe the almost bankrupt Uncle Sam's Treasury more than \$13,000,000,000, which was handed to them during the World War Democratic administration. I am opposed to directly or indirectly financing or supplying these debt-defaulting foreign nations' future wars under a cash-and-carry system or any other system. If our foreign, welching debtor nations have the cash to buy arms, munitions, implements of war, and war supplies for future wars, let them use that cash to pay us what they owe for the munitions, war supplies, and implements of war which they carried from America during the World War. [Applause.]

I have here a report from the Secretary of the Treasury which indicates that Great Britain, on March 1, 1939, owed the American taxpayers' Treasury \$5,419,388,374.72; this debt consisting of \$4,368,000,000 of principal and \$1,051,388,374.72 of interest.

On March 1, 1939, Soviet Russia owed the United States \$385,372,179.65, consisting of \$192,601,297.37 principal and \$192,770,882.28 accrued interest.

France owed the United States, on March 1, 1939, \$4,160,824,820.69, consisting of \$3,863,650,000 principal and \$297,174,820.69 accrued interest.

On March 1, 1939, Germany owed the United States \$1,251,417,749.70, which consisted of \$1,225,023,750 principal and \$26,393,999.70 interest.

On March 1, 1939, Italy owed the United States \$2,022,745,422.62, consisting of \$2,004,900,000 principal and \$17,845,422.62 interest.

Mr. Chairman, in view of our national debt, which is now more than \$40,000,000,000, in addition to many more billions of obligations which Uncle Sam has guaranteed, is it not time that Uncle Sam moves to collect the billions of dollars which foreign governments owe him instead of continuing to play Santa Claus to them, as he has under the New Deal, and

as proposed in the pending Bloom war-promotion bill, which has been dressed up as a neutrality measure?

Mr. Chairman, my time is limited, so I am unable to mention all of the billions of dollars owed to the United States by all of our foreign-debt defaulting nations. Many other foreign nations, in addition to those which I have specifically mentioned, owe a total of many billions of dollars. All of these obligations which I have mentioned are owed to the Federal Treasury. Many billions of additional dollars which are owed by foreign nations and their political subdivisions to American private investors are also in default.

Mr. Chairman, a great Democratic President, Andrew Jackson, told foreign debt-defaulting nations to pay their honest debts. He told France what he would do if she did not pay, and then France paid. Our Democratic New Deal brethren would be rendering a greater service to the American people and the memory of President Jackson if they would devote as much time and energy to collecting the billions of dollars owed by foreign nations as they do to collecting \$100 per plate for Jackson Day dinners. [Laughter and applause.]

Mr. Chairman, the American people do not want to be dragged into another European war which is now in the making. This Bloom bill is a fake neutrality bill. It is a war-promotion bill clothed in the robes of neutrality. This bill is just what the international bankers, international war-mongers, and war profiteers desire.

The present Democratic administration is in control of the same international forces which plunged America into the World War in the name of "Making the world safe for democracy," and "A war to end all wars." The fathers and mothers of America do not want their sons slaughtered or maimed on foreign battlefields in order to pull foreign nations' chestnuts out of the fire and make blood money for international bankers, munitions makers, and war profiteers.

Mr. Chairman, I am opposed to giving any President the right to designate aggressor nations or declare war zones, as such authority will inevitably lead to war. Since international bankers, arms and munitions makers profit most by war, I am particularly opposed to giving President Roosevelt such authority; as he is a former international banker whose family has been joined in the holy bonds of matrimony with the war-munitions family of Du Pont.

Mr. Chairman, America should keep out of all foreign entanglements, engaging in wars in other lands, and stop rattling the sword and meddling in the affairs of foreign nations. We should stop playing Santa Claus to foreign nations and collect the billions of dollars which they owe us. The enactment of my pending amendment should materially help Uncle Sam to collect.

The enactment of this amendment would serve notice on England and France, who owe Uncle Sam a total of more than \$10,000,000,000 and who have a close alliance with the ungodly, unchristian, Communist red butchers in Moscow, that they must pay up, and that they will not get money or sinews of war from Uncle Sam in order that they can prepare for and carry on their future wars. [Applause.]

Mr. Chairman, we should adopt the pending amendment which I have offered and relieve our American taxpayers of some of their pressing burdens and help assure that the youth of America will not again be sent to slaughter on foreign battlefields for the benefit of international bankers, munitions makers, war profiteers, and foreign countries.

Mr. Chairman, the place for American manhood is on top of American soil and not under foreign mud, whether it is in England, Germany, France, Soviet Russia, or any other country on the face of the earth. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, this amendment is very lengthy and undertakes to supplant the entire resolution, by substituting the entire law as it now stands; but it does not include section 2 of the present law which expired on May 1, which was known as the cash-and-carry section, requiring those foreign countries who wanted to come here and buy our goods, to come here and get them and carry them themselves.

I think one reason why we have necessity now for neutrality legislation is because we only have a portion of the law. I think section 2, which expired on May 1 was very vital and essential to prevent us from getting into war. That, of itself, would make me vote against the gentleman's amendment, if there were no other reasons. But in addition to that, I do not think we ought to consider this subject in wholesale fashion. Let us take it up in an orderly manner as each section comes along, and offer amendments that are germane. Then we will know what we are doing. As it is this way, we have to take it on faith, because we do not have time to read it all. So I ask the House, in the interest of orderly procedure, to vote down the amendment offered by the gentleman from Massachusetts.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. KEEFE. I just want to say that it is quite clear that every man and woman in this House ought to be familiar with the provisions of the present law. This amendment is printed. We have had a copy of it for several days. We are all familiar with the present law. The only thing that is out of this bill that is in the present law, is the cash-and-carry provision.

Mr. LUTHER A. JOHNSON. Which I think is one of the best provisions of the law. That is one reason why I am in favor of the pending resolution.

I think it is absolutely indispensable that we have something to take the place of the cash-and-carry section, and for that reason I ask the Committee to vote down the amendment.

Mr. SCHAFER of Wisconsin. Will not the gentleman agree to my amendment which would make these foreign countries that owe us \$13,000,000,000 pay us that money if they have cash to invest in war activities?

Mr. LUTHER A. JOHNSON. Anticipating the defeat of the entire amendment offered by the gentleman from Massachusetts, I am not very much interested in perfecting amendments.

Mr. SCHAFER of Wisconsin. If the amendment of the gentleman from Massachusetts is adopted would the gentleman from Texas accept my amendment?

Mr. LUTHER A. JOHNSON. I would have to analyze the amendment before I answer the gentleman.

Mr. TINKHAM. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. TINKHAM. I rise to propose another amendment. I move to strike out the last word.

The CHAIRMAN. The Chair regrets to have to inform the gentleman that debate has been closed on the pending amendment and all amendments thereto.

The question is on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 47, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. TINKHAM) there were—ayes 53, noes 71.

So the amendment was rejected.

The CHAIRMAN. The Chair inquires whether there are other perfecting amendments to section 1.

Mr. SCHIFFLER. Mr. Chairman, I have such an amendment, which I offer.

The Clerk read as follows:

Amendment offered by Mr. SCHIFFLER: Strike out all of section 1 and insert the following as a substitute for the joint resolution:

"EXPORT OF OTHER ARTICLES AND MATERIALS"

"SECTION 1. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of Senate Joint Resolution 51 of the Seventy-fifth Congress, first session, and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to belligerent states, or to a

state wherein civil strife exists, is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe as to lakes, rivers, and inland waters bordering on the United States, and as to transportation on or over lands bordering on the United States, for any American vessel to carry such articles or materials to any belligerent state, or to any state wherein civil strife exists, named in such proclamation issued under the authority of section 1 of this act, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to so transport.

"(b) Whenever the President shall have issued a proclamation under the authority of section 1 of this act, and he shall thereafter find that the placing of restrictions on the export of articles or materials from the United States to belligerent states, or to a state wherein civil strife exists, is necessary to promote the security or preserve the peace of the United States or to protect the lives or commerce of citizens of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe as to lakes, rivers, and inland waters bordering on the United States, and as to the transportation on or over land bordering on the United States, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any belligerent state, or to any state wherein civil strife exists, named in such proclamation issued under the authority of section 1 of this act, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in citizens of the United States no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials. Insurance written by underwriters on any articles or materials the export of which is prohibited by this act, or on articles or materials carried by an American vessel in violation of subsection (a) of this section, shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder or by the owner of the vessel carrying the same shall be made a basis of any claim put forward by the Government of the United States.

"(c) The President shall from time to time by proclamation extend such restrictions as are imposed under the authority of this section to other states as and when they may be declared to become belligerent states under proclamations issued under the authority of section 1 of this act.

"(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under the authority of this section."

Mr. LUTHER A. JOHNSON. Mr. Chairman, until I have a chance to study the amendment I reserve a point of order against it.

Mr. SCHIFFLER. Mr. Chairman, the amendment just offered is the cash-and-carry provision in the exact language contained in the law that expired on May 1, 1939. That was the only provision of our existing neutrality law that expired.

The effect of this amendment, if adopted, would be completely to eliminate all further consideration of the so-called Bloom resolution and to enact into law the cash-and-carry provision, known as section 2 of the original resolution of neutrality. It would in effect establish the status quo of our neutrality as of the 30th day of April 1939.

The resolution which you have before you for consideration is one that omits a part of the present law, adds to that law, and attempts to reenact neutrality in an entirely different form from that now existing upon the statute books. The effect of this amendment as proposed at this time would be to put us exactly where we stood on the 30th day of April 1939. This raises the question, Why should we, after having had such statute for a period of 4 years and during the chaotic condition existing in the world today, suddenly decide that it had to be amended and the present neutrality law, which has amply protected us, dropped and substitute provisions inserted? This is directly in line with the other proposition involved in a former proposed amendment, and that was this: The gentleman from Pennsylvania [Mr. ALLEN] proposed by his resolution that we revert to international law



and completely repeal all neutrality legislation. That resolution was voted down. The resolution which I have introduced as an amendment to the Sol Bloom bill takes us to the legislation which has been in force for 4 years under the guise of neutrality, although it has satisfactorily kept us from being engaged in war.

I ask this very pertinent question: Is there some very strong, outstanding reason why we are called upon at this time to repeal the law that has been satisfactory to the present administration, which has well served the purposes of this country, and under which the country has felt safe?

The people are jittery today, and any change in that law, irrespective of the worth or value of the law enacted, is going to make the people of this country very uncertain as to the future conduct of our administration.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. SCHIFFLER. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I want to inquire of the gentleman with reference to his amendment, and I have it before me. The way I interpret the amendment, it strikes everything in the resolution except what is known as the cash-and-carry section of the old law. Am I right?

Mr. SCHIFFLER. No; the gentleman is not. It was intended to strike out all of the provisions of the resolution now pending before the House for consideration and substitute the language of the cash-and-carry provision as it existed in our law up until April 30. It provides that as a new provision of law.

[Here the gavel fell.]

The CHAIRMAN. Does the gentleman from Texas [Mr. JOHNSON] insist upon his point of order?

Mr. LUTHER A. JOHNSON. Mr. Chairman, as the amendment is now offered as a substitute, I will not insist on my point of order.

The CHAIRMAN. The gentleman from Texas withdraws his point of order.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it would be folly on the part of the House to adopt the amendment offered by the gentleman from West Virginia [Mr. SCHIFFLER], because by so doing we would eliminate the most vital feature of the law with reference to the shipment of arms, and also it would eliminate any legislation with reference to who shall define the phrase "state of war," or who shall declare that a state of war exists, and so forth. It is the gentleman's intention, as he states, to substitute the cash-and-carry provision of the old law, but that would leave the measure in an incomplete state. By the adoption of this amendment we would have only a fragmentary piece of law. There would be no provision of law by which anyone could find out if a state of war existed; there would be no power by which the various remedies and provisions of the neutrality law could be enforced. I think, therefore, the amendment is ill-advised and incomplete, and I ask the members of the Committee on both sides of the aisle to vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. SCHIFFLER].

The question was taken; and on a division (demanded by Mr. SCHIFFLER), there were—ayes 43, noes 64.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Ohio [Mr. VORYS] has an amendment pending to section 2. The amendment is offered in the form of a section to follow section 1.

Does the gentleman from Ohio [Mr. VORYS] desire recognition on his amendment?

Mr. VORYS of Ohio. Mr. Chairman, I do; and I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. We are now considering a new section, and there is no limitation on time?

The CHAIRMAN. No limitation has been imposed.

Mr. LUTHER A. JOHNSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUTHER A. JOHNSON. The amendment offered by the gentleman substitutes a new section 2. The section 2 as contained in the resolution will not be considered until after disposition of the gentleman's pending amendment; is that correct?

The CHAIRMAN. The gentleman is correct. The gentleman from Ohio [Mr. VORYS] is recognized for 5 minutes.

Mr. VORYS of Ohio. Mr. Chairman, I impose myself on the House once more merely to remind you what you are now voting on. This amendment would restore an arms embargo to the Bloom bill. It would restore a limited form of embargo and covers only arms and ammunition.

Mr. BARTON. Will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from New York.

Mr. BARTON. As I understand the gentleman's amendment, he has dropped out the words "implements of war" which are in the present embargo provision?

Mr. VORYS of Ohio. I have.

Mr. BARTON. Those are words that could be stretched to cover all sorts of products and materials. The gentleman is confining his amendment to arms and ammunition which are commonly referred to in international law as lethal weapons; is that correct?

Mr. VORYS of Ohio. My amendment is confined solely to lethal weapons.

Mr. BARTON. Specifically, would the gentleman's provision embargo trucks, automobiles, or airplanes?

Mr. VORYS of Ohio. It would not embargo commercial trucks, automobiles, or airplanes, or anything else that could be used for both peace and war, such as a knife, fork, food, or anything else that could be used in war or peace, but is confined solely to weapons of offense and defense under the ordinary definition of arms and ammunition.

Mr. BARTON. Does the gentleman feel that in this modified embargo he has offered a compromise that might possibly be acceptable to those who want an embargo and also to those who do not want to tie the hands of our Government?

Mr. VORYS of Ohio. That is my hope.

This amendment, as I said before, would not suit a strict interventionist or a strict isolationist, but I feel that the time has come when in carrying out the American tradition and ideal of limiting the sale of means of murder we can all get together on this middle ground.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Montana.

Mr. O'CONNOR. Would the gentleman's amendment include such raw materials as foodstuffs?

Mr. VORYS of Ohio. It would not.

Mr. GEYER of California. Would the gentleman's amendment include scrap iron?

Mr. VORYS of Ohio. It would not.

Mr. O'CONNOR. Would it include bombing planes?

Mr. VORYS of Ohio. It would include bombing planes and any other military planes.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from New York.

Mr. BLOOM. The gentleman says his amendment refers only to lethal weapons?

Mr. VORYS of Ohio. Yes.

Mr. BLOOM. Does the gentleman's amendment refer only to lethal weapons as that term is defined in the dictionary?

Mr. VORYS of Ohio. I consider that my amendment is synonymous with the definition in the dictionary of lethal weapons.

Mr. BLOOM. Does the gentleman accept the definition as stated in the question asked him by the gentleman from New York [Mr. BARTON] regarding lethal weapons?

Mr. VORYS of Ohio. Yes.

Mr. BLOOM. The gentleman says that his amendment covers just what the dictionary refers to as lethal weapons; and does not that include practically anything that would kill a man? Would not that mean a shillelagh? Let us be honest about it.

Mr. VORYS of Ohio. A shillelagh is used not only for beating people up but for walking, and therefore, I believe, it would not be included.

Mr. O'CONNOR. And it is peculiar to the Irish.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Missouri.

Mr. BELL. May I ask whether the gentleman's amendment prohibits the sale of munitions entirely, or does it merely prohibit Americans from transporting them?

Mr. VORYS of Ohio. The amendment forbids the exportation of arms and ammunition or attempting to export them or causing them to be exported from any place in the United States to any belligerent state.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Connecticut.

Mr. MILLER. Would the gentleman accept an amendment to his amendment to permit the Munitions Control Board to define "lethal weapons"?

Mr. VORYS of Ohio. No; the definition of "arms and ammunition," under my amendment, would be left to the courts, where it belongs, and the courts in construing this term would, of course, have access to these debates and to international law. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe this will probably be the most important amendment offered before the conclusion of the consideration of the bill. It is a compromise amendment. It is certainly very much of a compromise amendment for me, because for years I have fought to put a ban on the shipment of arms, ammunition, and implements of war. I have even gone further than practically any Member of Congress. I would like to prohibit the shipment of arms, ammunition, and implements of war in time of peace as well as in time of war, but I realize that such a ban would not be accepted. I realize this is a compromise amendment, and I am prepared myself to go that far and go along with the gentleman from Ohio in leaving out the words "implements of war," so that we will have a specific ban upon arms and ammunition.

Everybody knows what "arms and ammunition" means. They are deadly weapons. They are lethal weapons. They are cannon, rifles, shells, and machine guns, and so on, that are manufactured for war and for war purposes alone.

This is a compromise, and of course we hope to get support on both sides. Furthermore, if this amendment does prevail, I expect to go along with the bill. If the amendment is voted down, then I propose to offer a motion to recommit the bill to the committee. If that motion carries, and I believe there is a good chance of carrying it, then the old law will be continued, which puts a ban on the shipment of arms, ammunition, and implements of war. That is the law today. It has no cash-and-carry feature, but it has the arms embargo and all the other provisions of this bill.

On the other hand, if you want a compromise, we offer you this compromise of leaving out "implements of war." This permits everything to be sold except lethal weapons. It permits the sale of oil, of cotton, of copper, and everything else except deadly weapons. I believe that would be accepted and welcomed by the American people as a proper compromise.

The question comes down to this: Do we propose by putting through the Bloom bill as it is, without any embargo provision, to permit the traffic in arms so that we will follow that traffic in arms into the next war? That is what the Bloom bill does as it stands unamended. If there is a world war, we will become the arsenal of the world; we will become the potential slaughterhouse of the world to kill people with whom we are at peace. I believe, for one, that that is an un-Christian act for a great, peace-loving country such as ours, for the sake of war profit and blood money, to sell arms and ammunition to kill people with whom we are at peace; and if we do it, of course, we will be dragged into the war.

So, for all these reasons, briefly stated under the 5-minute rule, I am absolutely opposed to the traffic in arms, but I am willing to go along with the gentleman this far and limit the embargo to the shipment of arms and ammunition, and leave out implements of war. In the past, implements of war have caused a great deal of confusion over finding out exactly what they are. There is still a great deal of misunderstanding about it. There is no misunderstanding in the State Department about what deadly weapons are, or lethal weapons, or arms and ammunition. This is a concrete, clear-cut amendment.

I hope some gentlemen will come to our support on the other side, and if you do we can put this amendment in the bill and we will accept the bill and then we can go home instead of staying around here for the next 2 months waiting for the Senate to act. [Applause.]

Mr. BLOOM. Mr. Chairman, I move that all debate on this amendment close in 20 minutes.

Mr. FISH. Mr. Chairman, we think this is the most important amendment of all.

Mr. RAYBURN. Of course it is, because it is practically striking the enacting clause out of the bill.

Mr. FISH. We offer this as a compromise, and therefore we want to be heard on it. You will admit it is the most important amendment.

Mr. RAYBURN. An amendment to strike the enacting clause out of the bill would be a very important amendment, and that is practically what this is.

Mr. FISH. Can we not give each one of these gentlemen 5 minutes?

The CHAIRMAN. The Chair might observe that there has been 15 minutes of debate in support of the amendment and no debate in opposition.

Mr. FISH. I think we ought to have an hour's time.

Mr. BLOOM. Mr. Chairman, I move that all debate on this amendment close in 20 minutes.

Mr. BREWSTER. Mr. Chairman, I offer an amendment to the motion making it 30 minutes.

The CHAIRMAN. The question is on the amendment to the motion.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 57, noes 88.

Mr. MARTIN of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. BREWSTER and Mr. BLOOM.

The Committee again divided; and the tellers reported that there were—ayes 110, noes 113.

So the amendment to the motion was rejected.

Mr. FISH. Mr. Chairman, I offer an amendment to the motion making the time 45 minutes.

The CHAIRMAN. The question is on the amendment to the motion offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 71, noes 94.

Mr. MARTIN of Massachusetts. Mr. Chairman, I demand tellers.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make a point of order that the motion, and the tactics of the gentleman are entirely dilatory, because we have already voted on the time.



The CHAIRMAN. The gentleman is entitled to demand a teller vote on the amendment to the motion.

Tellers were ordered, and the Chair appointed as tellers Mr. FISH and Mr. BLOOM.

The Committee again divided; and the tellers reported that there were—ayes 126, noes 143.

So the amendment to the motion was rejected.

Mr. H. CARL ANDERSEN. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. H. CARL ANDERSEN) there were—ayes 93, noes 123.

Mr. H. CARL ANDERSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. H. CARL ANDERSEN and Mr. BLOOM.

The Committee again divided; and the tellers reported that there were—ayes 88, noes 146.

So the motion was rejected.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that we now agree upon 25 minutes within which to end the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Chairman, I do hope the Committee will be in order so we can proceed in an orderly manner. I can assure you there is no intention on this side of the aisle or on the part of the Committee to shut off debate. What was done here a few minutes ago was not done with any idea of depriving the Members on that side of the aisle of an opportunity to speak or to limit debate. I thought that after they had had 10 minutes and we were willing to take 5 minutes and add 5 minutes to their time, it was the right thing to do.

Mr. FISH. This is the most important amendment to the entire bill. We have had 2 or 3 hours on other amendments, while this is the most important one and, naturally, we want to be heard on it.

Mr. BLOOM. The gentleman was heard and I did not object to the gentleman speaking in favor of the amendment, although it was my right to speak following the gentleman from Ohio [Mr. VORYS]. I hope we may have order from now on.

The CHAIRMAN. The following-named gentlemen were standing when the limitation of time was fixed: Mr. REED of New York, Mr. HAWKS, Mr. BENDER, Mr. O'CONNOR, Mr. SHANLEY, Mr. LUTHER A. JOHNSON, Mr. BLOOM, and Mr. BREWSTER. Each of these gentlemen will be recognized for 3 minutes.

Mr. HEALEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HEALEY. Will that consume all the time that was allotted for debate on this amendment?

The CHAIRMAN. That will consume all of the time that has been fixed by the Committee on the pending amendment.

Mr. FISH. Mr. Chairman, you allowed 3 minutes to the gentleman from Ohio [Mr. BENDER]. The gentleman from Ohio does not desire to use that time, and I would like to ask that that time be given to the gentleman from Wisconsin [Mr. KEEFE].

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for 3 minutes.

Mr. REED of New York. Mr. Chairman, I hope that the temper of this House is not such that we cannot settle down to the seriousness of the question involved here. I want to say in the few minutes that I have that each of you Members on the floor of this House represent a segment of a sovereign people. At no time in years have 130,000,000 people centered their attention upon the actions of this Congress as they are doing today.

I want to bring to you again, as I did earlier in the afternoon, just what war means. I remember being on the English

front. An English officer told me that when they were putting their tunnels through under a hill occupied by the enemy to blow them to bits, in digging that tunnel they tunneled through 30 feet of putrid human flesh.

Those were boys that were buried there. I tell you that the mothers of this country have been under a delusion as to the cause for which their sons were fighting. They are under no delusions now, after 20 years have passed.

There are men here who were down at the docks when the ships came in and mothers stood watching for their boy to come down the gangplank. He did not come. Then what did they do? They lifted their eyes and through a veil of tears they saw Old Glory floating from the mast and then a mother was heard to say, "Thank God my sacrifice has not been in vain."

I say to you they realize now as never before that their boys did sacrifice on foreign soil, but not to make the world safe for democracy; not a war to prevent wars. The people asked you, and by almost unanimous vote you put upon the books a neutrality law to stop the shipment of arms in another war. It has brought comfort to those people. They believe, they have hope that it has some influence in keeping us out of war. I say to you do not destroy that hope now.

I shall vote for this amendment, but not wholeheartedly. This bill ought not to be bandied around. It ought to be recommitted to the committee. It never should be sent to another part of this Congress to be dealt with in a way that will disturb the peace of mind of the people. I say stand upon the law which we now have. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. HAWKS] for 3 minutes.

Mr. HAWKS. Mr. Chairman, I want to again remind the Members of the folks back home. Each of you, Democrats as well as Republicans, represent a district of approximately 300,000 citizens of this country. I hope you are not going to be herded into action on as important an amendment as this one, herded into action which means that you are not voting your constituency, but that you are voting the will of one man. It is your responsibility as Representatives in this Congress to vote the will of the people back home.

We finished talking about international law a short time ago. I do not believe there are 10 men in this House who know the A, B, C's of international law. I know I do not. Fortunately, that amendment was defeated. You are going to vote on an amendment shortly which all during the last campaign the folks back home, not only in my district but in your district as well, demanded. They demanded an embargo. They demanded that this Congress of which you and I are Members today formulate a policy that will make it impossible for this country to participate in the slaughter of other citizens of other nations of this world.

We were almost herded into 10 minutes of debate on this very important amendment. We only obtained 25 minutes. I want to tell you that it is going into the RECORD right now. It is being written by the Official Reporter of Debates, who is sitting in front of me. He is recording the action that you have taken, and if you can go back home, after all the letters you have received, after the full force of the feelings that were packed into that last election is considered, if you can go back there and satisfy your people that 25 minutes' debate on this important amendment was sufficient time, then you are a better man than I ever hope to be. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. HEALEY] for 3 minutes.

Mr. HEALEY. Mr. Chairman, passage of that provision of the Bloom bill, which repeals the existing embargo on the shipment of arms, ammunition, and implements of war, will have most serious consequences for the future welfare of this Nation.

The eyes of the world are upon the action of this Congress today. This legislation is of tremendous importance, and is fraught with many possibilities vital to our own future happiness and security. The failure to place an

embargo on the shipment of arms, ammunition, and implements of war to belligerent nations before the actual beginning of such a war, will place this Nation in a most precarious position.

For a neutral to alter or change its policies, once a war is in progress, so as to affect unequally one belligerent or another, is contrary to the accepted practices and precedents of international law and may constitute a hostile or unneutral act toward a belligerent so affected.

Let us not be beguiled by the argument that we should not fetter ourselves now but should be free to meet conditions as they present themselves. Once hostilities have begun therefore, if we repeal the present law prohibiting the shipment of lethal weapons of warfare, it will be too late to enact such a provision again, however desirous it may be for our own peace and security.

This position was clearly and expressly declared in the letter of this Government to Germany written by President Wilson in 1915.

This Government holds and is constrained to hold, in view of past indisputable doctrines of accepted international law, that any change in its own laws or neutrality during the progress of a war which would unequally affect the relation of the United States with the nations at war would be an unjustifiable departure from the principles of strict neutrality by which it has consistently sought to direct its actions. The placing of an embargo on the trade in arms at the present time would constitute such a change, and be a direct violation of the neutrality of the United States.

It must seem perfectly clear, therefore, that the banning of shipments of these articles once a war is in progress would most certainly adversely affect one or more belligerents and thereby violate our neutrality toward the nation so affected.

The sentiment of the people of this country is overwhelmingly opposed to our trafficking in lethal weapons of warfare. To aid those countries whom circumstances would best enable to secure such arms, ammunition, and implements of war, would most certainly have the effect of placing us in the position of a partner in the waging of death and destruction with the nation or nations to whom we supplied such material.

We must approach this problem with honesty and realism and not be misled by an ingenious idealism which may precipitate us into the very heart of another great war. Our paramount problem and duty today is to write such a law as will best enable us to maintain our own peace and neutrality.

Though we may differ in our views as to which is the best policy to pursue, I know that we are all animated and inspired by the highest patriotic motives, and that our objective is to find the best means of insuring the future peace of this country. For my part, I am convinced that the best way we can achieve that objective is to enact now, while we have the opportunity, a bill which above all will provide for a strict embargo on the shipment of arms, ammunition, and implements of war to any belligerent or any other nation which may be acting as a medium through which such a belligerent may receive such articles. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. O'CONNOR] for 3 minutes.

Mr. O'CONNOR. Mr. Chairman, let me say in advance that it is not easy and it is far from pleasant for me to take a position against the leaders of my party; however, I yield to no man as to my democracy; but, Mr. Chairman, this is a matter of personal conviction. As I said upon the floor Wednesday of this week, it rises above party politics, and I am going to say and vote my convictions as I see my duty as an American citizen and act for the best interest of my country as I see it. [Applause.]

My objective is to do everything I can to keep my country out of European squabbles. I will fight to the finish the enactment into law of this bill as written because I feel it means war to my country.

Mr. Chairman, let us tear the mask off of this bill and look it square in the eye and drag the thing before the House as it really is. Let us let sunshine on it. This is not a neu-

trality bill: it is an intervention bill. [Applause.] What power is given the President of the United States under this bill? The power is given him to permit the lending of credit and money to England, France, and other countries under the operation of this act. Do you want to again lend money to nations that, after you had furnished them the best blood of American manhood, and after we had furnished them billions of dollars of our people's money, that refer to us as the greatest Shylocks on the face of the earth when we suggested repayment? Do you want to come to their relief again? Have we no memory left? Are we without reason?

I want to state one other thing and I want the Members to get this. The pending amendment involves a great principle and it is this, whether or not the House of Representatives tonight is going to commit itself to a desire for profits and gold and sacrifice the blood of American youth over and above the desire for peace throughout the world; can you have peace and sell the killing agencies which aid the continuance of war? [Applause.]

Let us not be fooled about this bill. Read section 4 and you will see there that the President of the United States is given power to bring us to the financial relief of any nation that he sees fit. Is there anyone in this House that has any doubt as to what nations we are going to favor in case of war, if it breaks out in Europe? Has anyone any doubt about that?

Mr. Chairman, do not be kidded about this proposition. They are not fighting over a moral question; they are not fighting over democracy; they are fighting over land, over trade, and over power. [Applause.]

The adoption of the Bloom bill would simply mean we are voting to preserve the status quo in Europe, about which we know nothing. We are voting, if you please, to preserve and leave to England and France the colonies that they took from the world by conquest and aggression and from Germany and her allies at the close of the World War. Should we sacrifice our Nation and our boys for that? I, for one, refuse. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, fortunately there is one Chamber in which debate is still unlimited. Free speech still remains. I venture to predict before that Chamber has finished the dissection of this measure the Members of the Congress and the people of the country at large will understand fully the implications of the action that is here proposed. I further predict this is going to go to the country as one of the great issues in the next year in connection with the impending campaign, because the people of this country do not want us to take any action that will start us down that road we followed 20 years ago to war.

Mr. Chairman, we adopted a policy of arms embargo 5 years ago which has been repeatedly reemphasized. Last year there was only one dissenting voice, and that voice is now missing. We solemnly determined, from the lessons of the last war, that an embargo upon arms and ammunition was the best measure we could take to prevent war.

How will war come? Exactly as it did before. Gradually our economy will be transformed; billions of dollars will be expended here in creating great munition factories; and, finally, we will find our economy upon such a basis that only by entering the war can we save ourselves from inevitable collapse. That is the program and the plan—not of you gentlemen, not even of those in executive authority. I make no challenge as to their sincerity in the collective security which they advocate. It is the plan of those sinister influences that furnished the propaganda which involved us in the World War, in which some of us volunteered 20 years ago to make the world safe for democracy.

Where is democracy today? Russia and France are ruled by dictators. England is seeking to hold its colonies intact. I ask that America adopt an American policy which will look after our own interest and not those of any other country in



the world; then America will be united and we will go forward as the lost horizon of that civilization that seems almost ready now to disappear. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. LUTHER A. JOHNSON] for 6 minutes.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I hope the Committee when voting upon this amendment will lay aside appeals to passion and prejudice and consider this strictly upon its merits. If the Members will do that I have no doubt as to what the result will be. The impassioned appeal made has not been predicated upon facts.

I call attention of the Committee again that in all the speeches that have been made not one of those who has spoken in favor of this amendment has pointed out one reason why repeal of the arms embargo will get us into war. With 2 full days of debate, various gentlemen stated the conclusion that the arms embargo being repealed would get us into war, but no one in general debate or in the discussion under the 5-minute rule has pointed out a reason.

It is not the sale of arms. It is the transportation and delivery of arms and goods that will likely involve us in war. Further, I point out that the arms embargo that we have had has been difficult of enforcement. Representatives of the State Department when appearing before our committee said it was difficult in most instances to know whether or not arms were intended for shipment to belligerent nations or not. The law provides that when arms were shipped to either belligerent nations or neutral nations for reshipment to belligerent nations they are prohibited, and many times it has been difficult, the State Department representatives said, to ascertain whether that is true.

If that was true in the case of the minor wars in Europe, the Albanian War, the Ethiopian War, and the Spanish War, I submit it would be much more difficult in the case of a major war with the major countries involved to enforce and carry out that provision with respect to the shipment of arms.

I furthermore point out, Mr. Chairman, as I said in my opening discussion under the rule, that the appeal is made that to repeal the arms embargo is to play sides. The answer is that it does not play sides. As international law provides, arms can be sold to all countries. If we repeal that provision now we stand upon international law and international right, and no one can claim that international law is unneutral. It is unneutral to leave this law in effect now, because it is in violation and contravention of international law.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I am sorry; I cannot yield. I have so little time.

Let me point this out to the Committee that, as I said and as the gentleman from New York [Mr. BARTON] so well said, if war should break out and if conditions should arise under which the American people should demand the repeal of the arms embargo on account of the conditions then existing, repeal after war had broken out would be an unneutral act. We can visualize conditions that might arise that would cause us to do that. If there is any likelihood of doing that, let us do it now while there is no war, so that our act will not be unneutral, but will be in conformity with international law.

Then, for another reason, Mr. Chairman, for a reason that ought to be a controlling reason with this House, I am for the repeal of the embargo because I believe it will help to prevent war. Gentlemen have said that to leave this embargo in effect would encourage war. When we passed the neutrality law I said that the arms embargo would not prevent war, but would serve to encourage other nations. I hoped other nations would follow our example and pass similar laws, but they did not do so.

I say to this House that in view of the conditions as they now exist, to leave this law on the statute books is not to discourage war but to encourage war by causing war to break out. As authority for that statement I read the testimony of

a very distinguished witness who appeared before our committee, and who is not a member of my own party, former Assistant Secretary of State Hon. William H. Castle. He is a member of the Republican Party. This is what he had to say:

Mr. JOHNSON. But so far as prohibiting the exportation of arms to belligerent nations, you doubt the wisdom of that, because, as you say, the failure to declare what we are going to do is a deterrent to war-inclined nations?

Mr. CASTLE. It is certainly a deterrent to war-inclined nations.

Mr. JOHNSON. In other words, if we had no law now prohibiting the exportation of arms to belligerent nations you think that might be deterrent to the outbreak of war in Europe at this time?

Mr. CASTLE. I think it might be very strongly so.

There is a man who served in the State Department for many years, a man not biased or prejudiced by partisan politics, a man who has studied international conditions, and his testimony is substantiated and corroborated by many witnesses on both sides of the aisle and of different parties. They all agreed that the repeal of this law would be a deterrent and might prevent the outbreak of war in Europe. The best way to prevent our involvement is to do what we can to prevent the outbreak of war in Europe, and I appeal to you not in the name of sentiment or sentimentality but for no other reason than that I believe that in order to safeguard our country and prevent a war we ought to vote down this amendment. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

Mr. RABAUT. Mr. Chairman, I ask unanimous consent that the Vorys amendment may be again read.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Vorys of Ohio: Page 2, after line 15, insert the following:

"Sec. 2. Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms or ammunition from any place in the United States to any belligerent states named in such proclamation."

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mrs. ROGERS of Massachusetts moves that the committee do now rise and report the joint resolution back to the House with the recommendation that the enacting clause be stricken out.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I wonder if the Members of the House realize that under this amendment offered by the gentleman from Ohio [Mr. Vorys], and which reads as follows:

On page 2, after line 15, insert the following:

"(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms or ammunition from any place in the United States to any belligerent states named in such proclamation"—

France and England could buy airplanes and automobiles, the things that they want, according to testimony that came to us from the administration, so those who feel that France and England need assistance in that way ought to have no hesitancy in voting for this amendment. We have all been told that France and England do not need arms and ammunition; they do not need the so-called lethal weapons so much as they do airplanes.

Mr. BLOOM. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I am sorry, I cannot yield now. I have taken very little of the time of the Committee except for a question or two.

I wonder if the Members of the House also have thought of the fact that probably Germany, if she is planning to strike, will strike at once if we lift the arms embargo.

Naturally, Germany if she is going to fight this war to a finish, if the arms embargo is lifted, will strike immediately or before France and England have a chance to arm further.

Also, I want to remind the House of a resolution that I introduced which provides that we shall remain in continuous session. I have had letter after letter from people all over the country who implore us that Congress stay in session in order to take any action that may be necessary in an effort to keep us out of war. Our staying in session would be a warning also to Mr. Hitler that we intend to watch what he does. Also we can watch other nations, the entire European situation, and the situation in the Far East. Every Member here in this House, just as in 1914 and 1917, has legislated as he thought best for this country, and wants to legislate to do the right thing for America first, last, and always.

I voted against the other so-called neutrality act. I know we cannot legislate neutrality, but with all our hearts we want to keep this country at peace and to do the best thing that is possible under conditions as they arise.

I am going to withdraw my amendment, but it was the only way I could secure recognition at the present time. I believe every Member here should have hours and hours to debate the subject, to consider it from all its aspects. It is by far the most important thing we have had at this session of Congress or that we shall have during this entire Congress. I earnestly hope that we stay in session continuously.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. REES of Kansas. And the gentlewoman is a member of this great committee and she tells this House that this so-called Bloom bill is not a neutrality bill, but an intervention bill?

Mrs. ROGERS of Massachusetts. There is no doubt in my mind that if the bill is passed at this juncture it would obviously be a bill to aid France and England. Not by the farthest stretch of the imagination could it be called a measure of neutrality. I have felt that it is an intervention bill. I voted against it in committee, I shall vote against it in the Committee of the Whole House on the state of the Union, and I shall vote against it in the House. The Vorys amendment imperils the Bloom bill somewhat. I hope the Members will think over my ideas on this subject. They come from a very deep conviction. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 112, noes 121.

Mr. FISH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. VORYS of Ohio and Mr. BLOOM.

The committee again divided, and the tellers reported that there were—ayes 159, noes 157.

So the amendment was agreed to.

Mr. BELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BELL: On page 2, after line 15, following the amendment just adopted, add a new section, as follows:

"EXPORTATION OF ARTICLES AND MATERIALS

"Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereupon be unlawful for citizens of the United States or vessels flying the flag of the United States to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States directly or indirectly to any State named in the proclamation, any articles or materials, and it is declared to be one of the purposes of this act to prevent and prohibit the sale or exportation of such articles or materials except upon a cash-and-carry basis."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BELL. Mr. Chairman, I voted against the motion which was just acted upon, because I believe, and I think

many Members on both sides of this great body believe, that an absolute embargo upon arms would not hold for 30 days in the event that war was declared in Europe. I do believe, however, that a great program was proposed by our great Secretary of State, which, if enacted in all of its spirit, will keep us out of war; and I know that every Member of this body on either side of the House has deeply implanted in his bosom at this moment a great desire that America shall stay out of any war that may trouble the world.

The amendment I have just proposed is the other half of the cash-and-carry plan that was thought to be in this bill. I believe the committee has announced that it will offer an amendment to take out of the bill the so-called war-zone proposition in section 3. This will leave only the cash plan taken care of. My amendment provides that no American citizen shall transport arms to Europe or cause them to be transported to Europe in American ships.

It has been said many times on the floor of the House during this debate that it is not believed we can pass a bill that will be a real neutrality bill that will keep us out of war. The only way we can judge the future is by the past. Almost every Member of this body can think back and remember those fatal days of 20 years ago. You remember the beginnings of that other World War. You remember it was not very long after that war had started until American vessels were being loaded with arms and ammunition, with wheat and bacon and other commodities to the belligerent nations of Europe, and it was not very long until those vessels began to be sunk by submarines. It is said that we have no facts to guide us. We have today facts that are in the minds of every man and woman here tonight. The fact is that if our vessels, unarmed or armed, start across the ocean carrying their products to Europe, those vessels are going to be torpedoed and sunk, or at least some of them are. We know that to be a fact before we start.

The American people are a brave, hardy, and a high-spirited people. How many of you remember statesmen 20 years ago going before the people of this country and saying the dignity of our great Nation must be maintained? A vessel had been sunk on the high seas. So-called international law said we had a right to go there. Perhaps we did, but we know that the sinking of that vessel was one of the great contributing causes that took us into the World War. We know that today. We did not anticipate it, perhaps, then.

The amendment I am offering does this. It prohibits American vessels from carrying any commodity of any sort to belligerent nations. It does not prohibit European nations from coming over here and buying arms or ammunition or wheat or corn or any other commodity so long as they come over here and take it away in their own vessels and pay for it before they leave our shores.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

[Here the gavel fell.]

Mr. BELL. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOTT. Would not your amendment, if adopted, virtually repeal the amendment that the committee has just adopted, because the amendment prohibits the exporting of arms to foreign countries. Your amendment would provide that if a foreign nation wanted arms here and was willing to pay for them in cash, and carry them away, it could have them. Therefore, would it not virtually repeal the amendment we have just adopted?

Mr. BELL. No. My amendment would not exactly repeal that. This amendment goes further in one direction and not so far in another. My amendment prohibits American vessels from going upon the high seas and carrying any sort of a commodity to a belligerent nation. It does not, however, prevent, as your amendment does, any belligerent nation from coming to America and buying munitions and arms or anything. Your amendment does that, but my



amendment goes further than yours. It prohibits any sort of commodity from being carried in American vessels.

Mr. MOTT. But would it not repeal the arms embargo? The last amendment, if I understand it correctly, prohibits altogether the exportation of arms.

Mr. BELL. I would not say that it does.

Mr. MOTT. But your amendment would permit it under some conditions; is that not right?

Mr. BELL. Yes.

Now, ladies and gentlemen of the Committee, I believe as firmly as I ever believed anything in my life, that as long as American vessels cross the ocean, laden with any sort of arms or munitions or any sort of commodity that warring nations need and must have—and there are times when wheat is just as necessary to a belligerent nation as munitions—our vessels are going to be sunk, and if our vessels are sunk I can see the tempers of the American people begin to rise, and they will demand of the American Congress that we declare war. I want that never to happen again.

The only harm that this amendment of mine could possibly do is perhaps take a few dollars out of the hands of some shipping lines, who may say we are unjustly depriving them of some profits. But I ask you, Is there a man or a woman in this House tonight with heart so hard or soul so dead that he would place in the balance the blood of our youths and the tears and agonies of our mothers against the profits of a few shipping lines? If you are for the mothers and for the sons of this Nation, if you are for the glorious future that this Nation has before it if we will but keep the peace, then I pray you to vote for this amendment. Do not let our vessels go across the waters laden with any kind of commodity which will cause the sinking of an American vessel and get us into war.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield.

Mr. REES of Kansas. In view of what the gentleman has just stated, why not embargo these materials just as much as you embargo arms, and be done with it?

Mr. BELL. I will answer you in the words of two of the most distinguished gentlemen on your side of the House. An absolute embargo I do not think will last for 30 days, but I do think that the amendment I am now proposing will keep us out of war, because there are men in this House who believe that we ought to sell arms and munitions.

[Here the gavel fell.]

Mr. BELL. Mr. Chairman, I ask unanimous consent to speak for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. LESINSKI. Mr. Chairman, I object.

Mr. KEE and Mrs. ROGERS of Massachusetts rose.

The CHAIRMAN. For what purpose does the gentleman from West Virginia rise, a member of the committee?

Mr. KEE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. KEE. Mr. Chairman, ladies and gentlemen of the Committee, I have been asked to read the amendment, and I will read it quickly:

Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereupon be unlawful for citizens of the United States or vessels flying the flag of the United States to export or transport or attempt to export or transport, or cause to be exported or transported from the United States directly or indirectly to any state named in the proclamation any articles or materials, and it is declared to be one of the purposes of this act to prevent and prohibit the sale or exportation of such articles and materials except on a cash-and-carry basis.

Now, ladies and gentlemen of the Committee, every amendment that has been offered to this bill today has been just another handcuff or shackle attempted to be put upon the people of the United States. Just another attempt to interfere with their freedom of action.

The amendment offered by the gentleman from Missouri [Mr. BELL] simply means driving the American flag and American shipping from the seas of the world. Under the law that you have now and under this bill as it has been offered and as it will pass this House you are providing that shipments of all classes of commodities can be made from this country, the only inhibition being that prescribed by the amendment put in by the gentleman from Ohio [Mr. VORYS] denying shipments of arms and munitions. There is no embargo against the shipment of any other commodity.

You have released the embargo upon practically every commodity this country produces, and now you are asked by this amendment to embargo all American shipping. You are permitting the shipment from this country to every other country in the world in time of war, and to the belligerents, of all the materials necessary to manufacture the implements of war, all the materials necessary to manufacture explosives, all the materials necessary to manufacture guns; you are permitting the shipment of cotton, of sugar, of wheat, and corn and other foods, of chemicals and oils, and lubricants and machinery; of everything, in fact, except the two items—ammunition and explosives. You are now asked to say by this amendment that these articles, practically every commodity grown or manufactured in this country, can be carried by the ships of every nation upon earth except ships flying the American flag. Ships under the American flag, therefore, should this amendment be adopted, must upon the outbreak of war—immediately upon the outbreak of hostilities—be tied to the wharves of this country or anchored in our harbors and taken out of commission. The flag will come down from every ship of American registry. This is not only a burden upon American shippers but it puts them out of business. It would be absolutely a foolish and futile thing to do.

The bill under consideration contains a provision requiring that before any goods or commodities of any kind can be shipped from this country to a belligerent nation in time of war, title to the goods and commodities must be passed to the government of a foreign country or some foreign corporation or person. When anything is shipped under the act we are considering, there will not be an American citizen who will have a single dollar's worth of interest in the articles.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia may proceed for 3 additional minutes.

Mr. CRAWFORD. Mr. Chairman, reserving the right to object, and I shall not in this case, for 3 days I have tried to get 1, 2, or 3 minutes to talk on this bill. Hereafter I shall object to any requests to speak in excess of 5 minutes.

The CHAIRMAN. The Chair feels in fairness that the Chair should state to the gentleman from Michigan that his name has been called twice for recognition, but the gentleman did not respond.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. KEE. For a brief question.

Mr. KEEFE. The bill under consideration—the Bloom bill—contains a so-called cash-and-carry provision which requires foreign nations to pay cash over here in America before they can take any goods away. Why were they required to come here and pay cash?

Mr. KEE. We require them to come here and pay cash because we want the title to those goods to pass to foreign nations so that American citizens will have no interest in the goods in the event they are lost or damaged in transit.

Mr. KEEFE. Is there anything in this bill, then, which prevents a ship of the American merchant marine manned by American seamen being loaded with goods for which cash has been paid, and carry those goods right over into the face of the guns of the enemy? Is there anything in this bill that prevents that?

Mr. KEE. There is nothing in this bill which would prevent it.

Mr. KEEFFE. Then unless the bill is amended American ships will be permitted to load with contraband or goods which have been paid for here and take them right into the war zone. Are you not subjecting American seamen to this hazard?

Mr. KEE. It is being done under the present law, and they have a right to do it under the present law.

The question the gentleman from Wisconsin has asked shows the absolute futility of adopting an amendment of this kind. You are absolutely stopping the shipment of any American goods, manufactured goods, or any products of the United States, in any American bottoms, tying our ships to our wharves, and driving our flag from the seas; but you are letting the vessels of every other nation of the world come here and get these goods and carry them away. Why destroy the American merchant marine by denying to ships of American registry and sailing under the American flag the right we accord to all other nations of the world.

The amendment is unfair and disastrous in its effect, and should be voted down.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. BLOOM. Mr. Chairman, will the gentleman from New York yield to see if we can reach an agreement upon time?

Mr. FISH. Certainly.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH] for 5 minutes.

Mr. FISH. Mr. Chairman, I am opposed to this amendment because I think it is an utterly unfair discrimination, restriction, and limitation upon the American merchant marine. This amendment says that nothing shall be carried in any American ship. To my mind this is a pusillanimous and cowardly proposal. It takes the American merchant marine and the American flag right off the seas, when the Congress of the United States is spending hundreds of millions of dollars to build up the American merchant marine. It provides too that our wheat, our copper, our cotton, and the other great products of our mines and farms cannot be shipped in American bottoms to these foreign nations.

If the Members of the Congress know just what this amendment does, I do not believe they will vote for it. It should receive very little support. If the gentleman had added the following words to his amendment "that American ships shall carry these products outside of arms and ammunition (deadly weapons) at their own risk" then I would support it and at the proper time I propose to offer such an amendment. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I appreciate it has been a long, hard, anxious day, but I want to remind the Members again of the bill that is now pending before the Committee on Merchant Marine and Fisheries, which would provide war-risk insurance at the taxpayers' expense for foreign vessels as well as our own foreign cargoes, their men and personal effects. Clearly the Members of the House will not want to force the taxpayers to pay war-risk insurance on foreign vessels, their men, their cargoes, and their personal effects. No country in the world has ever had this form of insurance.

Mr. KEEFFE. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. KEEFFE. In response to the suggestion that has just been made, if the Congress adopts the amendment which

would prohibit the use of American merchant ships in which to carry goods that have been bought and paid for under the provisions of this law, bought and paid for because it is the intent of this committee that we shall not become involved in war by having American goods go into the war zone, we still are going to permit the American merchant ships that the taxpayers of this Nation own to take those goods, that no American firm or no American individual has any interest in whatsoever, and transport those goods directly into the face of the war zone in Europe. The bill when you first proposed it had a somewhat sensible provision that permitted war zones to be outlined by somebody into which these ships could not go, but as the bill is framed now these ships can go right into the face of any belligerent nation.

[Here the gavel fell.]

Mr. HINSHAW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HINSHAW. Do I understand that the gentleman from Pennsylvania or the gentleman from Texas reserved a point of order against the pending amendment?

The CHAIRMAN. The Chair is not prepared to tell the gentleman what he understood.

Mr. HINSHAW. May I inquire whether a point of order has been reserved against the amendment by the gentleman from Texas [Mr. JOHNSON]?

Mr. BLOOM. There was a point of order reserved.

The CHAIRMAN. The gentleman from Texas [Mr. JOHNSON] reserved a point of order.

Mr. HINSHAW. Is it proper that that point of order be brought up now and be disposed of?

The CHAIRMAN. That is a matter within the control of the gentleman from Texas [Mr. JOHNSON].

Mr. KELLER. Mr. Chairman, I offer an amendment to the amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. KELLER as an amendment to the amendment offered by Mr. BELL: At the end of the pending amendment insert "that upon the declaration of war or upon a condition of war actually existing, it shall be the duty of all Americans to go in the house and shut the door so we won't never have no war no more."

Mr. KELLER. Mr. Chairman, I want to reread this amendment, because it is the only way I know of we can keep out of war. Here it is: "That upon declaration of war or upon a condition of war actually existing, it shall be the duty of all Americans to go in the house and shut the door, so we won't never have no war no more."

That is the only way we are going to be certain to keep out of war. I have sat here and I have been a good deal amused at men who ordinarily talk common sense. A good many of them seem to have gotten off on the wrong foot.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Apparently the gentleman has peace at home.

Mr. KELLER. The gentlewoman is quite right and I am sure speaks from a similar fortunate experience of her own.

Mr. EATON of New Jersey. Will the gentleman yield?

Mr. KELLER. I must yield to the gentleman, because he is one of those who spoke wisely and well today.

Mr. EATON of New Jersey. I wonder if a large cyclone cellar would not be better. They ought to crawl in the hole and pull the hole in after them.

Mr. KELLER. Yes. We have talked about peace in a most war-like manner. A few men, thank goodness, on both sides have talked thoroughly sensibly to us—WADSWORTH, MAAS, EATON, LUTHER JOHNSON—first speech—Izac, and RAYBURN. Men who have studied this proposition and who have read their history know that we cannot through legislation prevent war under all conditions. [Applause.]

Now, nobody wants war. Yet, if a stranger sat here tonight in the balcony and listened to some of the speeches, he would think everybody wants war except the man who



is speaking at the time, because the fellow who talks accuses everybody else indirectly of wanting war and implies broadly that he principally wants to stop war. He is the little hero who stands out in front of the American people, wraps the American flag around himself and says, "All these guys do not know what it is all about, but I do. I am the one who wants peace. Give me the chance and I will bring you peace." A boy in the cloakroom today said, "Nobody is talking about war but the Members of Congress." And the boy was right.

Mr. Chairman, I am ridiculing the various Members and the men who have talked that way because they ought to be ridiculed. The people ought to give them a good laugh, which is coming to them. I hope from now we will talk sense on this question.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a brief question?

Mr. KELLER. For a question, yes; but not for a speech.

Mr. SCHAFER of Wisconsin. Will not the American people have a great big horselaugh when they read the gentleman's amendment? [Laughter.]

Mr. KELLER. I hope they do with the gentleman from Wisconsin as the most appropriate leader of the horse chorus. That is the intention of the amendment, of course. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KEEFE] for 2 minutes.

Mr. KEEFE. Mr. Chairman, I beg the indulgence of the Committee because I did not quite finish the question I was asking the gentlewoman from Massachusetts. I do want to convey this thought to you. If you do not think there is a plan all wrapped up that is involved in this proposed neutrality legislation, you get the bill which is now pending before the Committee on Merchant Marine and Fisheries which proposes to establish a Bureau of War Risk Marine Insurance, and set aside \$100,000,000 in the Treasury of the United States to be used for the purpose of financing the carriage of these goods, in which no American has any interest, over to the warring nations of Europe.

Under the terms of that bill the War Risk Insurance Board would not only insure the hulls of the American merchant marine but would also insure the hulls of foreign-flag ships that would carry those goods in which we have no interest. It is all part of a well-defined plan that, if we get into war, the goods are going to move, and if the merchant marine of the United States is to be swept off the seas you will see it swept off fast enough when we get to carrying these contraband goods in the face of the warring nations of Europe. The sad part of it is, Mr. Chairman, that the poor people whom I represent in Wisconsin will be taxed to pay the bill. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. Hook] for 3 minutes.

Mr. HOOK. Mr. Chairman, as I said in the beginning of this debate, and I still believe it, we cannot legislate neutrality. I will not cover that ground again. During this debate and after listening to the speeches of some of the Members on the Republican side of the House, I thought we had risen above party politics. I thought they were interested in neutrality and actually interested above everything in keeping America at peace. I thought they were interested in the fact that they truly wanted real neutrality. Many fine speeches were made to the effect that they did not believe that we could legislate neutrality. Your leading Republicans spoke on the floor of the House along those lines, but to my utter surprise and disgust the amendment for the embargo was placed in the bill. Those very Members who made their speeches so spiritedly to the effect that we cannot legislate neutrality did so for the press only. Hypocritical in the extreme, they walked through the tellers behind their leader on this subject, the Honorable HAMILTON FISH, and voted against the very things they had talked

about on the floor of the House. How can we expect to have a program of neutrality when Members are not any more sincere than that?

When are you going to be honest with yourselves? I ask you this in all sincerity. You leaders over there on the Republican side know to whom I refer. You know that you talked one way and walked down behind the leader and voted the other way because you consider you made statements to the effect that you were not in favor of the things for which you just voted. It is my sincere hope that when we come to the point where you will be forced to put yourselves on record with a vote of either "yea" or "nay" on the embargo amendment, you will at least vote along the lines you talked about on the floor of the House. You will get a chance to do it, and I feel certain you will not be able to back away from it because you would not want it to be known that you double-crossed the people of your district.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. THORKEKELSON] for 3 minutes.

Mr. THORKEKELSON. Mr. Chairman, I have been sitting here the whole afternoon listening to discussion of the many causes which bring about war. There is one issue that has not been raised this afternoon, and that is gold. The cause of all wars is gold and credit. It was credit that caused the World War and it was credit that brought about the first infringement of international law in regard to war. It is well for you to bear in mind that the international dollar is now secured on 15.521 grains of gold and that all international credit is paid in gold. Today the stage is set perfectly for another war because we have \$13,500,000,000 in gold in our Treasury, and foreign nations can take our bonds and take our commodity money that we are using here today, and that can pay for all the war material they want to buy. They now have a credit in the United States of nearly \$13,000,000,000. That is the amount of gold certificates now outstanding, and that money will be used under this amendment to carry war materials from the United States to whoever wants to buy it. That is the thing you want to stop if you want to stop war.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a question?

Mr. THORKEKELSON. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In view of the fact that foreign governments that are arming to the teeth owe the American Treasury \$13,000,000,000, does not the gentleman believe it would be wise if we would follow the advice of former President Jackson and pass legislation to collect the money they owe us for the past war instead of giving them more money to carry on future wars?

Mr. THORKEKELSON. Yes; I do. I believe we should collect the war debt. I also want to say that I believe we should place an embargo on the gold so it cannot leave the United States. Then there will be no war because they will have no money to pay for a war. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CRAWFORD] for 3 minutes.

Mr. CRAWFORD. Mr. Chairman, the only reason I have wanted time the last 2 or 3 days was for the purpose of asking specific questions with reference to the bill. If I can, I should like to get the answers to these questions from the acting chairman of the committee [Mr. BLOOM]. The questions are these:

Does this bill as it has been presented to the House permit the use of the Federal Reserve Banking System in the handling of credits which are created by aliens who come to this country and purchase goods from the manufacturers of this country and then proceed to ship the goods to foreign lands?

Mr. BLOOM. It does not.

Mr. CRAWFORD. The Chairman says it does not permit that.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. AUGUST H. ANDRESEN. The foreigners have credits now in excess of \$7,000,000,000 in the Federal Reserve banks of this country.

Mr. CRAWFORD. If this bill does not permit what I have just inquired about I wish someone on the committee would explain to the House what it means where it says that the 90-day commercial-transaction paper can be used. I have been informed authoritatively by the Federal Reserve banking officials that it does permit the use of the Federal Reserve banking machinery for the purpose of financing these transactions.

I wish to ask the chairman another question. Does this bill permit citizens of the United States to ship these goods or does this bill prevent the citizens of the United States who manufacture the goods from shipping them, but at the same time permits aliens to come into this country and purchase these goods and make the shipments?

Mr. BLOOM. Whatever is purchased in this country, before it leaves any port in the United States, the title must be transferred. All title and interest must be transferred before they are permitted to go from any port in the United States.

Mr. CRAWFORD. That was my understanding of the bill. So as I further understand the bill, an alien could come to my factory where I desire to employ people and produce goods and sell them, and through his power under this bill, he can come in and dictate my labor conditions, my labor relations, otherwise I get no business from that alien in connection with the shipment of these goods. It seems we are setting up a perfect control—

Mr. BLOOM. How does that statement apply to any part of this bill? I do not see where the gentleman gets that.

Mr. CRAWFORD. Mr. Chairman, anyone who carefully reads the bill must come to the conclusion only aliens can take title to goods to be shipped. They can finance, build, and operate plants, dictate labor policies, blackmail, sweat down, and coerce the American owners and operators of American industry. American industry, to the extent it sells goods for export, must do so under the terms of the alien who places the order and puts up the cash and ships the goods. Such a proposal is impossible and we should reject it.

The CHAIRMAN. All time has expired on the pending amendment.

The question is on the amendment offered by the gentleman from Missouri [Mr. BELL].

The question was taken and the amendment was rejected.

Mr. IZAC. Mr. Chairman, I offer an amendment.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUGUST H. ANDRESEN. I do not recall that we voted on the amendment offered by the gentleman from Illinois [Mr. KELLER]. The gentleman did not withdraw it?

The CHAIRMAN. The gentleman from Minnesota is correct. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Missouri [Mr. BELL].

The amendment was rejected.

Mr. IZAC. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. IZAC: Page 2, after line 15, insert a new section, as follows:

"Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, to export or ship from, or take out of the United States, or attempt to export or ship from or take out of the United States, any goods, wares, merchandise, munitions, materials, or supplies of any kind or character which there is reason to believe will, if exported, be used, directly or indirectly, in violation of the sovereignty, or the independence, or the territorial or administrative integrity of any nation whose sovereignty, independence, and territorial and administrative integrity the United States is obligated by treaty to respect."

Mr. SHANLEY. Mr. Chairman, I wish to make a point against the amendment, but if the gentleman wishes to proceed, I will reserve it.

Mr. IZAC. Yes; I will ask the gentleman to reserve his point of order, although I do not concede that a point of order lies against the amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHANLEY] reserves a point of order against the amendment.

Mr. IZAC. My friends, there you have the other extreme. If you insist on the amendment that you have just passed placing an embargo on arms and munitions, why not be consistent and go the whole way? You remember that the whole western coast of France was lined with the automobiles of Ford and Dodge during the World War when we got into it. They did not need, as I said this afternoon, our 3-inch guns and 3-inch shells, but they did need our automobiles.

Now, you are providing under the amendment you have adopted, a prohibition against the export of the things they do not need. Why not go along with me and prohibit the export to those nations—those aggressor nations, if you please—that need the oil and the automobiles and the copper and the other implements of war that are to be manufactured into munitions of war when they get across the sea?

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. IZAC. I yield.

Mr. LUTHER A. JOHNSON. I think the amendment offered by the gentleman is worthy of consideration, but I do not think it belongs in this joint resolution. I do not think it is germane to the resolution, and I believe if the gentleman from California now speaking and the gentleman from New Jersey and others who have spoken on the subject would ask the Foreign Affairs Committee of the House, the committee would be pleased to take that up and have complete hearings on it. I think it would be ill-advised for us to consider the matter now when we have not had hearings upon it and do not know what the effect may be as concerned our relations with other countries.

Mr. IZAC. I yield to the gentleman from New Jersey.

Mr. EATON of New Jersey. I would like to ask the chairman of the Committee on Foreign Affairs—we have heard from the ranking member—I would like to ask the chairman if he will agree to consider this proposition in the form of a bill as soon as this neutrality thing is out of the way?

Mr. BLOOM. I will say that I have already stated to the committee that we would be very glad to take up the resolution at any time and consider it as soon as we get this legislation out of the way. I will make that promise.

Mr. IZAC. I do not want to take up the time of the Committee, but I think this is a question that should be gone into very thoroughly, because if you are going to be consistent about this thing you must embargo the very things that go into munitions. One aggressor nation today is importing from the United States at the rate of \$200,000,000 a year and less than \$1,000,000 is for munitions of war.

Mr. LUTHER A. JOHNSON. The gentleman realizes the necessity for consideration of this matter by the Committee rather than in this bill?

Mr. IZAC. I admit it would be probably better to go into this question thoroughly, and as long as the gentleman assures us that he will go into it, I ask unanimous consent to withdraw the amendment.

Mr. THORKELOSON. Will the gentleman yield?

Mr. IZAC. I yield to the gentleman from Montana.

Mr. THORKELOSON. The gentleman realizes that all bonds held by foreign nations and commodity money held by foreign nations are payable in gold to those nations, and that the money will be used for buying war material in the United States?

Mr. IZAC. Our committee had before us the experts from the Treasury Department who stated that in their opinion, of the seven or eight billion dollars in securities, domestic securities held abroad, a very small percentage of that could



be turned into liquid assets when a nation went to war and tried to cash them.

[Here the gavel fell.]

The CHAIRMAN. Without objection, the amendment offered by the gentleman from California [Mr. Izac] is withdrawn.

There was no objection.

The Clerk read as follows:

#### TRAVEL ON VESSELS OF FOREIGN STATES

SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the state or states named in such proclamation, except in accordance with such rules and regulations as the President shall prescribe.

(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

With the following committee amendment:

Page 2, line 16, strike out the word "foreign" and insert the word "belligerent."

The committee amendment was agreed to.

Mr. BLOOM. Mr. Chairman, there are other committee amendments to section 2 which are at the desk.

The CHAIRMAN. The Clerk will report the amendments offered by the committee.

The Clerk read as follows:

Committee amendment offered by Mr. BLOOM: On page 2, in line 18, strike out the words "it shall" and insert the word "no."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment offered by Mr. BLOOM: On page 2, line 19, strike out the words "thereafter be unlawful for any" and the last word "to" and insert after the words "United States" the word "shall."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment offered by Mr. BLOOM: On page 2, in line 20, after the word "travel", insert "except at his own risk."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment offered by Mr. BLOOM: On page 2, in line 21, strike out the word "except" and insert the word "unless."

The committee amendment was agreed to.

Mr. COOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 3, after section 2, insert the following new section:

#### "TRAVEL ON AMERICAN OR OTHER NEUTRAL VESSELS

"SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall be thereafter unlawful, except in accordance with such rules and regulations as the President shall prescribe, for citizens of the United States to travel as passengers on any American or other neutral vessel carrying arms, ammunition, or implements of war to any state or states named in such proclamation.

"(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a) the provisions of this section and of any regulations issued by the President hereunder, shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation."

Mr. BLOOM. Mr. Chairman, I reserve all points of order.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. COOLEY. Mr. Chairman, the proper consideration of this bill requires that we should lift ourselves above the passions and prejudices of partisan politics. As Americans we should not permit blinding partialities or narrow prejudices to prevent our seeing and understanding the full

import of that which we are about to do. We are at this moment engaged in important business. No business which has come before this Congress may so vitally affect the welfare, the happiness, and the ultimate destiny of our people as the business which now engages the attention of this House.

Upon the proper solution of the problem of neutrality may well depend the ultimate success, the survival, and the supremacy of the Government to which we are all devoted. The problem challenges our intelligence and the very finest virtues of our patriotism. It is a problem, however, which we may not be able to satisfactorily solve, but to be sure it is one which is worthy of our deep interest and our most careful consideration.

You know and I know that neither a policy nor a law nor a treaty will assure neutrality or guarantee peace. When war comes and we are faced with actualities, platitudes and pious pronouncements will not prevent bloodshed. Yet we should make every constructive and conscientious effort to aid the grand cause to which our attention is at the present time devoted.

I have heard this debate patiently; I have considered the questions involved diligently; I hope that it may be given to me to decide them wisely. I confess that I have been profoundly impressed with the very intelligent, sincere, logical, and persuasive arguments which have been made in behalf of the pending measure.

The argument against rigidity and in favor of flexibility in neutrality legislation has appealed to me very strongly. I am convinced that our laws should permit freedom of action in times of emergencies—freedom of action which will enable us to meet and to cope with complicated world situations as they may from time to time arise. I realize that there is a possibility that our Nation may at sometime in the future be embarrassed by rigid legislative enactment and that our Nation may, because of some ill-considered law, be prevented from making magnificent contributions to the cause of world peace.

I know that the American people love and want peace. I know that those whom I have the honor to represent hate war and love peace, and as a Member of Congress I am anxious to make some contribution, even if by just a vote, to the great cause. But is this bill in its present form a legislative contribution to the cause of peace? You know and I know that the best that we may say for it is that it is but a feeble effort. Yet as American statesmen, as Members of this law-making body, we should make every conscientious and constructive effort to aid the grand cause which is now receiving our attention. Therefore, if we are to pass another so-called neutrality bill we should do our dead level best to perfect it before passage. We should be careful not to do violence to the ancient ethics of civilization to which this Nation was dedicated long ago. We should guard against the possibility of aiding the strong in aggressive exploits of the weak.

Likewise we should never again offend or outrage our traditional policy of minding our own business and not interfering in the affairs of other nations. When in the practice of the arts of peace we permit ourselves to be led from the policy of noninterference we will soon find our fond hope of noninvolvement blown to pieces and our Nation again being led into a foreign conflict and on to a foreign field of carnage. Our foreign policy must be a dual policy of nonintervention as well as noninvolvement. In this bill both questions are involved. Even if we abandoned all neutrality legislation and returned for our protection to the ancient and traditional concepts of international law, still we would not have a guaranty of peace.

After all is said and done the consummation of our ardent hopes and desires for world peace will ultimately and finally depend, not upon professions in behalf of peace; invocations against the follies of war; nor upon some policy, law, or treaty, but upon the enlightened judgment of the American people. Public opinion is still king in America; it is today the most powerful force in the life of this great democracy. Unless the dynamic power of public opinion supports and

approves what we do here today or hereafter our laws will be as a sounding brass and a tinkling cymbal, signifying nothing. No law which we may enact can be regarded as an infallible Palladium of peace.

As laws cannot control public opinion, neither will laws repel the belligerent spirit, the reckless and rapacious tide of violence which is rushing on from one vortex to another in the unhappy world in which we live today. As we contemplate the future and speculate upon our place in the world of tomorrow we must realize that our real power lies not in the extent of our domain, nor the wealth of our resources but in the intelligent integrity and spiritual fortitude of our patriotic people. The character of our people is our best fortress, a fortress which will fall neither under the first nor the last assault. So any law which we may enact must appeal to and be approved by the fine sensibilities which are inherent in the lives of our people. The drama which is being enacted in the troubled and distracted world in which we live is a challenge to us to approach the performance of our duties and the solutions of the problems of our great Nation with a high degree of circumspection and caution.

Let there be no misunderstanding about the bill under consideration. It repeals outright the embargo on arms, armaments, ammunitions, and implements of war. It again legalizes that which today is regarded as a nefarious business, the trading and trafficking in instruments of destruction and death. The bill under consideration is not a "cash-and-carry bill." It is ostensibly, but not actually, even a "cash bill." It does not require the cash payment for but only the divesting of all right, title, and interest of American citizens in and to the cargo destined for ports of belligerent States. While it is not a "cash-and-carry bill" the feature which requires that all American citizens surrender all of their right, title, or interest in and to cargoes destined for ports of belligerent states, appeals to me as a very worth-while provision and I believe it will meet with the approval of the American people.

I am impressed with and believe that public opinion will support and sustain the provision of this bill which permits American citizens to travel on vessels of belligerent states only at their own risk, but I do not believe that either Congress should approve or that American public opinion will support or sustain legislation which makes possible the reenactment of the tragedy which wrung our heart when the *Lusitania* was sent to the bottom of the sea and its precious cargo to watery graves. On the other hand, public opinion will support and sustain us in all of our efforts to avoid incidents which are calculated to involve us in war.

Believing as I do that the American people will support and approve legislation that will tend to prevent such incidents, I offer an amendment a copy of which I have furnished to the committee. I understand that section 3 of the present bill is to be deleted and my amendment will be a substitute for the present section 3 and will read as follows:

SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall be thereafter unlawful, except in accordance with such rules and regulations as the President shall prescribe, for citizens of the United States to travel as passengers on any American or other neutral vessel carrying arms, ammunition, or implements of war to any state or states named in such proclamation.

(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

Without some such provision as proposed by my amendment this bill will permit arms, ammunitions, and implements of war to be carried not only in vessels of belligerent states, not only in our own general cargo vessels, not only in our merchant-marine ships which are engaged strictly in foreign commerce, but the bill will actually permit the shipment of cargoes of arms, ammunitions, and implements of war in the bottoms of American passenger ships. This is the feature of the bill to which I most strenuously object. There just is not any reason on earth why this great and wealthy nation

should make itself a savage and a monster in its fight for world commerce by permitting the bottoms of American passenger ships to be filled with arms, ammunitions, and implements of war when we know that the upper decks will be freighted with a cargo of human lives—innocent men, women, and children who are near and dear to the hearts of other American citizens who are left at home. It is brutality of the rankest sort to permit innocent American citizens to sleep in a false sense of security above kegs of dynamite and other instruments of war and destruction as they sail in our passenger ships upon the high seas. We shall not permit our cupidity or greed to cause us to be willing to attempt to justify such conduct.

The amendment which I propose will make it unlawful for citizens of the United States to travel as passengers on any American or other neutral vessel carrying arms, ammunitions, or implements of war to any state or states named in the proclamation issued under the authority of section 1 of this bill.

I do not believe that the American people will become greatly alarmed over the destruction of a cargo of arms and ammunitions of war, certainly not when the title to the cargo must, under this bill, pass to governments or citizens of other countries before leaving our ports. Neither am I willing to believe that the American people will be greatly alarmed or willing to fight because an American ship loaded with a cargo of contraband war materials has been sent to the bottom of the sea. The loss of a cargo or of a boat is but a property loss. If an American ship engaged in foreign commerce with a belligerent state is sent to the bottom of the sea because it is carrying contraband materials it is, of course, reasonable to assume that some American sailors will lose their lives, but the loss will be one which is the result of a risk incident to their employment. They will at least be conscious of the fact that they are trafficking in instruments of destruction and sleeping in beds of death as they ride the waves across the sea. We may regret the loss of an American ship or sailor but we will abhor the destruction and the loss of a shipload of innocent American passengers.

I do believe that if we permit arms, ammunitions, and implements of war to be transported upon passenger boats American citizens will feel that they have been outraged, and in the event one of these passenger boats, laden with a cargo of contraband goods and likewise laden above the main deck with a human cargo of precious lives, is submarined and sent to the bottom of the sea the minds of our people will become inflamed and the incident is likely to lead us into conflicts with other nations.

It does not make any difference what part of our foreign commerce is carried on in the bottom of American passenger boats, certainly we can afford to use our passenger boats for passengers and cargoes other than cargoes of outlawed materials. If we want to fight for our foreign commerce at least we should be frank and fair with American citizens who desire to travel on our ships and we should not permit the mixing of human cargoes with other freight which has been outlawed.

While I am not so greatly concerned about the inconvenience or loss to American commerce on account of the amendment which I offer, I have obtained from the Department of Commerce information which some Members of the House may wish to consider. I am advised that on March 31, 1939, there were 160 general cargo vessels, a total capacity of 897,000 gross tons, engaged in foreign commerce, and that while some of these 160 ships do not carry any passengers at all, most of them carry a few passengers. I am advised that none of these 160 ships are authorized to carry more than 12 passengers. Certainly we could afford to forego the privilege of transporting 12 passengers on each of these ships.

I am advised that on March 31, 1939, there were 68 American vessels engaged in foreign trade which carry both passengers and cargoes. What my amendment proposes to do is to separate these 228 ships into two categories. The 68



ships would only be permitted to carry passengers and legal cargoes, while the bottoms of the other 160 ships would be free for commerce of all kinds.

Upon the adoption of my amendment the world would be on notice that our passenger ships were not engaged in the unholy business of transporting instruments of death. Unless my amendment is adopted, and if we go on and permit our citizens to ride on top of cargoes of destruction, it does not seem possible that we will be able to keep this Nation out of war. I therefore hope that the amendment may be seriously considered by the Members of this House, and that it may be adopted.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. LUTHER A. JOHNSON. Is the gentleman's amendment offered to section 2 or section 3?

Mr. COOLEY. The effect of the amendment is to insert a new section following section 2.

Mr. LUTHER A. JOHNSON. It is not directed to section 2?

Mr. COOLEY. It does not change section 2. Section 2 of the bill provides that American citizens traveling upon ships of belligerents do so at their own risk. What I want to provide is that it shall be unlawful for any American citizen to ride upon any American vessel that carries dynamite or other implements of war in its bottom.

Mr. LUTHER A. JOHNSON. Would not the amendment offered by the gentleman from Ohio, if adopted in the House, accomplish the same purpose?

Mr. COOLEY. But the amendment offered by the gentleman from Ohio may be eliminated from the bill. That does not excuse us on this occasion for failure to declare ourselves on the principle involved and to take away the right of American citizens to ride upon ships carrying implements of war, and thus prevent another tragic incident such as the *Lusitania*.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. BLOOM. As I understand the amendment the gentleman has offered, he would make it unlawful for a citizen of the United States to do that?

Mr. COOLEY. Exactly.

Mr. BLOOM. That is just the objection that was raised to the original section 2 of the pending bill when we tried to make it unlawful to do that very thing.

Mr. COOLEY. I do not know what pressure was brought to bear upon the gentleman to cause him to yield up the word "unlawful" and substitute the language that was put in this section. I think we must make it unlawful for an American to travel upon an American vessel carrying such contraband materials; otherwise they would not be traveling at their own risk but would be traveling at the risk of the Federal Government with the Army and the Navy to protect them.

Mr. BLOOM. A certain number of Members thought it was rather harsh and severe to make it a crime or make it unlawful for a person to travel on any of these ships. The idea of changing it to traveling at their own risk was to do away with making it a crime for them to travel on these ships. That is the whole thought.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. COOLEY. For a brief question.

Mr. JOHNSON of Oklahoma. Is it not a fact that the *Lusitania* was loaded down with armaments of war and if it had been unlawful for people to have traveled on the *Lusitania* under those circumstances it might have presented our entrance into the World War?

Mr. COOLEY. I think the gentleman is correct.

Mr. TINKHAM. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. As I read section 9, it forbids any American vessel to be armed or to carry any armament, arms, or ammunition or implements of war.

Mr. COOLEY. The reason I am offering this amendment is because, as I understand it, the committee will ask that section 9 be deleted from the bill.

Mr. TINKHAM. They are going to attempt that.

Mr. BLOOM. Section 9 is not in the bill. That will be offered as an amendment.

Mr. COOLEY. Section 9 will not be in there?

Mr. BLOOM. Section 9 is not in the bill.

Mr. COOLEY. Do I understand from the acting chairman of the Committee on Foreign Affairs that he would be willing to accept an amendment if the language was changed from "unlawful" to read that a passenger would be permitted to travel at his own risk?

Mr. BLOOM. I do not think there would be any objection to that.

Mr. COOLEY. Why should there be any objection to making it unlawful? Does not the gentleman think it would be one of the greatest crimes on this earth to again permit American citizens—men, women, and children—to be upon the upper decks of a boat, having no knowledge of what the boat may be loaded with, and permitting those men, women, and children to go out on the high seas and to be blown to pieces in their beds through a false sense of security?

Mr. BLOOM. The committee has been all through that. I do not object to it, but the idea is that a great many members of the committee thought it was rather harsh and severe to make it a crime for a person to travel, if he had to travel, on these ships. We changed it. The committee decided to amend it and we did so just now by having it provide that they travel at their own risk.

Mr. COOLEY. You do not have one word in this resolution, and you know it, you do not have one syllable in this resolution that will protect the lives of American citizens traveling on American vessels or vessels of other neutrals; but you have a provision in there with reference to their traveling upon vessels of belligerent states. I think it would be one of the greatest crimes of this century to again permit that which happened on the night that the *Lusitania* was sunk.

[Here the gavel fell.]

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. Cooley]?

There was no objection.

Mr. COOLEY. Mr. Chairman, I have no pride of authorship in this. I am sincere in my desire to see a provision written into this bill which might prevent an incident calculated to lead this Nation into war. Secretary Hull said in this report filed with the committee:

Our involvement in controversies is more likely to arise from destruction of American lives.

We can do all the committee wants to do; we can turn over 160 merchant-marine boats to ship all the arms they want to ship; but I say these 68 passenger boats should carry nothing but passengers and legal cargo.

Mr. KELLER. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Illinois.

Mr. KELLER. Would it not be the better plan to make the vessels responsible and prevent their accepting passengers?

Mr. COOLEY. If so, that could be done in conference.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. VOORHIS of California. Do I understand that the gentleman's amendment is limited only to American ships?

Mr. COOLEY. No; the American ships or ships of other neutral nations.

Mr. VOORHIS of California. I wanted to make that clear.

Mr. GEYER of California. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. GEYER of California. Does the gentleman have any provision in there to also protect our seamen?

Mr. COOLEY. No. I had that thought in mind, but I felt if we should lose a ship or if a sailor loses his life, he does so

as the result of risk which is incident to his employment. He goes to bed at night knowing that the boat is loaded with dynamite and munitions of war; but what right have we to let them decorate the upper decks of these ships with men, women, and children when below they are carrying ammunition and implements of war?

Mr. GEYER of California. The seaman is there because he must go. The passenger is usually going on pleasure. I am wondering if we could not word this to protect the seaman.

Mr. COOLEY. I certainly hope the Committee will vote for this amendment.

Mr. GEYER of California. I am for the gentleman's amendment.

Mr. COOLEY. I do not see how there can be any objection. All the members of the Committee have had an opportunity to consider it, and they should not vote against it because they do not like the word "unlawful." I hope when the vote is taken the amendment will be adopted.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I had not intended to take the floor during the discussion of this bill because the able members of this Committee on both sides have given us a very fine debate. I was deeply grieved and utterly amazed, however, when this Committee a while ago adopted the so-called Vorys amendment. I cannot believe that on second thought and on a separate vote the House of Representatives will concur in that amendment.

The immediate reason for my rising is to speak on the amendment offered by the gentleman from North Carolina. The gentleman's amendment would penalize an innocent American citizen for stepping upon an American ship carrying arms, ammunition, or implements of war, although he may not have known what the ship was carrying.

It seems to me, with all respect to the very able gentleman from North Carolina—and I mean what I say when I say he is able—that he does not realize the import of the amendment he asks this Committee to adopt this evening, in that it would have the effect of making it unlawful for me or for you or for any other American citizen to step upon a vessel carrying war materials, when we would not know whether it carried war materials or not. Frankly, I do not believe, even though the Committee went so far on the Vorys amendment, that it will go so far as to adopt this amendment. [Applause.]

Mr. COOLEY. If the gentleman will yield, I am perfectly willing to accept the suggestion of the Chairman of the Committee and to provide in my amendment that American citizens shall travel on these boats at their own risk.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The question was taken; and on a division (demanded by Mr. COOLEY) there were—ayes 32, noes 136.

So the amendment was rejected.

The Clerk read as follows:

#### AREAS OF COMBAT OPERATIONS

SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall issue a proclamation, whereupon it shall be unlawful, except under such limitations and exceptions as the President may prescribe, for citizens of the United States or vessels flying the flag of the United States to proceed through any areas defined from time to time by the President to be areas of combat operations and so specified in his proclamation.

(b) The President may from time to time modify or extend his proclamation, and when the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the provisions of this section shall thereupon cease to apply.

With the following committee amendment:

On page 3, line 11, strike out the words "and exceptions" and insert "not inconsistent with the purposes of this joint resolution."

The committee amendment was agreed to.

Mr. BLOOM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Beginning on page 3, line 5, strike out all of section 3.

The amendment was agreed to.

The Clerk read as follows:

#### FINANCIAL TRANSACTIONS AND TRANSFER OF TITLE

SEC. 4 (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its citizens, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transaction.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

(c) Whoever shall violate the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

(d) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful, except in accordance with such rules and regulations as the President shall prescribe, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States directly or indirectly to any state named in the proclamation, any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in citizens of the United States no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials. Insurance written by underwriters on such articles or materials shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, and no loss incurred thereunder, shall be made the basis of any claim put forward by the Government of the United States. The provisions of this subsection shall not apply to trade on or over lands, lakes, rivers, and inland waters bordering on the United States.

(e) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

With the following committee amendment:

Page 4, line 15, after the word "transaction", insert a semicolon and the following: "the President shall make public every 90 days any and all exceptions granted under this proviso, together with the amounts of credits involved."

The committee amendment was agreed to.

Mr. BLOOM. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. BLOOM: Page 4, line 12, after the word "section", insert "for a period of not more than 90 days without renewals."

The committee amendment was agreed to.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: On page 4, line 8, after the word "person", strike out the semicolon and the balance of section 4 (a) and insert a period.

Mr. HINSHAW. Mr. Chairman, this proviso is what I would call the "Uncle Shylock" proviso of this bill—the "Uncle Shylock" proviso because just preceding this the bill states:

Or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make



any loan or extend any credit to any such government, political subdivision, or person.

In other words, we are not going to make them any loans unless it is to the benefit of the commercial interests of the United States. If you think that is a fair provision and a proper one, one that can be looked upon with any spirit of equanimity by the people of the United States or any other nation of the world, I will be glad to eat my words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 6, line 11, insert a new section as follows:

"It shall be unlawful for any American or neutral vessel to accept passengers which carries arms and ammunitions."

Mr. BLOOM. Mr. Chairman, I reserve a point of order against the amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I trust that in spite of the confusion on the floor that Members have heard the proposed new section offered by me and now pending for consideration. The amendment is short, plain, and speaks for itself. It simply states that it shall be unlawful for any vessel, whether neutral or American, to accept passengers when that vessel is loaded with ammunition or armaments of war. As was pointed out here just a few moments ago, it is well known that the *Lusitania* was loaded down with armaments of war when it was torpedoed. Even before the *Lusitania* sailed, the State Department had information that it carried armaments and munitions. Not only had the State Department this information, but it had also been advised that there was every probability that the vessel would be torpedoed; yet passengers were permitted to be loaded on that death trap and taken to a watery grave. I speak deliberately and weigh my words when I say to you that had Congress passed the simple amendment I have here offered, and same had become the law at that time, it might have prevented the most cruel and devastating war the world has ever witnessed. Certainly there can be no harm done by accepting this amendment.

This amendment does not propose to place the burden upon the passenger, who might unsuspectingly board a vessel loaded with arms, as did the amendment that was offered just a few moments ago by the gentleman from North Carolina [Mr. COOLEY], but it does put the burden upon the shipowner, where it rightfully belongs. [Applause.] Should this plain, simple amendment be enacted, there will be no question as to its exact meaning. It will not take an international lawyer to interpret what it means. Its practical effect would undoubtedly be that American or neutral vessels would not accept munitions of war if they actually carried passengers, nor would passengers be permitted to ride on ships carrying armaments and munitions. I submit that it is a fair, sane, and reasonable amendment and if adopted might prevent another world conflict. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. JOHNSON of Oklahoma) there were—ayes 62, noes 116. So the amendment was rejected.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: Page 6, line 2, after the period, strike out the balance of line 2 and all of lines 3 and 4.

Mr. HINSHAW. Mr. Chairman, if I may have the attention of the acting chairman of the Committee on Foreign Affairs, the gentleman from New York [Mr. BLOOM], I would like to inquire if he heard the amendment read.

Mr. BLOOM. I am very sorry, but I did not hear the amendment.

Mr. HINSHAW. The amendment seeks to strike out the last sentence in paragraph (d) of this section in lines 2, 3, and 4, of page 6.

Mr. BLOOM. The language is, "The provisions of this subsection shall not apply to trade on or over lands, lakes, rivers, and inland waters bordering on the United States."

Mr. HINSHAW. That is correct and I have offered this amendment striking out that language and I want to ask a question. I can hardly believe it possible that I may be right in reading this language. On page 5, in the beginning of section (d), it says:

It shall thereafter be unlawful, except in accordance with such rules and regulations as the President shall prescribe, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States, etc., any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government—

And so forth. However, on page 6 it is stated that this subsection "shall not apply to trade on or over lands, lakes, rivers, and inland waters bordering on the United States."

As I read that, it would mean that the provisions of the subsection would not apply if anyone wanted to export to foreign countries by way of, say, Mexico or Canada. Is that correct?

Mr. BLOOM. No; just going into those neighboring or bordering countries, and that is as far as it goes.

Mr. HINSHAW. But it has the words there "on or over lands, lakes, rivers, and inland waters bordering on the United States."

Mr. BLOOM. That would mean going into Mexico or Canada or any bordering States on any inland waterway.

Mr. HINSHAW. But it could be exported from there.

Mr. BLOOM. That would be impossible. How could we export from there?

Mr. HINSHAW. Suppose that Great Britain goes into war with some other nation; Canada being a part of Great Britain, under such circumstances the first part of section (d) does not apply.

Mr. BLOOM. We have no interest in it after it leaves this country and goes into a bordering country. How could we really export from those countries? We are through with it as soon as it leaves here.

Mr. HINSHAW. Why should it be any more unlawful to ship by sea than to ship through Canada? In fact, as I see it, we could ship from Chicago or Buffalo via the St. Lawrence and the provisions of this subsection would not apply.

Mr. BLOOM. That is just a matter of different ideas.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent to withdraw the amendment in view of the fact that the Committee does not seem disposed to consider amendments at this late hour.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: On page 3, beginning in line 23, strike out all of section 4.

Mr. CRAWFORD. Mr. Chairman, I offered this amendment in order to get an opportunity to make some inquiries with reference to the bill.

As I understand this bill, referring particularly to the amendment just offered by the gentleman from California [Mr. HINSHAW], I wish to ask the Chairman of the Committee if a manufacturer producing goods in Rockford, Ill., can place his goods on a ship going down the Mississippi River and land those goods at New Orleans and not be guilty of attempting to transport or export goods under the operation of this bill?

Mr. BLOOM. I do not believe there is any doubt about that. Does the gentleman think there would be?

Mr. CRAWFORD. No. I am trying to get some specific information for manufacturers. In other words, the manufacturers of this country will probably have to operate under this bill within a short time, if the Congress enacts it into law. We have had a great deal of discussion here, but very little dealing with the specific, technical details of the bill. That is what our manufacturers will be interested in

knowing about, without having to go to an attorney and pay three or four thousand dollars in attorneys' fees to have the matter explained to them. As I understand the chairman, a manufacturer will not be operating in violation of the provisions of this bill if he uses these inland waterways as a part of the transportation system in moving these goods to foreign shores.

Mr. BLOOM. To foreign shores?

Mr. CRAWFORD. Yes.

Mr. BLOOM. Well, I cannot understand just what the gentleman is inquiring about.

Mr. CRAWFORD. Our manufacturers will use the inland waterways for the purpose of shipping goods. Suppose I am a manufacturer at Rockford, Ill., and I solicit orders from someone in Europe under the operation of this law, and I succeed in getting the business and the European agent comes to my place in Rockford and purchases the goods f. o. b. shipside New York City or New Orleans, for instance, and I put those goods on the inland waterways and ship them by water to shipside, will I be violating the provisions of this act?

Mr. BLOOM. No. You would not be violating the provisions of this act as long as you comply with all the rules and regulations—

Mr. CRAWFORD. That is not my question. I am asking a specific question.

Mr. BLOOM. If you will permit me to answer it, the title to all these goods is transferred to some other than a citizen of the United States.

Mr. CRAWFORD. But suppose the transfer does not occur until the goods reach shipside at New Orleans, for instance?

Mr. BLOOM. Well, it could not leave any port of the United States until it is transferred. Now, if your agreement with this buyer is that the goods shall be transferred at the port of New Orleans or New York or some other place, that is the agreement that you make with them, and they cannot go on until the title is transferred; so that up to that time you have possession of the goods.

Mr. CRAWFORD. Now, that answers the question. The language of the bill says that no one shall attempt to export or transport or cause to be exported or transported. Will my soliciting this business cause me to become involved in the clutches of the law in an attempt to export or transport or cause to export or transport?

Mr. BLOOM. I am not a lawyer, but until your contract is finally terminated, until you have lived up to your end and the purchaser lives up to his end, you have not attempted to do anything. It says these goods shall be transferred before leaving any port within the United States to be exported to a foreign country. Now, you have a right to wait until that time. You cannot do anything else until they do get to the port. There is no question about that.

Mr. CRAWFORD. Let me ask this question: Does this bill not place the American manufacturer in a position where he must necessarily do business through a national of some other country, or say an alien agent? Is that not the situation the American manufacturer finds himself in?

Mr. BLOOM. No; not at all. He could do business with anyone he sees fit to do business with, but when the goods are ready to be sent away from any port in the United States, then the transfer of title must operate then and there. It is the transfer of title. That is the only thing that is necessary here. It must be transferred. No right, title, or interest shall be in the name of any citizen of the United States.

Mr. CRAWFORD. What kind of payment will constitute the transfer of title?

Mr. BLOOM. That is up to you.

Mr. CRAWFORD. That is up to the manufacturer?

Mr. BLOOM. That is up to the manufacturer.

Mr. CRAWFORD. In other words, he can accept a 6 months' note or a year's note or a 90-day note?

Mr. BLOOM. You cannot go beyond the 90 days. There are no notes to be extended beyond that time, but the idea

is this: When you say "transfer of title," whether you pay all for it or what you pay, the United States Government cannot follow in, but we must be assured or the gentleman must be assured that no citizen of the United States has any right, title, or interest in those goods, and the title to those goods is transferred to some foreign corporation, individual, or whatever it may be.

Mr. CRAWFORD. And this foreign corporation can discount its paper and make it eligible for commercial rediscount under our Federal Reserve System, if the banks desire to do business with them?

Mr. BLOOM. This is done in accordance with the rules and regulations. As the gentleman knows, these things are transferred on 60 or 90 days' credit. Sixty or ninety days' credit is given until the goods get to a certain point. That is what this calls for, a commercial credit, no renewals of any kind, and only for 90 days; that is all.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. CASE of South Dakota. May I call the gentleman's attention to the fact, however, that a self-serving declaration by the shipper that there is no right or title in any American citizen will serve to give that shipment clearance and also, under the terms of this bill operate as an estoppel against the assertion of such claim by any possible seller.

Mr. CRAWFORD. And that is the case whether the goods are paid for or not.

Mr. CASE of South Dakota. Whether the goods are paid for or not, and that is unconstitutional.

Mr. THORKELOSON. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. THORKELOSON. It is possible that American bonds and credit may be used to buy these goods.

Mr. CRAWFORD. I understand so.

Mr. Chairman, although I feel that this bill as it has been presented to the House will eventually be voted down, directly or indirectly, I think that as a matter of record we should speak very frankly about its provisions. As I understand the measure, exactly as it has been submitted by the committee it will extend to the President powers never before delegated or assumed by any one man in all modern history. I believe the bill would extend to the President what might be termed "supernatural powers"; that it would rob Congress of many of its present powers constitutionally granted, such as to declare war, because it virtually or actually does give to the President the power to issue proclamations carrying the force and effect of declarations of war—that a state of war exists between nations other than our own—and the bill would rob the people of this country of their protection through constitutional power given to Congress to do the war declaring.

It is reasonable to assume this bill would abrogate treaties and take away from the Senate its power to make and enforce them. The discretionary powers granted by this bill to the President would virtually destroy the powers of States, Governors, legislatures, and the personal rights of the people. It would subject industry in this country to a licensing system in order to sell goods to our own Government; it would force our industries to open their books to the prying eyes of political appointees; it denies to our people the right to appeal to and be heard by our courts and this because the courts would be without jurisdiction over the appointees of the President. The President could select "areas of combat"; throw the force of our financial strength and the value of our source of material to selected world powers favored by him, and these powers can be exercised without the slightest check on the part of the people of this country. Such powers I shall not support being given to our President. I feel sure the House will not adopt the bill as it has been submitted to us.

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.



The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUTHER A. JOHNSON: On page 6, line 4, insert a new subsection, as follows:

"(e) Whenever the President shall have issued a proclamation under authority of section 1 (a), and he shall also find that in order to preserve the peace of the United States or to protect the lives of citizens of the United States, he shall so proclaim, and thereafter except, under such limitations and exceptions, as he may prescribe it shall be unlawful thereafter for any American vessel to carry such articles or materials to any belligerent states for the use of any belligerent state."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I offer this amendment, not as a committee amendment but on my own individual responsibility, and it is done only because of the fact that since section 3 has been eliminated there is no provision in the bill regulating American vessels in the carriage of goods. It strikes me that there ought to be something in the bill by which, under certain circumstances, limitations could be placed upon American vessels in shipping goods if the danger should become so great that it might hazard the peace of the United States or hazard the lives of our citizens.

The language of this amendment is identical with that carried in old section 2, which expired April 30, giving this authority to the President under certain conditions. This is all I care to say.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. KELLER. Has the gentleman looked into the embargoes that have been placed on our commerce, has he studied their effect?

Mr. LUTHER A. JOHNSON. This would not be an embargo or become effective, rather, unless conditions grew so grave that the President thought it was necessary to invoke some restriction upon our vessels in carrying goods. It would not be invoked automatically. It could be invoked only if necessity arose that might require it.

Mr. KELLER. It gives additional power to the President.

Mr. LUTHER A. JOHNSON. The power has got to be lodged somewhere, and that is the proper place to put it.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. VORYS of Ohio. Does the gentleman say that this is the precise language of section 2 of the act that was in effect up until April 30.

Mr. LUTHER A. JOHNSON. As well as I could write it. I wrote it very hurriedly. I intended to copy that provision word for word.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. FISH. Would the gentleman accept an amendment to the effect that these ships should go at their own risk?

Mr. LUTHER A. JOHNSON. I think that is not necessary. I think that has already been done. This simply restricts the shipment of goods for the use of our ships if certain conditions should arise to require it. I do not think we need to add the words "at their own risk."

Mr. FISH. I do not quite understand the purpose of the gentleman's amendment.

Mr. LUTHER A. JOHNSON. This has nothing to do with reference to risk. This would give the President the authority to prohibit their carrying goods if the conditions were such that to do so would endanger our peace. It is not with reference to their own risk but with reference to their right to carry goods to belligerent nations.

Mr. FISH. I think we want to make haste a little slowly on this amendment. It seems to me this is a very far-reaching amendment and perhaps gives tremendous discretionary power to the President actually to control all our commerce and pick out aggressor nations and say we will not ship our goods to those nations.

Mr. LUTHER A. JOHNSON. The gentleman is laboring under a misapprehension.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. CHIPERFIELD. In the gentleman's opinion does this amendment prevent American vessels from carrying arms, ammunition, and implements of war to belligerents? Does the gentleman think it would have that effect? If the Vorys amendment stays in the bill that would never become a question. This gives the President authority to prohibit a shipment of goods to belligerents in our ships. But if the Vorys amendment goes out the effect of the gentleman's amendment would be that our American vessels would be prohibited from carrying arms, ammunition, and implements of war to belligerents?

Mr. LUTHER A. JOHNSON. I think so.

Mr. WADSWORTH. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from New York.

Mr. WADSWORTH. Does not the gentleman's amendment confer a wider power upon the President than was conferred in section 3, which has just been eliminated?

Mr. LUTHER A. JOHNSON. I do not think so. Section 3 that was eliminated did not restrict itself to ships only, but it also restricted American citizens traveling upon our own ships or on the ships of other countries. That section authorized the President to select the zones within which our ships could be prohibited from going or our citizens, either upon our own ships or upon the ships of others. This is to give the President authority, if conditions grow so grave, to prevent our ships from carrying goods to belligerent nations, not to other nations.

Mr. WADSWORTH. Is this not the comparative result: Under section 3 the President was authorized to delimit the zone of combat operations. He had to mark them out on the map of the world, and, having done so, he forbade any American ship or citizen going into that zone.

Mr. LUTHER A. JOHNSON. Yes.

Mr. WADSWORTH. We have taken that out of the bill. As I understand the amendment offered by the gentleman from Texas, it is this: The President can declare in effect all of the seas, the whole world, and say that no American ship shall take the seas, if he regards it as dangerous.

Mr. LUTHER A. JOHNSON. The gentleman I think is mistaken. The President has the authority to restrict our ships from carrying goods to belligerent nations and only if it becomes necessary so to do. I may add, I have offered this amendment because the elimination of section 3 from the bill leaves no restriction then upon American vessels, and I think that is an important feature. It might become serious and cause our involvement in a war.

Mr. WADSWORTH. It seems to me that covers a worldwide area.

Mr. LUTHER A. JOHNSON. It is only for our ships.

Mr. BREWSTER. Would the gentleman permit the amendment to be read again?

Mr. LUTHER A. JOHNSON. Yes. I ask unanimous consent that the amendment may be read again by the Clerk.

The CHAIRMAN. Without objection, the Clerk will read the amendment again.

There was no objection.

The Clerk again read the Johnson amendment.

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. Chairman, this amendment is thrown in here at a late hour. I believe the gentleman from New York [Mr. WADSWORTH] is right. This amendment gives the President actually more power than section 3, which was stricken out. Everybody seems to be agreed—the whole committee is agreed—that section 3 should be stricken out, because it gave the President the power to establish combat zones or areas wherever he desired. He could surround Italy with a combat area and say our ships could not go to Italy but could go un-

impeded to Great Britain. It gave the President the power to determine the aggressor nation, and the arguments against section 3 were so strong after the committee reported it out it unanimously took that provision out of the bill.

Now, the gentleman from Texas proposes that we give the President the power to control all of the seas and say that American ships cannot go to any nation, if he says so. If my interpretation is correct, then it is the old aggressor-nation power over again. It is the power to determine the aggressor nation. If I am right, then it is a delegation of the war powers of the Congress, because there is not much difference between the aggressor-nation power and the constitutional right of Congress to declare war. It would simply mean we were delegating those war powers to the President to determine the aggressor nation, or to establish a Jeffersonian embargo on American ships.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I think the gentleman's fears are not well founded. There is nothing in the resolution that authorizes the President to discriminate against one nation or the other. They are all treated alike. It simply means that when the war situation gets so grave that it may imperil the lives of our citizens or our peace, or cause our involvement, the President can restrict the shipment by American ships to all belligerents of all commodities that might get us into trouble.

Mr. FISH. It gives the President the full power to determine what nation shall get these goods.

Mr. LUTHER A. JOHNSON. The gentleman is wrong. It includes all belligerents. There is no discrimination. He makes the selection against all nations.

Mr. FISH. The amendment reads: "Whenever the President shall have issued a proclamation under authority of section 1, he shall also find that in order to preserve the peace of the United States or to protect the lives of citizens of the United States he shall so proclaim and thereafter, except under such limitations and exceptions as he may prescribe for any American vessel to carry such articles or materials to any belligerent states for the use of any belligerent state.

Mr. BREWSTER. In other words, the President will prescribe such exceptions and limitations. He could put in any exceptions or limitations there that he himself might determine were desirable.

Mr. LUTHER A. JOHNSON. The exceptions refer to the goods that might be shipped. It does not refer to the countries. It might be all right to carry some commodities and not others. You have some discretion. I think the gentleman is entirely wrong when he fears there is anything in there that he can apply against one or the other.

Mr. BREWSTER. There is nothing that says he cannot.

Mr. LUTHER A. JOHNSON. This resolution is based upon treatment of all countries alike.

Mr. BREWSTER. Where does it say that?

Mr. LUTHER A. JOHNSON. It does not apply to one. It applies to all alike.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have not spoken on this bill as yet but I am very much concerned about this amendment. As far as my personal views are concerned I believe along the same lines as stated by the gentleman from New York [Mr. WADSWORTH]. I do not know what this amendment will accomplish. I do not know if it is a committee amendment. I see one of the Members nodding his head "no," but I would like to have official confirmation as to whether or not it is a committee amendment.

Mr. BLOOM. It is not a committee amendment.

Mr. McCORMACK. This amendment is very far reaching. I do not believe we ought to delegate extraordinary powers in peacetime.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I stated when I began my remarks that it was not a committee amendment, that I had not conferred with other members of the committee, and that I only am responsible for it, and no one else.

Mr. McCORMACK. I thoroughly respect the gentleman's views and his opinions, but I believe the amendment is very far reaching. The implications of this amendment are unlimited. I do not want to vest that power in any President in the absence of emergency conditions which require it. I have profound respect for the present occupant of the White House. I respect every occupant of the White House whether he is elected as a Democrat or a Republican or if, in the future, he may be elected as the candidate of any other political party. I respect the office as well as the occupant, but I also respect my duty and my obligations as a Member of the Congress of the United States.

This amendment appears to be hastily drawn. Its contents may have been carefully considered by the drafter, but it appears to have been hastily drawn. We have just stricken out of the bill the "combat-area" provision, and that was a wise action. To put this provision in a bill would, in my opinion, be very unwise. Let us proceed, no matter what our views are, with a rational mind, and with caution. Whether or not one is for the lifting of the embargo, let our differences of opinion be impersonal. Let us respect each other. But let us not, because of any reason, put into this bill something the implications of which we do not know. This amendment, as I see it, is exceedingly far reaching, and I am constrained to vote against it.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. The gentleman says we do not know what the implications of the amendment are, and that it was hastily drawn. Let me call the attention of the gentleman to the fact that the language is identical with section 2 of the act which expired on May 1, and which was passed by both Houses in 1937. This is not a new amendment and it was not hastily drawn.

Mr. McCORMACK. If the Congress of the United States placed a limitation on it when it was originally adopted the Congress must have intended that it expire on the date that it did expire. This may be the best amendment in the world for all I know, but I do know that I know nothing about it now, and I know that my colleagues know nothing about it, at least those with whom I have talked. Certainly, under such conditions it would be irrational and unwise to adopt such an amendment. Without attacking the amendment on its merits, I contend that under such circumstances caution should compel and prompt us in the exercise of a wise judgment to defeat the amendment that has been offered by the gentleman from Texas. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LUTHER A. JOHNSON].

The amendment was rejected.

Mr. KUNKEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUNKEL: On page 4, line 13, after the word "obligations", strike out the remainder of line 13 and all of lines 14, 15, 16, 17, and 18 and insert "when and only when security in excess of the amount of the commercial credit or short-term obligation shall be deposited in this country and pledged to secure said commercial credit or short-term loan."

Mr. KUNKEL. Mr. Chairman, this amendment is designed purely to protect against the unfortunate circumstance of creating credit abroad which we cannot collect. The fact that this amendment is important is borne out by the first part of section 4, in which the committee has provided that no one can make any loans to any foreign



country. If anyone makes a short-term loan to another person it is perfectly obvious, and it is perfectly well known to all of us, that that short-term loan can become a long-term loan if the person who has borrowed the money does not pay it, unless there is some security available out of which the short-term loan can be collected.

It is my object in this amendment to provide that any time a short-term loan is made it can be collected, because the amendment requires that the security be deposited in this country. This is not an unusual provision. Anyone who starts to carry on a business and wants to make a loan at a bank is frequently required to put up collateral against which he can have a running balance. Any country that wants to borrow from the United States on commercial credit or on short-term loans can do the same thing in this country. They can put over here goods which they produce or they can put over here securities which their citizens own. This is just a precaution to keep this country out of trouble.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. KUNKEL. I yield to the gentleman from Michigan.

Mr. CRAWFORD. As I understand the gentleman's amendment, it would prevent the use of international banking machinery, operating through arrangements or credits in foreign lands and then coming on through on this side, by providing that the borrowers must deposit the security in this country before the transaction is completed.

Mr. KUNKEL. It provides against the situation the gentleman mentions and also provides against it with respect to an individual, a banking institution, or anybody. It will cut it off at the start, and it will prevent any pecuniary interest in war being created in this country. I believe this is one of the most important amendments that can be put into this bill.

Mr. CRAWFORD. In that case, who would be the judge of the sufficiency of the security?

Mr. KUNKEL. Undoubtedly the President of the United States.

I wish to call the attention of the Committee at this point to the fact that this amendment does not curtail any power. It merely makes it easier and more reasonable for the President to exercise the power that is conferred on him by the section. It does not try to curtail by a single iota any power that is granted, but makes it easier for the President to exercise that power in a reasonable way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. KUNKEL) there were—ayes 87, noes 119.

So the amendment was rejected.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 4, beginning in line 8, after the word "person", strike out the proviso, the remainder of the paragraph, down through line 18, on page 4.

Mr. BLOOM. Mr. Chairman, I reserve a point of order against the amendment.

Mr. O'CONNOR. Mr. Chairman, I want to call your attention to the importance of this amendment.

Section 4 reads as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person.

This provision obviously is to prevent the very thing that dragged this country into the other World War, by credit extended to foreign nations by the Wall Street and international bankers.

Now, here is the portion of this section that I am asking to be stricken from the bill. I wish to strike the following language:

*Provided, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its citizens, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transaction; the President shall make public every 90 days any and all exceptions granted under this proviso, together with the amounts of credits involved.*

Mr. Chairman, this provision written in this bill would give the President of the United States the authority to set aside the rule laid down in the beginning of the paragraph to the effect that neither this Nation nor any of its citizens nor any institution in the United States can extend credit to any foreign nation engaged in war.

My amendment is for the purpose of denying the President the right to exercise such discretion. Right here I want to say I have every respect and faith in our great President, but no man should be given this power. I think the exercise of that very discretion might lead us into complications, such as we were led into when we entered the World War.

Mr. THORKELOSON. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman, my colleague from Montana.

Mr. THORKELOSON. Is it not a fact that if one nation has credit in the United States and the United States holds bonds, if payment of such bonds is denied, it will lead to war?

Mr. O'CONNOR. I want to say as a rule that is true. Also, just exactly as the gentleman said a while ago in reference to his amendment. These short-term loans become long-term loans when not paid. We made short-term loans to other nations during the World War and they have become such long-term loans that they have never been paid and never will be paid.

Mr. THORKELOSON. As a matter of fact, these short-term loans become permanent loans?

Mr. O'CONNOR. Right.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Michigan, my good and esteemed friend.

Mr. CRAWFORD. Is it not also true that the financial section of this bill is really what they are after?

Mr. O'CONNOR. Why, of course.

Mr. CRAWFORD. They do not care about the rest of it if they can get this part of the bill.

Mr. O'CONNOR. Anybody, of course, can read this and see that the President of the United States has been given power that might get us into another war, and when I say this I am speaking of the President in the abstract.

Mr. VAN ZANDT. And is not the intent of the gentleman's proposed amendment along the lines of the Johnson Act?

Mr. O'CONNOR. Exactly; and this provision in the bill would repeal that part of the Johnson Act.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to my good friend.

Mr. KNUTSON. And this bill is strictly in the interest of the international bankers.

Mr. O'CONNOR. To a certain extent.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to my fine friend.

Mr. SCHAFER of Wisconsin. And under this bill we are giving the President all this authority in the interest of the international bankers and we are giving this authority to a President who is an ex-international banker and whose family was recently joined in holy bonds of matrimony with the house of Du Pont.

Mr. O'CONNOR. Well, I will not agree to that.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?  
Mr. O'CONNOR. I yield to my dear colleague from Alabama.

Mr. PATRICK. I just want to warn my good friend and colleague, whom I love and admire, that the Republicans are trying to make a yes-man out of him, and I want to protect him.

Mr. O'CONNOR. Oh, I am not afraid of the Republicans making a yes-man out of me, and the Democratic side cannot make a yes-man out of me, either.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to our beloved majority leader, whom we all love and admire.

Mr. RAYBURN. The gentleman said a moment ago that they were giving power here that the President of the United States could use to get us into war. Does the gentleman have any idea that the present President of the United States wants to get us into war?

Mr. O'CONNOR. No; a thousand times no; but no one man should be given that power. That must be left to Congress. But here is the point—you extend credit to those nations over there, and powerful influences will be used to see that the flag will follow the credit extended as it has heretofore, and I propose not to permit that if I can stop it. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINSHAW. Reserving the right to object, Mr. Chairman, I would like to have a few minutes.

Mr. LUTHER A. JOHNSON. I modify my request to make it 10 minutes, then, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. CRAWFORD. Will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. CRAWFORD. Does the gentleman understand this bill to the effect that the Federal Reserve banks can issue Federal Reserve notes or currency against the paper that is held by aliens, turn it into the banks for the purchase of this material?

Mr. HINSHAW. I presume if the notes are discounted at the Federal Reserve bank, they would become the basis for the issuance of Federal Reserve notes.

I am going to support the amendment offered by the gentleman from Montana [Mr. O'CONNOR] who preceded me.

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, this section is identically the same as the present law with reference to the credit section, except that it has been modified by two amendments. One of the amendments is the last part of section A, which is in italics, "the President shall make public every 90 days any and all exceptions granted under this proviso, together with the amounts of credits involved."

That is the amendment offered by the gentleman from New York [Mr. BARTON]. The other amendment is on line 12, which has been offered by the committee, after the word "section," "for a period of not more than 90 days, without renewals."

This does not give the President more power than he has had heretofore, but gives him less power. This section is not new. It has been the law all the time and it is based on the so-called Johnson Act with reference to the acquiring of credits by countries in default to this country. As the House well knows, the gentleman from California [Mr. JOHNSON] was the author of a resolution passed some years ago, by which loans are prohibited or the sale of bonds is prohibited in this country by any government that is in default to the

United States. We thought it was wise to apply that same language with reference to belligerent nations so as to prohibit the accumulation of further war debts in this country. So this section is simply in conformity with the Johnson Act, and the exceptions are based upon the same language of the Johnson Act.

There is no reason for alarm with reference to it. The gentleman's amendment ought to be voted down. Otherwise it will destroy the language with reference to that section.

Mr. O'CONNOR. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. O'CONNOR. Is it not a fact that if we adopt this language, the President has the right to declare, in his discretion, that it is for the interest of the people at large to permit credit to be extended to foreign belligerent nations?

Mr. LUTHER A. JOHNSON. No. The gentleman is entirely wrong. His fears are based upon a misapprehension of the facts. It does not enlarge the credits. It does not permit the credits to be enlarged.

Mr. O'CONNOR. Will not the gentleman admit that if a short-term loan is not paid it becomes a long-term loan and sometimes a permanent loan?

Mr. LUTHER A. JOHNSON. Well, it is not intended to be that. This is the same language as contained in the Johnson Act. It has never been abused.

I think the amendment should be voted down.

I ask for a vote, Mr. Chairman.

Mr. SHAFER of Michigan. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman will state it.

Mr. SHAFER of Michigan. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. SHAFER of Michigan) there were ayes 7 and noes 82.

So the motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was rejected.

Mr. PETERSON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETERSON of Florida: On page 6, after line 11, insert a new section as follows:

"Sec. 5. During the existence of any proclamation issued by the President under the provisions of section 1 of this act no American vessel carrying arms, ammunition, or implements of war shall carry any American citizen."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserve a point of order against the amendment. I did not catch the reading of the amendment in its entirety, but from what I heard of it I think it is similar to an amendment that has already been voted on.

The CHAIRMAN. If that be true, it would be subject to a point of order.

Mr. PETERSON of Florida. Mr. Chairman, it is different from other amendments. My amendment is limited to American citizens.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order against the amendment.

The gentleman from Florida is recognized for 5 minutes.

Mr. PETERSON of Florida. Mr. Chairman, this is another method of approach to the problem which was brought to the attention of this Committee first by the gentleman from North Carolina [Mr. COOLEY], and later by the gentleman from Oklahoma [Mr. JOHNSON].

This amendment makes it unlawful—I will read it so you may know just what it provides:

During the existence of any proclamation issued by the President under the provisions of section 1 of this act no American vessel carrying arms, ammunition, or implements of war shall carry any American citizen.

This is different from the Johnson amendment, in that the Johnson amendment referred to both American vessels and



neutral vessels, and referred to passengers generally, whereas this amendment is limited to American vessels carrying arms, ammunition, or implements of war, and they are prohibited from carrying any American citizen as a passenger. My amendment is different from the Cooley amendment in that the Cooley amendment made it unlawful for ships carrying implements of war to carry passengers or for passenger vessels to carry implements of war.

I cannot see how we can justify any American vessel carrying implements of war and at the same time carrying passengers. It is one of the things that would cause us more trouble than anything else. It is bad enough in time of peace to allow passengers to travel on ships carrying explosives and implements of war, but it is infinitely more dangerous to allow such practice in times of trouble, of wars and threats of war.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. I yield.

Mr. TINKHAM. Has the honorable Representative from Florida read section 9 which we are now approaching? I read it:

SEC. 9. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition thereof which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

Will not the adoption of section 9 entirely meet the objectives aimed at by the gentleman's amendment?

Mr. PETERSON of Florida. I think not. I think the primary purpose of section 9 is to prevent the arming of American merchant vessels; and I think that is carried out by the statement in the title of the section itself.

The purpose of my amendment is to prevent an American ship carrying arms or ammunition from carrying American passengers. As I stated before, it is bad enough to allow passengers to travel on ships carrying cargoes of dangerous weapons and explosives. Certainly we should prohibit in time of war a vessel from carrying American citizens into a war zone. This does not take any right away from the passenger, but it puts a positive obligation on the ship. It applies to American vessels and American citizens and does not get into the question of neutrals.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. I yield.

Mr. COOLEY. The gentleman's amendment applies only in the event a proclamation is issued, and that, of course, indicates certain belligerent states.

Mr. PETERSON of Florida. The gentleman is correct, only in the event a proclamation is issued under section 1 naming a belligerent state.

Mr. COOLEY. The gentleman believes that no American citizen should be permitted to ride on a ship carrying those deadly weapons in wartime.

Mr. PETERSON of Florida. Certainly not.

Mr. COOLEY. I agree with the gentleman entirely.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. I yield.

Mr. FADDIS. Does not the gentleman believe that cotton ought to be named in this bill as a lethal weapon?

Mr. PETERSON of Florida. My amendment does not deal with the classification of arms, ammunition, munitions, or implements of war, and I would rather not get into the discussion of that controversial matter.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I reserved a point of order against the amendment offered by the gentleman from Florida; but inasmuch as it differs from the amendment offered by the gentleman from Oklahoma and the amendment offered by the gentleman from North Carolina, I withdraw my point of order. Since the question has already been debated, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. PETERSON of Florida) there were—ayes 47, noes 93.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk reads as follows:

Amendment offered by Mr. COOLEY: Page 6, line 11, add a new section as follows: "That whenever the President shall have issued a proclamation under authority of section 1 (a) it shall be the duty of the Federal Government to ascertain whether any American vessel about to leave any American port is carrying arms or ammunitions of war, and in the event it is, then it shall be the duty of the President to cause to be advised of the fact any citizen of the United States seeking to secure passage thereon, and to prohibit any citizen of the United States from traveling as a passenger upon said vessel."

Mr. COOLEY. Mr. Chairman, may I ask the acting chairman of the Committee on Foreign Affairs if his committee will accept this amendment?

Mr. BLOOM. I do not think we can accept the amendment. All these amendments have been voted down once. To do what the gentleman is seeking by his amendment would involve the employment of thousands of people in this one piece of work.

Mr. COOLEY. All I am asking by this amendment is to have American citizens who are about to go upon a boat for passage across the sea advised as to the cargo below the main deck of the boat.

Mr. BLOOM. But the gentleman makes it incumbent upon the Federal Government to do certain things.

Mr. COOLEY. I make it incumbent upon the Federal Government to ascertain whether or not the ship is carrying war material. If it is, then it is the duty of the President to issue an order prohibiting any passenger from traveling upon that boat.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. As the bill stands at present, there are not going to be any ships going to belligerent countries carrying arms and ammunition.

Mr. COOLEY. If the gentleman's amendment is retained in the bill, that is true, but in the event that amendment goes out we are right back where we started. I feel it would be a crime to permit innocent people to walk aboard a ship not knowing that they are sleeping over deadly weapons and I ask that the Federal Government, that must certainly know the nature of the cargo with which the ship is loaded, advise the passenger of the nature of the cargo so that he might forego the privilege of riding on the ship.

I do not think we are asking too much in requesting this. I think the membership of the House understands the purpose of the amendment and I hope it will be agreed to.

Mr. DARDEN. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Virginia.

Mr. DARDEN. The bill carries no inhibitions against shipments to South American republics. Suppose a war should break out in Europe and a boat was leaving for South America. What would the gentleman do with that boat?

Mr. COOLEY. This amendment is applicable to American ships about to leave American ports.

Mr. DARDEN. Suppose they are going to South America.

Mr. COOLEY. If they are carrying ammunition and implements of war, then the citizens should be advised as to the nature of the cargo so that they might forego passage on the ship.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I may say to the gentleman I feel this is one of the most important amendments that has been offered this evening. It is similar to an amendment I offered a few minutes ago, except it is a little better.

Mr. COOLEY. I thank the gentleman for the contribution.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I wish to inform the gentleman that I will accept his amendment.

Mr. COOLEY. I appreciate the gentleman's statement.

Mr. THORKELSON. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Montana.

Mr. THORKELSON. Is it not a fact those ships carry from 100 to 350 men in a crew? They are all Americans too. What shall we do with those people?

Mr. COOLEY. If they are members of the crew and they are lost on the high seas that is as a result of a risk of their employment. They know the nature of the cargo the ship is carrying. On the other hand, the women and children of this Nation, before they are blown up on the high seas, should at least have knowledge of the fact that they are riding on ships which are carrying instruments of destruction. You know and I know that the one thing that will get this Nation into war is to have a ship blown up on the high seas carrying women and children who are innocent and who have no knowledge as to the nature of the cargo.

Mr. THORKELSON. The seamen should not be subjected to the risk either.

Mr. COOLEY. Mr. Chairman, I hope this amendment may be agreed to.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The question was taken; and on a division (demanded by Mr. COOLEY) there were—ayes 53, noes 97.

So the amendment was rejected.

The Clerk read as follows:

#### SOLICITATION AND COLLECTION OF FUNDS

SEC. 5. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in the proclamation or of any association, organization, or person acting for or on behalf of such government. Nothing in this section shall be construed to prohibit the solicitation or collection of contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of or in aid of any such government, but all such solicitations and collections of contributions shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.

(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the states named in such proclamation, except with respect to offenses committed prior to such revocation.

Mr. BLOOM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration House Joint Resolution 306, the Neutrality Act of 1939, had come to no resolution thereon.

#### COLLATERAL SECURITY FOR FEDERAL RESERVE NOTES

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2618) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes. The bill has been passed by the Senate and an identical bill has been reported unanimously from the Committee on Banking and Currency. This bill simply extends for 2 years the time within which the Federal Reserve banks may use direct Government obligations as a cover for Federal Reserve notes in place of commercial paper. Similar extensions have been granted on three different occasions. The original act was passed in 1932.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand from the gentleman from Michigan [Mr. WOLCOTT] that this is satisfactory.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the second paragraph of section 16 of the Federal Reserve Act, as amended, is hereby amended by striking therefrom the words "until June 30, 1939" and by inserting in lieu thereof the words "until June 30, 1941."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### STABILIZATION FUND AND ALTERATION OF THE WEIGHT OF THE DOLLAR

Mr. SOMERS of New York submitted a conference report and statement on the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization and alteration of the weight of the dollar may be exercised.

#### ASSESSMENT WORK ON MINES

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6977, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: In line 11, strike out "October" and insert "September".

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. ENGLEBRIGHT. Reserving the right to object, Mr. Speaker, may I inquire of the gentleman from Utah if the text of the bill is identical with the text of the bill as it passed the House, with the exception of the time limit?

Mr. MURDOCK of Utah. The only difference is that "October 1" has been stricken and "September 1" inserted in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

#### DISTRICT OF COLUMBIA REVENUE BILL

Mr. NICHOLS submitted the following conference report on the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have been unable to agree.

JENNINGS RANDOLPH,  
JACK NICHOLS,  
AMERSON KENNEDY,  
EVERETT M. DIRKSEN,  
GEORGE J. BATES,

*Managers on the part of the House.*

JOHN H. OVERTON,  
WILLIAM H. KING,  
M. E. TYDINGS,  
PAT MCCARRAN,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

#### RELIEF BILL, 1940

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent that the conferees on House Joint Resolution 326, the relief bill, may have until midnight tonight to file their report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### EXTENSION OF REMARKS

Mr. KNUTSON asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. TERRY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein an article by Mr. J. Carroll Cone describing the first trans-Atlantic flight of the *Yankee Clipper*.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?



There was no objection.

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement and a copy of a letter of the Secretary of State on the trade-treaty program.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that all Members speaking on House Joint Resolution 306, the Neutrality Act of 1939, may be permitted to revise and extend their remarks in the RECORD.

Mr. FISH. Will not the gentleman include in his request all Members of the House?

Mr. BLOOM. Mr. Speaker, I modify the request and ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill under consideration today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SACKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a broadcast delivered by Hon. PATRICK J. BOLAND on June 28, 1939, over the National Broadcasting System.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a short editorial appearing in the Brooklyn Daily Eagle.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein a brief article on neutrality.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. LYNDON B. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial from the Austin American.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORKELOSON, Mr. RICH, Mr. WHITE of Ohio, and Mr. KELLER asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short letter from a constituent on the subject of neutrality.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address over radio station WJR by Mr. Thomas E. Stone, chairman of the Council of Associated Veterans.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to place in the remarks I made this afternoon a few excerpts from letters relating to the subject discussed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mrs. NORTON for 1 week, on account of illness.

To Mr. JACOBSEN, at the request of Mr. LeCOMPTE, for 2 days on account of death in family.

#### HOOR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m. tomorrow.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us what his program is going to be tomorrow and the order in which the legislation is to be considered?

Mr. RAYBURN. I do not know that at this time. The W. P. A. conference report and the stabilization matter will come up first.

Mr. MARTIN of Massachusetts. Which one will be taken up first?

Mr. RAYBURN. I cannot tell the gentleman that tonight. I can give him the information pretty early tomorrow. I cannot inform the gentleman now, because some of the people I want to converse with are not present.

Mr. MARTIN of Massachusetts. The only reason I ask the question is because some of the Members over here are quite disturbed over the order in which the matters will come up. I think it would help the gentleman to get his request granted if we knew about that.

Mr. RAYBURN. I cannot tell the gentleman because I do not know, but they will be the first two matters to come up tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5269. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 5427. An act making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 6392. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Department of Commerce, for the fiscal year ending June 30, 1940, and for other purposes.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 49 minutes p. m.) the House, under the order heretofore made, adjourned until tomorrow, Friday, June 30, 1939, at 11 o'clock a. m.

#### COMMITTEE HEARINGS

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m. Tuesday, July 11, 1939, for

the consideration of H. R. 6881, to implement the provisions of the Ship Owners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. (E. S. T.) on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

#### COMMITTEE ON THE JUDICIARY

On Wednesday, July 5, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Court; and for other purposes.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, June 30, 1939, for the public consideration of H. R. 5726, to amend the Interstate Commerce Act by providing that the shipper shall be liable for charges in certain cases.

#### COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads Friday, June 30, 1939, at 10 a. m., for the consideration of H. R. 2748, to provide power-boat service in Alaska.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

917. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 13, 1939, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of Broad Creek, Middlesex County, Va., authorized by the River and Harbor Act approved June 20, 1938 (H. Doc. No. 381); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

918. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal years 1939 and 1940, amounting to \$132,437, together with a draft of a proposed provision pertaining to an existing appropriation (H. Doc. No. 382); to the Committee on Appropriations and ordered to be printed.

919. A communication from the President of the United States, transmitting supplemental estimates of appropriations, for the fiscal year 1940, for the Department of Labor amounting to \$250,000 (H. Doc. No. 383); to the Committee on Appropriations and ordered to be printed.

920. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of the activities and expenditures for the month of May 1939, of the Reconstruction Finance Corporation, and a statement of loans and other authorizations made during the month (H. Doc. No. 384); to the Committee on Banking and Currency and ordered to be printed.

921. A letter from the Archivist of the United States, transmitting one item from the Department of State to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

922. A letter from the Archivist of the United States, transmitting a list of papers from the Treasury Department, consisting of 640 items, to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

923. A letter from the Archivist of the United States, transmitting lists of papers from the Treasury Department, consisting of 158 items, to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

924. A letter from the Archivist of the United States, transmitting a list of papers from the United States District Court for the Southern District of California, consisting of two items, which are to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

925. A letter from the Archivist of the United States, transmitting lists of papers from the Post Office Department to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

926. A letter from the Archivist of the United States, transmitting lists of papers from the Department of the Navy, consisting of 113 items, to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

927. A letter from the Archivist of the United States, transmitting a list of papers from the Department of the Interior, consisting of 23 items, to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

928. A letter from the Archivist of the United States, transmitting lists of papers from the Department of Agriculture, consisting of 545 items, which are to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

929. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 47 items, from the Department of Commerce to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

930. A letter from the Archivist of the United States, transmitting a list of papers, consisting of two items, from the Department of Labor to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

931. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 460 items, from the Veterans' Administration to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

932. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 29 items, from the Farm Credit Administration which are to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

933. A letter from the Archivist of the United States, transmitting a list of films, consisting of 12 items, from the Treasury Department which are to be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

934. A letter from the Secretary of War, transmitting a draft of a bill to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the Finance Department for the disbursement of public funds; to the Committee on Military Affairs.

935. A letter from the Acting Secretary of Agriculture, transmitting a draft of a proposed bill for the relief of John F. Elliott, former disbursing clerk, Division of Disbursement, Treasury Department; to the Committee on Claims.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COCHRAN: Committee on Accounts. House Resolution 235. Resolution to provide an additional allocation for carrying out the provisions of House Resolution 130; with amendments (Rept. No. 993). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HOBBS: Committee on the Judiciary. H. R. 5138. A bill to make unlawful attempts to overthrow the Government of the United States; to require licensing of civilian military



organizations; to make unlawful attempts to interfere with the discipline of the Army and Navy; to require registration and fingerprinting of aliens; to enlarge the jurisdiction of the United States Circuit Court of Appeals in certain cases; and for other purposes; with amendment (Rept. No. 994). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Irrigation and Reclamation. H. R. 6984. A bill to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes; with amendment (Rept. No. 995). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTH: Committee on Interstate and Foreign Commerce. H. R. 5525. A bill to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes; with amendment (Rept. No. 996). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. H. R. 5024. A bill to authorize the Archivist of the United States to cause to be collected, edited, and prepared for printing the contemporary matter relative to the ratification of the Constitution of the United States, and for other purposes; without amendment (Rept. No. 997). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Connecticut: Committee on Military Affairs. H. R. 3931. A bill for the relief of Charles H. LeGay; without amendment (Rept. No. 998). Referred to the Committee of the Whole House.

Mr. SMITH of Connecticut: Committee on Military Affairs. H. R. 6063. A bill for the relief of Franklin C. Richardson; without amendment (Rept. No. 999). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 7038. A bill granting pensions to certain widows of veterans of the Civil War; without amendment (Rept. No. 1000). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 7039. A bill granting increase of pensions to certain widows of veterans of the Civil War; without amendment (Rept. No. 1001). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 766. A bill granting an increase of pension to Elizabeth Fairfax Ayres; without amendment (Rept. No. 1002). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 2448. A bill granting an increase of pension to Mertie Lorain Anderson; without amendment (Rept. No. 1003). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 5105. A bill granting a pension to John Spaedy; without amendment (Rept. No. 1004). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MICHAEL J. KENNEDY:

H. R. 7029. A bill to provide for a national census of housing; to the Committee on the Census.

By Mr. STARNES of Alabama:

H. R. 7030. A bill to establish an ordnance arsenal in the State of Alabama; to the Committee on Military Affairs.

By Mr. BLOOM:

H. R. 7031. A bill to incorporate the National Council of Young Israel; to the Committee on the Judiciary.

By Mr. NELSON:

H. R. 7032. A bill to limit the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases; to the Committee on the Judiciary.

By Mr. RANDOLPH:

H. R. 7033. A bill to amend section 812 of the Code of Law of the District of Columbia, as amended, relating to kidnapping, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of Washington:

H. R. 7034. A bill to raise revenue by taxing imported chemical wood pulp; to the Committee on Ways and Means.

By Mr. HOBBS:

H. R. 7035. A bill to provide additional civil remedies against violations of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. WELCH:

H. R. 7036. A bill amending section 6 of the act entitled "An act granting to the city and county of San Francisco certain rights-of-way in, over, and through certain public lands, the Yosemite National Park and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes," approved December 19, 1913 (38 Stat. 242); to the Committee on the Public Lands.

By Mr. WEST:

H. R. 7037. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. LANHAM:

H. J. Res. 341. Joint resolution to dissolve the United States Supreme Court Building Commission; to the Committee on Public Buildings and Grounds.

By Mr. JONES of Texas:

H. J. Res. 342. Joint resolution relating to section 322 of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. J. Res. 343. Joint resolution to amend section 335 (c) of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. MARTIN J. KENNEDY:

H. J. Res. 344. Joint resolution to amend section 601 (c) (8) (A) of the Revenue Act of 1932, as amended; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. IZAC:

H. R. 7040. A bill for the relief of Mildred Mabel Metts; to the Committee on Pensions.

By Mr. WHELCHER:

H. R. 7041. A bill authorizing the Commissioner of Patents to register and admit to practice before the United States Patent Office, Lt. (Jr. Gr.) Stone Elkin Bush, United States Navy, retired; to the Committee on Patents.

By Mr. BARRY:

H. R. 7042. A bill for the relief of Anna J. Krogoll; to the Committee on Claims.

By Mr. BLOOM:

H. R. 7043. A bill for the relief of Clarence Mulligan; to the Committee on Military Affairs.

H. R. 7044. A bill for the relief of William Beyer; to the Committee on Naval Affairs.

By Mr. DARDEN:

H. R. 7045. A bill granting an increase of pension to Florence Sharp Grant; to the Committee on Pensions.

By Mr. DARROW:

H. R. 7046 (by request). A bill for the relief of Maria Schreyer; to the Committee on Immigration and Naturalization.

By Mr. FERNANDEZ:

H. R. 7047. A bill for the relief of Harvey Canal, Land & Improvement Co.; to the Committee on Claims.

H. R. 7048. A bill for the relief of Clarence Stanley Williams; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Maryland:

H. R. 7049. A bill for the relief of John L. Summers, former disbursing clerk, Treasury Department, and for other purposes; to the Committee on Claims.

H. R. 7050. A bill for the relief of certain former disbursing officers for the Civil Works Administration; to the Committee on Claims.

By Mr. MILLER:

H. R. 7051. A bill for the relief of William H. Sheehan; to the Committee on Military Affairs.

By Mr. MONRONEY:

H. R. 7052. A bill to provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy; to the Committee on Naval Affairs.

By Mr. O'BRIEN:

H. R. 7053. A bill for the relief of Bruno Wallner; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR:

H. R. 7054. A bill for the relief of the Bowdoin Oil & Gas Co. of Glasgow, Mont.; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 7055. A bill for the relief of John A. Lowe; to the Committee on the Civil Service.

By Mr. SASSCER:

H. R. 7056. A bill for the relief of Daniel Jordan; to the Committee on Naval Affairs.

By Mr. KENNEDY of Maryland:

H. R. 7057. A bill for the relief of the Morris Weinman Co.; to the Committee on Claims.

By Mr. MARTIN J. KENNEDY:

H. R. 7058 (by request). A bill to provide for a national census of housing; to the Committee on the Census.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4102. By Mr. BOLLES: Petition of sundry citizens of Racine, Wis., favoring a strict neutrality act which will keep us out of foreign entanglements; to the Committee on Foreign Affairs.

4103. By Mr. MICHAEL J. KENNEDY: Petition of the American Institute of Park Executives, endorsing the proposed legislation as contained in the Barkley and Mansfield-Spence bills relating to the pollution of streams; to the Committee on Rivers and Harbors.

4104. Also, petition of Local No. 96, International Molders Union, of Brooklyn, N. Y., favoring enactment of House bills 5875 and 5876; to the Committee on Naval Affairs.

4105. Also, petition of the National Sculpture Society, opposing the proposed bridge between Battery Park, Manhattan, and Hamilton Avenue, Brooklyn, N. Y.; to the Committee on the Public Lands.

4106. Also, petition of American Women Against Communism, Inc., opposing enactment of the Bloom neutrality bill; to the Committee on Foreign Affairs.

4107. Also, petition of National Business Associates, favoring enactment of the Wagner-Rogers bill for the admission of German refugee children; to the Committee on Labor.

4108. Also, petition of the Valve Pilot Corporation of New York City, opposing the enactment of the President's spending program by means of self-liquidating projects; to the Committee on Expenditures in the Executive Departments.

4109. Also, petition of the Volunteer Christian Committee to Boycott Nazi Germany, of New York City, advocating enactment of the antilynching bill; to the Committee on the Judiciary.

4110. By Mr. KEOGH: Petition of the American Institute of Park Executives and American Park Society, relating to abatement of stream pollution; to the Committee on Rivers and Harbors.

4111. Also, petition of the Valve Pilot Corporation, New York City, concerning the President's recommendations; to the Committee on Expenditures in the Executive Departments.

4112. Also, petition of the Social Service Employees Union, U. O. P. W. A., New York City, concerning the Wagner-Rogers bill; to the Committee on Labor.

4113. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning House bill 6577, the District of Columbia business-privilege tax; to the Committee on the District of Columbia.

4114. Also, petition of the Harman Knitwear Co., Brooklyn, N. Y., concerning neutrality legislation; to the Committee on Foreign Affairs.

4115. Also, petition of the Division of Housing of the State of New York, New York City, concerning Senate bill 2240, the low-rent housing bill; to the Committee on Labor.

4116. Also, petition of the National Business Associates, Washington, D. C., concerning the Wagner-Rogers bill; to the Committee on Labor.

4117. By Mr. HOUSTON: Petition of certain citizens of Newton, Kans., and vicinity, urging that immediate steps be taken to stop shipments of war materials to aggressor nations; to the Committee on Foreign Affairs.

4118. By Mr. LAMBERTSON: Petition of Rev. Claude Enselin and 142 other citizens of Seneca, Kans., urging Congress to defeat the Sol Bloom neutrality bill in order that the United States may have no foreign entanglements, no picking of aggressors, no participation in Europe's blood business, and no surrender to foreign propaganda; to the Committee on Foreign Affairs.

4119. By Mr. PFEIFER: Petition of the International Molders' Union, Local No. 96, Brooklyn, N. Y., urging support of House bills 5875 and 5876; to the Committee on Naval Affairs.

4120. Also, petition of the New York State Division of Housing, New York, N. Y., concerning the Wagner bill (S. 2240); to the Committee on Labor.

4121. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., recommending that the business-privilege tax provision be deleted from the District of Columbia revenue bill; to the Committee on the District of Columbia.

4122. Also, petition of the Chamber of Commerce of the State of New York, New York City, urging passage of the Hatch bill (S. 1871); to the Committee on the Judiciary.

4123. Also, petition of the New York Board of Trade, Inc., New York City, urging support of the Hatch bill (S. 1871); to the Committee on the Judiciary.

4124. By the SPEAKER: Petition of Mrs. A. Connell, of Stratford, Conn., petitioning consideration of their resolution with reference to neutrality legislation; to the Committee on Foreign Affairs.

## SENATE

FRIDAY, JUNE 30, 1939

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Our Father Who art in heaven, let these moments of prayer be our quickening circumstance, the touch of which shall draw out the slumbering soul in us. Bring us to those heights where we are chastened and cleansed with the vision of our faults and errors, where we can see the transient in the light of the everlasting and the great world about us with its sin and suffering, its crying injustices and abuses, in the light of the throne of God. Teach us how to bear each others' burdens and to look with charity upon each other's faults, that, knowing the springs of thought and deed, we may forsake the winding ways of greed and selfish joy, and follow the footsteps of the blessed Christ along the highway of eternal right. We ask it in His name. Amen.

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 29, 1939, was dispensed with, and the Journal was approved.



## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 19, 1939:

S. 1031. An act to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof; and

S. 2154. An act to modify the provisions of section 14 of the act of June 30, 1834, and section 10 of the act of June 22, 1874, relating to the Indians.

On June 20, 1939:

S. 1886. An act to extend to June 16, 1942, the period within which certain loans to executive officers of member banks of the Federal Reserve System may be renewed or extended.

On June 22, 1939:

S. 1569. An act to amend the Agricultural Adjustment Act of 1938, as amended.

On June 27, 1939:

S. 1117. An act to provide for the reimbursement of certain enlisted men or former enlisted men of the United States Navy for the value of personal effects lost in the hurricane at the submarine base, New London, Conn., on September 21, 1938.

On June 29, 1939:

S. 1302. An act to continue in effect until June 30, 1942, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2618) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6977) to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 5269. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes;

H. R. 6977. An act to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938; and

H. J. Res. 294. Joint resolution providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece.

GEORGE M. RUBY

Mr. DANAHER. Mr. President, out of order, I ask unanimous consent to take from the calendar Order of Business 675, Senate bill 1723, an uncontested bill, to correct the military record of one George M. Ruby.

The VICE PRESIDENT. The Senator from Connecticut has asked unanimous consent for the present consideration of a bill, which the clerk will state by its title.

The LEGISLATIVE CLERK. A bill (S. 1723) to correct the military record of George M. Ruby.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to correct the records of the War Department to show that George M. Ruby was honorably discharged as a private of Company D, Thirteenth Regiment Connecticut Volunteer Infantry, on August 27, 1864, at New Haven, Conn.

## CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slatery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

Mr. MINTON. I announce that the Senator from Wyoming [Mr. SCHWARTZ] is detained from the Senate because of illness.

The Senator from South Carolina [Mr. SMITH] is absent because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Minnesota [Mr. LUNDEEN] are necessarily detained.

The Senator from Alabama [Mr. HILL], the Senator from Utah [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are absent on important public business.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY] is absent because of illness.

Mr. NYE. I announce that my colleague the senior Senator from North Dakota [Mr. FRAZIER] is necessarily absent.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

## THIRD DEFICIENCY APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

## MAY REPORT OF THE RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of May 1939, including a statement of loan and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

## PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the boards of supervisors of the counties of Hawaii, Kauai, and Maui, T. H., favoring the enactment of legislation to amend the Hawaiian organic act in certain respects, which were referred to the Committee on Territories and Insular Affairs.

Mr. WALSH presented a resolution adopted by members of the Marlboro Shoenworkers Association, Inc., of Marlboro, Mass., remonstrating against the enactment of the so-called Bloom neutrality measure, which was referred to the Committee on Foreign Relations.

Mr. HOLT presented a petition of sundry citizens of Charleston, Landisburg, Danese, and Maplewood, all in the State of West Virginia, praying for the enactment of pending legislation to prohibit the immigration of aliens until the number of unemployed persons in the United States has decreased below the 5,000,000 mark, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Wheeling (W. Va.) Post, No. 1, American Legion, protesting against the enactment of legislation to provide for the forced retirement of Army officers who have reached a certain grade in age, regardless of their physical capacity, ability, or usefulness to the service, and the promotion of officers in the Army based entirely on seniority, which was referred to the Committee on Military Affairs.

## IMPORTATION OF WOOLEN GOODS

Mr. WALSH. Mr. President, I present a letter from Keltie & Co., of Boston, in reference to the effect of increased

importation of woolen goods on employment in the woolen mills and ask that the same be treated in the nature of a petition, be printed in the RECORD, and referred to the Committee on Finance. In the same connection I ask that a table prepared by the United States Tariff Commission, at my request, showing United States imports of woollens for consumption, from January 1937 to April 1939, be printed in the RECORD and also referred to the Committee on Finance.

There being no objection, the letter and table were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

KELTIE & Co., INC.,  
Boston, Mass., June 27, 1939.

HON. DAVID I. WALSH,

Senate Office Building, Washington, D. C.

DEAR SIR: As we understand the State Department is planning to reopen the agreements with France, Belgium, the Netherlands, Switzerland, Sweden, and Finland, we wish to call your attention to the fact that for the first 5 months of this year 4,368,000 yards of cloth were brought into this country from England alone.

A mill customer of ours advises that in the first 5 months he has given steady employment to 150 people in the making of 227,000 yards of woolen goods. Comparable imports this year have served to render 20 such mills idle. At the moment we can count about 30 such mills idle within 100 miles of Boston, the idle workers meanwhile having little idea of the reasons why.

This unnecessary idleness causes losses to the farmer, to the handlers of wool and byproducts, to the woolen mills who are trying to operate against this foreign competition.

I am sure that every worker connected with the wool industry would appreciate knowing that the men in Washington whom they have chosen to represent them are doing everything to check this flood of imports and to get them back to work.

Respectfully yours,

KELTIE & Co., INC.  
RALPH J. KELTIE.

Selected paragraphs in wool schedule 11: United States imports for consumption, by months, Jan. 1, 1937, to Apr. 30, 1939

Month	Total par. 1106. Wool, advanced, including tops		Total par. 1107. Yarns wholly or in chief value of wool, etc.		Total par. 1108. Woven fabrics, weighing not over 4 ounces per square yard, wholly or in chief value of wool, etc.		Total par. 1109 (a). Woven fabrics, weighing over 4 ounces per square yard, wholly or in chief value of wool <sup>1</sup>	
	Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value
	Pounds		Pounds		Square yards	Pounds	Square yards	Pounds
1937								
January	72,884	\$45,067	28,568	\$36,890	26,479	5,113	986,580	533,541
February	48,385	34,710	35,286	32,836	42,200	8,097	942,417	514,860
March	539	1,425	31,355	38,269	47,741	10,199	918,557	510,311
April	38,815	29,525	30,939	32,072	30,715	6,488	738,843	439,226
May	27,845	26,189	23,718	29,320	30,887	6,647	664,695	410,662
June	1,520	2,200	19,179	23,279	51,403	10,005	961,120	641,554
July	10,019	17,270	23,780	24,198	28,222	5,671	996,239	635,975
August	27,755	30,445	22,301	31,195	21,791	4,445	827,949	521,848
September	10,363	10,244	42,260	49,086	32,375	6,234	578,790	348,207
October	5,057	10,214	31,220	40,234	53,416	11,045	558,032	327,193
November	6,210	5,410	31,171	40,386	70,232	14,284	564,346	305,888
December	3,282	2,720	22,382	36,197	39,846	8,142	617,467	317,857
Total	252,674	215,428	342,159	413,962	475,307	96,370	9,355,035	5,507,122
1938: <sup>2</sup>								
January	2,993	2,259	66,958	75,922	23,905	4,656	793,226	407,826
February	4,082	5,879	35,313	44,889	16,694	2,917	645,249	336,508
March	304	233	33,540	36,680	18,455	3,944	556,980	288,833
April			32,153	34,660	20,178	4,038	327,293	182,240
4 months' total	7,379	8,371	167,964	192,151	79,232	15,555	2,322,748	1,215,407
May	2,161	3,616	24,342	43,974	34,629	6,610	237,823	133,801
June	2,200	5,195	28,601	43,177	64,307	12,762	389,592	244,298
July	6,288	14,379	30,699	55,929	26,927	5,313	430,207	284,978
August	7,363	10,715	40,719	71,729	25,176	5,080	643,102	383,743
September	10,586	17,013	44,396	103,816	41,235	8,366	455,957	274,714
October	22,377	17,210	57,903	162,312	43,214	8,803	546,094	313,615
November	865	1,204	36,072	87,401	25,750	5,420	499,061	279,107
December	1,311	4,861	23,870	72,184	15,172	2,636	374,901	199,583
Total	60,530	82,564	454,566	832,673	355,642	70,545	5,899,485	3,329,246
1939: <sup>2</sup>								
January	7,550	7,312	60,486	81,479	58,307	12,228	1,551,000	836,706
February	1,359	1,329	47,182	77,871	51,961	10,673	1,034,423	562,903
March	3,657	2,144	56,687	80,662	48,764	9,813	929,402	520,370
April	2,349	1,323	45,846	64,070	38,194	8,004	718,779	397,302
4 months' total	14,915	12,108	210,201	304,082	197,226	40,718	4,233,604	2,317,281

<sup>1</sup> Includes "blanketing for blankets, carriage and automobile robes, and steamer rugs of wool or other hair, over 3 yards in length," beginning Jan. 1, 1939, formerly included in par. 1111.

<sup>2</sup> Preliminary.

Source: Compiled from official statistics of the U. S. Department of Commerce.

## REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United

States relating to old-age assistance, reported it without amendment and submitted a report (No. 704) thereon.

Mr. WALSH, from the Committee on Finance, to which was referred the bill (H. R. 4647) to increase the amount



of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States, reported it with an amendment and submitted a report (No. 705) thereon.

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the following bills, reported them each without amendment:

S. 2694. A bill amending section 322 of the Agricultural Adjustment Act of 1938, as amended; and

S. 2695. A bill to amend the Agricultural Adjustment Act of 1938, as amended, relative to marketing percentages.

Mr. HUGHES, from the Committee on the District of Columbia, to which was referred the bill (S. 1128) to regulate the practice of professional engineering and creating a board for licensure of professional engineers in and for the District of Columbia, reported it with amendments and submitted a report (No. 706) thereon.

Mr. OVERTON, from the Committee on the District of Columbia, to which was referred the bill (S. 1296) to amend paragraphs (b), (c), and (d) of section 6 of the District of Columbia Traffic Act, 1925, as amended by the acts of July 3, 1926, and February 27, 1931, and for other purposes, reported it without amendment and submitted a report (No. 707) thereon.

Mr. TYDINGS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 5137) to prohibit the purchase of beer on credit by retailers in the District of Columbia, reported it without amendment and submitted a report (No. 708) thereon.

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3314) to provide shorter hours of duty for members of the Fire Department of the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 709) thereon.

Mr. KING, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2548. A bill to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938 (Rept. No. 710);

S. 2666. A bill providing for the exchange of certain park lands at the northern boundary of Piney Branch Parkway, near Argyle Terrace, for other lands more suitable for the use and development of Piney Branch Parkway (Rept. No. 711);

H. R. 3834. A bill to amend the act entitled "An act to regulate steam and other operating engineering in the District of Columbia," approved February 28, 1887, as amended (Rept. No. 712);

H. R. 5660. A bill to include Lafayette Park within the provisions of the act entitled "An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital," approved May 16, 1930 (Rept. No. 713);

H. R. 6834. A bill authorizing the Commissioners of the District of Columbia to settle claims and suits of the District of Columbia (Rept. No. 714); and

H. R. 6876. A bill to make uniform in the District of Columbia the law on fresh pursuit and to authorize the Commissioners of the District of Columbia to cooperate with the States (Rept. No. 715).

Mr. HOLMAN, from the Committee on Military Affairs, to which was referred the bill (S. 2038) for the relief of George H. Taylor, reported it without amendment and submitted a report (No. 716) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 2264) for the relief of Frank P. Hoyt, reported it without amendment and submitted a report (No. 717) thereon.

He also, from the same committee, to which was referred the bill (S. 2354) to provide for the rank and title of lieutenant general of the Regular Army for commanders of corps areas and foreign departments, reported it with amendments and submitted a report (No. 718) thereon.

Mr. MALONEY, from the Committee on Banking and Currency, submitted a report (No. 719) to accompany the bill (S. 101) to regulate the issuance of commemorative coins, heretofore reported by him from that committee with amendments.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

S. 2729. A bill granting a pension to Nettie L. Rashaw; to the Committee on Pensions.

By Mr. LEE:

S. 2730. A bill for the relief of W. J. Gastinger and Joseph R. Peller; to the Committee on Claims.

By Mr. ANDREWS (for himself and Mr. PEPPER):

S. 2731. A bill to provide for the creation of the St. Augustine National Historical Park in the State of Florida, and in aid of the St. Augustine historical-restoration program, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. MEAD:

S. 2732. A bill for the relief of the estate of Jacob Gerling; to the Committee on Claims.

By Mr. ASHURST:

S. 2733 (by request). A bill to amend section 812 of the Code of Law of the District of Columbia, as amended, relating to kidnapping, and for other purposes; and

S. 2734 (by request). A bill to prohibit the maintenance of gambling establishments within the admiralty and maritime jurisdiction of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

S. 2735. A bill authorizing the issuance to Orville Wright of honorary aircraft pilot's certificate No. 1; to the Committee on Commerce.

By Mr. MURRAY:

S. 2736. A bill for the relief of the Bowdoin Oil & Gas Co.; to the Committee on Claims.

By Mr. TYDINGS:

S. 2737. A bill to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; and

S. 2738. A bill to ratify and confirm Act 58 of the Session Laws of Hawaii, 1939, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; to the Committee on Territories and Insular Affairs.

By Mr. SHEPPARD:

S. 2739. A bill to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States; and

S. 2740. A bill to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds; to the Committee on Military Affairs.

#### AUTHORIZATION FOR RIVER AND HARBOR WORKS—AMENDMENTS

Mr. MEAD submitted three amendments intended to be proposed by him to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were ordered to lie on the table and to be printed.

#### ADDRESS BY SENATOR TYDINGS BEFORE AMERICAN IRON AND STEEL INSTITUTE

[Mr. BURKE asked and obtained leave to have printed in the RECORD the address delivered by Senator TYDINGS before the American Iron and Steel Institute at the Waldorf Astoria Hotel, New York City, on May 25, 1939, which appears in the Appendix.]

#### THE FAR EAST IN AMERICAN UNIVERSITY CURRICULA—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah before the Institute of Far Eastern Studies of the University of Michigan, at Ann Arbor, Mich., on June 27,

1939, on the subject "The Far East in American University Curricula," which appears in the Appendix.]

AN EXPLANATION OF NEUTRALITY—ARTICLE BY HARLAN MILLER

[Mr. LEE asked and obtained leave to have printed in the RECORD an article entitled "A Senator Explains Neutrality to His Son," by Harlan Miller, published in the Washington Post of June 23, 1939, which appears in the Appendix.]

GOVERNMENT EXPENDITURES—EDITORIAL FROM THE WEST UNION (W. VA.) RECORD

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial entitled "Let's Stop It," relating to Government expenditures, published in the West Union (W. Va.) Record, which appears in the Appendix.]

COMPETITION—FREE ENTERPRISE—EDITORIAL BY FRANK KNOX

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial by Frank Knox, reprinted from the Chicago Daily News, Thursday, June 22, 1939, entitled "Competition—Free Enterprise," which appears in the Appendix.]

ADDRESS BY PHILIP P. CAMPBELL TO GRADUATING CLASS OF BAKER UNIVERSITY, BALDWIN CITY, KANS.

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address delivered by Hon. Philip P. Campbell to the graduating class of Baker University, Baldwin City, Kans., which appears in the Appendix.]

MR. GANNETT'S PROPAGANDA COLUMN SERVICE FREE

Mr. LEE. Mr. President, Frank Gannett is at it again. Here is a letter which I have just received from a newspaperman in Oklahoma:

BRISTOW, OKLA., June 26, 1939.

Hon. JOSH LEE,  
Washington, D. C.

DEAR SENATOR LEE: You may have already examined the enclosed—and very interesting—letter from Mr. Gannett, and his offer to furnish this column free. I'm passing it on to you for any use you may desire to make of it.

Sincerely yours,

L. M. NICHOLS.

This is the letter he received from Frank Gannett:

[Frank Gannett, president, The Gannett Newspapers. Executive offices, Rochester, N. Y. Chairman, National Committee To Uphold Constitutional Government]

JUNE 23, 1939.

Mr. L. M. NICHOLS,  
Bristow Record, Bristow, Okla.

DEAR MR. NICHOLS: Will you not personally read the enclosed statements by former Congressman Pettengill? I feel that these two articles have such importance that they should have the widest possible distribution. Both deal with questions vital to a free press and free radio. If you feel these views are important we are pleased to be able to give you the opportunity of placing them before your readers. Both copies are offered, on and after the release date, for your use in any way you see fit.

If you have become convinced, as I have, that former Congressman Pettengill's 8 years' experience and intimate, continuing contacts in Washington make him an important commentator on current dangerous trends, will you not consider adding his twice-a-week column as a permanent feature?

The papers, with almost 2,000,000 circulation, that are now using it are finding growing reader interest. It is being distributed by America's Future, Inc., a non-profit organization.

For information write Glen Hancock, America's Future, 205 East Forty-second Street, New York, N. Y.

Sincerely yours,

FRANK GANNETT.

Mr. President, it would be interesting to know why America's Future, Inc., distributes these 2,000,000 releases free of cost to the newspapers. It would be interesting to know who pays the bill.

Mr. President, Mr. Gannett refers to former Representative Pettengill's contacts in Washington. I believe one of the contacts he had was living in the same house with utility lobbyists. I am personally acquainted with former Representative Pettengill. I consider him a sincere man, an honorable man. He and I never agreed on many questions. When I had it in mind to support some bill, and found out that he was for it, I usually went back and read it again. Mr. Pettengill did not offer himself for election again in Indiana, and I understand that one of the reasons is that

it was thought that he did not have enough support to be reelected on account of his antiadministration record.

I have read the two articles submitted, and they are both vigorous attacks upon the liberal policies of this administration.

Mr. BURKE. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. LEE. Yes.

Mr. BURKE. Does the Senator from Oklahoma mean to imply, by his reference to the fact that former Representative Pettengill, as he says, lived in the house with someone representing utilities, that there was anything ulterior or improper about that?

Mr. LEE. Not at all. I want that made very clear. Nothing dishonorable concerning Mr. Pettengill is intended.

Mr. BURKE. Why mention it in connection with the matter the Senator brought up?

Mr. LEE. Simply to show that his inclination was very much against the present policies of the administration, and to put the public on notice that the contents of that column will be antiadministration propaganda. I am glad the Senator mentioned that matter because I would not for anything give the impression that I have anything but the highest regard for Mr. Pettengill as a man and as an honorable man, but his views are very different from mine, and I wanted to point out that fact to show that he represents the same political policies as that represented by the utility lobbyists.

Mr. BURKE. If I may be pardoned a suggestion, I think the reference showed more about the attitude of the one who made the reference than it did about former Representative Pettengill.

PREVENTION OF PERNICIOUS POLITICAL ACTIVITIES

Mr. HATCH. Mr. President, in the light of previous statements made by me on the floor, and in order to keep the record straight, I rise for just a moment today to say that the House Committee on the Judiciary has kept faith with me in reporting Senate bill 1871. I am informed that the House committee did so report today. I am further informed that the committee struck out the last sentence in subdivision (a) of section 9 and removed it entirely from the bill.

This action of the committee is not in violation of the agreement, which I mentioned here on the floor, which was had with me, for that agreement only extended to reporting the bill and obtaining a rule for a vote. The committee had the right to act as it has acted, but its action, Mr. President, does kill and does destroy the vital part of the bill which seeks to ban pernicious political activity of Federal employees. Section 9 might just as well be stricken out in its entirety, for that sentence, the one which was stricken out, is the substance, not only of section 9 but of the entire bill, with relation to political activities of Federal employees.

This action of the committee presents an open, direct, and positive challenge to the leadership of the Democratic Party. That leadership, having openly declared in favor of the objectives, is now confronted with the opportunity of writing its professed beliefs into the law. The issue is clear-cut. That issue cannot be met by any claim of defective language. Hiding behind so-called imperfections of language cannot excuse or justify the emasculation of the measure.

While the language of the civil-service rule contained in section 9 seemed to be a reasonable approach, there is nothing sacred about that language. If it is poorly drafted, it is a simple matter to rewrite the provision and put into effect the objectives the leadership have claimed to approve.

Shall Federal employees be permitted to engage in political activities? Shall they continue to control and dominate conventions? This, Mr. President, is the issue. It is definitely drawn. The challenge must be met. Let it be met openly. If the objectives are to be killed, let them die honorably. Let not faith in the purposes of section 9 be betrayed by objection to form of language or structure of words.



The further progress of the bill will be watched with interest.

#### MATTERS OF ADMINISTRATION

Mr. LOGAN. Mr. President, I have received a letter, of date June 29, 1939, from Mr. Joseph A. Padway, counsel for the American Federation of Labor, advising that the American Federation of Labor supports Senate bill 915. I ask that it be incorporated in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The letter is as follows:

WASHINGTON, D. C., June 29, 1939.

HON. MARVEL M. LOGAN,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR LOGAN: Bill S. 915, dealing with the Logan administrative law legislation, has had my consideration on behalf of the American Federation of Labor. I have discussed it with the legislative department and with President Green. Mr. Green stated that if in my opinion the bill was advantageous to labor that I should so state, and that it would receive the support of the American Federation of Labor.

It is my opinion that the bill is in many respect beneficial to labor and it has our support. It appeals to us as being fair, just, and most necessary.

Respectfully yours,

J. A. PADWAY,

Counsel, American Federation of Labor.

#### AGREEMENT FOR CONSIDERATION OF UNOBTAINED-TO BILLS

Mr. BARKLEY. Mr. President, the Senator from Louisiana [Mr. OVERTON] desires to bring up a matter briefly before we take up the calendar. I ask unanimous consent that at the conclusion of the matter which the Senator from Louisiana will bring up the Senate proceed to consider unobjected-to bills on the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

#### DISTRICT OF COLUMBIA REVENUE AND APPROPRIATION BILLS

Mr. OVERTON. Mr. President, I regret to say, in reference to the revenue bill for the District of Columbia, that the conferees of the Senate and the conferees of the House are in disagreement. I further regret to make the observation that the Senate and House conferees are in disagreement in respect to the supply bill for the District of Columbia. They are in disagreement although we have had several conferences upon the supply bill and have had a conference of several hours upon the revenue bill.

The main item in controversy in both the tax bill and the appropriation bill is the payment to be made by the Federal Government to the District of Columbia.

The Senate on three different occasions has supported the view represented by the recommendations of the Committee on Appropriations of the Senate and of the Committee on the District of Columbia of the Senate, that the Federal payment should be approximately the sum of \$8,000,000. On the other hand, the view of the House of Representatives is that the appropriation should not be in excess of \$5,000,000.

Mr. President, I desire to bring to the attention of the Senate this issue so vital to the District of Columbia. I have taken the position—and the committees of the Senate and the Senate itself have agreed with me—that there should be a fixed formula of contribution, so that this question may be set at rest forever, and in order that the payment to be made by the Federal Government to the District of Columbia be fixed upon a basis so that this bitter controversy will not be annually arising as it has arisen from year to year.

We have traditionally made the Federal payment upon a percentage basis. It is true that in the beginning the appropriations made by Congress toward the expenses of the upkeep of our National Capital were upon a lump-sum basis. Payments have been made by the National Government to the District of Columbia from the time there has been a District of Columbia. From 1790, the time when the District of Columbia was organized, up to 1878, the payments by the Federal Government to the District of Columbia government averaged 38.7 percent of the District expenses.

Then, in 1878, when the reorganization form of government was prescribed for the District of Columbia, a special committee of Congress went fully into the question of the Federal payment, and it came to the conclusion that there should be a copartnership between the National Government and the District of Columbia government toward the upkeep of our National Capital, and that the Federal payment should be 50 percent, and that the remaining 50 percent should come from revenues derived by taxation upon the residents of the District. In other words, the National Government matched dollars with the District of Columbia government.

Mr. President, that policy was enacted into law in 1878, and for 42 years, from 1879 to 1920 the plan of Federal payment was a 50-50 plan; in other words the Federal Government and the District of Columbia government bore the burden in equal proportions.

In 1921 the basis of payment was altered and the percentage of contribution by the Federal Government was reduced to 40 percent and it continued from 1921 to 1925, 4 years, upon the ratio of a 40-percent payment by the Federal Government and a 60-percent tax burden upon the residents of the District of Columbia.

Beginning in 1925, Congress departed from the fixed percentage plan of payment and evolved what is known as the lump-sum basis of Federal payment. The lump-sum basis is not supported by any percentage, it is not supported by any rational basis. It is whatever each succeeding Congress determines, either through a spirit of liberality or a spirit of frugality, shall be paid toward the upkeep of our National Capital by the Federal Government. So it has happened that during the period from 1925 to the present time the Federal payments have varied from a high of \$9,500,000 to a low, the present low of \$5,000,000. Under the lump-sum plan, covering the period 1925-39, the percentage of payment made by the Federal Government to the District government has averaged about 20 percent of the general fund appropriations.

The Congress of the United States has a constitutional obligation in respect to the District of Columbia. We are by the Constitution the masters of the District of Columbia. We have exclusive legislative authority over it. Washington does not belong to the Washingtonians, it does not belong to the residents of the District of Columbia. It is our National Capital, it is the property of the whole Nation. It belongs to every man, woman, and child in the United States, and we all should, and we all do, I dare say, take an interest and a pride in our National Capital.

Because the District is the seat of our Government, the framers of our Constitution gave us exclusive legislative authority over it. We determine what taxes shall be levied against the residents of the District of Columbia. We determine how every dollar of the revenue shall be expended. All the avails of taxes collected are paid into the Treasury of the United States. We, the Congress of the United States, sitting, at is were, as a board of aldermen or a city council, determine how the funds shall be expended.

We require the District of Columbia to pay many items which ought to be borne as a Federal expense and treated as a Federal obligation. We do so because we have the authority to do it and because, regardless of any complaint which may be made by the residents of the District of Columbia, we, having the authority, can prescribe exactly what shall be done with their money.

For instance, the District of Columbia government supplies all of the Federal buildings in the District with water free to the Federal Government. It supplies the water at the entire expense of the residents, and the water consumers of the District foot the whole bill. It has been estimated that the value of the supply of water the District of Columbia furnishes to the Federal Government amounts to almost \$500,000 per annum, figured at commercial rates. We put that burden on the District because we have the authority to do it and to make the people bear it.

Again we say to the taxpayers of the District of Columbia, "You have to furnish free education not only to the children

of the District of Columbia but to the children of the State of Maryland and to the children of the State of Virginia. You have to give them free library service, and you have to give them free medical attention, such as is afforded under the regulations of the Board of Education and the Health Department of the District of Columbia." That item alone amounts to something over \$300,000 per annum. Then we say—and I think properly in this respect—that the children of Federal employees located in the District of Columbia, the children of Senators, of Representatives, of the Cabinet officers, of everyone who comes here in Federal official service, must be furnished free education and free textbooks and free municipal library service.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. NORRIS. I noted what the Senator said about the Federal Government paying nothing for the water which the District supplies to it. It seems to me that is on the face of it an injustice to the District of Columbia. But I am wondering if the waterworks were paid for by the taxpayers of the District of Columbia or whether the Government itself paid for them. I ask that question for information.

Mr. OVERTON. I shall be very glad to give the Senator the information.

Mr. NORRIS. I know that the water supply of the District cost a great deal of money. The system is quite an expensive one. I wonder if the Government gets free the water used in Federal buildings as partial compensation for the money expended to pay for the original cost of the waterworks system of the District of Columbia. And is it not a fact that the Government of the United States contributed very materially to the cost of that system?

Mr. OVERTON. I may say to the Senator from Nebraska that I desired to obtain the same information, and I took the matter up with the Engineer Commissioner of the District of Columbia and asked him to make a survey and report. In fact the survey was being made at the time. It is now completed. Here is what it shows. Back in the old days there was payment by the United States for the building of the aqueduct which supplies the city of Washington with water, but the total contribution which has been made by the Federal Government, from 1852 to date, towards the water system of the city of Washington amounts to only \$12,411,352. On the other hand the residents of the District of Columbia have expended upon the water system the total sum of \$53,291,350. Therefore the proportion of the Federal payment to the District payment is as 12 is to 53, or less than one-fourth.

Mr. NORRIS. Mr. President, will the Senator again yield?

Mr. OVERTON. I yield.

Mr. NORRIS. I am wondering whether that is a fair proportion. Of course Federal buildings use only a small percentage of the total water that is supplied. The figures which the Senator gives show that for practical purposes the water system cost about \$65,000,000. The Federal Government paid as its share of that a little over \$12,000,000. The remainder was paid from moneys received from taxation, I suppose.

Mr. OVERTON. Yes; from the general revenue and from the charges made for water consumption upon the residents of the District of Columbia. So it was paid both by taxation against the property owners of the District of Columbia—

Mr. NORRIS. Yes; I understand that the people have to pay for the water, but the original outlay was paid from an appropriation made by Congress, I suppose.

Mr. OVERTON. The total appropriation required to maintain the water system in the District of Columbia is \$1,200,000, per annum in round figures, and the water supplied to the Federal Government approximates \$500,000.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. OVERTON. I yield.

Mr. SHIPSTEAD. Is there any more reason why the Federal Government should get free water for its contribution to the construction of the water system than that the taxpayers, who put up five times as much, should have free water?

Mr. OVERTON. I thank the Senator for that contribution. I agree with him. The Federal Government is no longer making any contribution, and it has not for some time.

Mr. NORRIS. Does not the Federal Government pay toward the upkeep of the water system now?

Mr. OVERTON. No. The total cost of operation and capital outlay is borne by the District of Columbia.

Mr. NORRIS. I understand, but the Federal Government contributes toward it?

Mr. OVERTON. It makes no contribution.

Mr. NORRIS. It makes no contribution whatever?

Mr. OVERTON. None whatsoever.

Mr. NORRIS. I still do not feel quite clear about the matter. The Federal Government makes a contribution every year into the general fund of the District, I suppose.

Mr. OVERTON. Yes.

Mr. NORRIS. And the city pays for the upkeep of the waterworks. But I presume the District gets as much, perhaps more, from the people who pay for the water, than the upkeep costs. Is not that true? And if that is true, the taxpayers do not pay anything more than the Government does. What I want to know is whether the contribution which is made annually by the Federal Government to the District government does not go into the fund with which the operation of the waterworks system is kept up.

Mr. OVERTON. It does not. The water fund is kept separate and distinct from the general fund and the Federal payment is only to the general fund. There is a Federal payment which is made annually toward the upkeep of the National Capital by the Congress of the United States, and I am referring to these different items to show that the District of Columbia pays for every dime of contribution it gets from the Federal Government. I mention the water supply as one instance. I think it is wholly unfair to require that the resident water consumers in the District should pay today for the operation of the entire system of waterworks supplying inhabitants and supplying all the Federal buildings, and that they should bear the total cost as they are doing today, and as they have been doing for many years, and that the Federal Government should be exempted from the payment for water simply because in times gone by it has paid ten-million-and-some-odd-thousand dollars toward the capital outlay for the construction of the waterworks system supplying the city of Washington.

Mr. SHIPSTEAD. Mr. President, will the Senator further yield?

Mr. OVERTON. I yield.

Mr. SHIPSTEAD. Is anything paid in to the maintenance fund of the water system of Washington except what is collected from those who pay for water?

Mr. OVERTON. That is all. And it is kept as a separate and independent fund. The residents of the District of Columbia pay not only for their own water, but they pay for the water used in all these Federal buildings, and they pay for water in all the national parks and streets and other public places.

Mr. SHIPSTEAD. I wish to ask the Senator another question. If the District were to furnish free water to the Federal Government at the expense of the taxpayers of the District of Columbia, would it be facetious to say that the District should also furnish plumbing to the Federal Government?

Mr. OVERTON. I do not think it would be too far-fetched.

I pass on from that item. All the mammoth Federal buildings are under the care and protection of the Fire Department of the District of Columbia. It has been estimated that the service rendered by the District of Columbia toward protection of the Federal property from fire amounts to between \$200,000 and \$300,000 per annum. We require the District to



do that. We further require the District to maintain all the streets and sidewalks abutting the properties belonging to the Federal Government. We require the District to discharge all the costs of street lighting in connection with Federal properties, including national parks. We require the District to clean all the streets and remove the snow and ice on the sidewalks and the streets abutting Federal properties. The District government is obliged to take charge of the garbage and refuse from the Federal buildings and dispose of it.

We exempt the Federal Government from the payment of any gasoline tax or any automobile tax in the District of Columbia on all federally owned cars, and the District is obliged to issue permits and title certificates to the federally owned cars without any charge whatsoever.

The District of Columbia is required to have an extraordinary police force because it is the National Capital.

Mr. President, I ask that there be order in the Senate. I am discussing a matter on which I shall later ask for a yeand-nay vote by the Senate.

The PRESIDING OFFICER. The Senate will be in order. Senators who wish to confer will please retire to the cloak room.

Mr. OVERTON. Mr. President, whenever a Federal parade occurs, as many as 800 policemen are detailed for duty. It is proper that they should be. It is proper that when the President goes through the streets of Washington there should be police lined along the streets. But we do require the District of Columbia alone to bear all the added burden of police protection for the Federal buildings, and the Federal parades, and for all that is required here in our National Capital.

Furthermore, we require the District of Columbia to pay for the cost of the detention of witnesses and prisoners in Federal cases, and the incarceration of prisoners convicted of Federal offenses. We today require the District of Columbia to pay 60 percent of the cost of our Federal district courts in the District of Columbia, and 30 percent of the cost of the United States Circuit Court of Appeals. I say to the Senator from Nevada [Mr. PITTMAN] that I do not think such a situation obtains in his own State or in any other State of the Union. I do not think we require a State payment toward the cost of the operation of Federal courts. We could not require States to do that. But because we have exclusive legislative authority over the District of Columbia we force the District to assume that burden, and many other burdens to which I have referred and others to which I shall refer later.

Mr. PITTMAN. Mr. President, I will say to the Senator that I am in entire accord with him.

Mr. OVERTON. I thank the Senator. I am very glad indeed to have the support of the able Senator from Nevada in the contention I am making.

We are spending thousands of dollars annually toward the reclamation of the Anacostia flats along the Anacostia River, for the benefit of the Federal Government. The title to all the reclaimed land goes to the Federal Government, but we require the District of Columbia to bear the burden of the entire cost. Furthermore, because Washington is the National Capital, and we want big national parks, whenever we desire additional park area we acquire it in the name of the Federal Government, but we make the District of Columbia pay for every rood and acre of it. The title to all the parks in the District of Columbia is in the Federal Government. They are known as national parks, and they have tremendous areas because they are national parks and part of the seat of our National Government. However, we require the District of Columbia to pay for all the maintenance of those parks, for the lighting, and for centers of recreation. While the Department of the Interior designates the National Capital Parks police force to man these Capital parks, we require the District of Columbia to pay the entire compensation of such police force.

Mr. President, I have given only a partial list of the exactions we make upon the District of Columbia. It has been estimated that the services rendered by the District of Colum-

bia to the Federal Government amount to as much as \$12,000,000 per annum. It is true that there have been lower estimates. When it comes to the question of putting values upon services and upon property the minds of men differ. The lowest estimate which has been called to my attention is an estimate of something in excess of \$2,000,000 per annum, but other estimates reach as high as \$12,000,000 per annum. The estimate of \$12,000,000 per annum was made by all the departments in the District of Columbia which have appraised the services being rendered by the District to the Federal Government.

Mr. President, I think it would probably be fair to say that a just valuation upon the services rendered by the District of Columbia to the Federal Government is sufficient to cover the Federal payment made for the upkeep of our National Capital, whether it be \$5,000,000 or whether it be \$8,000,000, as is presently contended by the Senate.

However, Mr. President, it is not merely a question of the services rendered. The Federal Government has a tremendous area of Federal property within the District of Columbia. The area belonging to the Federal Government is something more than 29 percent of the total land area of the District. Of course, all that Federal property is exempt from taxation. However, we do more than that. Because we have a National Capital here, and because we have the legislative authority to do so, we exempt many other properties from taxation. We exempt all embassies, and properly so. We exempt buildings belonging to patriotic organizations, such as Constitution Hall and the property belonging to the Society of the Cincinnati. The total exempt property in the District of Columbia, including the Federal property and the other properties which we have legislatively exempted from the burden of taxation, amounts to more than 55 percent of the land area in the District of Columbia.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. OVERTON. Let me finish this one thought. In other words, we force the entire burden of real-estate taxation in the District of Columbia upon only 45 percent of the land area of the District.

I now yield to the Senator from Maryland.

Mr. TYDINGS. I think the remark which the Senator has just made is a very interesting and potent one in this discussion, namely, that 55 percent of the land area of the District is exempt from local taxation. Has the Senator any figures to show what percentage of the total contribution would be accounted for by the 55 percent of exempt land and buildings if it were taxed?

Mr. OVERTON. It might be interesting to the Senator from Maryland for me to call his attention to a report contained in a message from the President of the United States transmitted this year to the Congress. The report was prepared at his instance, I believe by the Attorney General, the Secretary of the Treasury, and some other official. That report shows that if the local rate of taxation were applied merely to the federally owned property, the revenue derived therefrom for the District of Columbia would be \$10,569,981.

Mr. TYDINGS. What percentage is that of the total revenue? I know the Senator has the figure.

Mr. OVERTON. The total general fund of the District of Columbia is now slightly over \$40,000,000, including a Federal payment of \$5,000,000.

Mr. TYDINGS. So, it would be 25 percent.

Mr. OVERTON. It would be 25 percent. That fact, in and of itself, would support a larger contribution than \$8,000,000.

Mr. TYDINGS. Mr. President, the Senator from Louisiana has approached this whole matter in a spirit of absolute fairness. He has worked untiringly on the committee to establish justice between the District of Columbia and the Federal function, and I think this body, as a mark of confidence, ought to stay with him until the end of the fight, because he has the facts to support his argument and he has approached the matter with no selfish thought. He deserves the thanks not only of everyone living in the District of Columbia but of everyone in the country for the work he has done.

Mr. OVERTON. I thank the Senator from Maryland for his complimentary references to me, but I wish to amend his remarks in part. To some extent I did have a selfish interest in this matter because, fortunately, or unfortunately, I was drafted as chairman of the subcommittee on the supply bill for the District of Columbia. I know that each year a controversy arises as to what the Federal payment should be. The controversy seems to be endless. Therefore I read a great many reports which had been made by different committees of Congress, most of which based the Federal payment upon the theory of excessive ownership of Federal property. Then I evolved the theory which is contained in Senate bill 1190, which has now been passed by the Senate, based upon the ratio which the net land area belonging to the Federal Government, after making certain deductions, bears to the total land area of the District of Columbia. That formula is flexible and is reduced to mathematical accuracy. Of course, the contribution will be decreased as the Federal ownership is decreased, and will be increased as Federal ownership increases.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. OVERTON. I shall be glad to yield to the Senator.

Mr. TYDINGS. The Senator made the statement that he had some slight selfish interest in the matter. After listening to his explanation I cannot find that selfish interest; and I say to the Senator that by unanimous consent his amendment to my remarks has been rejected.

Mr. OVERTON. I thank the Senator.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. GILLETTE. Referring to the colloquy between the Senator from Louisiana [Mr. OVERTON] and the Senator from Maryland [Mr. TYDINGS], and the further statement that future years will probably show an increased amount of land taken out of the taxable area for Federal use, is there not an element to be considered in the fact that the development of the land through Federal improvements has greatly increased the taxable value of all the rest of the area of the District?

Mr. TYDINGS. And increased the burdens.

Mr. OVERTON. It has increased the value, especially of adjacent property. However, as the Senator from Maryland says, it has likewise correspondingly increased the burden upon the taxpayers of the District of Columbia.

Because we are the masters of the District of Columbia, we will not permit the seat of our National Government to become an industrial city. We will not permit pay rolls here which would correspond to pay rolls in industrial cities generally throughout the United States.

We do more than that. Because we want to have a beautiful National Capital, we restrict building. No building may be in excess of a certain height. That is in order to have a city beautiful, and a city of magnificent distances, as Washington has been described.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. OVERTON. I yield to the Senator.

Mr. WILEY. What is the tax rate on real estate in the District of Columbia?

Mr. OVERTON. At present the tax rate is \$1.75 on a full-value assessment.

Mr. WILEY. How does that compare with the rate in other cities of the United States?

Mr. OVERTON. I will say to the Senator that I wanted that question settled, I hoped for good; so when I was preparing to conduct hearings on the bill which I introduced, and to which I referred, I appealed to the Bureau of the Census to put someone to work to institute a comparison between the tax burden borne by residents of the District of Columbia and that borne by residents of comparable cities. They spent several weeks upon it. They put at the head of their staff Mr. Chester E. Rightor, who is chief statistician on taxation of States and cities. He submitted a report to the subcommittee of the District of Columbia Committee having this matter under consideration. It was his report that the tax burden on the residents of the city of Washington is the average of the tax burden borne by the residents of

comparable cities. It was his further report, however, that he included in the tax burden the taxes that were levied in various cities outside Washington to service their bonded debt, which is an appreciable sum. Washington has no bonded debt, and if, therefore, the tax avails that are used for the purpose of the public-debt service were eliminated from the calculation, the city of Washington in its tax burden would be fourth in rank of the 12 cities that were investigated and reported upon.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. OVERTON. I am glad to yield.

Mr. TYDINGS. Along the same line, as the Senator knows, because Congress makes the appropriations for the District of Columbia, and as the Senator from Louisiana has stated, the District has no bonded indebtedness, that has forced the District to bear very heavy burdens through all these years, in order to keep expenses current. If we were to depart from that policy, we could lower the tax rate in the District. In my opinion, if the District of Columbia had pursued the same policy that the large cities of America have pursued of borrowing and deferring to the future, as the Senator says, it would not only rank fourth but, with all the improvements made in the city, I should not be surprised but that it would rank first if it had resorted to the artifice of borrowing for permanent improvements.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. OVERTON. I am glad to yield.

Mr. WILEY. According to my own experience and from talking with a number of Members of this body in comparing values of real estate, I would say that the tax rate here is probably about one-half of what it is throughout the Nation, especially in the Middle West.

Mr. OVERTON. What does the Senator call "the tax rate"? Does he include all the State taxation, the county taxation, the special district taxation, and municipal taxation?

Mr. WILEY. I have not had a summary made; I am merely using my own experience. Take real estate. Let me digress from that subject for a moment to remark that the Senator stated there is not any pay roll here. I want to say that the Government has made the best kind of a pay roll for Washington. It has brought here 140,000 pay rollers to work for the Government. They are getting high wages, some of them very high wages. In other words, I do not think Washington is so badly off in spite of the "manhandling" which, it is implied, the Government has given Washington.

Referring, however, to the question of taxation, if the Senator will take his own home in his own State—

Mr. OVERTON. Will the Senator permit me to state that I thank him for the expression as to "manhandling" which he has contributed to the debate.

Mr. WILEY. Very well. If the Senator will take his own home in his State, or if he will take the home of any other Senator, and compare its value with the value of a similar home in Washington, he will find that the home owner in Washington is three or four times better off, because the way the Government runs Washington adds value to the property. Any man who had a home here 10 years ago has received a substantial appreciation.

Furthermore, if the Senator will take a property in his own State—let us assume a property valued at \$10,000—how much taxes would the Senator pay in his own home town on such a property? If he should then take a property in Washington valued at \$10,000, he would see that the owner in Washington is paying about 50 percent less than the Senator is paying in his own home State.

Mr. OVERTON. The Senator may know a great deal more about taxation than I do, but I think the Bureau of the Census knows more about that subject than either he or I.

Mr. WILEY. Take the example I have given. Will the Senator apply it for me?

Mr. OVERTON. Yes; I will take the example, but I will say that, in my own State, the assessed valuation is far below the cash value of the property. As the Senator from



Oklahoma [Mr. THOMAS] correctly states, the assessment runs from 25 to 50 percent not only in my State but in a great many other States. The States and the counties and the local subdivisions of government have proceeded upon the theory that it is better to have a high tax rate and a low assessment than it is to have a full assessment and a low tax rate.

In further answer to the Senator, let me say that the residents of the States are required to do something that the residents of the District of Columbia are not required to do. The residents of the Senator's State and mine pay taxes for the maintenance of the State. The funds so derived are expended all over the State, and the citizens of the State benefit from the taxes they pay into the coffers of the State. Furthermore, they have a voice in the government of the State; they have a legislature; they are eligible to election to the legislature of the State and to its governorship. They have full control; they are citizens with the right to vote, the right to hold office, the right to regulate the affairs of their State and of its local subdivisions. Furthermore, let me say to the Senator that the residents of his State and my State pay county taxes. They have a right to elect their county commissioners; the Senator himself could become a county commissioner. They derive benefits from the county governments. Then there are districts within the States. For instance, in Louisiana we have reclamation districts; we have levee districts; we have school districts. The citizens pay money for the support of their schools, their levees, and for the reclamation of their land. No one for a moment can undertake to compare the tax burden of the city of Washington, which is, in effect, a municipal government, with all the tax burdens that may be piled upon the Senator in his State, because he contributes to the support of his sovereign State and of its local subdivisions and derives the benefit therefrom.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. OVERTON. I am glad to yield.

Mr. WILEY. Does the Senator base his argument on the fundamental proposition, which we have heard discussed so often in this Chamber, of ability to pay in the matter of taxation? Does the Senator not think Washington is better off than most cities from the standpoint of ability to pay?

Mr. OVERTON. If the Senator is speaking of pay rolls, I should say that 90 percent of the Government pay roll makes no contribution to the expense of the District of Columbia. I am making that statement offhand, without any knowledge of the actual figures, and without having made any investigation.

Mr. WILEY. I am talking about the taxpayer's ability to pay.

Mr. OVERTON. Well, his ability to pay is determined by the value of his property which is assessed at full value in the District of Columbia, at least, all urban property is. Some of the outlying property is assessed at 80 percent of its value.

Mr. WILEY. Mr. President, will the Senator yield further?

Mr. OVERTON. I yield.

Mr. WILEY. The mere matter of the assessment does not mean anything unless we get the whole picture. Coming back to the \$10,000 example—

Mr. OVERTON. Let me interrupt the Senator. That is the reason why I went to the real experts in our Federal Government, to the Bureau of the Census. They have made their report, and I would be very glad to furnish the Senator with a copy of it. It is full; it is complete; and it ought to be convincing. In the report the experts say that the tax burden of the city of Washington is comparable to the tax burden of other cities.

Mr. WILEY. I will not interrupt the Senator again, but coming back to the \$10,000 example, if the Senator will take a home in his own State that has a valuation of \$10,000—I do not say a home assessed at \$10,000, but that has a value of \$10,000—and compare taxes paid on that home with the

taxes paid on a home in the city of Washington of \$10,000 value, I think he will find the taxes here are less.

Mr. OVERTON. I do not like to refer particularly to my own property in my home city and to what the assessor there does, because I have to visit his office annually. He determines what the assessment shall be. Let us talk about it generally. I will say to the Senator that, generally, the assessments in the different cities run, as the Senator from Oklahoma has well said, from about 25 to 50 percent of the true value of the property.

Of course, if anyone writes to an assessor in any State, the assessor will say, "I am assessing at full value"; but, as a matter of fact, assessors do not assess at full value; and I am satisfied that in the Senator's own State they do not assess anywhere approximating full value.

Mr. WHEELER. They assess property much more than 25 percent of value here in the city of Washington.

Mr. OVERTON. They assess at full value. The government of the District is right under the eyes of the Federal Government and the assessor dare not do otherwise.

Let me refer to another situation that exists here. While we are discussing the taxation, it must be remembered that the area of the District of Columbia is circumscribed; it is prescribed by the Constitution. I am sorry the Senator from Wisconsin is leaving because I wanted him to hear this.

Mr. WILEY. I will be glad to remain to hear what the Senator may say.

Mr. OVERTON. The area of the District of Columbia is circumscribed. It was originally 10 miles square. We gave back to Virginia what Virginia had ceded to the Government and the area of the District of Columbia is now 7 miles square. There has been a tremendous suburban development around Washington, both in Virginia and in Maryland. What does a city in the Senator's State or in any other State do when there is suburban development? The city extends its corporate limits; it takes in the additional area, and makes the people there who enjoy the benefits of the municipal government contribute to the expenses thereof. In the District of Columbia, however, those who have gone out and developed suburban areas in Maryland and Virginia get the benefit of the District government without expense, and the District of Columbia is powerless to help itself. It is surrounded, as it were, figuratively speaking, by a Chinese wall that it cannot surmount. Its area is inflexibly fixed, and it has the additional burden of taking care of these suburban dwellers without any contribution on their part for the maintenance of the District of Columbia government.

Thomas Babington Macaulay, in his essay on Von Ranke, referred to the traveler from New Zealand who some day might take his stand upon a broken arch of London Bridge to sketch the ruins of St. Paul's. With the increased Federal acquisition of property and the constantly increasing exemption from taxation of property in the District of Columbia and the inability of the District of Columbia to extend its area, I think we may very well conceive that the time will come when there will be in the District of Columbia one lonely taxpayer, upon a lonely lot of ground, having to bear all the burdens of the government of the District of Columbia.

Mr. President, I do not want to detain the Senate at too great length. Let me explain briefly the formula which I have undertaken to evolve, which has met with the approval of the District Committee and has met with the approval of the Senate.

I thought, as some have suggested, that it might be well to compute the value of the Federal property and compare it with the value of privately owned property; but when we get to values we get into a controversy. The Senator from Montana would have one idea, for instance, as to the value of the Capitol Building, and I would have another; and who is going properly to appraise the Senate and House Office Buildings, or the Department of Agriculture Building, or the Zoo, or countless other Federal structures? So I concluded that it would be best to base the formula on land area.

Therefore, I take the landed area belonging to the Federal Government, and from it I deduct all the area embraced in avenues, streets, and alleys, because every municipality has avenues, streets, and alleys. The highway areas should properly be deducted from the landed area we are going to charge up against the Federal Government. It is true that Washington has broader avenues than the average city, and perhaps a much larger highway area than the average city; but yet it is only fair to deduct from the landed area belonging to the Federal Government all the area embraced within the highways.

Then we have park areas. Every city has a park area; and I charge up against the Federal Government only the park area which experts, upon investigation, have determined to be the average park area in comparable cities. We have in the city of Washington an excess park area of 44 percent. Therefore, I deduct 56 percent, representing the average park area, from the landed area of the United States.

Then there is in the District of Columbia certain land which is utilized by the District of Columbia government, and I deduct that land.

Those are all the deductions that I think in fairness should be made.

Then I take the net landed area after those deductions; and the ratio which the net Federal landed area bears to the total landed area in the District of Columbia is the percentage ratio of the proposed Federal payment to the District of Columbia government. That ratio, under the present United States holdings, is 20 percent. Twenty percent of the general fund amounts, in round figures, to \$8,000,000, and that is the proposed Federal payment.

In conclusion let me say, as I remarked in the beginning, that this matter has been a subject of controversy from year to year and over a period of many years. I believe that the upshot and result of each controversy has been that the Federal payment written into the annual supply bill by the House has prevailed. On three different occasions this session the Senate has expressed a different view and thought the Federal payment should be increased from the \$5,000,000 fixed by the House to the amount of approximately \$8,000,000 fixed by the Senate.

I desire to say that when we reached this impasse between the conferees on the supply bill and a similar impasse between the conferees on the tax bill, I proposed that, rather than have no appropriation bill and no tax bill for the District of Columbia, we split the difference for the coming fiscal year. I said to the conferees, "I have respect for the House. It is an independent and coordinate branch of our Government. The House ought to have consideration for the views of the Senate. Since the Senate has unanimously said on three different occasions that the payment by the Federal Government should be approximately \$8,000,000, and since the House has said that it should be \$5,000,000, let us fix the amount in the supply bill at \$6,500,000, and let us fix the ratio in the tax bill at 16 percent instead of 20 percent. The Federal payment now represents 12 percent of the general-fund appropriation, and under the bill as passed by the Senate the Federal payment would be 20 percent of the general-fund appropriations of the District of Columbia, and halfway between those two percentages is 16 percent."

The conferees on the part of the Senate refuse to recede any further. They are willing to split the difference, but they are not willing to make a complete surrender of their views and the views of the Senate to those of the House.

Mr. President, as soon as the conference report comes from the House reporting the disagreement between the conferees, I expect to bring up the matter again without further explanation—I hope it will not be necessary—and ask for a yea-and-nay vote.

#### THE CALENDAR

The PRESIDING OFFICER (Mr. LEE in the chair). Under the unanimous-consent agreement, the Senate will now proceed to the consideration of unobjected-to bills on the calendar.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahay	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slattery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

By unanimous consent the Senate has decided to proceed to the consideration of unobjected-to bills on the calendar.

#### HOOVER'S ATTITUDE TOWARD UNEMPLOYED

Mr. SCHWELLENBACH. Mr. President, I rise to a question of personal privilege, and I ask unanimous consent that I may be allowed to proceed with a brief discussion at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WHITE. What was the request?

The PRESIDING OFFICER. The Senator from Washington stated that he rose to a question of personal privilege, and he asked unanimous consent that he be allowed to proceed. Is there objection? The Chair hears none.

Mr. SCHWELLENBACH. Mr. President, last Sunday evening over a national broadcast the senior Senator from Kansas [Mr. CAPPER] and I discussed the question of unemployment relief. During the course of my discussion I made the following statement:

The first question confronting us is whether, in a democracy, government has the responsibility of assisting those who, through no fault of their own, are unable to find employment in private industry.

This may have been debatable when President Hoover was arguing that Government funds should only be used to help the railroads and the banks. It is not even a subject of dispute today.

On the following day former President Hoover made public a telegram which he had sent to the Senator from Kansas on Tuesday of this week, and the Senator from Kansas, without any objection on my part, had the telegram inserted in the CONGRESSIONAL RECORD. In the telegram former President Hoover made this statement—and I do not intend to read the entire telegram, but just the first and last sentences:

Over the radio today in debate between you and Senator SCHWELLENBACH, the Senator stated rightly that our Government must prevent hunger and cold among our citizens. With that I agree. But he continued to repeat the old lie that during my administration I argued against such action by the Government.

Former President Hoover then discussed some of the activities of the Government during his administration, and concluded with this statement:

I would greatly appreciate it if you would interest yourself in publicly correcting this continued misstatement of Senator SCHWELLENBACH.

HERBERT HOOVER.

Mr. President, I think it is unfortunate that a man who has been thus honored by the people of the United States would permit himself to get into such a fit of temper that he would indulge in language such as has been used by former President Hoover. I was interested, a few days ago, in reading the record of the hearings on the relief bill, to see that an apology was made to the Committee on Appropriations because of the fact that one of the witnesses had previously used language similar to that used by the former President,



and the witness appeared before the Committee and apologized, recognizing that no gentleman would ever use such language in a public statement.

While the facts which I shall present will, in my opinion, disprove what former President Hoover said in his telegram, I want it distinctly understood that I am not descending to the methods or the language used by former President Hoover, and that I am not calling him a liar just because of his statement that I am a liar.

I do not like to go back into what is more or less ancient history, but I think all my colleagues remember that for the first part of the period beginning in October 1929 and thereafter during the depression period President Hoover took the position that there was no depression, that everything was all right, and that if the people just would not become frightened but would trust to him and the industrialists of the country, all of their problems would be solved. There were repeated statements about the number of unemployed which were in direct contradiction to the facts as known by anyone who investigated the conditions in any one of our cities or towns. But during the early part of that period the attitude of President Hoover was that there was no depression and no appreciable increase in unemployment.

On November 15, 1929, Mr. Hoover said:

My own experience has been, however, that words are not of any great importance in times of economic disturbance. It's action that counts.

As an outgrowth of that statement the only action which President Hoover or Congress took at that time, and the only action that was taken, was to decrease the taxes levied upon those in this country who had large incomes, in the amount of \$160,000,000 a year, thereby decreasing the power and ability of the Federal Government to be of some assistance in the solution of the unemployment problem.

In the telegram to the Senator from Kansas, President Hoover points out the increase in public works during his administration as indicating that he did have some interest in the problem of unemployment. I think it might be of value to have some figures at this point as to increases in public works and the expenditures therefor during the period when Mr. Hoover was President.

In 1928 the Federal Government spent on public works \$201,000,000; in 1929 it spent \$261,000,000; in 1930 it spent \$297,000,000; in 1931 it spent \$460,000,000. There was an increase in Federal public works expenditures of \$259,000,000.

To Mr. Hoover that may have seemed like a large amount, but that figure should be taken and considered in connection with all the public and private expenditures upon construction in this country. Taking the combined Federal, State, and local public works, in 1928 the sum expended was \$3,631,000,000; in 1929 it was \$3,555,000,000; in 1930 it was \$3,632,000,000; and in 1931 it was \$3,000,000,000. In other words, the decrease in State and local expenditures just balanced the amount of the increase in Federal expenditures, and the amount which was expended by the governments of the country was in no way increased.

It is more interesting, however, to take into consideration all of the costs for both public and private construction during that period. In 1928 they amounted to \$10,091,000,000; in 1929 they were \$9,018,000,000; in 1930 they were \$6,946,000,000; in 1931 they were \$4,800,000,000; and in 1932 they were \$2,750,000,000. So there was a decrease of over \$7,000,000,000, while the Federal Government was increasing its construction expenditures by the amount of only \$259,000,000.

Mr. President, Members of this body who were here at the time will remember that in March 1930, some 6 months after the depression began, a number of Senators, including the Senator from New York [Mr. WAGNER], the former Senator from Michigan, the late Senator Couzens, the Senator from Montana [Mr. WHEELER], and the Senator from Wisconsin [Mr. LA FOLLETTE] joined in demanding recognition of the problem of unemployment by the national administration and by the Congress, and on March 7, 1930, President Hoover replied to that demand as follows:

All the evidences indicate that the worst effects of the crisis upon employment will have been passed within the next 60 days—

This was in March 1930.

With the amelioration of seasonal unemployment, the gaining strength of other forces, and continued cooperation of the many agencies actively cooperating with the Government to restore business and to relieve distress.

That is an evidence either of the unwillingness or inability of President Hoover at that time to appreciate the situation with which the country was confronted.

On June 4, 1930, a delegation headed by Mr. Amos Pinchot, brother of the then Governor of Pennsylvania, called upon the President to urge a program for the relief of unemployment, and I quote from Mr. Pinchot, who reported the conversation with President Hoover. He said this:

With calm confidence he spoke of the results that were being gained through the conference he had called of great business leaders and of their fine response to his appeal not to curtail the volume of their activities. He showed us, in authoritative style, that every agency of both the Federal and State governments was working at top capacity to relieve the situation.

Mr. Pinchot quoted directly from President Hoover. This was in June 1930:

Gentlemen, you have come 6 weeks too late.

In other words, President Hoover then in June 1930 thought the depression had been over for a period of 6 weeks.

However, in the fall of 1930 President Hoover seemed to have some appreciation of the fact that we were in a depression, and he appointed a citizens' committee on October 21 of that year, with Col. Arthur Woods to direct the organization and to coordinate State and local activities on unemployment. The next day after his appointment Colonel Woods took up his work with this statement:

We are going at the problem with all the information and all the vigor that we can command. I think we will win by furnishing jobs and through social relief measures. It is largely a local problem.

President Hoover's attitude concerning that committee was expressed when he refused to call a special session of the Congress, and on October 24, 1930, issued the following statement:

No special session is necessary to deal with employment. The sense of voluntary organization and community service in the American people has not vanished. The spirit of voluntary service has been strong enough to cope with the problem for the past year, and it will, I am confident, continue in full measure of the need.

On December 2, 1930, President Hoover in his annual message to the Congress said:

Economic depression cannot be cured by legislative action or executive pronouncement. Economic wounds must be healed by action of the cells of the economic body—producers and consumers themselves.

I should like to say, Mr. President, that it is a matter of some interest to me to see that only one Republican Member of this body has any interest in what I have to say. I thought the Republicans would fly to the defense of the leader of their party. I beg the Senate's pardon—I see the Senator from Wisconsin [Mr. WILEY] and the Senator from New Hampshire [Mr. TOBEY] are listening. I beg pardon of the Senator from New Hampshire. I did not notice that he also was listening. However, in view of the fact that some of those who are seeking the Republican nomination for the Presidency are now advocating the same sort of program of having the problem go back to the local communities, I think they should have some interest in what the great leader of their party had to say upon this subject, particularly since he took care to inject himself into this question, and is evidently today considering that he might be a spokesman for the grand old Republican Party.

On December 2, 1930, President Hoover sent this message to Congress:

No matter how devised, an increase in taxes in the end falls upon the workers and farmers, or alternatively deprives industry of that much ability to give employment, and defeats the very purpose of those schemes. For the Government to finance by bond issues deprives industry and agriculture of just that much capital for its own use and for employment. Prosperity cannot be restored by raids upon the Public Treasury.

The leaders of both parties are cooperating to prevent any such event. Some of these schemes are ill-considered; some represent enthusiasts, and some represent the desire of individuals to show that they are more generous than the administration or that they are more generous than even the leaders of their own parties. They are playing politics at the expense of human misery.

Mr. President, that was the famous statement the President then made, that those who were interested in the welfare of that percentage of our population which was unable to secure employment was playing politics. Those persons who raised their voices in this body and at the other end of the Capitol were accused by the then President of playing politics with human misery. Yet ex-President Hoover thinks the American people are so short in their memories that he can now come out and deny that he took that position in 1930. He misjudged very badly the ability and the discernment of the American people, but this is the first time he has indicated that he does not believe the American people are even able to remember what he said during the dreadful period of those years.

Let us come now to January 1931. It will be recalled that I stated that the solution of this task was handed over by Mr. Hoover to Colonel Woods.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. THOMAS of Oklahoma. The Senator seems to have a controversy with someone. Will he please, for the RECORD, state with whom he has the controversy?

Mr. SCHWELLENBACH. I stated in the beginning, and I will repeat for the benefit of the Senator from Oklahoma. I made a certain statement Sunday night in the course of a radio debate with the Senator from Kansas [Mr. CAPPER]. The next day former President Hoover very directly, in a message in which he sent to the Senator from Kansas, and which he made public, stated that I was a liar. While it might not be very important to have former President Hoover call one a liar, my personal view is that I am unwilling to have anyone call me a liar without answering; and, therefore, as a matter of personal privilege, I asked the opportunity to answer the statement made by Mr. Hoover.

Going back, it will be recalled that in the fall of 1930 President Hoover appointed a citizens' committee of which Colonel Woods was the chairman. In January 1931 Colonel Woods testified before the Senate Appropriations Committee as follows, in opposing any appropriations by which the Federal Government might be of assistance in the solution of the problems confronting the country:

We hope distress is going to be avoided; we hope every community is so organized as to be able to take care of any cases of distress in its neighborhood. I have confidence that that is the situation.

In other words, the attitude, not only of the President but of his committee, and of those whom he appointed, was that this was a problem which the neighbors in the community should take care of and would be compelled to take care of.

On February 3, 1931, President Hoover made this statement:

The American people should be given a chance to show whether they wish to preserve the principles of individual and local responsibility and mutual self-help before they embark on what I believe is a disastrous system.

The disastrous system was the suggestion that the Government had some responsibility, that the Government should be of some assistance. That was the statement I made last Sunday night, and that was the statement which was condemned Monday by Mr. Hoover as being a lie.

President Hoover's statement continued:

I feel sure they will succeed if given the opportunity.

This statement was made public in an effort to prevent a relief amendment to the Interior Department appropriation bill of that year.

On May 22, 1931, President Hoover issued the following statement, which I quote:

I do not propose to call an extra session of Congress. I know of nothing that would so disturb the healing process now going on

in the economic situation. We cannot legislate ourselves out of a world economic depression. We can and will work ourselves out.

Colonel Woods got tired of his job after a while, and he resigned, and a man by the name of Frank C. Croxton, who was assistant to Colonel Woods at that time, became chairman of the President's committee, and on June 8, 1931, he issued this statement:

There must be no let-up in the efforts of State, local, and private relief agencies to assist the needy.

All the way through, in every statement which was issued by the President or anyone representing him, it was the local relief agencies, the charity of the millions, that was to take care of these people.

On June 15, 1931, President Hoover went to Indiana and spoke before the Indiana Republican Editorial Association. He said:

We will prevent any unnecessary distress in the United States, and by the activities and courage of the American people we will recover from the depression. I warn against detouring capital away from industry and commerce either by taxes or loans on the assumption that the Government can create more employment by use of these funds than can industry and commerce itself.

How in the world President Hoover can deny the statement I made, in the light of that statement of June 15, 1931, is more than I can understand.

On June 29, 1931, the then chairman of the Red Cross, Judge Payne, had a visit with President Hoover at the White House on the question of unemployment, and as he left the office of the President he was met by newspapermen, as we always are, and he issued this statement immediately after leaving President Hoover and hearing the President's statement. I quote from Judge Payne. This is July 1931, mind you, almost 2 years after the depression started, at a period of time that anyone, any Senator, or any individual in the United States knew the great number of unemployed in the United States. This is what Judge Payne said after he had met with the President:

There is nothing extraordinary about unemployment conditions at this time. It is a local problem. There is no possible reason why the Federal Government should be called upon. This country can deal with the unemployment situation without any difficulty if it is kept where it belongs—at home.

Then the month of August came along, and President Hoover issued the following statement on August 7:

With the organized cooperation of local and State and Federal authorities, and the large number of relief and charitable organizations, the problem was successfully handled last winter. Already many States and municipalities have begun to lay the foundations for action necessary to meet their problems.

Then on August 10 Senator Fess went down and had lunch with President Hoover. This was August 10, 1931. The New York Times correspondent, interviewing the late Senator from Ohio [Mr. Fess], printed the following:

The Senator, who had luncheon with President Hoover, said the President was seeking diligently to find a plan adequate to deal with the unemployment situation without committing the Government to the dole idea.

From that time on, if one reads back through the newspapers of that date, he will find that any effort by the Government to be of assistance was castigated and characterized by the President as being the dole system; and an effort was made to make use of that term because it was thought it might be objectionable to the American people.

The committee which Colonel Woods started and Mr. Croxton finished died out in the summer of 1931; and on August 19, 1931, the President decided to have a new committee to take care of the problem of unemployment. On that date he appointed Walter S. Gifford, who was the head of the telephone company throughout the country, as chairman of the new committee to handle unemployment. The President issued this statement:

The task of proper assistance to the deserving is one which will appeal to the generosity and humility of our whole people. It is a task which our Nation will perform, for in no people is there developed a higher sense of local responsibility and of responsibility of every man to his neighbor.



Constantly he was harping upon the idea that the problem was a local one, in which the man should take care of his less fortunate neighbors who might be around him in his own block or in the next block.

Mr. Gifford later was called before the Senate Committee on Manufactures on the La Follette-Costigan bill, and he testified as follows concerning his work. I quote:

The central organization in Washington, my organization, was not to do anything other than to encourage the States to do the work.

In other words, when President Hoover appointed this committee, according to its chairman, he told the committee that the only thing it was to do was to encourage somebody else to take care of the needy. Continuing the quotation:

In other words, the responsibility was to be left squarely with the States, counties, and communities. \* \* \* In brief, the principle underlying the relief activities throughout the country has been that first, if possible, the individual community would look after its own; next, if necessary, the county would help; then, if the county was unable to meet the needs, the State would help. Should the community and State responsibility be lessened by Federal aid, the sincere and whole-hearted efforts of hundreds of thousands of volunteers engaged both in raising and administering relief funds would doubtless be materially lessened. \* \* \*

Federal aid might be a disservice to the unemployed, and the situation can be better handled as it is being handled.

That was the voice of the man whom the President put in charge of the program for the country. "Let John do it. Let the neighbors do it. Let the communities do it. Let the counties do it. But do not let the Federal Government have anything to do with it; because if the Federal Government had anything to do with it, the neighbors next door or in the next block might lose their enthusiasm and might not help out and send over the old clothes that they had, or their worn-out shoes, or perhaps a little breakfast for the children in the family which was unemployed." That was the system which President Hoover advocated.

On May 31, 1932, the President addressed the Senate. He said this:

I hold that the maintenance of the sense of individual and personal responsibility of men to their neighbors and the proper separation of functions of the Federal and local governments requires the maintenance of the fundamental principle that the obligation of distress rests upon the individuals, upon the communities, and upon the States.

Yet today he says that when I stated that that was his idea, I lied, or repeated an old lie. I will admit that I repeated a statement which was a matter of common knowledge throughout the country. As I stated, I am not going to do anything more than ask the implication with reference to the statement in former President Hoover's telegram of last Monday.

On July 11, 1932, Mr. Hoover vetoed H. R. 12445, of the Seventy-second Congress, entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by authorizing and expediting a public-works program and providing a method of financing such a program."

There were certain parts of that bill to which he did not object. As I said, he did not object to the part of the bill which permitted the Reconstruction Finance Corporation to lend money to the banks. He did not object to the part of the bill which permitted the Reconstruction Finance Corporation to lend money to the railroad companies. However, when it came to an appropriation of \$332,000,000 for public works which would make it possible for the Federal Government to provide employment to some of the unemployed, he vetoed the bill and pointed out specifically that that part of the bill was the part to which he objected.

In November 1931, as a part of the President's program to arouse enthusiasm among the people to take care of their neighbors, a national broadcast was carried on. I remember it. I remember that I was particularly struck with the speech which was made during that broadcast by Mary Pickford, whom I had theretofore thought of only as a great actress, but who through her remarks of that evening distinguished herself as one who was really interested in the

welfare of the great masses of the people. Will Rogers also spoke upon that program. I know that the present occupant of the chair [Mr. LEE] will be interested because of the fact that he comes from the State of Oklahoma, and the fact that one of the proudest things of which the people of Oklahoma may speak is that Will Rogers may properly be claimed by them as one of their citizens. In customary Will Rogers style, he spoke during that broadcast in November 1931. He said this:

Mr. Owen D. Young and Mr. Gifford asked me to annoy on this program. You have just heard Mr. Gifford, the biggest hello man in the world—

Mr. Gifford, as I explained, was the head of the telephone company—

a very fine, high-caliber man, but what a job he has got! Mr. Hoover just told him, "Gifford, I have a remarkable job for you; you are to feed the several million unemployed."

"With what?" says Gifford.

"That's what makes the job remarkable. If you had something to do with it, it wouldn't be remarkable."

Mr. Merle Thorpe, who was editor of Nation's Business, was the assistant to Mr. Gifford on this committee; and on January 28, 1932, he made a speech. He was not speaking as an individual, not as the editor of Nation's Business, but as the assistant director of the President's program on unemployment. He said this:

I am not given to prediction. You will search in vain to find any statement from me during the past 2 years as to when the "corner" would be turned.

Even Merle Thorpe dodged and ducked at that particular favorite saying of President Hoover.

But I shall venture a prediction tonight: If we embark upon direct Federal aid for the unemployed, as we are being urged to do in and out of the Congress, we shall not see better times for a period of years, and then only after a political revolution, or worse.

It has been said that the only lesson we learn from history is that we learn no lesson from history. Rome did not begin by furnishing grain free to the inhabitants of Rome. Aspiring politicians, competing for public favor, insisted on lower and lower prices, until the citizens of Rome were furnished grain free of charge. The contest between politicians to bestow popular favor afterward placed pork on the free list, then wine, and then came free circuses. We all know the result. Historians are unanimous on this point: Character disintegrated and the proud citizens of Rome in the end lost their liberty and the Roman Empire was destroyed.

But we do not need to go as far back into history. England has built up the greatest vested interest of all times in her unemployment relief. A powerful bureaucracy grows and fattens upon it. Political parties are dependent for their lives upon the perpetuation of unemployment.

When England first began to take care of the unemployed, she, like Rome, had no idea that it would lead to the dole. England, as we are doing today in the United States, developed a sloppy sentimentalism that the Government should care for its people.

Just stop and think. President Hoover objected to my very mild statement the other night, but the assistant director of his committee on unemployment said that we were developing "a sloppy sentimentalism that the Government should care for its people." It was just sloppy sentiment so far as President Hoover and his committee were concerned.

When old-age pensions were adopted England took the first step to destroy the foundations of thrift. Labor exchanges and unemployment insurance were then introduced on the idiotic idea that it was the duty of the Government to find its citizens work.

The idiotic theory that the Government had some responsibility for finding work for its citizens. And yet President Hoover calls me a liar when I say that he was contending that it was not the responsibility of government to take care of those who through no fault of their own were unable to find employment.

The time came for the campaign. On May 21, 1932, President Hoover wrote a long letter to Mr. Richard S. Parker, president of the American Society of Civil Engineers, of New York. At this point I read briefly from one paragraph of it:

I am in receipt of your kind letter of May 19, and I have also the presentation of the subcommittee of the society suggesting that the depression can be broken by a large issue of Federal Government bonds to finance a new program of huge expansion of "public works" construction, in addition to the already large programs now provided for in the current budgets.

It will be remembered that President Hoover vetoed a \$332,000,000 appropriation as being too large, and that the total amount of Federal expenditures from 1929 through 1932 increased only to the extent of \$429,000,000.

The same proposals have been made from other quarters and have been given serious consideration during the past few days.

The back of the depression cannot be broken by any single Government undertaking. That can only be done with the cooperation of business, banking, industry, and agriculture in conjunction with the Government.

He then goes on to outline a program. Nowhere in that program is there a single suggestion of any responsibility on the part of the Government toward those who are unemployed, or of assistance to those who through no fault of their own are unable to find work.

Mr. President, I ask unanimous consent that the entire letter be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times of May 23, 1932]

HOOVER'S WARNING ON PUBLIC WORKS BONDS

WASHINGTON, May 22.—President Hoover's letter to President Parker, of the American Society of Civil Engineers, read as follows:  
MAY 21, 1932.

RICHARD S. PARKER,  
President, American Society of Civil Engineers,  
New York, N. Y.

MY DEAR MR. PARKER: I am in receipt of your kind letter of May 19, and I have also the presentation of the subcommittee of the society suggesting that the depression can be broken by a large issue of Federal Government bonds to finance a new program of huge expansion of "public works" construction, in addition to the already large programs now provided for in the current Budgets. The same proposals have been made from other quarters and have been given serious consideration during the past few days.

The back of the depression cannot be broken by any single Government undertaking. That can only be done with the cooperation of business, banking, industry, and agriculture in conjunction with the Government.

RELIEF PROGRAM OUTLINED

The aid the Government may give includes:

(a) The quick, honest balancing of the Federal Budget through drastic reduction of less necessary expenses and the minimum increase in taxes.

(b) The avoidance of issue of further Treasury securities as the very keystone of national and international confidence upon which all employment rests.

(c) The continuation of the work of the Reconstruction Finance Corporation which has overcome the financial strain on thousands of small banks, releasing credit to their communities; the strengthening of building and loan associations, the furnishing of credit to agriculture, the protection of trustee institutions, and the support of financial stability of the railways.

(d) The expansion of credit by the Federal Reserve Banks.

(e) The organized translation of these credits into actualities for business and public bodies.

(f) Unceasing effort at sound strengthening of the foundations of agriculture.

(g) The continuation of such public works in aid to unemployment as does not place a strain on the taxpayer and do not necessitate Government borrowing.

(h) Continuation of national, community, and individual efforts in relief of distress.

(i) The introduction of the 5-day week in government, which would save the discharge of 100,000 employees and would add 30,000 to the present list.

(j) The passage of the Home Loan Discount Bank legislation, which would protect home owners from foreclosure and would furnish millions of dollars of employment in home improvement without cost to the Treasury.

(k) Financial aid by means of loans from the Reconstruction Corporation to such States as, due to the long strain, are unable to continue to finance distress relief.

(l) The extension of the authority of the Reconstruction Corporation not only in a particular I called attention to last December—that is, loans on sound security to industry where they would sustain and expand employment—but also in view of the further contraction of credit to increase its authority to expand the issue of its own securities up to \$3,000,000,000 for the purpose of organized aid to "income-producing" work throughout the Nation, both of public and private character.

OBJECTIONS TO PROPOSALS

1. The vice in that segment of the proposals made by your society and others for further expansion of "public works" is that they include public works of remote usefulness; they impose unbearable burdens upon the taxpayer; they unbalance the Budget and de-

moralize Government credit. A larger and far more effective relief to unemployment at this stage can be secured by increased aid to "income-producing works." I wish to emphasize this distinction between what for purposes of this discussion we may term "income-producing works" (also referred to as "self-liquidating works") on the one hand and nonproductive "public works" on the other.

By "income-producing works" I mean such projects of States, counties, and other subdivisions as waterworks, toll bridges, toll tunnels, docks, and any other such activities which charge for their service and whose earning capacity provides a return upon the investment. With the return of normal times the bonds of such official bodies based upon such projects can be disposed of to the investing public and thus make the intervention of the Reconstruction Corporation purely an emergency activity.

I include in this class aid to established industry where it would sustain and increase employment, with the safeguard that loans for these purposes should be made on sound security and the proprietors of such industries should provide a portion of the capital. Nonproductive "public works," in the sense of the term here used, include public buildings, highways, streets, river and harbor improvement, military and naval construction, etc., which bring no income and comparatively little relief to unemployment.

FORMS OF RELIEF CONTRASTED

2. I can perhaps make this distinction clear by citing the example of the recent action of the Reconstruction Finance Corporation in the matter of the Pennsylvania Railroad Co. on one hand, and the recent bill passed by the House of Representatives for increased road building on the other. The railroad company applied to the Reconstruction Corporation for a loan of \$55,000,000 to help finance a fund of over \$68,000,000 needed to electrify certain of its lines. By so doing it would employ directly and indirectly for 1 year more than 28,000 men distributed over 20 different States. An arrangement was concluded by which the Reconstruction Corporation undertook to stand behind the plan to the extent of \$27,000,000, the railway company finding the balance.

This \$27,000,000 is to be loaned on sound securities and will be returned, capital and interest, to the Corporation. The Reconstruction Corporation is acting as agent to make available otherwise timid capital for the Pennsylvania Railroad in providing employment. There is no charge upon the taxpayer.

On the other hand, the proposal of the House of Representatives is to spend \$132,000,000 for subsidies to the States for construction of highways. This would be a direct charge on the taxpayer. The total number of men to be directly employed is estimated at 35,000 and indirectly 20,000 more. In other words, by this action we would give employment to only 55,000 men at the expense by the Government of \$132,000,000, which will never be recovered.

In the one instance, we recover the money advanced through the Reconstruction Corporation, we issue no Government bonds, we have no charge on the taxpayer. In the other instance, we have not only a direct cost to the taxpayer but also a continuing maintenance charge; and, furthermore, the highways in many sections have now been expanded beyond immediate public need.

BUDGET FACTOR EMPHASIZED

3. These proposals of huge expansion of "public works" have a vital relation to balancing the Federal Budget and to the stabilizing of national credit. The financing of "income-producing works" by the Reconstruction Corporation is an investment operation, requires no congressional appropriation, does not unbalance the Budget, is not a drain upon the Treasury, does not involve the direct issue of Government bonds, does not involve added burdens upon the taxpayer, either now or in the future. It is an emergency operation which will liquidate itself with the return of the investor to the money markets.

The proposal to build nonproductive "public works" of the category I have described necessitates making increased appropriations by the Congress. These appropriations must be financed by immediate increased taxation or by the issuance of Government bonds. Whatever the method employed, they are, inescapably, a burden upon the taxpayer. If such a course is adopted beyond the amounts already provided in the Budget now before Congress for the next fiscal year, it will upset all possibility of balancing the Budget; it will destroy confidence in Government securities and make for the instability of the Government, which, in result, will deprive more people of employment than will be gained.

HUGE PUBLIC WORKS OUTLAY NOW

4. I have for many years advocated the speeding up of public works in times of depression as an aid to business and unemployment. That has been done upon a huge scale and is proceeding at as great a pace as fiscal stability will warrant. All branches of government—Federal, State, and municipal—have greatly expanded their "public works" and have now reached a stage where they have anticipated the need for many such works for a long time to come. Therefore, the new projects which might be undertaken are of even more remote usefulness.

From January 1930, to July 1, 1932, the Federal Government will have expended \$1,500,000,000 on "public works." The Budget for the next fiscal year carries a further \$575,000,000 of such expenditures [compared with about \$250,000,000 normal] and includes all the items I have felt are justified by sound engineering and sound finance. Thus by the end of next year the Federal Government will have expended over \$2,000,000,000 on public works, which represents an increase over normal of perhaps \$1,200,000,000.



Thus we have largely anticipated the future and have rendered further expansion beyond our present program of very remote usefulness and certainly not justified for some time to come, even were there no fiscal difficulties. They represent building of a community beyond its necessities. We cannot thus squander ourselves into prosperity.

#### MANY PROJECTS REQUIRE YEARS

5. A still further and overriding reason for not undertaking such programs of further expansions of Federal "public works" is evident if we examine the individual projects which might be undertaken from an engineering and economic point of view. The Federal public works now authorized by law cover works which it was intended to construct over a long term of years and embrace several projects which were not of immediate public usefulness. In any event, the total of such authorized projects, still incomplete on the 1st of July, will amount to perhaps \$1,300,000,000.

If we deduct from this at once the budgeted program for the next fiscal year—\$575,000,000—we leave roughly \$725,000,000 of such authorized works which would be open for action. If we examine these projects in detail, we find great deductions must be made from this sum. Construction of many projects physically requires years for completion, such as naval vessels, buildings, canalization of rivers, etc., and therefore as an engineering necessity this sum could only be expended over 4 or 5 years; a portion of the projects not already started will require legal and technical preparation and therefore could not be brought to the point of employment of labor during the next year; a portion of these authorized projects are outside the continental United States and do not contribute to the solution of our problem; a portion are in localities where there is little unemployment; a portion are in the District of Columbia, where we already have a large increase in program for the next fiscal year and where no additional work could be justified. A portion are of remote utility and are not justified, such as extension of agricultural acreage, at the present time.

#### GREAT EXPANSION HELD IMPOSSIBLE

Deducting all these cases from the actual list of authorized Federal public works, it will be found that there is less than \$100,000,000 (and this is doubtful) which could be expended during the next fiscal year beyond the program in the Budget. That means the employment of, say, less than 40,000 men. Thus the whole of these grandiose contentions of possible expansion of Federal public works fall absolutely to the ground for these reasons, if there were no other.

If it is contemplated that we legislate more authorizations of new and unconsidered projects by Congress, we shall find ourselves confronted by a log-rolling process which will include dredging of mud creeks, building of unwarranted post offices, unprofitable irrigation projects, duplicate highways, and a score of other unjustifiable activities.

6. There is still another phase of this matter to which I would like to call attention. Employment in public works is largely transitory. It does not have a follow-up of continued employment, as is the case with income-producing works. But of even more importance than this, the program I have proposed gives people employment in all parts of the country in their normal jobs under normal conditions at the normal place of abode, tends to reestablish normal processes in business and industry, and will do so on a much larger scale than the projects proposed in the so-called public-works program.

#### BALANCING OF BUDGET VITAL

7. To sum up, it is generally agreed that the balancing of the Federal Budget and unimpaired national credit is indispensable to the restoration of confidence and to the very start of economic recovery. The administration and Congress have pledged themselves to this end. A public-works program, such as is suggested by your committee and by others, through the issuance of Federal bonds creates at once an enormous further deficit.

What is needed is the return of confidence and a capital market through which credit will flow in the thousand rills with its result of employment and increased prices. That confidence will be only destroyed by action in these directions. These channels will continue clogged by fears if we continue attempts to issue large amounts of Government bonds for purposes of nonproductive works.

Such a program as these huge Federal loans for public works is a fearful price to pay in putting a few thousand men temporarily at work and dismissing many more thousands of others from their present employment. There is vivid proof of this since these proposals of public works financed by Government bonds were seriously advanced a few days ago. Since then United States Government bonds have shown marked weakness on the mere threat, and it is followed at once by a curtailment of the ability of States, municipalities, and industry to issue bonds, and thus a curtailment of activities which translate themselves into decreased employment.

It will serve no good purpose and will fool no one to try to cover appearances by resorting to a so-called extraordinary budget. That device is well known. It brought the governments of certain foreign governments to the brink of financial disaster. It means a breach of faith to holders of all Government securities, an unsound financial program, and a severe blow to returning confidence and further contraction of economic activities in the country.

What you want and what I want is to restore normal employment. I am confident that if the program I have proposed to the Congress is expeditiously completed and we have the cooperation of the whole community, we will attain the objective for which we have been searching so long.

Yours faithfully,

HERBERT HOOVER.

Mr. SCHWELLENBACH. Then the Republican Party, in a condition of despair, appreciating the helplessness and hopelessness of their task, held a national convention and nominated Mr. Hoover for reelection. On August 11, 1932, in Constitution Hall in this city, with great dignity the then President went through the formality of accepting what he must have known was the worthless nomination which was tendered to him for reelection by the Republican Party.

I have before me a copy of his speech of acceptance. I do not intend to read it all; in fact, I shall read only a very small portion of it. On August 1932 the depression had been going on for a period of almost 3 years; millions upon millions of unemployed were treading the streets of our cities looking for work. Yet throughout the course of this entire address of acceptance there was not even the slightest semblance of a recognition by Mr. Hoover of the seriousness of the problem, or that he might have any responsibility, or that the Government might have any responsibility, or that the Republican Party, which from 1921 to 1929 had fostered and protected periods of speculative expansion in this country in order to permit a few who had so generously donated to the Republican campaign fund to have an opportunity to become rich, might have any responsibility. But, limiting myself only to that portion of the address which is of importance in this discussion, I quote from the bottom of page 5, as follows:

The function of the Federal Government in these times is to use its reserve powers and its strength for the protection of citizens and local governments by support to our institutions against forces beyond their control. It is not the function of the Government to relieve individuals of their responsibilities to their neighbors—

Once again the same old clarion cry of the responsibility of the individual to his neighbors—

or to relieve private institutions of their responsibilities to the public, or of local government to the States, or of State governments to the Federal Government.

That quotation is from his speech of acceptance in 1932. Even after the lapse of the period of time I have indicated he still was not willing to recognize the seriousness of the situation or the responsibility of the Government.

There is one more quotation which I desire to read. During the course of the campaign on October 22, 1932, President Hoover went to Detroit and made a speech in regard to the Emergency Relief and Construction Act of 1932, and he said this:

Various conferences were carried on in an endeavor to arrive at an adequate relief bill, expanding activities of the Reconstruction Finance Corporation, but the Democratic leaders insisted not upon economy but upon inclusion in it of a new item of \$322,000,000 of further expenditures from the Federal Treasury. Ultimately this bill passed Congress, containing not only these provisions but also measures putting the Government into wholesale pawnbroking with unlimited use of Federal Government credit. On July 11 I vetoed this bill.

I referred to the veto message a few moments ago.

On July 11 I vetoed this bill and again protested about the item of \$322,000,000, requesting at least, that such a reservation to be made as would hold back the expenditure until it could be determined if the Budget be balanced.

It will be remembered that earlier in my remarks I pointed out that the only thing he did during the first year after the depression started was to bring about the enactment by the Congress of tax legislation which would reduce the amount of tax revenue of the Government by \$160,000,000 a year. Yet more than 2 years later, when the Congress, recognizing the necessity for some assistance to the unemployed, appropriated \$322,000,000 to be used on public works, President Hoover vetoed the bill, and in this campaign speech

he not only mentioned that fact but he boasted that he had vetoed it.

I quote further from President Hoover's speech at Detroit on October 22, 1932:

In order to secure the relief bill at all, with these very vital provisions in relief of distress, employment, and agriculture, I was compelled finally to accept it with inadequate safeguards to that \$322,000,000, and this expenditure has been forced upon the Government by the Democratic leaders.

Yet last Monday, in the course of his statement that I had lied about him, and in the course of his request that the Senator from Kansas correct the statement that I had made, he points with pride to the fact that there was a public-works program in the United States under his administration.

Of course, there was a public-works program, but not at the request, not by the assistance, not even with the acquiescence of President Hoover. When the matter first came before him he vetoed it, and, when he was compelled to sign the bill, he complained in his speech of October 22, 1932, that he was compelled to sign the bill because it contained other measures for agriculture and provisions for the R. F. C.

I do not believe any fair-minded individual can listen to these various quotations from President Hoover and from his leaders, the men whom he put in direct charge and who had direct responsibility to him so far as the unemployment problem was concerned, without agreeing with the statement I made last Sunday night concerning the attitude which existed during the administration of President Hoover on the part of President Hoover.

As I have said, I think it is unfortunate that former President Hoover should get himself into such a state of mind that he would use language such as he used last Monday. If the statements I have made, the quotations I have read, disprove the statement of President Hoover of last Monday, I am not asking anybody to conclude that I am calling President Hoover a liar; I am not doing so. I am simply asking Senators to conclude that President Hoover forgot.

He has forgotten everything he said from 1929 to 1932. He has forgotten all the unemployed; he has forgotten everything else that went on during that time; and I am asking Senators to believe that he now sincerely believes that when he was President of the United States he did everything he could do to help the unemployed, because I do not want to be in the position described by a witness before the Appropriations Committee who was compelled to apologize last week for calling somebody a liar, and he said he was sorry, because he realized that no gentleman in public ever called anyone else a liar.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calhoun, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes.

#### URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS. I present a conference report on House bill 6970, the urgent deficiency appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4.  
That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 9, 10, 11, 12, 13, and 14; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$390,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$294,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In the matter inserted by said amendment after the sum "\$35,000" insert the following: "payable from funds of the Work Projects Administration"; and the Senate agree to the same.

ALVA B. ADAMS,  
CARTER GLASS,  
KENNETH MCKELLAR,  
CARL HAYDEN,  
JAMES F. BYRNES,  
FREDERICK HALE,  
JOHN G. TOWNSEND, Jr.

*Managers on the part of the Senate.*

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
J. W. DITTER,

*Managers on the part of the House.*

Mr. ADAMS. I move that the Senate agree to the conference report.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slattery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 6970.

Mr. HOLT. What report is it?

Mr. HAYDEN. It is the report on the urgent deficiency appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

#### THE CALENDAR

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now proceed to consider unobjectioned-to bills on the calendar.

The first business on the calendar was the resolution (S. Res. 58) providing that a calendar day's notice shall suffice in connection with suspension of a rule.

SEVERAL SENATORS. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.



The resolution (S. Res. 74) providing for a Committee on Civil Aviation was announced as next in order.

SEVERAL SENATORS. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The joint resolution (S. J. Res. 45) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes," was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 783) to amend the act, as amended, entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," approved February 7, 1925, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 784) for the relief of certain Indians of the Winnebago Agency, Nebr., was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 790) conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Prairie Band or Tribe of Pottawatomie Indians of Kansas and Wisconsin against the United States, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1222) authorizing an appropriation for payment to the Osage Tribe of Indians on account of lands sold by the United States, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 767) conferring jurisdiction on the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 864) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 498) authorizing an appropriation to carry out the provisions of section 26 of the agreement with the Muscogee or Creek Tribe of Indians, approved March 1, 1901, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1303) to amend the Agricultural Adjustment Act of 1938, as amended, with respect to cotton was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2971) for the relief of certain Indians of the Winnebago Agency was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 795) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 570) to regulate interstate and foreign commerce in agricultural products; to prevent unfair competition; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 107) opposing sales of American cotton during the present world crisis to foreign purchasers below the cost of production was announced as next in order.

Mr. VANDENBERG. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1305) to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1265) to establish a Department of Public Works, to amend certain sections of the Social Security Act, and for other purposes, was announced as next in order.

Mr. KING (and other Senators). Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2202) to establish a Public Works Agency was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2203) to amend certain sections of the Social Security Act was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 34) for the relief of W. K. Richardson was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1730) to amend the civil-service law to permit certain employees of the legislative branch of the Government to be transferred to positions under the competitive classified civil service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF VOLUNTEER OFFICERS AND SOLDIERS IN WAR WITH SPAIN

The bill (H. R. 289) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, was announced as next in order.

Mr. CAPPER. Mr. President, I hope we may have consideration of this bill in the near future.

I have previously invited the attention of the Senate to this measure, the so-called Spanish War travel-pay bill, and have urged that it be taken up and passed, for the reason that I have always felt that the claim covered by the bill was an obligation of the Government to a group of its brave volunteer

soldiers, which should long since have been discharged. The bill has been on the calendar with a favorable report from the Committee on Claims for several weeks, after having previously passed the House.

I again urge the passage of the bill. In support of it, I send to the desk, and ask unanimous consent to have printed in the RECORD, a statement made by a Kansan who was among the soldiers volunteering to remain in the Philippine Islands beyond the term of his enlistment for the purpose of assisting to put down the Philippine Insurrection, upon the promise of his commanding officer, the War Department, and the President that soldiers who volunteered to remain in the Philippines would be given travel pay. This statement is made by Mr. Harry W. Brent, of Topeka, Kans., former sergeant major of the Twentieth Kansas Infantry, and now secretary of the Twentieth Kansas Association. It is an interesting and convincing narration of the facts which constitute the background of the travel-pay claim.

The Twentieth Kansas Infantry was one of the volunteer organizations which participated in the Philippine Insurrection, and no regiment engaged in the Philippine campaign had a more brilliant record. I do not see how anyone can read the statement of Mr. Brent and fail to be impressed by the justice of the claim upon which House bill 289 is based.

The PRESIDING OFFICER. Without objection, the statement will be placed in the RECORD.

The statement is as follows:

#### PHILIPPINE TRAVEL PAY—WHAT IS IT?

Prior to the Spanish-American War, when a soldier's term of enlistment expired, and he was discharged, he was given travel pay from the place of his discharge to the place of his original enlistment, all of his unused clothing allowance, and 1 month's extra pay. During the Spanish-American War, 2 months' extra pay was allowed for foreign service. Travel pay was the term applied to that portion of the settlement and was for the purpose of paying his way from the place of his discharge to the place where he originally enlisted. In the old days, a march of 20 miles was considered a day's travel, so he was paid on the basis of 1 day's pay for each 20 miles of travel. The travel-pay proposition was not a new one, but was the customary way of settling with a soldier at the time of his discharge, and had been for many years. In the event of his reenlistment in the service he always received this travel pay at the end of the enlistment period, as a sort of bonus. This method of settlement was not changed until January 1, 1899, when it became necessary to make provision for the discharge of the Volunteers serving in the Philippines.

The Volunteer soldiers, who had enlisted for 2 years, or during the war, were entitled to their discharge when the treaty of peace between the United States and Spain became effective on April 11, 1899.

#### PRESIDENT ASKED VOLUNTEERS TO STAY 6 MONTHS

On February 4, 1899, the Philippine Insurrection started, and on April 11, 1899, all of the Volunteer soldiers were on the firing lines. On March 6 Adjutant General Corbin cabled General Otis as follows:

"Section 15 of the Army bill reads in part as follows:

"The President is authorized to enlist temporarily in service for absolutely necessary purposes in the Philippine Islands, Volunteers, officers, and men individually or by organization and about to be discharged, provided their retention shall not extend beyond the time necessary to replace them by troops authorized to be maintained under the provisions of this act and not beyond a period of 6 months."

The President inquires as follows: "If we are not able to get you sufficient forces to replace Volunteers under your command before exchange of ratification of treaty, will you be able to enlist your Volunteer force under this section?"

Immediately upon receiving this cablegram, General Otis called a conference of about 30 officers of the Volunteer organizations. He showed them this message sent by authority of the President and promised this group of officers that all those agreeing to stay the 6 months would receive travel pay and at the end of their service would be transported to their homes. The officers went out and contacted all of the units of the State Volunteer organizations, setting forth this cablegram and asking whether the officers and men would reenlist on that basis. The matter was handled differently by different regiments, some taking it right down to the men themselves and they voted to stay. Others were widely scattered and could not bring all of the men together, and the officers themselves of the different units or regiments spoke for the men and agreed to reenlist and stay for the period desired by Congress and the President.

Lt. A. H. Krause, Company H, Twentieth Kansas, suggested then that the men be mustered out and mustered in again, and there would be no question about the travel pay. The idea was "pooh-poohed" and he was almost ostracized for having the temerity to suggest that the Government might take advantage of a technicality.

#### GENERAL OTIS FACED A DESPERATE SITUATION

Here was the situation: Aguinaldo was pounding at the gates of Manila, and had a well-trained army of 30,000 to 40,000, equipped for the most part with a much better firearm than we had—the German Mauser having 500 to 1,000 yards more effective range than the old Springfield. General Otis had an army of 15,000 volunteers and about 5,000 regulars to cope with the situation. We were 10,000 miles from our home base, and after the receipt of the cablegram from Adjutant General Corbin, it was just 5 weeks before the treaty of peace became effective and all of these men were entitled to their discharge, and it would take 4 weeks to bring other men from San Francisco to Manila, even if they were ready to embark; but it would take 6 months to enlist, equip, and train an army to take our place. The Twentieth Kansas boarded their ship on October 27 and dropped anchor in the bay of Manila on December 1, taking 35 days to make the trip. Can you imagine a more desperate situation than that faced by General Otis at that time? If these volunteers took their discharge, General Otis would have had 5,000 men to hold back a horde of 30,000 to 40,000 Philippine patriots, whose principal idea at that time was to burn, ravage, and destroy. There was no time to dicker for better enlistment terms, so he went the limit of his authority in offering travel pay for this temporary enlistment and transportation home at the end of the service.

On March 16, 1899, General Otis replied to General Corbin's cablegram as follows:

"Believed after inquiry majority volunteer organizations willing to reenlist for 6 months from ratification of treaty, provided that upon original discharge are paid traveling allowances to places of muster-in, and that after expiration of second enlistment they are transported to those places by United States."

On settling with us at muster-out, the travel pay was not included, and when asked about it, the paymaster stated that it would require an authorization by Congress, but he said "Congress will undoubtedly pass such an act to pay you," but the Congress that was to authorize that payment has not yet assembled. This proposition was presented to the War Department, to the Court of Claims, and to the Comptroller General. In each instance the claim was turned down with the statement that it was not a legal claim, but that it was a moral claim. In a number of cases the various Government bureaus stated that in order for the claim to be legal we should have been mustered out and then mustered in again. If that had been done, we would have received our money many years ago.

#### QUALITY OF VOLUNTEER SERVICE

Secretary of War R. A. Alger, in his report on that period, said:

"Any discussion of affairs in the Philippines would be manifestly incomplete which did not include the highest eulogiums upon the western volunteers who remained in the Philippines fighting for their country's honor after they were legally entitled to discharge and return to the United States. The ratification of the treaty of peace February 6, 1899, practically entitled all volunteer regiments and the individual members of the Regular Army, numbering many thousands, who enlisted for the war, to immediate discharge from the Army. And yet some of these volunteers did not leave the Philippines until 4 months subsequent to that date, while several of the regiments remained defending their country's flag for 7 months afterward. This is an exhibition of sturdy patriotism which, it seems to me, has never been fully appreciated. No complaint ever came from these soldiers on account of the hardships ever forming part of war, or for the delay in being returned to their homes after they were entitled to discharge. They yielded to the situation as cheerfully as they endured the great and fatiguing privations of hauling guns and carts over the mountain passes and through trails of muck and mire, under the enervating blaze of a tropical sun, when even the native draft animals had been overcome with heat exhaustion.

"The Nation, indeed, owes these noble soldiers a debt which I trust Congress will not fail to recognize in some substantial way."

#### CONDITION OF MEN AFTER 5 MONTHS' CONTINUOUS SERVICE ON FIRING LINE

The following report of Maj. Henry F. Hoyt to the Surgeon General, United States Army, will give some idea of the hardships endured and its effect upon the men:

"I have the honor to submit herewith report of special examination as made by the writer of the First South Dakota Volunteer Infantry, one of the units of this division, on account of complaints from headquarters at Manila that 'so many men from this expedition have been sent in from duty for treatment.'"

"These men have been on the firing line, in the trenches, or on outpost duty almost continuously since February 4, 1899. Their sleep has been broken night after night by the now famous night attacks of the enemy, and during a great part of this time they have been exposed to the tropical sun at midday, poor water, no shelter at night, no bathing facilities or change of clothing, and from date of leaving Calumpit there was about 2 weeks of subsistence on 'travel rations' only. This somewhat extensive campaign has demonstrated the fact that the white man in the Tropics cannot endure the same amount of nerve tension and physical exertion that he can in the Temperate Zone.

"From many personal inspections, careful observation during this campaign, together with the result of the above examination, it is the opinion of the writer that the entire Second Division, Eighth Army Corps, is near a physical break-down, and it is herewith recommended that each unit be relieved from duty as rapidly as



they can be replaced with fresh troops and sent in from the front for rest and recuperation.

"Very respectfully,

"HENRY F. HOYT,

"Major and Chief Surgeon, United States Volunteers."

#### MORAL CLAIM

The War Department, the Court of Claims, and the Comptroller General all admit that this travel-pay claim is a moral claim. The testimony of officers who were called in conference by General Otis upon receipt of the cablegram from General Corbin was to the effect that he offered travel pay to all who would stay for this period of 6 months, and asked these officers to go out to the various volunteer units and make that offer to them, and the overwhelming testimony is that these officers, acting as representatives of General Otis, did go out and contact every unit.

Excerpt from the statement of Col. Frank D. Eager, First Nebraska, to the Committee on War Claims of the House of Representatives on a bill to compensate officers and soldiers in the volunteer service who served in the Philippine Islands beyond the period of their enlistment:

"I was one of those of a group of probably 30 officers whom General Otis called to conference upon receiving this cablegram from President McKinley. \* \* \* General Otis was very much concerned. \* \* \* The Government was absolutely dependent upon the services of these volunteers. \* \* \* But the promise was made in conformity with General Otis' cable that they would be paid this travel pay. Why did that seem reasonable to these men? I am a son of a veteran of the Civil War. Probably half the veterans of the Spanish-American War were sons of veterans of the Civil War. I knew of the bounty provisions that had been made in the Civil War, making a provision for this added service. The men accepted it. The question was asked by the chairman a while ago whether its corroboration was assumed by the War Department. I say 'yes' in this way, that they received and accepted the services of these men.

"This, gentleman, was a debt of honor that was incurred in good faith under the direction of Maj. Gen. Elwood S. Otis, commander of the United States Army in the Philippines, and he had the right to make that contract, because the War Department cannot deny that a major general commanding a separate detachment of the United States Army in a foreign field may enter into a contract in the name of the Government. Did not General Otis tell me and others of my command to go into the harbor and get a shipload of refrigerator beef, for which he gave the receipt of the United States to the ship for so many pounds of beef, and did not the War Department pay that bill afterward? If he could do that, why would any of his officers and soldiers think he could not say to me and have it carried out, that he would pay the travel pay to the soldier's home, which we claim independent of Army service under a major general in a foreign field with general authority to do anything he actually does? I have a bunch of letters for the record. Every one of them are from men who refer to them as promises, and to them it was a promise. I think that is all I have to say, but there are some debts as important as legal ones, and this is one of them."

#### LEGAL CLAIMS

If, in order for a claim against the Government to be legal, the item must be specifically mentioned in some legislative enactment, then, of course, our claim is without legal foundation. There is an old saying that the "King can do no wrong," and that would apply to governments also. If these volunteers had been dealing with individuals, there would have been no question about the legality of the claim, and if the claim of legality applies to governments, then there is no question about this being a legal claim.

The law providing for the temporary enlistment of the volunteers authorized the President to enlist them, and if the law authorized him to do it, then the law gave him authority to do whatever was necessary to carry that law into execution. Since the President was over 10,000 miles from the place of enlistment, he authorized General Otis, who was on the ground, to act as his representative. General Otis had just 5 weeks' time to carry out this order, and if the volunteers took their discharge as they had a right to do, the balance of the United States Army faced possible destruction—a hostile army of 30,000 to 40,000, with a defensive army of 5,000. He had no time to dicker for terms; he had to know at once. Therefore, this law gave him the authority, if he thought it was necessary to make the offer of travel pay, in order to obtain these enlistments. And if he didn't think it was necessary, why did he make the offer?

Colonel Eager, in his testimony before the War Claims Committee of the House, stated that General Otis had commandeered a shipload of beef, giving a receipt in the name of the United States, which claim later was paid by the War Department. If he had authority to commandeer feed for the Army, to sustain the lives of the men of that Army, certainly he had the right to make contracts, the ultimate end of which would preserve that Army from destruction.

It is over 40 years since this money was due us, and we should get double the amount of our claim, but we are not asking for that; we are asking only for the amount of the original claim, and even if the claim is allowed, we won't get all of that. We have had to hire attorneys to try to get the money for us, and to keep our claim alive, and when we get the money, if we ever do, we will have to give some of it to these attorneys, who have been working

for us all these years. The Government admits if we had been mustered out and mustered in again, we would have been paid years ago.

I have read that it is one of the rules of law that a litigant, in order to maintain an action, must go into court with clean hands; that one of the litigants cannot violate an agreement, and then plead that violation as cause for the failure to carry out the contract, and yet the Government has done that very thing. Rather a doubtful example to set before its citizens.

The Federal Government has spent billions of dollars on every kind of a project from A to Z. In some States it has spent billions of dollars to build dams, to impound more water, to irrigate more land, to grow more crops, and in other States, it has paid billions of dollars to farmers to plow up crops, to kill pigs, and to reduce crops of all kinds. The Federal Government can pour out money like a drunken sailor on experiments of all kinds, but when it comes to paying a debt which has been due for 40 years, a debt which has been acknowledged to be a moral debt by all Government departments which pass on these kinds of claims, we wrap the mantle of economic virtue about us and pass by on the other side, saying: "It isn't our policy to pay that kind of claims," or "They got a badge for that service," or "We now must balance the Budget."

And yet these soldiers answered the call of their country when it needed them desperately, when the Government asked each soldier individually if he would stay, and many of them made the supreme sacrifice after they were entitled to their discharge.

HARRY W. BRENT,

Sergeant Major, Twentieth Kansas Volunteer Infantry,  
Topeka, Kans.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### BILLS PASSED OVER

The bill (H. R. 5375) to promote nautical education, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 773) conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims which the Yakima Indian Tribes may have against the United States, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### AMENDMENT OF PACKERS AND STOCKYARDS ACT OF 1921

The bill (S. 446) to amend the Packers and Stockyards Act of 1921 was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

Mr. GILLETTE. Mr. President, I ask that Calendar No. 680, House bill 4998, be considered in lieu of Senate bill 446.

Mr. CLARK of Missouri. Mr. President, will the Senator explain what the bill is?

Mr. GILLETTE. Yes.

Mr. AUSTIN. Mr. President, the bill was objected to when called.

Mr. GILLETTE. I shall be very glad to make the explanation.

This bill is identical in form with one which passed the Senate unanimously in the last Congress, but was not acted on by the House. It contains two provisions amending the Packers and Stockyards Act. It has nothing to do with packers, notwithstanding its title. It deals entirely with stockyards and stock dealers.

The bill provides two things. One is that the Secretary of Agriculture shall fix a just and reasonable rate of charge for the services, which the present law also provides; but it will compel the dealers, after the rate is fixed, to perform the service for that rate; not a lower figure or a higher figure. The second thing done by the bill is to place these agencies, as the Supreme Court has placed them, in the category of public utilities, and provide that new agencies which desire to engage in the business shall make a showing to the Secretary of Agriculture and secure a certificate of convenience and necessity.

The PRESIDING OFFICER. Will the Senator repeat his request for consideration?

Mr. GILLETTE. I requested that Calendar No. 680, which is House bill 4998, be now considered in lieu of the Senate bill which we have reached on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. I object.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### BILLS PASSED OVER

The bill (S. 2270) to authorize the Secretary of Agriculture to purchase refuge lands within the State of South Carolina for the perpetuation of the eastern wild turkey and to provide pure-blood brood stock for restocking within its native range, and for other purposes, was announced as next in order.

Mr. McKELLAR. May we have an explanation of that bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 522) to provide pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein, equivalent to 90 percent of the compensation payable to war veterans for similar service-connected disabilities, and for other purposes, was announced as next in order.

Mr. KING. The Senator from Wyoming [Mr. SCHWARTZ], the author of the bill and the Senator who reported it, is not present. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1033) for the relief of Albert P. Dunbar was announced as next in order.

Mr. KING. The Department of War strongly objects to that bill. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1650) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 915) to provide for the more expeditious settlement of disputes with the United States, and for other purposes, was announced as next in order.

Mr. LODGE. May we have an explanation of the bill? If not, I ask that it go over pending an explanation.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 188) authorizing the delegation of certain authority within the Department of Agriculture was announced as next in order.

Mr. CLARK of Missouri. May we have an explanation of the joint resolution?

Mr. KING. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### HISTORICAL MUSEUM, CUSTER BATTLEFIELD NATIONAL CEMETERY, MONT.

The Senate proceeded to consider the bill (S. 28) to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont., which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 6, after the word "therein" to strike out "The plan and design of such memorial museum shall be subject to the approval of the National Commission of Fine Arts", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed (1) to select a site within the Custer Battlefield National Cemetery, Mont.; (2) to erect and maintain thereon, as a memorial to Lt. Col. George A. Custer and the officers and soldiers under his command at the Battle of Little Big Horn River, June 25, 1876, a public museum suitable for housing a collection of historical relics; (3) to accept on behalf of the United States for exhibit in such museum the collection of relics now a part of the estate of Mrs. George A. Custer, deceased, the wife of such Lt. Col. George A. Custer; and (4), in his discretion, to accept such other historical relics as he may deem appropriate for exhibit therein.

Sec. 2. The Secretary of War is authorized and directed, notwithstanding any provision of law to the contrary, to do all things

necessary to carry out the provisions of this act, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement by contract of services of such architects, sculptors, artists, or firms, and such other technical and professional personnel as he may deem necessary, without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States.

Sec. 3. There is hereby authorized to be appropriated the sum of \$75,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 457) to amend the World War Adjusted Compensation Act was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 280) to prohibit and to prevent the trade practices known as compulsory "block-booking" and "blind selling" in the leasing of motion-picture films in interstate and foreign commerce was announced as next in order.

Mr. WHITE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1610) to prevent discrimination against graduates of certain schools, and those acquiring their legal education in law offices, in the making of appointments to Government positions the qualifications for which include legal training or legal experience was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 506) to provide for a more efficient and economical mileage table of distances and routes to apply for the payments of travel performed for the United States Government by the military personnel, Coast Guard, Coast and Geodetic Survey, and the Public Health Service was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2500) authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush was announced as next in order.

Mr. KING. Let us have an explanation of the bill. If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### FIR-LUMBER INDUSTRY OF THE NORTHWEST

The bill (S. 1108) to restrict the exportation of certain Douglas fir peeler logs and Port Orford cedar logs, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I know that the able Senator from Oregon [Mr. HOLMAN] is very anxious to have this bill passed. I objected to its consideration the other day. I have a letter from the Secretary of State in opposition to it. If the Senator desires to take up the bill I shall not object, but I shall ask that the letter from the Secretary of State be read.

Mr. HOLMAN. Mr. President, I request the Senator to withhold his objection, so as to permit some of us to speak on the bill.

Mr. KING. The Senator knows that we are proceeding under the 5-minute rule. I stated I would not object to the bill being taken up, although I am opposed to it; but if it is taken up, I shall ask to have the letter from the Secretary of State read to the Senate.

Mr. HOLMAN. I should like to have the bill taken up for consideration.

The PRESIDING OFFICER. The clerk will read the letter presented by the Senator from Utah.

The Chief Clerk read as follows:

DEPARTMENT OF STATE,  
Washington, May 8, 1939.

The Honorable JOSIAH W. BAILEY,  
United States Senate.

MY DEAR SENATOR BAILEY: I refer to the request from the Senate Committee on Commerce, received February 28, 1939, for a report on S. 1108, a bill to restrict the exportation of certain Douglas fir peeler logs and Port Orford cedar logs, and for other purposes.



S. 1108, if enacted, would prohibit the exportation of Douglas fir peeler logs from the United States or any of its Territories or possessions "except with the approval of the President on the joint recommendation of the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, and the Secretary of Agriculture, after an application made to the Secretary of Commerce." For the purposes of the act, a peeler log is defined as "a log (a) having a diameter of 24 or more inches at either end; (b) suitable for rotary veneer cutting and capable of producing not less than 20 percent of clear veneer, based upon the scale content of the log; (c) having not less than eight annual rings per inch at the smaller end; and (d) not containing such defects as shatter, excessive splits, loose annual rings, loose or soft heart decay, or any other defect which makes such a log unsuitable for rotary veneer cutting. Any defect apparent at both ends of a log shall be considered to exist throughout a log." The act also prohibits the exportation of Port Orford cedar logs from the United States, irrespective of size or quality. Provision is made for punishment in cases of violation.

Although an unqualified prohibition on exports of the two products concerned is not provided for, it is clear that the objective of the proponents of the legislation is that exports shall be the exception rather than the rule.

There are two essential arguments advanced on behalf of this bill. It is claimed on the one hand that the bill will assist in the conservation of our Douglas fir and Port Orford cedar, which are limited in supply and difficult to replace; while on the other hand it is claimed that the exports of raw unfinished logs will be replaced by exports of finished plywood, with a consequent gain to this country of wages and other payments necessary for the conversion of the logs into plywood. One of the two arguments may be valid, but certainly not both, for the two are mutually exclusive. To the extent that the enactment of the bill would prevent the cutting of trees, conservation would result, but to the extent that it would simply shift the use of logs from foreign to domestic plywood producers no conservation would occur.

It can, however, scarcely be maintained that all Douglas-fir logs now exported would be replaced by exports of plywood. The countries which now purchase our peeler logs would shift their source of supply from the United States to Canada so far as possible, and would, if necessary, utilize other softwoods. To the extent that Canadian logs could be substituted for our logs, and to the extent that other softwoods could be used in place of Douglas fir, the logging industry of the United States would suffer a loss in production, employment, and wages. However, even if such a shift in source of supply or substitution of other logs were impossible to any great extent, it is by no means certain that foreign countries would take our plywood in increasing amounts.

It has been represented to this Department that "no other nation can or will ship this class of materials for export." As a matter of fact, however, the exports of Douglas-fir logs from Canada exceed and have a higher average unit value than the exports of such logs from the United States. (See appendix II.) It may be that more high-grade peeler logs are exported from the United States than from Canada and that some or many of the Douglas-fir logs exported from the United States to Canada are reexported from that country. Nevertheless, if the bill under consideration should become law, the plywood industries in foreign countries could obtain supplies of Douglas-fir logs from Canada. They might not be able to obtain as many high-grade peeler logs as they have been accustomed to obtain in the United States, but they doubtless could somehow adapt themselves to the use of lower grade logs. Canadian log exporters would thus be in a position to profit by any export restrictions imposed on log exports from the United States.

The one sure result of this bill would be lower prices for the logs on which the export prohibition would exist (because of the decreased market for them), with a consequent loss to the logging industry.

A study of the export figures for Douglas-fir logs (appendix I) would not lead one to fear for the preservation of the supply from that development alone. Although exports were unusually large in 1936, exceeding 130,000,000 feet b. m., they were but slightly more than half that amount in 1938. Exports of Port Orford cedar logs (appendix I), which have been classified separately only since 1936, have never been large and have declined in the last 2 years to approximately one-third of the 1936 figure.

Proponents of the bill apparently have sought to give the impression that foreign countries have made it practically impossible for our plywood manufacturers to maintain, much less expand, existing foreign markets or to find new ones. The fact is, the plywood industry has been able to develop export markets of considerable importance despite many difficulties, including foreign tariffs and other trade barriers. The United Kingdom, Belgium, and Canada have for some years been the three leading markets for American plywood. (See appendix I.) The United Kingdom alone usually accounts for nearly one-half of our total plywood exports. In the negotiations with the Government of the United Kingdom for the reciprocal-trade agreement which entered into effect on January 1 of this year, as in the case of similar negotiations with other countries, every effort was made to obtain a concession on behalf of our plywood exports. As a result, the United Kingdom duty on plywood (faced with softwood) was bound at 10 percent ad valorem. This automatically limits the preference in favor of plywood of British Empire origin to that amount. The specific French duty on plywood was reduced by 17 percent in the trade agreement with that country. The Cuban duties, which vary according to the state

of manufacture, were bound at their former levels. The Canadian duty on plywood (not further manufactured than glued or cemented), which was 35 percent ad valorem in December 1935, was reduced by the first trade agreement with Canada to 30 percent and by the second trade agreement with Canada to 25 percent. These rates compare with our own rates of duty of 40 percent on all plywood except alder, which is 50 percent, and birch, which is 25 percent.

But on even broader grounds than those given above it is deemed inadvisable to pass such a law as that under consideration. Any restriction on exports encourages other countries to do likewise. It must be strongly emphasized that the United States is a country largely dependent upon imports of certain raw materials. Certain industries are occupied solely with the conversion of raw materials into more advanced products while many of our most important industries require substantial amounts of imported raw or semifinished materials as necessary ingredients in the particular goods they produce. American interests have, in fact, already suffered from foreign export restrictions, and it is not to our interest to encourage them. The arbitrary stoppage of the flow of any product into its accustomed channels of trade always causes consequences not originally envisaged. Not only are foreign purchasers and users of the product harmed but the domestic exporter, those dealing with intimately allied processes and industries (i. e., tool suppliers, shippers, insurance companies, banks), and those domestic importers and other exporters who may be affected by consequent developments must readjust themselves at their own expense to the new conditions.

Under the reciprocal trade agreements program we are making significant progress in the restoration and expansion of our foreign trade which is of such great importance to the prosperity of this country. The fundamental inconsistency between this liberal trade policy and the proposed export restriction is apparent. For the reasons indicated, the Department recommends that S. 1108 be not passed.

I am making no comment upon the administration questions involved in the proposed bill since they do not fall within the jurisdiction of this Department.

Sincerely yours,

CORDELL HULL.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BARKLEY. Let it go over.

Mr. HOLMAN. Just a moment. Was objection made to the bill?

The PRESIDING OFFICER. Objection was made.

Mr. HOLMAN. I should like to have an opportunity to speak on the bill.

Mr. BARKLEY. In view of the letter of the Secretary of State, I think the bill ought to go over.

Mr. HOLMAN. It has been going over during the whole session, and if it is not passed now it will mean defeat for the bill. If I have a right to speak on the bill, I should like to speak on it now.

Mr. BARKLEY. I withhold the objection temporarily.

The PRESIDING OFFICER. The Senator will have 5 minutes.

Mr. HOLMAN. I thank the Senator from Kentucky for withholding his objection.

Mr. President, the bill has to do with the timber industry of Oregon and Washington. Timber to Oregon and Washington and the northwestern section of the country is what cotton is to the South, what wheat and corn are to the Middle West, and what steel and coal and iron are to the North and East. Fifty cents out of every pay-roll dollar in Oregon and Washington comes from timber. Every one of the four United States Senators from Oregon and Washington is in favor of the bill. The American Federation of Labor is in favor of it, the C. I. O. is in favor of it, labor and capital and everyone else in that section are in favor of the bill. The fine-spun theories of some department clerks here in Washington writing a report, and a long report, to which I cannot adequately reply in 5 minutes, are immaterial compared with the welfare of the people of the Pacific Northwest, unless the Senate is persuaded that it is to the advantage of the entire country to sacrifice the industry and the pay-roll dollars of one section of the country for a possible advantage to the rest of the country.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOLMAN. I yield.

Mr. BARKLEY. I am not very familiar with the subject. The Senator referred to cotton and wheat and other products. What we are trying to do with the cotton and wheat is to sell

it. What is the crux of the reason why there should be a restriction in the exportation of this particular product?

Mr. HOLMAN. The Pacific Northwest is rich in raw materials. We want factories and manufactures to be built up to process and use these raw materials. Plywood is made out of a particular and special kind of wood. A great portion of a large tree may be wasted in order to cut one log, the wood of which can be used for plywood. In time plywood will take the place of lath and plaster in building operations. The industry would provide pay rolls for American workers. We want to see the work performed in the United States rather than send the logs out of the country and have the work done by the cheap labor of Japan and Germany, thereby denying to the American worker the opportunity for such work. The American worker now, with his high standard of living, cannot compete with such cheap labor.

Mr. BARKLEY. Mr. President, is not the plywood in question being used now in the United States?

Mr. HOLMAN. Yes; it is, to some extent, but we want the foreign markets, and we are losing the foreign markets.

Mr. BARKLEY. Why is the Senator trying to restrict the exports?

Mr. HOLMAN. Because we wish to have the logs processed in this country. Wood of the sort in question is limited in quantity. We do not want that limited number of logs shipped out of the country and processed in other countries. We wish to have American labor given the work of processing the logs. It cannot compete against the cheap foreign labor.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HOLMAN. I yield.

Mr. WHITE. I know very little about the bill, but I heard something of the explanation made before the committee. I remember in particular the argument advanced by the senior Senator from Oregon [Mr. McNARY], who seemed to have a great interest in the matter. As I understood, the prime purpose of the proposed legislation is to insure the processing of these logs within the United States. Am I correct in my understanding?

Mr. HOLMAN. The Senator is correct.

Mr. BARKLEY. Could not the bill be taken up under circumstances which would give the Senator and others interested in the matter more opportunity to discuss it than under the call of the calendar? Is there any emergency about it?

Mr. HOLMAN. Will the Senator from Kentucky guarantee that there will be an opportunity to do so during the present session?

Mr. BARKLEY. So far as I am concerned, I will say that I shall be glad to cooperate to see that it is considered in the present session of Congress.

Mr. HOLMAN. Of course, I think it is very unfair that the present situation should exist. The bill is one which deals with a question most important to the section which I in part have the honor to represent.

Mr. BARKLEY. Mr. President, I have no objection to the bill being taken up at some time when we may receive a fuller explanation and be able to understand more about the measure. My only thought is that under the call of the calendar it is rather difficult to go into the matter in detail.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. HOLMAN. I thank the Senate for the opportunity of discussing the measure.

Mr. BONE. Mr. President, I should like to suggest to the Senate that the fundamental purpose of the proposal is to prevent the export of jobs. When the logs are cut and sent out of the country there is very little in the way of wages which accompanies that sort of a transaction, and in exporting the logs we are merely exporting jobs, which otherwise would be paid for on a decent basis. We export the logs, and they are processed in foreign countries, and then are shipped back again and come into active competition with the logs which are processed in the Northwest. The proposal is a very simple one. Shall we keep the jobs of the veneer

workers within the United States, or shall we literally export the jobs to Japan? That in its simple terms is what the bill involves.

Mr. BARKLEY. With the understanding to which reference has been made, I think the bill should be passed over. I shall be glad to take the matter up with the Senator in an effort to have it considered on its merits.

The PRESIDING OFFICER. The bill will be passed over.

#### DELEGATION OF CERTAIN FUNCTIONS BY THE SECRETARY OF AGRICULTURE

The Senate proceeded to consider the bill (S. 1955) to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 11, after "Senate", to insert: "The compensation of the said Second Assistant Secretary of Agriculture shall be fixed by the Secretary of Agriculture at a rate commensurate with the duties of the position created but in no event to exceed the compensation of the Assistant Secretary of Agriculture. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act", so as to make the bill read:

*Be it enacted, etc., That as used in this act—*

(a) The term "regulatory order" means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term "regulatory function" means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

SEC. 2. There is hereby established in the Department of Agriculture the position of Second Assistant Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate. The compensation of the said Second Assistant Secretary of Agriculture shall be fixed by the Secretary of Agriculture at a rate commensurate with the duties of the position created but in no event to exceed the compensation of the Assistant Secretary of Agriculture. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act. The Second Assistant Secretary of Agriculture is hereby authorized to perform only such duties in the conduct of the business of the Department of Agriculture as may be delegated to him by the Secretary of Agriculture under section 3 of this act.

SEC. 3. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory functions which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to the Under Secretary of Agriculture or to the Assistant Secretary of Agriculture or to the Second Assistant Secretary of Agriculture. The Secretary may at any time revoke the whole or any part of a delegation made by him under this section.

SEC. 4. Whenever a delegation is made under section 3, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

Mr. KING. Mr. President, I ask that the bill be passed over.

Mr. SCHWELLENBACH. Mr. President, is Senate bill 1955 now under consideration?

The PRESIDING OFFICER. It is.

Mr. SCHWELLENBACH. Mr. President, will the Senator withhold his objection?

Mr. KING. I withhold objection if the Senator from Washington desires to make an explanation of the measure.

Mr. SCHWELLENBACH. I should like to make an explanation. The Senate will remember that when the calendar was called the last time I made an explanation of the



bill. The only thing I wish to add is to insert in the RECORD at this point a list of the statutory provisions which require the Secretary of Agriculture to hold hearings and to exercise the functions which under this measure are to be delegated to a Second Assistant Secretary of Agriculture. Some 28 measures have been passed over a long period of time.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

**LIST OF STATUTORY PROVISIONS REQUIRING OR AUTHORIZING THE SECRETARY TO ISSUE REGULATORY ORDERS AFTER GIVING NOTICE AND HEARING**

1. The Federal Seed Act, approved August 24, 1912 (37 Stat. 506), as amended August 11, 1916 (39 Stat. 453), and April 26, 1926 (44 Stat. 325). Section 5 of that act (which was added by the amendment of 1926) forbids the importation of seeds of alfalfa or red clover whenever the Secretary of Agriculture, after public hearing, determines that such seeds are not adapted for general agricultural use in the United States, unless at least 10 percent of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

2. The Insecticide Act of 1910, approved August 26, 1910 (36 Stat. 331). Section 4 of the act directs the Secretary to make examination of insecticides and fungicides for the purpose of determining whether any of the specimens are adulterated or misbranded, and, after notice and hearing, to refer for prosecution by the United States district attorney any party found to be in violation of the act.

Section 11 directs the Secretary to examine samples of insecticides and fungicides and, after notice and hearing to the importer, the adulterated or misbranded articles shall be denied admission by the Secretary of the Treasury.

3. The virus-serum-toxin provisions of the act approved March 4, 1913 (37 Stat. 832). Under this statute the Secretary of Agriculture may suspend or revoke any permit or license issued under the authority of the act after opportunity for hearing has been granted the licensee or importer, when the Secretary is satisfied that such license or permit is being used to facilitate or affect the preparation, sale, shipment, importation, etc., of any contaminated virus, serum, or toxin for use in the treatment of domestic animals.

4. The Plant Quarantine Act, approved August 20, 1912 (37 Stat. 317), as amended March 4, 1913 (37 Stat. 854), March 4, 1917 (39 Stat. 1165), May 31, 1920 (41 Stat. 726), April 13, 1926 (44 Stat. 250), and May 1, 1928 (45 Stat. 468). Section 5 of this act subjects to regulation the importation of certain plants and plant products whenever the Secretary of Agriculture, after due notice and public hearing, shall determine that unrestricted importation of such articles may result in the importation of injurious plant diseases or insect pests.

Section 7 forbids the importation of nursery stock and other plants and plant products whenever the Secretary, after due notice and hearing, shall determine that such prohibition is necessary to prevent the spread of plant disease or insect infestation.

Section 8 directs the Secretary to establish quarantine areas in the United States whenever, after notice and hearing, he determines that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation.

Section 15 forbids the movement of nursery stock into or out of the District of Columbia, upon the determination by the Secretary, after notice and hearing, that such a prohibition is necessary to prevent the dissemination of dangerous plant diseases and insect infestations.

5. United States Grain Standards Act, approved August 11, 1916 (39 Stat. 482). Section 4 forbids the shipment in interstate or foreign commerce of any grain that shall not have been inspected and graded by an inspector licensed under the act. The section further provides, however, that any such grain for which official grain standards have been provided may be shipped without inspection from a place at which there is no licensed inspector to a place where there is no such inspector, subject to the right of either party to the transaction to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine the true grade thereof.

Section 5 provides that whenever, after opportunity for hearing is given to the owner or shipper of grain, and to the inspector thereof, if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade or has been sold, offered for sale, etc., the Secretary may publish his findings.

Section 6 provides that the findings of the Secretary as to grade, "signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard," shall be accepted in the courts as prima facie evidence of the true grade of the grain.

Section 7 empowers the Secretary to suspend or revoke any license issued by him under the act whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly, etc.

6. United States Warehouse Act, approved August 11, 1916 (39 Stat. 486), as amended July 25, 1919 (41 Stat. 266), February 23, 1923 (42 Stat. 1282), and March 2, 1931 (46 Stat. 1465). Section 12 empowers the Secretary, or his designated representative, to

suspend or revoke the license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under the act, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, etc.

Section 24 authorizes the Secretary to cause examinations to be made of any agricultural product stored in any warehouse licensed under the act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed upon him by the act and the rules and regulations made thereunder, the Secretary may publish his findings.

Section 25 empowers the Secretary, or his designated representative, to suspend or revoke any license to a warehouseman, after opportunity for hearing, for violation of the act or the rules of the Secretary thereunder.

7. The Capper-Volstead Act, approved February 18, 1922 (42 Stat. 388). Section 2 directs the Secretary to issue a cease and desist order against any association of producers of agricultural products when the Secretary finds, after notice and hearing, that such association monopolizes or restrains trade to such an extent as unduly to enhance the prices of agricultural products.

8. The Naval Stores Act, approved March 3, 1923 (42 Stat. 1435). Section 3 authorizes the Secretary to establish and promulgate standards for naval stores for which no standards are otherwise provided in the act, "after at least 3 months' notice of a proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same."

9. United States Cotton Standards Act, approved March 4, 1923 (42 Stat. 1517), as amended March 4, 1933 (47 Stat. 1621). Section 3 authorizes the Secretary to suspend or revoke any license issued to any person to grade or otherwise classify cotton, whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of the act or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose.

10. The Packers and Stockyards Act, 1921, approved August 15, 1921 (42 Stat. 159), as amended August 14, 1935 (49 Stat. 649). (See also the provisions relating to the Packers and Stockyards Act of the act approved June 16, 1938 (Public, No. 614, 75th Cong., ch. 464, 3d sess.)) Section 203 (a) provides for a hearing on a complaint to be filed against packers charging violations of the act.

Section 302 (b) authorizes the Secretary, after inquiry, to ascertain which stockyards are subject to the act.

Section 306 (e) empowers the Secretary to "enter upon a hearing" concerning the lawfulness of a new rate or charge filed by a stockyard owner or market agency and, "after full hearing," to issue the order therein authorized.

Section 309 (a) makes it "the duty of the Secretary to investigate" the matters contained in complaints filed against any stockyard owner, market agency, or dealer alleging violations of sections 304, 305, 306, or 307. For a more complete understanding of the nature of the proceeding here intended, the provisions of section 309 (e) should also be considered, wherein it is provided that "if after hearing on a complaint," the Secretary determines that a reparation order should issue, he shall so order.

Section 309 (b) directs the Secretary "to investigate any complaint" forwarded by duly authorized officials or agencies of a State charging any of the violations referred to in section 309 (a).

Section 309 (c) authorizes the Secretary to "institute an inquiry on his own motion" concerning suspected violations of title III of the act or to enforce any of the provisions of that title.

Section 310 further describes the procedure to be followed under the three provisions last enumerated by providing "whenever after full hearing upon a complaint made as provided in section 309, or after full hearing under an order for investigation and hearing made by the Secretary on his own initiative," the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency is unreasonable, he shall issue the order therein authorized.

Section 311 directs the Secretary, "after full hearing," to determine whether any intrastate rate, charge, regulation, or practice of any stockyard owner or market agency discriminates against interstate commerce in livestock and to act to remove such discrimination.

Section 312 (b) permits the Secretary, "after notice and full hearing," to determine whether any stockyard owner, market agency, or dealer is violating section 312 (a), and to issue cease and desist orders accordingly.

Section 401 does not make use of any term indicative of a hearing, such as "hearing," "inquiry," or "investigation," and such hearing as may be necessary is thus a matter of constitutional rather than statutory requirement.

Section 502 (a) authorizes and directs the Secretary to "ascertain from time to time and to designate" the cities and markets subject to title V of the act.

Section 502 (b) requires the Secretary to issue licenses to live-poultry dealers and handlers "unless he finds after opportunity for a hearing" that the applicant is not eligible therefor under the terms of the statute.

Section 505 empowers the Secretary, whenever he determines, after opportunity for a hearing, that any licensee has violated or

is violating any of the provisions of title V of the statute, to publish the facts and circumstances of such violation and by order suspend the license of such offender for a period not to exceed 90 days, and if the violation is flagrant or repeated, the Secretary may by order revoke the license of the offender.

It is also provided from year to year in the annual appropriation act for the Department that whenever the Secretary finds, after due notice and hearing, that any registrant is insolvent, he may suspend the license of such registrant for a reasonable specified period. (See Public, No. 644, 75th Cong., ch. 464, 3d sess.)

11. Federal Import Milk Act, approved February 15, 1927 (44 Stat. 1101). Section 3 authorizes the Secretary to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has failed to comply with the provisions of the act, or any of the regulations made thereunder, or that the milk or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality does not conform to, all the provisions of section 2 of the act.

12. Federal Caustic Poison Act, approved March 4, 1927 (44 Stat. 1406). Section 5 provides that whenever the Secretary has reason to believe that any dangerous caustic or corrosive substance being offered for importation is being shipped in interstate or foreign commerce in violation of section 3, he shall give notice and opportunity for hearing thereon to the owner or consignee and certify such fact to the Secretary of the Treasury, who shall thereupon either refuse admission and delivery of such substance or deliver such substance to the consignee pending examination, hearing, and decision in the matter on the execution of a penal bond, to the amount of the full invoice value of such substance, together with the duty thereon, to the effect that on refusal to return such substance, for any cause, to the Secretary of the Treasury when demanded for the purpose of excluding it from the country, or for any other purpose, the consignee shall forfeit the full amount of the bond.

Section 9 authorizes the Secretary to cause investigations, inspections, analyses, and tests to be made and samples to be collected, of any dangerous caustic or corrosive substance; if it appears from such inspection, analysis, or test that such substance is in a misbranded package, parcel, or container suitable for household use, the person from whom the sample was taken shall be given an opportunity to be heard and, if found guilty, the Secretary shall certify the facts to the district attorney for prosecution.

13. The Perishable Agricultural Commodities Act, 1930, approved June 10, 1930 (46 Stat. 531), as amended April 13, 1934 (48 Stat. 684), June 19, 1936 (49 Stat. 1533), and August 20, 1937 (50 Stat. 728). Section 4 directs the Secretary to refuse a license to an applicant for cause stated, after notice and hearing.

Section 6 directs the Secretary to investigate complaints filed by any person charging a violation of any provision of section 2 by any commission merchant, dealer, or broker. After an opportunity for a hearing on such complaints, the Secretary shall then determine whether any such violation has occurred.

Section 7 directs the Secretary to issue a reparation order against a commission merchant, dealer, or broker found, after the hearing provided for in section 6, to have violated the provisions of section 2.

Section 8 directs the Secretary to suspend or to revoke the license of any commission merchant, dealer, or broker found, after the hearing held under section 6, to have violated the provisions of section 2.

Section 9 permits the Secretary to suspend the license of any commission merchant, dealer, or broker found to have failed to keep accounts, records, and memoranda which fully and correctly disclose all transactions involved in his business.

14. The Agricultural Adjustment Act of 1933, approved May 12, 1933 (41 Stat. 31), as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937 (50 Stat. 248). Section 8a empowers the Secretary to institute an investigation and, after due notice to the handler suspected of violating any order or amendment issued under the act, to conduct a hearing in order to determine the facts for the purpose of referring the matter to the Attorney General for appropriate action.

Section 8 (b) empowers the Secretary, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof.

Section 8 (c) directs the Secretary, after notice and hearing, to issue, and, from time to time, amend marketing orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in the act.

Section 10 (l) directs the Secretary, after due notice and hearing, to issue marketing orders complementary to orders or other regulations issued by State authorities relating to the regulation of the handling of agricultural commodities or products thereof.

15. The Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 123). Section 1 makes it unlawful for any person to ship or transport any apples or pears in packages which are not accompanied by a certificate issued on authority of the Secretary of Agriculture, showing that such apples or pears are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export. The Secretary is required

to provide opportunity, by public hearing or otherwise, for interested persons to examine or make recommendation with respect to any standard of export proposed to be established or designated, or regulations prescribed, by the Secretary for the purposes of the act.

Section 6 authorizes the Secretary, after opportunity for hearing, to refuse the issuance of certificates under the act for periods not exceeding 90 days to any person who ships or offers for shipment any apples or pears in foreign commerce in violation of the provisions of the act.

16. Sections 56-60, inclusive, of the act approved August 24, 1935 (49 Stat. 781). Section 57 empowers the Secretary, after due notice and opportunity for hearing, to enter into marketing agreements with manufacturers and others engaged in the handling of anti-hog-cholera serum and hog-cholera virus.

17. The Commodity Exchange Act, which was originally passed as the Grain Futures Act, September 21, 1922 (42 Stat. 998), as amended June 15, 1936 (49 Stat. 1491), and April 7, 1938 (52 Stat. 205). Section 4a directs the Commodity Exchange Commission, after due notice and opportunity for hearing, to proclaim and fix, from time to time, such allotments on the amount of trading under the contracts of sale of any commodity for future delivery on or subject to the rules of any contract market which may be done by any person as the Commission finds is necessary to diminish, eliminate, or prevent successful speculation in any such commodity.

Section 4g directs the Secretary, after notice and hearing, to suspend or revoke the registration of any futures commission merchant or floor broker found to have violated the provisions of the act, the rules and regulations of the Secretary thereunder, or to have failed or refused to make such reports and keep such books in the form and manner required by the Secretary of Agriculture.

Section 5a (4) directs the Secretary, after due notice and opportunity for hearing, to require a period of delivery (which shall not be less than 3 or more than 10 business days) whenever he finds that such period of delivery will prevent, or tend to prevent, "squeezes" and market congestion.

Section 5a (5) directs the Secretary to require a longer notice of delivery (which shall not be more than 10 business days) whenever, after due notice and opportunity for hearing, the Secretary finds that the giving of longer notice of delivery is necessary to prevent or diminish unfair practices of trading in any one or more commodities or markets.

Section 6 (a) authorizes the Commodity Exchange Commission to suspend for a period not to exceed 6 months, or to revoke the designation of any board of trade as a "contract market," upon a showing that such board of trade has failed or is failing to comply with certain stated requirements or is not enforcing its rules of government made as a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing.

Section 6 (b) empowers the Secretary of Agriculture, after notice and hearing, to suspend or revoke the trading privileges of any person on a contract market, for violation of any of the provisions of the act, the rules and regulations thereunder, etc.

Section 6a (1) empowers the Commission, after notice and hearing, to authorize a board of trade to exclude from membership therein any cooperative association.

Section 6b empowers the Commission, in lieu of revoking the designation of a board of trade as a "contract market," after notice and hearing, to issue a cease-and-desist order against a board of trade found to have violated the act, the rules and regulations of the Secretary thereunder, etc.

18. The Agricultural Marketing Agreement Act of 1937, approved June 3, 1937 (50 Stat. 246), as amended August 5, 1937 (50 Stat. 563). Section 2 (f) directs the Secretary, whenever he finds necessary on account of changed circumstances, after due notice and opportunity for hearing, to make adjustments in the minimum prices above parity price to be paid under marketing agreements or orders regulating the handling of milk or its products.

Section 3 authorizes the Secretary, upon the written application of cooperative associations bona fide engaged in collective processing, handling, or marketing milk, to mediate and, with the consent of all parties, directs him to arbitrate "bona fide disputes" between such associations and handlers as to the terms and conditions of the sale of milk or its products.

19. The Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 731). The act, designed to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes, does not require the Secretary to give notice and hearing in connection with the discharge of his duties.

Section 14, however, authorizes the Secretary to make such rules and regulations and hold such hearings as he may deem necessary to effectuate the purposes of the act; and section 15 empowers the Secretary, or any officer or employee designated by him for such purpose, to hold hearings, administer oaths, sign and issue subpoenas, examine witnesses, etc.

20. The Sugar Act of 1937, approved September 1, 1937 (50 Stat. 1100). Section 205 directs the Secretary, whenever he shall find that the allotment of any sugar quota is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to maintain a continuous and staple supply of sugar or liquid sugar, or to afford to



all interested persons an equitable opportunity to market sugar or liquid sugar within any area's quota, to make allotments of such quota to persons who market or import sugar or liquid sugar. Such allotments may be made only after such hearing and upon such notice as the Secretary may by regulations prescribe.

Section 301 authorizes the Secretary to make payments on condition that the wages paid by the processors to employees shall not be less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and on the further condition that a processor who is also a producer of sugar beets or sugarcane shall have paid for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those may be determined by the Secretary to be fair and reasonable, after investigation and due notice and opportunity for public hearing.

21. The Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (Public, No. 717, 75th Cong., ch. 675, 3d sess.). Section 305 directs the Secretary, before referring any violation of the act to a United States district attorney for institution of a criminal proceeding, to give proper notice and an opportunity for hearing to a person against whom such a proceeding is contemplated.

Section 505 requires the Secretary to issue an order refusing to permit an application (for permission to introduce or deliver for introduction in interstate commerce any new drug) to become effective if the Secretary finds, after due notice to the applicant and giving him an opportunity for a hearing, that the precautionary requirements of the act with respect to determining whether such drug is safe for use have not been complied with.

Section 701 directs the Secretary, on his own initiative or upon an application of any interested industry, or substantial portion thereof, stating reasonable grounds therefor, to hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the act: 401, 403 (j), 404 (a), 406 (a) and (b), 501 (b), 502 (d), 502 (h), 504, and 604.

Section 801 directs the Secretary to examine samples of foods, drugs, and cosmetics, and after notice and hearing to the importer, the articles found in violation of the statute shall be denied admission by the Secretary of the Treasury.

Mr. KING. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. KING. Does the measure create any other position?

Mr. SCHWELLENBACH. It creates one position in the Department of Agriculture.

Mr. KING. At what salary?

Mr. SCHWELLENBACH. Between \$8,000 and \$9,000 a year.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HATCH. I may say to the Senator from Utah that our committee considered the measure quite carefully and believe that it is absolutely essential that it be passed, because we have by law laid these duties on the Secretary of Agriculture, and if he were to comply with all the mandates of the law he could do nothing else. Is that not correct?

Mr. SCHWELLENBACH. Yes. He could do nothing else. The Supreme Court has said he is obliged to perform those duties.

Mr. HATCH. May I ask the Senator from Utah to withhold his objection? The measure is a very meritorious one.

Mr. KING. I will do so. I merely wish to say that if the Secretary of Agriculture spent more time in Washington and less time in going about the country making speeches perhaps more could be accomplished here.

Mr. SCHWELLENBACH. Even if the Secretary spent all his time in the city of Washington and never left he would not be able to perform all his duties.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, which will be again stated for the benefit of the Senate.

The LEGISLATIVE CLERK. In section 2, page 2, line 11, after "Senate" and the period, it is proposed to insert the following:

The compensation of the said Second Assistant Secretary of Agriculture shall be fixed by the Secretary of Agriculture at a rate commensurate with the duties of the position created but in no event to exceed the compensation of the Assistant Secretary of Agriculture. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

Mr. O'MAHONEY. Mr. President, with respect to the amendment just read, I should like to ask the Senator from

Washington a question. Apparently the language of the amendment does not fix the salary of the Assistant Secretary.

Mr. SCHWELLENBACH. It will be between \$8,000 and \$9,000 a year.

Mr. O'MAHONEY. Is it the understanding of the Senator that the Secretary is limited with respect to the amount which he may assign to that particular Secretary?

Mr. SCHWELLENBACH. Yes; and that is the understanding of the Secretary.

Mr. O'MAHONEY. Would it not be better to have that limitation placed in the amendment?

Mr. SCHWELLENBACH. The language of the amendment was discussed with the legislative drafting clerk, and it was deemed advisable to frame the amendment as it appears in the bill. However, if the Senator wishes to amend the amendment by inserting "not to exceed \$9,000 a year," that will be perfectly satisfactory to me.

Mr. O'MAHONEY. Mr. President, I move that the amendment be amended on page 2, line 13, after the word "rate", by the insertion of the words "not to exceed \$9,000 per annum."

Mr. SCHWELLENBACH. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DOMESTIC FISHERY PRODUCTS

The bill (S. 1852) to promote the free flow of domestically produced fishery products in commerce, and for other purposes, was announced as next in order.

Mr. LODGE. Mr. President, may we have an explanation of that bill?

Mr. PEPPER. I shall be glad to make an explanation of it.

Mr. KING. Mr. President, I suggest to the Senator from Florida that the bill go over until the next call of the calendar.

Mr. PEPPER. Mr. President, will the Senator withhold his objection?

Mr. KING. Yes.

Mr. PEPPER. I appreciate the interest the Senator from Massachusetts [Mr. LODGE] has in the bill. The measure would make available for the benefit of the fishing industry, which is not now receiving any aid at all from the Federal Government, 40 percent of the amount of the customs receipts derived from the importation of fish products and commodities shipped into this country. The bill is so drawn that the emphasis is placed upon an educational program to be carried on in the Bureau of Fisheries in the Department of Commerce, in educating the people with respect to the food value of fish and the best way to prepare fish and fish products, and in disseminating knowledge in the form of recipes and the like, and in conservation of fish.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARBOUR. I simply wish to say on behalf of my associates on this side of the aisle that I am in complete agreement with the Senator from Florida in respect to the virtue of the proposed legislation, and as a member of the Commerce Committee I am familiar with its purpose. I believe there will be no objection raised on this side of the aisle at this time to consideration of the measure.

Mr. KING. Objection has been made.

The PRESIDING OFFICER. The bill will be passed over.

#### BILL PASSED OVER

The bill (S. 1850) to aid the States and Territories in making provisions for the retirement of employees of the land-grant college was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

BENJAMIN F. LONGENECKER

The bill (S. 2236) for the relief of Benjamin F. Longenecker was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That Benjamin L. Longenecker, late of Company L, Twelfth Regiment Illinois Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on December 21, 1866: *Provided,* That no pension shall accrue prior to the passage of this act.

#### BILLS PASSED OVER

The bill (S. 2048) authorizing the installation of parking meters and other devices on the streets of the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah whether this is a proper bill?

Mr. KING. The Commissioners of the District of Columbia have recommended it. They have installed a number of meters, which have proved very satisfactory as revenue producers, and the people of the District of Columbia heartily approve them. The bill proposes to permit the extension of the meter system.

Mr. GILLETTE. Mr. President, the present law limits the installation of meters to congested areas of the city, does it not?

Mr. KING. Installation is limited to congested areas, but the bill proposes to extend the installation of the meters wherever the District Commissioners deem necessary.

Mr. GILLETTE. The bill extends the right to install the meters without any limitation, in streets, alleys, public places, with no limitation whatever.

Mr. KING. Wherever the Commissioners deem it necessary.

Mr. BANKHEAD. Mr. President, I ask that the bill be passed over in order that I may have an opportunity to examine it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1908) to amend section 691a of the Code of Laws of the District of Columbia approved March 3, 1901, and of any act or acts amendatory thereof relating to foreign building and loan associations doing business in the District of Columbia was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### COAST GUARD STATION, MONTEREY, CALIF.

The bill (H. R. 4674) to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif., was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 6076) to provide for the registry of pursers and surgeons as staff officers on vessels of the United States, and for other purposes was announced as next in order.

Mr. OVERTON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### SAFETY ON THE HIGHWAYS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2350) to amend the act of Congress approved May 3, 1935, entitled "An act to promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this act, and for other purposes."

Mr. McKELLAR. Mr. President, I ask the Senator from Utah [Mr. KING] whether or not this is a proper bill.

Mr. KING. Mr. President, the only change made by the bill is the addition of the words "reckless driving." The

courts have held that driving an automobile while drunk does not constitute reckless driving. To conform to the decisions of the courts the Commissioners, as well as the Corporation Counsel, have recommended this bill.

Mr. McKELLAR. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 2 of the act approved May 3, 1935, entitled "An act to promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this act, and for other purposes," is hereby amended to read as follows:

"Sec. 2. The motor-vehicle operator's permit and all of the registration certificates of any person who shall by a final order or judgment have been convicted of or shall have forfeited any bond or collateral given for a violation of any of the following provisions of law, to wit—

"Driving while under the influence of intoxicating liquor or narcotic drugs, as provided in section 10 of the act of Congress approved March 3, 1925, as amended, and commonly known as the Traffic Acts;

"Leaving the scene of an automobile accident in which personal injury occurs without making identity known, as provided in section 10 of said Traffic Acts;

"Reckless driving, as provided in section 9 (b) of such Traffic Acts, whereby personal injury occurs;

"A conviction of an offense in any other State, which if committed in the District of Columbia would be a violation of any of the aforesaid provisions of the Traffic Acts of the District of Columbia; shall be suspended by the Commissioners of the District of Columbia or their designated agent and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in his name until he shall give proof of his ability to respond thereafter in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to or death of any one person of at least \$5,000, and, subject to the aforesaid limit for each person injured or killed, of at least \$10,000 for such injury to or the death of two or more persons in any one accident, and for damage to property of at least \$1,000 resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle owned or registered by such person. If any such person shall fail to furnish said proof, his operator's permit and registration certificates shall remain suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in his name until such time as said proof be given. If such person shall not be a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be withdrawn until he shall have furnished such proof: *Provided,* That in case of both residents and nonresidents, however, if it shall be duly established to the satisfaction of the said Commissioners or their designated agent, and the said Commissioners or their designated agent shall so find (a) that any such person so convicted, or who shall have pleaded guilty or forfeited bond or collateral, was, upon the occasion of the violation upon which such conviction, plea, or forfeiture was based, a chauffeur or motor-vehicle operator, however designated, in the employ of the owner of such motor vehicle; or a member of the same family and household of the owner of such motor vehicle, and (b) that there was not, at the time of such violation, or subsequent thereto, up to the date of such finding, any motor vehicle registered in the District of Columbia in the name of such person convicted, entering a plea of guilty or forfeiting bond or collateral, as aforesaid, then in such event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages, in accordance with the provisions of this act (and the said Commissioners or their designated agent shall accept such proof from such person), such chauffeur or other person, as aforesaid, shall thereupon be relieved of the necessity of giving such proof in his own behalf. It shall be the duty of the clerk of the court in which any such judgment or order is rendered or other action taken to forward immediately to the said Commissioners or their designated agent a certified copy or transcript thereof, which said certified copy or transcript shall be prima facie evidence of the facts therein stated."

#### PUNISHMENT OF ESPIONAGE

The Senate proceeded to consider the bill (S. 1398) to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act.

Mr. KING. Mr. President, may we have an explanation of the bill?



The PRESIDING OFFICER. The Senator from New Jersey [Mr. BARBOUR] reported the bill.

Mr. WALSH. Mr. President, if the Senator from New Jersey will allow me, I should like to make an explanation of the bill. This measure is intended to remedy an obvious, and at the present time somewhat startling, defect in the Federal statute relating to espionage.

This measure, in effect, strengthens the existing law in the following respects:

First. Imprisonment is made mandatory for all offenses instead of being left, as at present in some instances, to the discretion of the courts.

Second. Minimum and maximum penalties for lesser offenses are fixed at 5 and 10 years, respectively, as contrasted with a complete absence of any provision for mandatory imprisonment in some sections of the present Espionage Act, and a maximum of 2 years, as recited above, for such offenses as entering restricted military zones, flying over fortifications, and thefts of code and signal books, plans, sketches, and other secret military material.

Third. For major offenses, such as attempts to damage or destroy American vessels, for which the present law provides maximum penalties of 20 years in prison and a \$10,000 fine, with no minimum, the penalties are increased to 10 years' mandatory imprisonment as a minimum, the maximum remaining unchanged.

Similarly, the bill increases the penalty for harboring or concealing foreign spies from 2 years' imprisonment and a \$10,000 fine to mandatory minimum and maximum terms of 5 and 10 years, respectively. The fine is unchanged.

In a single respect the bill reported in the Senate makes no change in the penalties of the present statute. These are the penalties for negligence. It is felt that they are sufficiently severe.

In a word, the bill, introduced by the Senator from New Jersey [Mr. BARBOUR], who has been very vigilant and very attentive in promoting its consideration in the Committee on Naval Affairs, provides exacting and strict penalties for espionage.

Mr. BONE. Mr. President, I desire to ask the Senator from New Jersey a question about this measure. When the Munitions Committee was examining into the activities of private munitions makers it was discovered—and I think not seriously questioned—that private munitions makers, under the very loose system then in effect, were selling very freely to every country under the sun, including some now under vigorous condemnation, all, or at least a great many of the latest devices we now employ in national defense. Personally I always regarded that as an exceedingly loose system, and at times I have wondered why we were prosecuting some persons for taking pictures or something of that sort, when our own private munitions makers were apparently freely selling the latest types of devices to Germany, Japan, or any other country which wanted to buy them. The devices found their way to Vickers and to every other such plant in foreign countries that wanted to buy them. I am wondering whether the language in the proposal before us would be sufficiently broad to get at a matter of that kind, or at least not sanctify the free and easy sale of so-called national-defense apparatus.

Mr. BARBOUR. Mr. President, I am sure the language of the bill is sufficiently broad. The whole intent is to make more serious the offenses of espionage, sabotage, and every other act in that very antipatriotic category. Under the provisions of the bill any munitions firm, shipbuilder, or anyone else who in any way was a party to the theft of a plan or the divulging of national-defense secrets would be culpable and subject to arrest and conviction. The Naval Affairs Committee is unanimously in favor of the bill. The Navy Department is very much in favor of it. It is in line with the efforts of the Attorney General in connection with the Federal Bureau of Investigation; and, while I have not heard officially, I have heard informally from representatives of the State Department that they are in favor of it.

Mr. WALSH. Mr. President, I think the Senator from Washington has opened up a subject which requires atten-

tion and consideration, a subject which is perhaps broader than this bill, namely, the question whether private contractors, those who build ships and provide devices for the Army and Navy, and those who manufacture airplanes, should be permitted to transmit the models, forms, and specifications to other countries. To some degree such activities are forbidden. In the case of airplanes permission must be obtained from our Government. I do not know at the moment whether the law is sufficiently broad to include all the suggestions contained in the observations of the Senator from Washington, but I think the matter should be carefully studied. However, as the Senator has indicated by his inquiry, it has no special bearing on this bill.

Mr. CLARK of Missouri. Mr. President, I was about to suggest that the practice to which the Senator from Washington has referred has gone even further. It was in evidence before the Munitions Committee, in the case of the Du Pont Power Co., that they were authorized, in one instance, by the Intelligence Bureau of the War Department, and in another instance by the intelligence unit of the Navy Department, to sell their most secret formula and, in fact, to install methods and factories in Russia and Japan, countries that were considered at that time by those Departments, as stated in their correspondence, to be the most likely antagonists of the United States. It seems to me that sort of business ought to be stopped. I am not criticizing this particular bill.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. Is there objection to the present consideration of the bill?

Mr. BONE. Mr. President, I am not objecting. I merely wish to comment further on the suggestion of the Senator from Massachusetts. We discovered a case in which a recent installation on one of our modern warships of the Driggs gun, an antiaircraft gun of a very late model, was inspected by Turkish representatives, and the ship became a veritable floating showcase. American private munitions manufacturers were using an American battleship to demonstrate the value and the utility of those guns to foreign countries. The Navy Department and the State Department approved that action.

We confront the hideous fact that if this body ever votes to send our country into war, so surely as we are in this Chamber we are going to send our sons out to die under a hail of steel fired from American-made guns, with the latest devices which our own scientists can provide. We have sold our military and naval secrets all over the world. If we become involved in a war our boys are going to be blown hellward by the things we have been selling year in and year out, and which we have designated as our own military and naval secrets.

Mr. WALSH. I am in thorough accord with what the Senator has said. However, in the case of such a device as the diving bell life-saving device which operated so successfully in the recent submarine disaster, the Senator would not say that our Government should not permit other governments of the world to know about such things?

Mr. BONE. Oh, no.

Mr. WALSH. In other words, it is a matter of discretion.

Mr. BONE. Yes; I would not forbid the sale of such humane devices as the diving bell. One would have to be sadistic to interrupt the use of a thing like that. I think it should be freely exchanged all over the earth.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That (a) section 1 of title I of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, is amended by (1) striking out the last semicolon in such section and all matter following such semicolon, and (2) inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$10,000."

(b) Such act, as amended, is amended by inserting in title I thereof, immediately after section 1 of such title, a new section to read as follows:

"Sec. 1A. Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both."

Sec. 2. Section 2 of title I of such act, as amended, is amended by striking out "shall be punished by imprisonment for not more than 20 years," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years."

Sec. 3. Section 5 of title I of such act, as amended, is amended to read as follows:

"Sec. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$10,000."

Sec. 4. (a) Section 2 of title II of such act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than 2 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$10,000."

(b) Section 3 of title II of such act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than 2 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and shall, in the discretion of the court, be fined not more than \$10,000."

Sec. 5. Section 1 of title III of such act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years and may, in the discretion of the court, be fined not more than \$10,000."

Sec. 6. Section 1 of title IV of such act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 10 years and not more than 20 years and may, in the discretion of the court, be fined not more than \$10,000."

Sec. 7. Section 6 of title V of such act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$10,000."

Sec. 8. Sections 1, 2, and 3 of title VIII of such act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both," and inserting in lieu of the matter stricken out the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$5,000."

Sec. 9. Sections 2, 3, and 4 of title IX of such act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$2,000."

Sec. 10. Section 22 of title XI of such act, as amended, is amended by striking out "shall be fined not more than \$1,000 or imprisoned not more than 2 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$1,000."

Sec. 11. Section 3 of title XII of such act, as amended, is amended by striking out "shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both," and inserting in lieu thereof the following: "shall be punished by imprisonment for not less than 5 years and not more than 10 years and may, in the discretion of the court, be fined not more than \$5,000."

#### BILLS PASSED OVER

The bill (S. 1740) to promote business and economic research in the United States by establishing and maintaining in connection with State university schools of business administration, research stations to cooperate with the Department of Commerce, was announced as next in order.

Mr. MALONEY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2212) to provide for the development of marketing and marketing services for farm commodities was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### RELIEF OF CERTAIN FORMER EMPLOYEES OF FARM SECURITY ADMINISTRATION

The Senate proceeded to consider the bill (S. 2399) for the relief of certain former employees in the Farm Security Administration, which had been reported from the Committee on Claims with amendments, on page 2, line 10, after the word "to", to strike out "Joseph B. Pearce" and insert "Joseph D. Pearce"; in line 11, after the numerals "\$62.89", to insert: "to Ruby V. Alston, of Columbus, Miss., \$48.57; to Harold D. Brainerd, of Marianna, Ark., \$14; to Edward M. Burr, of Conway, Ark., \$176.97; to Elmer Hixon, of Paris, Ark., \$152.42"; and at the end of the bill to add a proviso, so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick L. Coe, of New Haven, Conn., the sum of \$218.36; to Ann M. Hargrave, of Ithaca, N. Y., \$18.12; to James R. Mackie, of Bangor, Maine, \$36; to Harry O. Carter, of Paris, Ill., \$53.20; to Wilbur A. Schmitt, of Indianapolis, Ind., \$4.28; to Rex J. Taylor, of Cartersville, Ill., \$82.56; to John L. Higgins, of Cary, N. C., \$347.03; to Joseph M. Newsom, of Raleigh, N. C., \$29.26; to Rubee J. Pearce, of Birmingham, Ala., \$184.70; to Kenneth S. Stewart, of Buckhannon, W. Va., \$193.85; to Christopher Bryan, of Richlands, N. C., \$205.98; to Ernest L. Boggus, of Newton, Ga., \$159.26; to Llano Cantrell, of Eustis, Fla., \$93.19; to William D. Cowart, of Gainesville, Fla., \$93.19; to Mrs. Rebecca S. Daniell, of Eatonton, Ga., \$52.25; to Fred Patterson, of Sandy Springs, S. C., \$415.71; to William J. Rawls, of Sneads, Fla., \$171.42; to Joseph D. Pearce, of Greenwood, S. C., \$62.89; to Ruby V. Alston, of Columbus, Miss., \$48.57; to Harold D. Brainerd, of Marianna, Ark., \$14; to Edward M. Burr, of Conway, Ark., \$176.97; to Elmer Hixon, of Paris, Ark., \$152.42; and to William D. Simpson, of Columbia, S. C., \$88.55, in full satisfaction of their claims against the United States for compensation for the amounts of annual leave to which they were entitled, respectively, at the time of their separation from the service of the Farm Security Administration in June 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DELAWARE DREDGING CO.

The bill (S. 2176) for the relief of the Delaware Dredging Co. was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. TOWNSEND. Mr. President, this is a bill for the relief of a company which overpaid its tax. The bill calls for a refund in a very small amount.

Mr. McKELLAR. I note that the Department does not favor the bill. Can the Senator explain why that is?

Mr. TOWNSEND. No; I cannot. However, the amount is only \$226.68.

Mr. McKELLAR. The entire amount is only \$226.68?

Mr. TOWNSEND. That is all.

Mr. McKELLAR. I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Delaware Dredging Co., of Philadelphia, Pa., the sum of \$226.68, in full settlement of its claims against the United States for a refund of an excise tax erroneously collected for the calendar year 1937 imposed by title IX of the Social Security Act, said company having paid the same amount to the State of Delaware under the provisions of said act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall



be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### BILL PASSED OVER

The bill (H. R. 161) to amend section 73 of the Hawaiian Organic Act, April 30, 1900, as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill. Otherwise, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### FOUR HUNDREDTH ANNIVERSARY OF EXPLORATIONS OF FRANCISCO VASQUEZ DE CORONADO

The Senate proceeded to consider the bill (S. 2197) authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vasquez de Coronado, which had been reported from the Committee on Foreign Relations with amendments on page 1, line 7, after the word "Representatives", strike out "the Secretary of State"; on page 4, line 11, after the word "anniversary" to strike out "(5) aiding in defraying the necessary expenses incident to the participation of delegates from the pan-American republics in conferences of historical, educational, anthropological, and linguistic natures, incident to the commemoration and observance of such anniversary and designed to promote friendly relations among the United States and other American republics; and (6)", and insert "and (5)"; so as to make the bill read:

*Be it enacted, etc.,* That there is hereby established a commission, to be known as the United States Coronado Exposition Commission (hereinafter referred to as the "Commission"), to be composed of the Vice President, the Speaker of the House of Representatives, the Secretary of the Interior, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of an exposition and celebration during the observance and commemoration of the four hundredth anniversary of the exploration of the States of New Mexico, Arizona, Colorado, Texas, Oklahoma, and Kansas by Francisco Vasquez de Coronado.

Sec. 2. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the Commission in the procurement, installation, and display of exhibits, and to lend to the Commission and to the Coronado Cuarto Centennial Commission, established by an act of the Legislature of the State of New Mexico, for exhibition during the period of such observance and commemoration such articles, materials, documents, specimens, exhibits, or papers in the possession of the Government which the Commission shall deem to be in the interest of the United States and in keeping with the purposes of such commemoration and observance and which relate to the exploration of such States, or illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, or demonstrate the nature of our institutions, particularly with regard to their adaptation to the needs of the people. Any such articles, materials, documents, specimens, exhibits, or papers so lent, shall be lent only under such conditions as will assure their return in good condition and without expense to the Government.

Sec. 3. The Commission is authorized and directed to prepare, print, bind, and distribute a pamphlet on the explorations of Francisco Vasquez de Coronado, and for such purpose is authorized to have printing, binding, photolithography, and other work done at establishments other than the Government Printing Office.

Sec. 4. The Commission is authorized to procure advice and assistance from any governmental agency and to procure advice and assistance from and cooperate with individuals and agencies, public or private. The Commission is authorized to accept and utilize voluntary and uncompensated services of any person and, without additional compensation, the services of such experts, consultants, research assistants, clerks, and stenographers as may be detailed by the heads of the various executive departments and establishments of the Government for the purpose of assisting the Commission to carry out the provisions of this act.

Sec. 5. There is hereby authorized to be appropriated the sum of \$250,000 for the purpose of carrying out the provisions of this act, and such sum when appropriated shall remain available until expended. Subject to the provisions of this act and any subsequent act appropriating the money authorized herein, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this act and to allocate such sums to the said Coronado Cuarto Centennial Commission for expenditure as the Commission deems necessary and proper in carrying out the purposes of this act for (1) the erection of monuments; (2) the erection and enlargement of museum facilities for the housing of historical and anthropological material and material illustrative of the arts and crafts of such

States; (3) the preparation and publication of historical pamphlets; (4) aiding in defraying the expenses of National, State, and local programs in celebration of such anniversary; and (5) aiding in defraying any other expenses incurred in properly observing and commemorating such anniversary.

All amounts and vouchers covering expenditures shall be approved by such person as the Commission may designate, but this provision shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, nor to permit any obligations to be incurred in excess of the amount authorized to be appropriated herein. In the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

Sec. 6. The Commission shall transmit to Congress on or before \_\_\_\_\_, 194\_\_\_\_, a detailed statement of the manner of expenditure of any funds appropriated pursuant to the authorization contained in this act.

The amendments were agreed to.

Mr. ASHURST. I offer the amendment to the bill which I send to the desk, and ask that it may be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arizona will be stated.

The CHIEF CLERK. On page 4, line 1, after the word "act", it is proposed to insert "(including the expenditure of not to exceed \$10,000 for the erection of a suitable monument at or near a point on the international boundary between the United States and Mexico where Coronado first entered what is now the United States)."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 5835) to authorize the President to render closer and more effective the relationship between the American republics was announced as next in order.

Mr. LODGE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. The Senator from Nevada [Mr. PITTMAN], who reported the bill, does not appear to be present at the moment.

Mr. LODGE. Pending his presence, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### STANDARDS FOR SEEDS IN INTERSTATE COMMERCE

The bill (H. R. 5625) to regulate interstate and foreign commerce in seeds, to require labeling and to prevent misrepresentation of seeds in interstate commerce, to require certain standards with respect to certain imported seeds, and for other purposes, was announced as next in order.

Mr. KING and Mr. GURNEY asked that the bill go over.

Mr. GILLETTE. Mr. President, the Senator from Massachusetts has an amendment he desires to offer.

The PRESIDING OFFICER. There is objection to the consideration of the bill.

Mr. GILLETTE. Will the Senator who made the objection withhold his objection in order that I may make a statement?

Mr. GURNEY. Mr. President, I should like to have an explanation of the bill. I believe there should be an amendment adopted to it.

Mr. GILLETTE. This bill has passed the House of Representatives. It represents much work on the part of the agencies interested in the matter of clean seed, the Bureau of Plant Industry of the Department of Agriculture, all the farm organizations, and all the seed interests. The Senator from Massachusetts [Mr. WALSH] has an amendment which he will offer, which, as I understand, is acceptable to the authors of the bill. It is desired that an opportunity be afforded to have that amendment presented at this time. So, I hope the Senator will withhold his objection and let the amendment be acted upon and the bill be passed.

Mr. WALSH. Mr. President, a good deal of opposition to this bill has come from nurseries and seed producers in several States who believe that if it shall be passed it will interfere with State laws. I have an amendment which I believe will

be agreeable to them. It is acceptable to the Department and acceptable to those in charge of the bill. The amendment would tend to minimize or eliminate the objections made by those who in my State, and I assume in the State of the Senator from South Dakota, have objected to the bill as providing too large a degree of Federal control.

Mr. GURNEY. Mr. President, I do object to the bill; I am in harmony with some of the objectives of the bill. Its primary purpose, of which I approve, is to give clean seeds to the farmers and planters of the country.

Mr. WALSH. Would the Senator be willing to have the amendment offered and accepted and then have the bill go over for further study and consideration? The amendment seeks what I think the Senator has in mind, although it may not accomplish that purpose, namely, to meet the protests of the producers of seeds who only produce and sell in their own States.

Mr. GURNEY. The bill as framed would eliminate a certain class of people who now sell seeds, and would take them out of the provisions of the proposed act.

Mr. WALSH. Would the Senator permit the amendment to be offered and then let the bill go over for further study? I should like to have my amendment offered and voted upon; then the bill may go over.

The PRESIDING OFFICER. The amendment will be considered as having been presented and will lie on the table.

Mr. WALSH. No. I inquire if the Senator from South Dakota is willing that the amendment shall be accepted and incorporated in the bill, and then have the bill go over?

Mr. GILLETTE. Does the Senator from South Dakota ask that the bill go over, even if the amendment to be proposed is added to it?

Mr. GURNEY. I shall be glad to have the bill considered at any time.

The PRESIDING OFFICER. The amendment offered by the Senator from Massachusetts will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following additional proviso:

*And provided further*, That such seeds produced or sold by him when transported or offered for transportation to any State, Territory, or District, shall not be exempted from the provisions of sections 201 and 202 unless said seeds shall be in compliance with the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police power, to the same extent and in the same manner as though such seed had been produced, sold, offered, or exposed for sale in such State, Territory, or District, and shall not be exempted therefrom by reason of being introduced therein in original packages or otherwise.

Mr. GILLETTE. Mr. President, may I ask if the amendment read by the clerk referred to the line and page of the bill to which it is proposed to apply?

The PRESIDING OFFICER. It did not. The clerk stated that it was proposed to insert the amendment at the proper place in the bill.

Mr. GILLETTE. If the Senator from Massachusetts will allow me, I should like to perfect the amendment in that respect.

Mr. WALSH. I am happy to have the Senator do so. The Senator has cooperated in drafting the amendment.

Mr. GILLETTE. In line 24, page 16, and lines 1 and 2 of page 17, I move to strike out the words beginning "*And provided further*", and the remainder of those lines, and insert in lieu thereof the language presented by the Senator from Massachusetts.

Mr. WHITE. Mr. President, I do not want to agree at this time to the adoption of any amendment or to the consideration of this bill. I have had letters about it. I do not know whether they were for or against it; the matter is not in my mind at the moment; but I know this is a bill of 40 pages, and it ought not to be taken up and considered and acted upon under the unanimous-consent rule under which the Senate is now proceeding.

Mr. WALSH. I desire to say to the Senator that the amendment is proposed in the effort to meet the objections I have received and which I assume the Senator has received. I do not care whether the bill is acted upon today or not, but I should like to have the Senator from Maine and the other

Senators who have objections afforded a chance to study the bill with the amendment.

Mr. WHITE. The amendment may be offered and lie on the table. That would be satisfactory.

The PRESIDING OFFICER. On objection, the bill will be passed over.

#### MINIMUM NATIONAL ALLOTMENTS FOR COTTON

The Senate proceeded to consider the joint resolution (H. J. Res. 247) to provide minimum national allotments for cotton.

Mr. LODGE. Mr. President, may we have an explanation of the joint resolution?

Mr. BANKHEAD. The present law contains a formula which makes possible a serious reduction in the present cotton allotment. The joint resolution simply continues the law as it has existed for the last 2 years. It has been agreed to by the Department and by the chairman of the Committee on Agriculture of the House. It merely is a continuation of the law to prevent a larger reduction in allotments.

The PRESIDING OFFICER. The amendment reported by the committee to the joint resolution will be stated.

The CHIEF CLERK. In line 7, after the word "than", it is proposed to strike out "eleven million five hundred thousand" and to insert "ten million", so as to make the joint resolution read:

*Resolved, etc.*, That section 343 (b) of the Agricultural Adjustment Act of 1938, as amended (relating to the national allotment for cotton), is amended by adding at the end thereof the following new sentence: "The national allotment for any year (after 1939) shall be not less than 10,000,000 bales."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

#### ALLOWANCES FOR INACTIVE-STATUS TRAINING OF RESERVE OFFICERS

The Senate proceeded to consider the bill (S. 507) to provide allowances for inactive-status training and for uniforms and equipment for certain officers of the Officers' Reserve Corps.

Mr. KING. Mr. President, I should like to have an explanation of the bill.

Mr. LOGAN. I may say to the Senator from Utah that this matter has been under very careful consideration by the Military Affairs Committee two or three times, and at this session we have held a number of hearings. The matter is a little difficult of explanation, but I may say that Reserve officers in inactive-status training receive nothing for uniforms or equipment. If they are on active training, of course, they receive some pay, but, under the rules and regulations, if they are on inactive-status training they get nothing and have to provide their own uniforms.

As the bill has been finally drafted by the Military Affairs Committee it allows to Reserve officers who are eligible for active-duty training \$50 a year for inactive-status training, that amount to go toward paying for their equipment. It allows that amount only for a period of 3 years after they have received appointment as Reserve officers.

The bill has been approved by the National Reserve Officers' Association. The Secretary of War objected to the bill because of certain provisions which it was thought would be very difficult to enforce. The original bill allowed a dollar for each hour of credits earned. The bill was redrafted, and in its present form simply provides for an allowance of \$50 at the end of each calendar year. The Secretary of War says that that is decidedly the easiest way to handle it, but the War Department does not believe in paying Reserve officers anything. That is the conclusion reached, although the Department is not very positive about it, but it thinks that the provisions of this bill would not be very difficult of administration and the cost would be rather small.

There has been quite a loss of interest on the part of inactive Reserve officers because they have to purchase their own equipment. They come from various walks in life—lawyers, doctors, bankers, and so forth, and they do not like



to take the time to go to training camps, get nothing for it, and in addition then have to purchase their own uniforms. I think that is as good an explanation as I can make at this time.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. LOGAN. I am glad to yield to the Senator from Massachusetts.

Mr. LODGE. Can the Senator give any figure as to the number of Reserve officers to whom the bill would apply?

Mr. LOGAN. I do not find the number in the report.

Mr. SHEPPARD. Mr. President, I have the number here.

Mr. LODGE. Will the Senator state it if he please?

Mr. SHEPPARD. About 30,000 Reserve officers are eligible to inactive training. There should be added to that number 8,500 new second lieutenants who are coming in. The total amount required would be a little less than \$2,000,000 per annum for the 3 years.

Mr. KING. Mr. President, may I ask the Senator from Kentucky if every officer who does not participate in activities of Reserve officers would be entitled to the payment? Suppose an officer is on the inactive list and is not called out for 2 or 3 years. Would he get \$50 a month?

Mr. LOGAN. No. If he is on inactive-status training, actually in training, he would be entitled to it.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The amendments were, on page 1, line 4, after the word "duty", to insert "training"; after line 6, on page 1, to strike out:

(a) Such officers shall be entitled to an allowance of \$1 for each hour of credits earned in Army extension courses and other forms of inactive-status training as shall be designated by the War Department for this purpose: *Provided*, That such allowance shall apply only to inactive-status credits earned in excess of the annual average minimum of 20 hours of inactive-status credits required for maintaining active-duty status, and shall not exceed \$75 in any 1 year: *And provided further*, That in determining the amount of such allowance for any year only the inactive-status credits earned in that year shall be considered.

And insert:

(a) Such officers shall be entitled to an annual allowance of \$50 payable at the end of each fiscal year: *Provided*, That such allowance shall not be payable for any fiscal year to officers receiving more than 15 days of active-duty training during that year: *Provided, however*, That Reserve officers for whom inactive-status credits are not a requisite for active-duty training under such regulations as may be prescribed by the Secretary of War, will not be entitled to the allowance: *Provided further*, That the provisions of this act shall not be construed to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army in the furtherance of the enrollment, organization, and training of the Officers' Reserve Corps of the Army, or in consultation upon matters relating to the military service.

On page 2, line 23, after the word "for", strike out the article "a" and insert the article "the", so as to make the bill read:

*Be it enacted, etc.*, That officers of the Officers' Reserve Corps, eligible for active-duty training, shall be entitled to money allowances for inactive-status training and for uniforms and equipment as follows:

(a) Such officers shall be entitled to an annual allowance of \$50 payable at the end of each fiscal year: *Provided*, That such allowance shall not be payable for any fiscal year to officers receiving more than 15 days of active-duty training during that year: *Provided, however*, That Reserve officers for whom inactive-status credits are not a requisite for active-duty training under such regulations as may be prescribed by the Secretary of War, will not be entitled to the allowance: *Provided further*, That the provisions of this act shall not be construed to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army in the furtherance of the enrollment, organization, and training of the Officers' Reserve Corps of the Army, or in consultation upon matters relating to the military service.

(b) For the period of 3 years after their original appointment and under such regulations as the War Department may prescribe, such officers shall be entitled to an allowance of \$50 per annum for the purchase of necessary uniforms and equipment.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PORT DOUGLAS MILITARY RESERVATION, UTAH

The bill (S. 1672) authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized to permit the Board of Commissioners of Salt Lake City, Utah, to construct and maintain such roads, streets, and boulevards across lands of the United States located within the Fort Douglas Military Reservation in the State of Utah as he may determine will not interfere with the use of such lands in such manner as the public interest may require. Any grant of permission to construct and maintain any such road, street, or boulevard shall be made subject to such conditions as the Secretary may prescribe for the purpose of protecting the public interest.

#### EMIL NAVRATIL

The Senate proceeded to consider the bill (S. 2316) for the relief of Emil Navratil, which had been reported from the Committee on Military Affairs with an amendment, at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc.*, That Emil Navratil, late of Forty-sixth Company, One Hundred and Fifty-second Depot Brigade, shall be held and considered to have been honorably discharged from the military service of the United States on June 13, 1918: *Provided*, That no bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CASH RELIEF FOR CANAL ZONE EMPLOYEES

The bill (S. 2467) authorizing cash relief for certain employees of the War and Navy Departments in the Canal Zone not coming within the provisions of the Civil Service Retirement Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War or the Secretary of the Navy, under such regulations as may be prescribed by the President of the United States, may pay cash relief to such employees of the War Department and the Navy Department, respectively, in the Canal Zone not coming within the provisions of the Civil Service Retirement Act, as may become unfit for further useful service by reason of mental or physical disability resulting from age or disease, and also to such former employees of the War Department and the Navy Department, respectively, in the Canal Zone not coming within the provisions of the Civil Service Retirement Act as have within 3 years prior to the date of enactment of this act been separated from the service because of unfitness for further useful service by reason of such disability: *Provided*, That such cash relief shall not exceed \$1 per month for each year of service of the employee so furnished relief, with a maximum of \$25 per month, nor be granted to any employee having less than 10 years' service with the War Department or the Navy Department, respectively, including any service with the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama.

Sec. 2. That there is hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this act.

#### J. ROSS EAKIN

The resolution (S. Res. 131) to investigate the administration of J. Ross Eakin as superintendent of the Great Smoky Mountains National Park was announced as next in order.

Mr. VANDENBERG. Let the resolution go over.

Mr. McKELLAR. Mr. President, may I ask what reason the Senator from Michigan has for objecting to an investigation of an officer whom the Department itself has had investigated to some extent, and has found that he has been extremely derelict in his duties? What reason has the Senator for objecting to an investigation of that officer by a committee of the Senate?

Mr. VANDENBERG. I shall be very happy to answer the Senator's question.

Mr. McKELLAR. I shall be glad to have the Senator do so.

Mr. VANDENBERG. I saw this particular gentleman somewhat manhandled on the floor of the Senate in connection with some previous legislation, and at that time it seemed to me that he was treated very unfairly in all respects.

Mr. McKELLAR. Does the Senator know anything about the facts?

Mr. VANDENBERG. The Senator knows that the Secretary of the Interior wrote an 18-page letter, which, evidently, a terrific effort was made to suppress before the Senate was called upon to vote on the matter involving Mr. Eakin. The Senator listened to the Secretary's letter, and it seemed to the Senator that the Secretary of the Interior gave Mr. Eakin a thoroughly clean bill of health.

Mr. McKELLAR. But did the Senator read that which is in the RECORD, which shows that the Secretary of the Interior sent an auditor down to examine into the accounts and affairs of this park under Mr. Eakin, and that the auditor after a careful examination reported innumerable derelictions of duty? Did the Senator read that, or did he pass it over?

Mr. VANDENBERG. Let me tell the Senator exactly what my attitude is. I am perfectly willing to have Mr. Eakin investigated, but I want to be sure that the basis of the investigation is something different from the basis of his crucifixion on the floor of the Senate a few months ago. When I have an opportunity to study the resolution I probably shall be able to join the Senator in passing it.

Mr. McKELLAR. I will say to the Senator that I hope he will examine the resolution. It has been here some time. The leader on the Senator's side, the Senator from Oregon [Mr. McNARY], has withdrawn objection to having the investigation made. I hope the Senator from Michigan will look into the resolution. When he does, I am quite sure he will find that the investigation ought to be made. I shall be glad to send to the Senator the report of the investigator who investigated this official, and who was defended by the Secretary of the Interior.

Mr. VANDENBERG. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### MINIMUM NATIONAL ALLOTMENTS FOR WHEAT

The joint resolution (H. J. Res. 248) to provide minimum national allotments for wheat was announced as next in order.

Mr. KING. Mr. President, I have just had a conference with the able Senator from Illinois [Mr. LUCAS] in regard to this joint resolution, and it is mutually agreed that it may go over until the next call of the calendar.

Mr. BANKHEAD. This is the same kind of a joint resolution that we had in the case of cotton. The law requires a minimum, and this is the plan agreed on by representatives of wheat and the Department.

The PRESIDING OFFICER. The joint resolution will be passed over.

#### PURCHASE OF SUPPLIES, ETC., BY THE UNITED STATES

The bill (S. 1032) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," was announced as next in order.

Mr. WALSH. Mr. President, that measure is of such public interest and importance that it should not be discussed in the brief time permitted under the rule of the Senate, under which we are now acting. It should be given a special assignment later. Therefore I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### NATIONAL FLAGS AND BURIAL OF FORMER SERVICE MEN AND WOMEN

The bill (H. R. 2310) to provide national flags for the burial of honorably discharged former service men and women was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 521) for the incorporation of the Ladies of the Grand Army of the Republic was announced as next in order. Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### GENERAL PULASKI'S MEMORIAL DAY

The joint resolution (H. J. Res. 133) authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was considered, ordered to a third reading, read the third time, and passed.

#### ALBERT W. GABBEY

The bill (S. 163) directing the Secretary of the Interior to issue to Albert W. Gabbey a patent to certain lands in the State of Wyoming was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to issue to Albert W. Gabbey, of Jenny Lake, Wyo., a patent in fee to the following-described lands (comprised in stock-raising homestead entry No. 015468, Evanston land office): The west half northeast quarter, the north half northwest quarter, and the southeast quarter northwest quarter and the northeast quarter southwest quarter section 7, township 44 north, range 115 west, sixth principal meridian.

#### EXTENSION OF CERTAIN PROSPECTING PERMITS

The Senate proceeded to consider the bill (S. 878) to amend the act of August 26, 1937, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "than", to strike out "one" and insert "two", so as to make the bill read:

*Be it enacted, etc.,* That clause (d) of the act of August 26, 1937, entitled "To provide for the extension of certain prospecting permits, and for other purposes," is amended to read as follows:

"(d) Under which at least one well shall have been drilled to a depth of not less than 2,000 feet subsequent to August 21, 1935, and prior to January 1, 1939."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN B. JONES

The bill (S. 2227) for the relief of John B. Jones was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to consider, and authorized to grant, the application of John B. Jones, who served as a first lieutenant, One Hundred and Forty-third Regiment United States Infantry, for such of the benefits under the act approved May 24, 1928, as amended, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," as the said John B. Jones may be entitled to: *Provided*, That the application of the said John B. Jones shall be filed with the Veterans' Administration within 6 months from the date of the approval of this act.

#### FORT FRANCIS E. WARREN MILITARY RESERVATION, WYO.

The Senate proceeded to consider the bill (S. 2336) to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo., which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of War is hereby authorized to convey to N. P. Black, of Cheyenne, Wyo., all right, title, and interest of the United States to a portion of the Fort Francis E. Warren Military Reservation, Wyo., consisting of 25 acres, more or less, and to convey another portion of the reservation consisting of 10 acres, more or less, to the city of Cheyenne, Wyo., and to accept in exchange for such conveyances a deed from the said N. P. Black, conveying a fee-simple title to a tract of land consisting of 35 acres, more or less, lying contiguous to the reservation, the three conveyances to be made under such terms and conditions as may be prescribed by the Secretary of War.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES W. GROSE

The Senate proceeded to consider the bill (S. 2174) to provide for the appointment of James W. Grose as a sergeant,



1st-class (master sergeant), United States Army, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "sergeant", to strike out "and he shall not be entitled to receive pay or allowances for the period during which he was not in the active service" and insert "but any increase in pay or allowances to which he may be entitled by reason of the enactment of this act shall be effective only from the date of such enactment", so as to make the bill read:

*Be it enacted, etc.,* That James W. Grose, a noncommissioned officer on the retired list of the Regular Army, be placed in the first grade as a master sergeant, but any increase in pay or allowances to which he may be entitled by reason of the enactment of this act shall be effective only from the date of such enactment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORINNE W. BIENVENU (NEE CORINNE WELLS)

The bill (S. 2370) for the relief of Corinne W. Bienvenu (nee Corinne Wells) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the Army Nurse Corps, Corinne W. Bienvenu, who served under her maiden name of Corinne Wells as a Reserve nurse, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a Reserve nurse on December 29, 1917: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

#### BILLS PASSED OVER

The bill (H. R. 3796) to extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3248) authorizing a per capita payment of \$15 each to the members of the Red Lake Band of Chippewa Indians, from the proceeds of the sale of timber and lumber on the Red Lake Reservation, was announced as next in order.

Mr. McKELLAR. May we have an explanation of this bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4998) to amend the Packers and Stockyards Act, 1921, was announced as next in order.

The PRESIDING OFFICER. An identical bill was heretofore passed over, and this bill accordingly will be passed over.

The bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Is this the river and harbor bill?

The PRESIDING OFFICER. It is.

Mr. KING. Let it go over.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KING. Mr. President, what disposition was made of House bill 4998?

The PRESIDING OFFICER. It went over under a previous order.

The bill (S. 1906) for the relief of William H. Rouncevill was announced as next in order.

Mr. KING. Mr. President, the War Department strongly opposes that bill. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### RETIRED PAY OF CERTAIN RETIRED ARMY OFFICERS

The Senate proceeded to consider the bill (S. 1918) relating to the retired pay of certain retired Army officers, which was announced as next in order and read, as follows:

*Be it enacted, etc.,* That commissioned officers of the Regular Army placed upon the unlimited retired list pursuant to the provisions of that part of the War Department Appropriation Act,

1923, as amended, which provided for the elimination of commissioned officers of the Regular Army in excess of the number therein provided for, shall be entitled to retired pay after the date of enactment of this act, computed as follows:

(1) Those with more than 10 years' and less than 20 years' commissioned service at date of being placed on the unlimited retired list and all additional service on active duty under competent War Department orders subsequent to being placed on the unlimited retired list,  $2\frac{1}{2}$  percent of their active-duty pay multiplied by the number of complete years of such commissioned service, but not in excess of 75 percent of such active pay.

(2) Those with more than 20 years' commissioned service at date of being placed on the unlimited retired list and all additional service on active duty under competent War Department orders subsequent to being placed on the unlimited retired list, 3 percent of their active-duty pay multiplied by the number of complete years of such commissioned service, but not in excess of 75 percent of such active pay.

Mr. KING. Mr. President, let us have an explanation of the bill.

Mr. GURNEY. Mr. President, this bill has to do with the retired pay of only eight Regular Army officers who, through some misfortune, as a result of not applying or being unable to apply within the specific time-limit under the law of June 1922 have not been allowed the privileges accorded to other retired officers who did apply within the limit. It affects, as I say, only eight retired Regular Army officers.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. GURNEY. Yes.

Mr. WALSH. Do I correctly understand that there is no increase in the retirement pay of these officers as compared with other officers having the same years of service?

Mr. GURNEY. There is no increase. In fact, as I understand from the committee hearings, there is a smaller retirement pay.

Mr. WALSH. I make the inquiry because the Senator from Texas [Mr. SHEPPARD], chairman of the Military Affairs Committee, and I are confronted from time to time with variations between the retirement pay in the Army and in the Navy, and both of us are most anxious to see that the pay is uniform in the two services.

Mr. GURNEY. The pay provided under the bill is quite uniform. It gives these officers no advantage.

Mr. WALSH. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SELECTION SYSTEM AND PROMOTIONS IN NAVY

The Senate proceeded to consider the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944), which had been reported from the Committee on Naval Affairs with amendments.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. WALSH. Mr. President, I should like to have action taken on this bill today, if possible, though I shall not press the matter if any Senator feels that he would like to have an extensive explanation.

Last year we passed a personnel act for the Navy. It was legislation dealing entirely with the method and system of selecting for promotion of naval officers. This bill seeks to correct some of the errors or misunderstandings which have arisen by reason of different interpretations of some of the provisions of that act. The bill approved by the House provides for retaining in the naval service more officers than are now retained under existing law.

Several substantial changes are made in the House and Senate bills. The bill as reported from the Senate committee contains several amendments to the bill as passed by the House. It will have to go to conference, and many of the differences between the House and Senate will have to be ironed out; and, of course, the bill will have to be approved by the Navy Department and by the President.

The President, as Commander in Chief of the Navy, is particularly interested in the bill; and as reported from the Senate committee it seems to be more acceptable to him in its provisions than as it passed the House. However, whichever form of the measure is passed will be subject to the scrutiny of the Commander in Chief, who very properly considers the personnel of the Navy, its requirements for retaining the most competent officers and not keeping in the higher ranks officers for whom there are no billets, and preventing thereby promotions of younger officers of supreme impotence. Unless it maintains the present standards of selection in the Navy that he believes the Navy needs it will not meet with his approval.

The Members of the Senate and, I am sure, the members of our committee are very much embarrassed by pleas to us to retain in the service competent officers who are not selected under the selective system in the Navy. These pleas are coming to us continuously, urging that exceptions be made. I wish to say, in general, that the pending bill tends to support and sustain and uphold the strict selection system now in vogue in the Navy, namely, the system of selecting for promotion the best fitted, from the highest to the lowest grades.

Any further explanation would take considerable time. There are several amendments which I should like to have acted on, and there are two additional amendments I desire to submit on behalf of the committee.

Mr. KING. Mr. President, will the Senator permit an inquiry.

Mr. WALSH. Certainly.

Mr. KING. Does the Senator deem it wise and prudent to commit to the proposed Board, who of course would be naval officers, the duty and responsibility of recommending regarding legislation? Of course they will be interested in promoting legislation favorable to themselves. That is quite natural. I do not quite approve of the idea that we should ask them to recommend legislation which they desire.

Mr. WALSH. There are two groups in the Navy which seem to feel that the laws governing their promotion and retirement should be liberalized, namely, the officers of the staff corps and the officers assigned to engineering duty only and aeronautical engineering duty only. The committee, rather than spend a good deal of time and study on the question itself, which perhaps we ought to give to it, has merely provided for a board of naval officers to report to the Congress and to recommend to us what legislation should be passed. Of course we can reject the recommendations if we desire. But at the request of these various officers we have asked for a study of their status, to see whether the selection laws relating to these officers may be improved.

I think it is desirable that this matter be studied. I agree with the Senator that we should not ipso facto accept any recommendations the Board may make, but the point at issue is, Are the rights of the officers now properly safeguarded under the selection system, and if not, what changes should be made?

Mr. KING. I shall not object to the consideration of the bill, but it seems to me that in view of its very important provisions, it should receive serious consideration. We are constantly bothered with contests between one branch of the service and another, between the Army and the Navy—

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. Is there objection to the consideration of the bill?

Mr. McKELLAR. Mr. President, I have received numerous complaints from officers of the Navy who say they have been very badly treated, and as to some of the complaints there seems to be something to the contentions. As I understand the bill, it would make it more difficult for those who have been dismissed or disconnected from the service to be restored to the service, or to get into the service again. It would make the proposed Board absolute, as I understand the purpose of the bill. Am I correct in my understanding?

Mr. WALSH. In the Senator's time, I desire to make reply.

Mr. McKELLAR. I yield.

Mr. WALSH. Of course, the Senator realizes the structure of the Navy. The percentage of admirals is based upon the total number of officers. The percentage of captains is based upon the same status, but a larger percentage in the case of captains than of admirals and the same as to commanders; lieutenant commanders; lieutenants, senior grade; lieutenants, junior grade; and ensigns.

If we did not have a designated number of admirals and of captains on the percentage basis, every ensign would become, if he lived, an admiral, and we would have as many admirals as junior officers. So it has become necessary to eliminate officers all along the line, and to give them retirement pay.

Every officer who is found to be qualified has a right to remain 21 years in the service. Twenty-one years is the minimum before an officer who has the proper qualifications can be retired. From 21 years up retirement begins, and it gets more drastic as we get up to the grade of captain.

Last year we increased the number of officers to be promoted by giving the President discretion to designate the percentage of officers for whom there were not vacancies in the next grade and who could be employed in the Navy by reason of its expansion. The act of last year, which we have not interfered with, has given many of these officers the privilege of remaining on active service where they would have been obliged to retire. On the contrary, the law of last year, together with the law of this year, either gives more of these officers an opportunity to remain in the Navy or it increases in some cases the retirement pay of the officers.

Mr. McKELLAR. That does not exactly answer my question. The purpose of the bill is to have an examination made and to make the restrictions greater than heretofore, is it not?

Mr. WALSH. No.

Mr. McKELLAR. I glanced at it very hurriedly, and I was not sure what the purpose was.

Mr. WALSH. The selection system has been the law since 1916. We have had the selection system since 1916, but the law of last year broadened it and enlarged it and gave more officers opportunity to be kept in active service; and the pending bill does the same.

Senators are receiving more complaints than ever, because the Navy is expanding and increasing, and more officers are being retired than formerly—not a larger percentage but more of them—and we will always continue to get the complaints.

For instance, I have been asked to have an amendment added to the pending bill by an officer who was found unsuited and unfitted for the service. He has proposed to me to offer an amendment that we disregard the law and put him back on the Navy list. Of course we cannot do that.

I agree that it is unfortunate that so many of the officers have had to be dropped; but it is a fact, and the retired pay is very satisfactory. After 30 years of service a captain receives \$4,500 for the rest of his life, and the lowest retirement pay of any officer would be about \$2,100. A man only 21 years in the service of the Navy may retire at the end of that time and get \$2,100 for the rest of his life. So, while there is the desire on the part of all the officers to remain in the service, they are very well taken care of on retirement. A man approximately 50 years of age may retire with \$4,500 a year for the rest of his life. In what occupation or profession could all employees receive such retirement pay?

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. Is there objection to the consideration of the bill?

Mr. McKELLAR. I do not desire to object, Mr. President, but I certainly would like to know the purpose of the bill. The title merely states it is to amend the act of June 23, 1938.

Mr. WALSH. It broadens very much the present provisions of the law and makes it less difficult to retire officers.



The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944), which had been reported from the Committee on Naval Affairs with amendments.

The first amendment of the Committee on Naval Affairs was, on page 2, after line 7, to strike out the following:

Section 5, subsection (c), add the following sentence: "The Commander in Chief, United States Fleet, may not serve on any such board."

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

Section 8, in subsection (a) strike out "other than medical."

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to insert the following:

Section 9, subsection (b), change the period to a colon and add the following proviso: "Provided, That officers who are or who may become on promotion additional numbers in grade may be recommended for retention in addition to the number equal to the percentage furnished to the board by the Secretary of the Navy."

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out the following:

(d) The recommendations of selection boards in the case of officers who are now or may hereafter be assigned to engineering duty only or to aeronautical engineering duty only shall be based upon their fitness for the duties prescribed for them by law, in comparison with other officers in the same kind of service, but not by comparison with officers of the line of the Navy proper; and each such officer who is fitted for the performance of his duties shall be selected for promotion. Upon promotion they shall be carried as additional numbers in grade. Officers assigned to aeronautical engineering duty only shall succeed to command on shore only when designated to do so by the Secretary of the Navy.

And to insert:

(d) The recommendations of selection boards in the case of officers who are now or may hereafter be assigned to engineering duty only or to aeronautical engineering duty only shall be based upon their comparative fitness for the duties prescribed for them by law. Upon promotion they shall be carried as additional numbers in grade. Officers assigned to aeronautical engineering duty only shall succeed to command on shore only when designated to do so by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to strike out the following:

Section 10 of the act approved June 23, 1938, Public, No. 703, Seventy-fifth Congress, change subsection (b) to subsection (c) and insert a new subsection (b) as follows: "(b) The report of the Board shall include a statement of the reasons actuating the selection or promotion of every officer so selected, and also a statement of the reasons actuating the passing over of every officer not selected for promotion."

Strike out section 11 (a) of the act of June 23, 1938 (52 Stat. 944), and insert the following as section 11 (a): "The names of officers designated by a board as best fitted for promotion and the names of officers adjudged by a board as fitted for promotion and approved by the President shall be placed upon a promotion list and promotion to fill vacancies shall be made from officers of the next lower grade whose names appear as having been designated as best fitted for promotion on such promotion list in accordance with the date of their original commission in the Regular Navy."

The amendment was agreed to.

The next amendment was, on page 5, line 5, after the words "Provided further", to strike out "That until June 30, 1944, such officers shall not be retired until they shall have completed the periods of commissioned service prescribed for their respective grades in subsection (d) of this section for fitted officers recommended for retention on the active list, and they may become eligible for selection as provided and as limited in subsection (d) of this section"; and to insert "That any officer retired pursuant to this subsection in the grade of commander who shall not have completed 23 years of service for pay purposes at the time of retirement shall receive retired pay computed at the rate provided for officers who have completed 23 years of service", so as to read:

Section 12, subsection (f), in line 5, change "from" to "to", and in line 6, after "promoted", insert "computed as provided in subsection (b) of this section."

Section 12, subsection (f), add the following proviso: "Provided further, That any officer retired pursuant to this subsection in the grade of commander who shall not have completed 23 years of service for pay purposes at the time of retirement shall receive retired pay computed at the rate provided for officers who have completed 23 years of service."

The amendment was agreed to.

The next amendment was, on page 6, after line 17, to strike out the following:

(m) Officers now serving or who shall hereafter serve as Chief of Naval Operations or as Commander in Chief, United States Fleet, shall upon detachment from duty as Chief of Naval Operations or as Commander in Chief, United States Fleet, retain the rank of admiral and shall continue to receive the pay and allowances of a rear admiral of the upper half and the personal money allowance of an admiral. When such officers are 66 years old they shall be retired by the President from active service.

And to insert the following:

(m) Any officer who has heretofore been retired or who may hereafter be retired while serving in the grade or with the rank of admiral or vice admiral on the active list, or who has heretofore been retired or who may hereafter be retired while serving in a lower grade or rank after having served in the grade or with the rank of admiral or vice admiral on the active list, may, in the discretion of the President, be retired in the highest grade or with the highest rank held by him on the active list: *Provided*, That nothing contained in this subsection shall be construed to reduce the rank, pay, or allowances authorized for any officer by the act entitled "An act to provide for the retirement, rank, and pay of Chiefs of Naval Operations, Chiefs of Bureau of the Navy Department, the Judge Advocates General of the Navy, and the Major Generals Commandant of the Marine Corps," approved June 22, 1938 (52 Stat. 839; 34 U. S. C. 635a).

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to strike out the following:

Section 12, subsection (d), strike out all the language in parentheses, in lines 7 to 11.

Section 13 of Public, 703, Seventy-fifth Congress, subsection (a), line 4, change the word "eight" to "nine."

The amendment was agreed to.

The next amendment was, on page 7, after line 24, to insert the following:

Strike out section 13 and subsection 15 (e).

The amendment was agreed to.

The next amendment was, at the top of page 8, to strike out the following:

SEC. 15. The Secretary of the Navy each fiscal year shall appoint a board of five rear admirals of the upper half whose duty it shall be to report the names of all officers eligible for its consideration who in its judgment shall be retained on active duty. Any officer so considered and not recommended for retention by the report of such board as approved by the President shall be retired on June 30 of the fiscal year in which he completes 38 years of service, computed as hereafter provided, and shall thereafter receive 75 percent of the active-duty pay of a rear admiral of the upper half. The Secretary of the Navy shall furnish the board with the names of all rear admirals on the active list who have completed over 36 years and less than 38 years of service, counting commissioned service and service as a midshipman after graduation from the Naval Academy, but shall not furnish the name of any rear admiral who has previously been recommended for retention in accordance with this act. All officers whose names are furnished the board as herein provided shall be eligible for its consideration. The board shall conduct its proceedings and make its report in such form as may be prescribed by the Secretary of the Navy with the approval of the President: *Provided*, That the provisions of this section shall not apply to the Marine Corps.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert the following section:

SEC. 2. The Secretary of the Navy once each fiscal year shall appoint a board consisting of five officers serving in the senior half of the grade of rear admiral on the active list of the Navy, whose duty it shall be to report the names of all officers eligible for its consideration who in its judgment should be retained on active duty. Any officer so considered and not recommended for retention by the report of such board, as such report is approved by the President, shall be retired on June 30 of the fiscal year in which he completes 38 years of service, computed as hereinafter provided, and shall thereafter receive 75 percent of his active-duty pay at the time of retirement. The Secretary of the Navy shall furnish the board with the names of all rear admirals on the active list of the line of the Navy who have completed over 36 years and less than 38 years of service, counting commissioned service and service as a midshipman after graduation from the Naval Academy, but shall not furnish the name of any rear admiral who has previously been recommended for retention in accordance with this act. All officers

whose names are furnished the board as herein provided shall be eligible for its consideration. The board shall conduct its proceedings and make its report in such form as may be prescribed by the Secretary of the Navy with the approval of the President: *Provided*, That the provisions of this section shall not apply to the Marine Corps.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert the following section:

Sec. 3. Any action which may have been taken prior to the date of enactment of this act pursuant to subsection 15 (e) of the act of June 23, 1938 (52 Stat. 952; 34 U. S. C. 687), is hereby declared to be of no effect and void ab initio, and no officer shall be retired pursuant to any recommendation made by a board convened under the provisions of section 13 and subsection 15 (e) of the act of June 23, 1938, or either of them: *Provided*, That any action so taken pursuant to the provisions of section 13 or subsection 15 (e) of the said act of June 23, 1938, and the designating of any officer for retirement in order to maintain an average number of vacancies shall not in any manner or degree prejudice such officer's subsequent selection or promotion.

The amendment was agreed to.

The next amendment was, on page 10, after line 13, to insert the following section:

Sec. 4. The Secretary of the Navy is hereby authorized and directed to appoint a board of officers of the Navy to investigate and report upon all matters concerning the promotion and retirement of officers of the staff corps of the Navy and of officers of the line of the Navy assigned to engineering duty only or designated or appointed for the performance of aeronautical engineering duty only. The board shall make such recommendations, including recommendations regarding the enactment of legislation, as it deems appropriate and justified concerning the subject matter herein referred. The Secretary of the Navy is further directed to cause the report of the board herein authorized to be transmitted to the Congress within 10 days of the beginning of the session of the Seventy-sixth Congress convening on or about January 3, 1940.

The amendment was agreed to.

So as to make the bill, as amended, read:

*Be it enacted, etc.*, That the act of June 23, 1938 (52 Stat. 944), is hereby amended as follows:

Section 5, strike out subsection (a) and substitute the following:

"(a) The board for the recommendation of line officers for promotion to the grades of rear admiral and captain shall consist of nine rear admirals on the active list of the line of the Navy, not restricted by law to the performance of shore duty only. The board for the recommendation of line officers for promotion to the grade of commander shall consist of three rear admirals and six captains on the active list of the line of the Navy, not restricted by law to the performance of shore duty only. These boards shall be appointed by the Secretary of the Navy and convened at least once each year and at such times as the Secretary of the Navy may direct."

Section 7, in subsections (a) and (b), strike out "or who is not physically qualified."

Section 9, in subsection (a), after the word "act" in line 7, insert "exclusive of officers who are or may become on promotion additional numbers in grade."

Section 9, subsection (b), change the period to a colon and add the following proviso: "*Provided*, That officers who are or who may become on promotion additional numbers in grade may be recommended for retention in addition to the number equal to the percentage furnished to the board by the Secretary of the Navy."

Section 9, strike out subsection (d) and amend subsection (e) to read as follows:

"(d) The recommendations of selection boards in the case of officers who are now or may hereafter be assigned to engineering duty only or to aeronautical engineering duty only shall be based upon their comparative fitness for the duties prescribed for them by law. Upon promotion they shall be carried as additional numbers in grade. Officers assigned to aeronautical engineering duty only shall succeed to command on shore only when designated to do so by the Secretary of the Navy."

Section 9, strike out subsection (f) and substitute the following:

"(e) All reports or recommendations of a line selection board under any provision of law shall require the concurrence of at least two-thirds of the members."

Section 11, in subsection (b), at the end of the second proviso, insert "with retired pay computed as provided in section 12 (b) of this act."

Section 12, subsection (f), in line 5, change "from" to "to", and in line 6, after "promoted", insert "computed as provided in subsection (b) of this section."

Section 12, subsection (f), add the following proviso: "*Provided further*, That any officer retired pursuant to this subsection in the grade of commander who shall not have completed 23 years of service for pay purposes at the time of retirement shall receive retired pay computed at the rate provided for officers who have completed 23 years of service."

Section 12, strike out subsection (k) and substitute the following: "(k) Lieutenant commanders and lieutenants with date of rank as such prior to June 23, 1938, and lieutenants (junior grade)

who on that date were carried as additional numbers in grade by reason of not having been recommended for promotion, shall, at their own request, in lieu of honorable discharge as provided in subsection (c) of this section, be retired on June 30 of the fiscal year in which they fail of selection as best fitted the second time or on June 30 of the fiscal year in which they complete the period of service designated in the act of March 3, 1931, as amended (U. S. C., title 34, Supp. III, secs. 286a and 286i), whichever date shall be later: *Provided*, That any officer retained on the active list pursuant to this subsection shall be ineligible for consideration for promotion by subsequent selection boards: *Provided further*, That lieutenants who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who shall have completed not less than 21 years of service shall, if retired under any provision of law, be advanced to the grade of lieutenant commander on the retired list: *And provided further*, That the retired pay of officers retired pursuant to this subsection shall be computed as provided in subsection (b) of this section, on the basis of the active-duty pay of their rank on the retired list."

Section 12, add subsection (m), as follows:

"(m) Any officer who has heretofore been retired or who may hereafter be retired while serving in the grade or with the rank of admiral or vice admiral on the active list, or who has heretofore been retired or who may hereafter be retired while serving in a lower grade or rank after having served in the grade or with the rank of admiral or vice admiral on the active list, may, in the discretion of the President, be retired in the highest grade or with the highest rank held by him on the active list: *Provided*, That nothing contained in this subsection shall be construed to reduce the rank, pay, or allowances authorized for any officer by the act entitled 'An act to provide for the retirement, rank, and pay of Chiefs of Naval Operations, Chiefs of Bureau of the Navy Department, the Judge Advocates General of the Navy, and the Major Generals Commandant of the Marine Corps,' approved June 22, 1938 (52 Stat. 839; 34 U. S. C. 685a)."

Section 14, in line 9 of subsection (a), after "grade", insert "with probationary appointments."

Strike out section 13 and subsection 15 (e).

Sec. 2. The Secretary of the Navy once each fiscal year shall appoint a board consisting of five officers serving in the senior half of the grade of rear admiral on the active list of the Navy, whose duty it shall be to report the names of all officers eligible for its consideration who in its judgment should be retained on active duty. Any officer so considered and not recommended for retention by the report of such board, as such report is approved by the President, shall be retired on June 30 of the fiscal year in which he completes 38 years of service, computed as hereinafter provided, and shall thereafter receive 75 percent of his active duty pay at the time of retirement. The Secretary of the Navy shall furnish the board with the names of all rear admirals on the active list of the line of the Navy who have completed over 36 years and less than 38 years of service, counting commissioned service and service as a midshipman after graduation from the Naval Academy, but shall not furnish the name of any rear admiral who has previously been recommended for retention in accordance with this act. All officers whose names are furnished the board as herein provided shall be eligible for its consideration. The board shall conduct its proceedings and make its report in such form as may be prescribed by the Secretary of the Navy with the approval of the President: *Provided*, That the provisions of this section shall not apply to the Marine Corps.

Sec. 3. Any action which may have been taken prior to the date of enactment of this act pursuant to subsection 15 (e) of the act of June 23, 1938 (52 Stat. 952; 34 U. S. C. 687), is hereby declared to be of no effect and void ab initio, and no officer shall be retired pursuant to any recommendation made by a board convened under the provisions of section 13 and subsection 15 (e) of the act of June 23, 1938, or either of them: *Provided*, That any action so taken pursuant to the provisions of section 13 or subsection 15 (e) of the said act of June 23, 1938, and the designating of any officer for retirement in order to maintain an average number of vacancies, shall not in any manner or degree prejudice such officer's subsequent selection or promotion.

Sec. 4. The Secretary of the Navy is hereby authorized and directed to appoint a board of officers of the Navy to investigate and report upon all matters concerning the promotion and retirement of officers of the staff corps of the Navy and of officers of the line of the Navy assigned to engineering duty only or designated or appointed for the performance of aeronautical engineering duty only. The board shall make such recommendations, including recommendations regarding the enactment of legislation, as it deems appropriate and justified concerning the subject matter herein referred. The Secretary of the Navy is further directed to cause the report of the board herein authorized to be transmitted to the Congress within 10 days of the beginning of the session of the Seventy-sixth Congress convening on or about January 3, 1940.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WALSH. Mr. President, there are two amendments which I should like to have agreed to in addition to those already incorporated in the bill.

The PRESIDING OFFICER. The clerk will state the first amendment offered by the Senator from Massachusetts.



The CHIEF CLERK. On page 2, line 23, after the word "Navy", it is proposed to add "irrespective of whether such officers were adjudged fitted for promotion by that board or by a previous board or boards."

The amendment was agreed to.

Mr. WALSH. Mr. President, I have another amendment to offer, and I ask that the vote by which the amendment on page 5, beginning with line 5, was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered, and the amendment is before the Senate.

Mr. WALSH. I present an amendment to that amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 5, line 11, in lieu of the amendment reported by the committee, it is proposed to insert the following:

That any officer retired on or after June 30, 1939, pursuant to this subsection in the grade of commander who shall not have completed 23 years of service for pay purposes at the time of retirement shall receive from the date of such retirement retired pay computed at the rate provided for officers who have completed 23 years of service: *And provided further*, That any such officer may, at his own request in the discretion of the Secretary of the Navy, at any time after approval by the President of the report of a selection board in which such officer was adjudged fitted for promotion but not recommended for retention on the active list, be retired pursuant to this subsection without regard to the provisions of the first proviso of this subsection and without regard to the provisions of subsection (j) of this section.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DANAHER. Mr. President—

Mr. ADAMS. Mr. President, I thought I was recognized a moment ago.

Mr. DANAHER. I should like to ask a question, if I may.

Mr. LOGAN. I object to further consideration of the bill.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS. Mr. President, the Senate remained in session until after 1 o'clock night before last in order to expedite the passage of the relief bill. The conferees sat all day yesterday, until nearly midnight last night, with a view to expediting the preparation of the relief bill, so that adequate care could be taken of the two and a half million people in this country who need assistance. Nearly 2 hours ago the House agreed to the conference report on the relief bill. We have been spending time passing bills, many of which are of little consequence. Time is running, and before long it will be midnight, and the W. P. A. will go out of existence, and the inference, Mr. President, is spreading in this body that there is a deliberate effort on somebody's part to delay the progress of the conferees' report on the relief bill in this body.

Mr. BANKHEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. ADAMS. I will not yield just now, until I shall have finished one sentence.

The PRESIDING OFFICER. The Senator does not yield at this point.

Mr. ADAMS. That, Mr. President, is the inference which is spreading. I do not know that it is true, but I do know that a measure of such transcendent importance as the relief bill certainly should not be delayed and dragged along. I do not know what can be done. I do not know that it is proper for the Senate to make inquiry; but I do think that it is appropriate to mention the matter. As chairman of the subcommittee, who has carried the burden, I feel that delay of this kind is not fair to the Senate; it is not fair to those who have been bearing the burden, it is not fair to those who are involved in the relief measure, those who

come under it, and, as I have said, the inference is growing, perhaps unjustifiably, that there is a deliberate attempt being made to delay the matter.

Mr. McKELLAR. Mr. President, I wish to join the Senator from Colorado in his request that steps be taken to take up the conference report on the relief measure. The relief measure passed the Senate by a unanimous record vote. We have gone to great trouble and through great difficulties to prepare a conference report. Now that we have a conference report which has been agreed to by all the conferees in my judgment, there is no justification for delay. I hope we will act on the report on the relief bill now. It ought to be brought before the Senate and adopted immediately, in my judgment.

The PRESIDING OFFICER. Let the Chair state to the Senate that the report has not come over from the House.

Mr. McKELLAR. It passed the House some time ago. There is something very unusual about it.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BANKHEAD. I think the majority leader ought to have an opportunity to take part in the discussion of this matter, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slattery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

Mr. AUSTIN. Mr. President, the CONGRESSIONAL RECORD, published this morning informed the Senate of the report of the conference committee on the relief bill to the House. It indicated by number the various changes that were agreed to by the conferees on the part of both branches of Congress. I am informed that the relief conference report was adopted in the other branch of Congress about 1 o'clock today. It is now 3:45.

Mr. President, without characterizing in one way or another the situation, I call attention to the fact that after the transaction of that business, to-wit, at 1:20 o'clock this afternoon, the deficiency appropriation conference report was adopted in the other body. That deficiency report has been transmitted already to the Senate, and the Senate has acted upon it.

Mr. President, I rise not to criticize, but only to comment, that the minority, as I am informed, is eager, notwithstanding the failure of agreement to certain principles written into the relief bill by the Senate by a large majority, notwithstanding the undoubted necessary yielding on the part of the conferees for the Senate, nevertheless the minority recognizes its responsibility to do all it can to promote the passage on time of relief legislation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. Not quite now. If I may be excused for a moment.

Mr. BARKLEY. I think I can enlighten the Senator probably on the matter which he has in his mind.

Mr. AUSTIN. I yield for that purpose.

Mr. BARKLEY. Mr. President, I have just been over to the House of Representatives for the purpose of inquiring

when we may expect the conference report. I have been told that during my absence comment was made here on the fact that I was absent. I am informed that the conference report will be here in a very few minutes, and when it comes I can guarantee the Senate that it will be taken up for prompt consideration.

Mr. AUSTIN. Mr. President, I am very grateful to the leader of the majority for that assurance. Further, I want to say to him that I have been here throughout the discussion of this particular matter, and I have heard no Senator comment unfavorably upon the absence of the majority leader. I have heard no one criticize him for it. As a matter of fact, one of his own colleagues on the same side of the aisle merely observed that he thought that before any further proceedings on this subject should take place the roll should be called for the purpose of securing a quorum in view of the absence of the majority leader.

Mr. BARKLEY. Of course all Senators know that on days such as this it is necessary for those in charge of legislation at each end of the Capitol to cooperate and confer in order to facilitate the transaction of business. I have made three trips to the other branch, realizing that it is at the present time considering another important report, to ascertain when that report is going to be here.

The PRESIDING OFFICER. The Senator from Vermont will suspend in order that the Senate may receive a message from the House.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Callo-way, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2618) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes, and it was signed by the Vice President.

Mr. BARKLEY. I think that satisfies the Senate.

Mr. AUSTIN. I shall not occupy the time of the Senate further. What has just taken place seems to me to terminate the debate in the most fortunate manner.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 17, 25, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 11, 14, 15, 16, 18, 19, 21, 22, 23, 24, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, and 131, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "recreational, production, and service projects, including training for domestic service"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or ma-

chinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment, and restore the matter stricken out by said amendment amended to read as follows: "In the aggregate the sum of \$50,000,000 during the fiscal year 1940, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$42,500,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding, \$500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioner shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of \$1,200 per annum or more. For the purposes of this paragraph, the term 'State' shall include the Territories, possessions, and the District of Columbia."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$143,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "On and after July 1, 1939, and until June 30, 1940, said Board shall be composed of three members to be appointed by the President from widely separated sections of the United States, by and with the advice and consent of the Senate."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,755,600,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "10"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$52,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 15. (a) The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. After August 31, 1939, such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and (2) not exceed eight hours in any day and shall not exceed forty hours in any week.

"(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare and in the case of supervisory personnel employed on work projects."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "determined, as far as practicable, on the basis of relative needs and shall, where the relative needs are found to be the same, be"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment, and restore the matter stricken out by said amendment amended to read as follows:

"(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, who



have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of thirty days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects. In the case of relief workers whose period of eighteen months of continuous employment expires before September 1, 1939, this section shall apply to require their removal not later than August 31, 1939, rather than on such expiration date."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "any compensation after September 30, 1939, too"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment and restore the matter stricken out by said amendment amended to read as follows:

"Sec. 25. None of the funds made available by this joint resolution shall be available—

"(a) After June 30, 1939, for the operation of any theater project, except that any person employed on any such project on June 30, 1939, may continue to be carried on the pay roll, with or without assignment of duty incidental to the closing down of such project, and paid his salary or wage (1) for the month of July 1939, if such person is an administrative, supervisory, or other non-certified worker, or (2) for a period ending not later than September 30, 1939, if such person is a certified relief worker; or

"(b) After August 31, 1939, for the operation of any project sponsored solely by the Work Projects Administration.

"This section shall not prohibit the payment of wages or salaries accrued, or of nonlabor obligations incurred, in connection with any such project if the wages or salaries accrued or the obligation was incurred prior to August 1, 1939, October 1, 1939, or September 1, 1939, as the case may be."

And the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "(other than those derived from the first processing of sweet potatoes)"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "This section shall not apply to municipal electric plants in communities not now adequately served at reasonable rates"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In line 7 of the matter inserted by such amendment after the word "appropriations" insert the following: "(except persons now serving as such under other law)"; and the Senate agree to the same.

Amendment of the title: That the House recede from its disagreement to the amendment of the Senate amending the title of the joint resolution, and agree to the same.

ALVA B. ADAMS,  
KENNETH MCKELLAR,  
CARL HAYDEN,  
JAMES F. BYRNES,  
FREDERICK HALE,  
J. G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
W. P. LAMBERTSON,  
J. W. DITTER,

*Managers on the part of the House.*

Mr. ADAMS. I move that the Senate proceed to the consideration of the report.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

The motion was agreed to.

Mr. BARKLEY. Mr. President, I should like to inquire with respect to one or two items. With respect to the 18-month provision, the House provision was that at the end of 18 months of employment, upon application of any unemployed person who had been on the list for 3 months, preference would be given to such person. The Senate

adopted an amendment to that provision, providing that that preference should not apply in the event undue hardship would result. Can the Senator advise us what the conferees did in that connection?

Mr. ADAMS. The conferees inserted an amendment which was largely modeled after the House language. It is in the report. I shall read it to the Senator, or call his attention to it, on page 4 of the report. It provides:

(b) There shall be removed from employment on Work Projects Administration projects all relief workers excepting veterans, who have been continuously employed on such projects for more than 18 months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of 30 days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects. In the case of relief workers whose period of 18 months of continuous employment expires before September 1, 1939, this section shall apply to require their removal not later than August 31, 1939, rather than on such expiration date.

Mr. BARKLEY. Is it the Senator's interpretation that that language, practically the language of the House, would automatically result in the discharge of any person who had been employed for 18 months with the exception of veterans?

Mr. ADAMS. That is correct.

Mr. BARKLEY. Whether or not someone else were ready to take the job, or whether or not there were any certified list?

Mr. ADAMS. They would be off only 30 days.

Mr. BARKLEY. They have to be recertified and go through the same process as they did in the beginning?

Mr. ADAMS. That is correct.

Mr. BARKLEY. So that it is a rigid, automatic dismissal of all those who have been on the rolls for 18 months, unless they happen to be veterans.

Mr. ADAMS. The Senate conferees greatly preferred the Senate language. That was one of the concessions the Senate conferees were compelled to make.

Mr. BARKLEY. I have not had an opportunity to pick out these items. What limitation was placed on non-Federal public buildings in the conference report?

Mr. ADAMS. Fifty-two thousand dollars.

Mr. BARKLEY. I thank the Senator for the information.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. VANDENBERG. Mr. President, may I inquire what happened to the provision requiring 25 percent of the cost of W. P. A. projects to be locally subscribed?

Mr. ADAMS. That provision continues in the bill, with some slight modifications.

Mr. VANDENBERG. May I inquire what the modifications are?

Mr. ADAMS. Does the Senator have the number of that amendment?

Mr. VANDENBERG. No; I have not.

Mr. BYRNES. Mr. President, if the Senator will permit me, as the report stands it provides for the average of 25 percent in a State, as a State-wide average.

Mr. ADAMS. I should answer more accurately that the House receded, and the Senate amendment stands as adopted by the Senate.

Mr. VANDENBERG. I suppose I ought not to complain because the Senate amendment was sustained, inasmuch as I had intended later to complain rather violently that some other Senate amendments have not been sustained. I should like to read for the RECORD a telegram from the acting mayor of the city of Detroit:

DETROIT, MICH., June 29, 1939.

Senator ARTHUR H. VANDENBERG,  
Senate Office Building, Washington, D. C.:

The provision in the proposed W. P. A. bill requiring local communities to put up at least 25 percent of the cost of the W. P. A. projects automatically forces Detroit to face bankruptcy and ruin. As you well know, we have been skating on the thin edge of solvency for several years and this additional burden will be the straw that breaks the camel's back. We urge you to bend every effort to obtain some elasticity in this program so that communities like Detroit will be at least temporarily extricated from the unusual hardships created by this amendment.

EDWARD J. JEFFRIES,  
Acting Mayor of Detroit.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes; and after I have yielded to the Senator from Arizona I should like to yield to the Senator from South Carolina [Mr. BYRNES] because I should like to have him briefly discuss the situation presented by the telegram which I have just read.

Mr. HAYDEN. The Senator can advise the acting mayor that there is elasticity in the language adopted by the Senate, and that the acting mayor is mistaken in his telegram, which indicates that he thinks that the city of Detroit must put up the full 25 percent on any project it may sponsor. The language of the House provision is that for the State of Michigan as a whole there must be a 25-percent contribution. However, one project may be above 25 percent and another below 25 percent. When the year is completed the State administrator in Michigan must have obtained 25 percent sponsorship. However, that requirement does not apply to any particular project or to any particular city in the State of Michigan.

Mr. VANDENBERG. Then the elasticity to which the Senator refers consists of the privilege of some other community in Michigan paying 35 percent so that Detroit would have to pay only 15 percent. Is that the situation?

Mr. HAYDEN. Or it may be that Detroit will pay 15 percent on certain of its projects, and pay more than 25 percent on others, just as has been done before. There is no change in the procedure.

Mr. VANDENBERG. I notice, on the basis of last year's statistics as presented in the debate a few days ago, that the average local contribution in the State of Michigan is 14.9 percent. Let us say there is a local contribution of 15 percent. That figure, as I understand, is a State average. Do I now confront, and do the mayor of Detroit and the other responsible officials of Michigan confront, a situation in which they must increase from an average of 15 percent to an average of 25 percent the measure of local contribution?

Mr. HAYDEN. That is correct. However, I am at a loss to understand, when the national average has been 22 percent, how the State of Michigan has been contributing only 14 percent.

Mr. VANDENBERG. Strange to say, as the statistics indicate, the State of Michigan, being one of the heavily industrialized Commonwealths of the Nation, has probably suffered more heavily than any State in the Union except Ohio in the matter of loss of tax income and personal income during the past 2 or 3 years. The necessity for a reduced ratio of contribution has been inescapable. Obviously, it must have been inescapable or the W. P. A. administration would have exacted larger ratios of contribution.

Mr. HAYDEN. It may be that the State administrator in Michigan was unusually capable.

Mr. VANDENBERG. Whatever the situation, as I understand, the complaint of the acting mayor of Detroit is justified to this extent, that if he has to live under the average which is now to be imposed upon the Commonwealth as a whole he will have to produce a 25-percent contribution.

Mr. HAYDEN. Yes; with a big "if." That is true.

Mr. BYRNES. Mr. President, the answer is that the State of Michigan will have to make the same percentage of contribution that is made by the other States of the Union. The average for the Union is 22.5, or was 30 days ago; and according to the Administrator it will be 25 percent by December. This amendment, according to the Senate action, would take effect January 1. The acting mayor of Detroit evidently received the same telegram which was received by every mayor in the country from the secretary of the Mayors' Conference, who, by sending a form telegram, endeavored to have sent to us telegrams from the mayor of my city, the mayor of Detroit, and the mayor of every other city in the country. The telegram indicates that the acting mayor of Detroit was unaware of the provisions of the amendment, and that he believes it applies to every project. I will say to the Senator from Michigan that the amendment means that the State must put up an av-

erage of 25 percent. However, as the Senator from Michigan knows, the city of Detroit does not make its contribution wholly in cash. The amount of cash is less than 5 percent for the country as a whole. All the acting mayor of Detroit will be called upon to do will be to put up a small percentage in cash, and then furnish certain things to the W. P. A. project. He can furnish supervisory employees. Their salaries will be credited to the city's contribution. The equipment of the city will be credited to the city's contribution. Certainly the city of Detroit, favored as it was by the W. P. A., can put up supervisory employees and equipment, such as concrete mixers and tractors, in order to make its contribution correspond with that of the other cities of the country.

So far as the Senate conferees are concerned, the Senate voted on this question, and by a record vote of more than 2 to 1, the amendment was adopted. I think the Senator from Michigan was unavoidably absent at the time.

Mr. VANDENBERG. No. I was paired against the amendment.

Mr. BYRNES. The Senator was paired against it.

Mr. VANDENBERG. Yes.

Mr. BYRNES. The position of the Senate has been sustained. The amendment will not work any hardship, but will require the State of Michigan to pay the same percentage as the State of Nebraska, the State of New Hampshire, and every other State of the Union.

The city of Detroit will not be called upon by the State administrator, who is familiar with the situation in Michigan, to put up more if it can be collected from other points in the State. We can rest assured that the State administrator will exercise the discretion wisely and so ask for contributions as to be able to comply with the law without hurting the city of Detroit.

I do not think the Senator from Michigan, because of the telegram from the acting mayor of Detroit, would expect the Senate or the Congress to grant an exception in favor of Michigan as against all the other States of the Union.

Mr. VANDENBERG. Certainly not, and the testimony of the acting mayor of Detroit happens to be the same testimony that has come in from practically all the other mayors of industrial cities. I am raising the question purely for information. I have no complaint in the world against the action of the Senate conferees. I think it is a refreshing thing that the Senate conferees did stand by the Senate's action and did bring back this amendment as voted by the Senate. I wish that habit might be more contagious than it is.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes.

Mr. BYRNES. The Senator from Michigan and the Senator from Ohio, I think, introduced a bill on the subject of relief, and, if I recall correctly, in the bill thus introduced by the Senator from Michigan, associated with the Senator from Ohio, it is provided that the States shall put up one-third, I believe. This provision does not require the State of Michigan to do as much as the Senator's bill would require.

Mr. VANDENBERG. No; I am sorry that is not true.

Mr. BYRNES. The Senator's bill would require one-third to be put up locally; the pending bill requires one-fourth.

Mr. VANDENBERG. The bill which we have presented, which is a continuing presentation of the record we have made on this subject for 3 years, would unify all relief and require only a contribution of a third against all relief. That would include all the direct relief which the local communities are now assuming 100 percent.

Mr. BYRNES. But the Senator believes in the principle that the local governments should contribute as high as one-third?

Mr. VANDENBERG. Completely.

Mr. BYRNES. I agree with the Senator. I think this provision is less burdensome because it requires only one-fourth and leaves it to an average in the State and not to each project.



Mr. VANDENBERG. I think this situation once more exemplifies and illustrates the impossibility of dealing with relief on anything except a unified basis. The trouble in the city of Detroit, the trouble in all other municipalities, is that, under the existing relief formula, they are left with a hundred percent of the burden for local relief, and by the time they have paid the whole 100-percent bill for local relief, their resources have been so taxed that it is almost impossible for them to meet the requirements of the Federal formula. When we unify, as I have always thought it necessary, and I always will think so, the relief problem, and make the Federal contribution against the sum total of the local relief responsibility, and permit the States and local communities to deal with their own relief problem as their own necessities and their own resources plus the Federal grants-in-aid permit, it seems to me we will reach the only possible basis upon which we can finally afford adequate relief within the resources still available in the United States with which to meet relief.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Arizona.

Mr. HAYDEN. With respect to the total cost of the two kinds of relief, does local relief amount to more than work relief?

Mr. VANDENBERG. Local relief across the country, as I understand, averages about \$23 a month as compared with the average across the country of perhaps \$53 a month for work relief. In other words, the Federal formula creates out-of-work relievers a special privileged group within the relief group.

Mr. HAYDEN. Taking the State of Michigan, and considering all the relief paid, both to those who are employables and those who are unemployables, to whom does the most money go—to the employables or the unemployables?

Mr. VANDENBERG. I am unable to answer the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. TAFT. I assume that it costs about half as much for direct relief as it does for W. P. A. plus the sponsors contribution; so if the locality has spent \$50,000 for direct relief and also \$25,000 for a \$100,000 W. P. A. appropriation it means that one-half the total cost of relief will fall on the locality under the formula instituted by the Senator from South Carolina.

Mr. BYRNES. In this bill the requirement is one-fourth. In the bill introduced by the Senators from Michigan and Ohio one-third is required of local governments.

Mr. TAFT. It is one-third.

Mr. BYRNES. Instead of having a Federal contribution of two-thirds to a State, this bill provides for three-fourths by the Federal Government and a contribution of one-fourth by the sponsor.

Mr. VANDENBERG. Whatever the mathematics—and the actual mathematics is irrelevant and immaterial so far as the bill submitted by the Senator from Ohio and the Senator from New Jersey and myself is concerned we have no pride of opinion regarding the percentages. The purpose of the bill is simply to set up the basis and formula to illustrate the theory upon which we think ultimately it will be necessary to handle relief, if we are going to stay within the available resources of the American taxpayer; and if we are going beyond the resources of the American taxpayer to an extent that we no longer can indulge ourselves in deficit spending, then, when the public credit shall have been destroyed, there will be nothing left by way of relief for anybody.

Mr. PEPPER. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Florida.

Mr. PEPPER. I was interested to observe that the Senator from Michigan and the Senator from Ohio, in trying to work out the relief problem, the problem of giving jobs to the unemployed, have clearly indicated that they have placed the major part of the responsibility for that task upon the Federal Government and not the local governments.

Mr. VANDENBERG. I am sorry but I did not hear the Senator's observation.

Mr. PEPPER. I said I was interested to observe that the Senator from Michigan and the Senator from Ohio, in endeavoring to solve the problem of relief and unemployment, have indicated their opinion that the major share of the responsibility for the solution of that problem is on the Federal Government.

Mr. VANDENBERG. The Senator from Ohio can answer for himself in his own time. So far as I am concerned, I recognize the fiscal responsibility of the Federal Government within the limits of its resources to accept its whole share of responsibility for relief; but I recognize, fundamentally and primarily, that the responsibility for decision, the responsibility for administration, the responsibility for policing the system, must be localized under home rule or sooner or later, we are going to be destroyed by the very Frankenstein we have created.

Mr. PEPPER. In other words, the Senators are willing for the States to take \$2 of Federal money every time \$1 of their money is spent, and to have the complete say-so as to how it shall be spent?

Mr. VANDENBERG. Yes; and if any proposition were pending which would permit the State of Florida to take \$2 for \$1 of its own money, I know exactly how the Senator from Florida would vote. [Laughter.]

Mr. PEPPER. I merely wish to say that it has been proven that the Senator from Michigan can be pretty sure that when he votes one way the Senator from Florida will vote the other way. [Laughter.]

Mr. VANDENBERG. That is my assurance—and about the only one I have—that my record is fairly good. [Laughter.]

Mr. AUSTIN obtained the floor.

Mr. MALONEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Connecticut?

Mr. AUSTIN. I yield.

Mr. MALONEY. I should like to point out at this time, although I am in sympathy with what the Senator from Michigan would like to do, that as to local responsibility actually the local authorities are in charge of the selection of projects and the selection of personnel. Under the pending relief measure, and under existing law, the local authorities have the complete say-so as to who shall go on the relief rolls and as to what projects may be initiated under W. P. A. It seems to me that there is a great misapprehension as to the matter of local control. I should like to have the RECORD show that there is a complete local responsibility except in the matter of appropriating funds.

Mr. VANDENBERG. Mr. President, will the Senator from Vermont yield to me?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. The exception to which the Senator refers is precisely the thing that I emphasized—namely, control of funds; and until the State and local communities, in my humble judgment, are able to apply their total available Federal contributions in whatever unified manner the local necessity may best dictate, I submit that all the other local controls are quite secondary.

Mr. MALONEY. Mr. President, if the Senator from Vermont will yield further, I should like to suggest that the Senator from Michigan is laboring under a misapprehension. The State authorities have the complete say-so as to what projects shall be initiated; the local authorities have absolute and complete charge of who shall have jobs and of determining needs.

Mr. VANDENBERG. I agreed to all that, but the State authorities have not anything on earth to say about the diversion of one single nickel of Federal grants-in-aid to their local unemployment problems. My position is until they can have all their money in one reservoir to be used for their problems as one single contemplation, they do not have the freedom which is essential to the easiest and most economical answer to the problem.

Mr. MALONEY. Mr. President, if I may have another moment of the time of the Senator from Vermont, I should like to say to the Senator from Michigan that if he desires to put relief into politics the suggestion he just made does it rather completely, in my opinion.

Mr. VANDENBERG. The Senator is very sure that I do not wish to do any such thing, I take it.

Mr. MALONEY. No; I do not think the Senator does, but the argument he makes would do just that if carried into effect.

Mr. VANDENBERG. If we get in much further than we have gotten in, we would be in a long way.

Mr. AUSTIN. Mr. President, on the question of alleged control of personnel in W. P. A., I think the language of the pending bill settles the question and determines that it is not local control unless the Federal Government sees fit to permit it to be local control. It may be that the Senator from Connecticut is talking about the practical application of the law, and that what he may have observed were cases where local control was permitted.

The pending measure on this point contains the following language at page 24, line 8:

There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and, except as provided in section 17 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists, or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

It seems to me no language could be clearer to show that the ultimate, the absolute control of personnel employed in W. P. A. is here at Washington. The great Government at Washington controls that little detail out in the small town in the Green Mountains, for example, if it wants to do so. There may be cases in which it will not exercise that power, and in which local control will be effective. I believe it was effective in my own State; and we had a remarkably fine administrator. He was a Democrat, a very good Democrat, and he handled his job with absolute honesty and fairness, and I think completely free from political interference.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Connecticut.

Mr. MALONEY. I should like to suggest to the Senator from Vermont that it does not seem to me to be unusual that a Democratic administrator was efficient. The Senator from Vermont points out that so far as his State is concerned, the present plan seems to work well; that there is a local supervision, and the local authorities operate efficiently and without unnecessary interference by the Federal Government. I wonder if he knows of any instances in which that is not true.

Mr. AUSTIN. Yes; unfortunately, I do. I sat as a member of the Investigating Committee on Campaign Expenditures for the campaign of 1936, and joined in a unanimous report showing places where it was entirely incorrect. Since then I have been a member of the subcommittee of the Committee on Privileges and Elections, appointed to consider a proposed recount, and I have in my office yet the transcript of the evidence taken in that matter; and if the Senator doubts that there has been control from headquarters, I should like to have him take this evidence and look it over. What appeared with respect to political interference with relief impelled me, two sessions ago, to introduce a bill to take relief out of politics and take politics out of relief. That bill was killed by a majority of only one in the Senate—Senators on both sides of the aisle voting for the bill, and, of course, Senators on both sides of the aisle voting against it. Since that time the Senator from New Mexico [Mr. HATCH] and the chairman of the latest Senate Investigating Committee on Campaign Expenditures, the Senator from Texas [Mr. SHEPARD], and myself got together and put all our ideas together in one bill, known as the Hatch bill, which is still pending in the House of Representatives. The Senate passed the bill. We have learned today, from the address of the distinguished

Senator from New Mexico, that section 9 of that bill, which was an important section, has been deleted from it by the House. There probably will be a further opportunity for the Senate to consider the bill.

Mr. MALONEY. Mr. President, will the Senator further yield to me?

Mr. AUSTIN. Yes. I have not yet finished my answer, however, to the question asked by the Senator from Connecticut.

Mr. MALONEY. I did not mean to interrupt the Senator.

Mr. AUSTIN. All this is merely to say, in answer to the question of the Senator from Connecticut, "Yes; I do know, from the best evidence available, of many cases in which local control did not exist free from the centralized influence."

I now yield, if the Senator wishes to interrupt me.

Mr. MALONEY. I should like to say to the Senator that I joined him in attempting to remove politics from relief by supporting the Hatch proposal and every similar proposal, and I am appreciative of his efforts. I am familiar, however, with the evidence before the committee of which he speaks and with its report; and it seemed to me that, while there were abuses, they were to as great an extent, if not to a greater extent, due to local political situations as they were to the national situation or to the Federal Government.

Mr. AUSTIN. Mr. President, I think that perhaps is so—that to a greater extent the local influences created the bad political conditions—but the question I was answering was whether I knew of instances where there was not local control of personnel free from Federal influence, free from the exercise of the veto which is contained in the law. My answer was, yes; I know of many of them.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.

Mr. MINTON. Does the Senator refer to the report of the committee of which he and I were members in 1936 for the source of the many complaints to which he has reference?

Mr. AUSTIN. Yes.

Mr. MINTON. I want to say to the Senator that my memory is not the same as his about that matter. I thought there were very few such instances indeed. We went into all of those complaints, such as Mr. Hard, on behalf of the Republican committee of Pennsylvania, was broadcasting over the radio, and found without exception that there was no foundation in fact for any of those charges.

Mr. AUSTIN. Mr. President, I think the learned Senator from Indiana and I did not quite agree on all the details of what ought to be the finding of fact. I was willing to sign the report, which he signed also, which modified to a great extent the conclusions I myself had arrived at; but for the purpose of our consideration of this conference report one instance alone is sufficient. It is painting the picture rather blacker than necessary to say that there were many. My answer would have been adequate, I think, if I had understated the matter rather than overstating it, as the Senator from Indiana thinks I did.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.

Mr. BYRNES. Will not the Senator from Vermont agree that the conference report which is now pending provides language to make unlawful any of the acts about which he complains?

Mr. AUSTIN. Mr. President, I do agree. I am very much gratified to find in this bill those regulatory measures which are new. They change the law and make it better. In fact, I think on the whole this report is an excellent one. I am going to vote to accept it. I am going to vote to accept it, notwithstanding my bitter disappointment at the striking out of the bill as it left the Senate of that item, No. 25. I rose originally to speak about that, not with a view of criticizing the conferees for their action. I think they are entitled to take such action as they find it necessary or expedient to take with respect to a disagreement between the Houses. Therefore I do not criticize them. I do not examine them to find out whether they worked hard or worked little, but I have been voluntarily informed that a thought was expressed



in that conference which I cannot allow to pass without comment. That thought was that the proposal of amendment of the Bankhead-Jones Farm Tenancy Act accomplished by my amendment was not germane to this joint resolution because it was not in the interest of relief.

Mr. President, since this matter is sure to survive, for I will not let it die, I want the Senate to get this view of that amendment, which will no longer subsist after we have accepted the conference report. It is this:

The single, simple, clear object of the amendment was to prevent the happening of things which would force good, thrifty farmers and their families out of their homes and put them on relief.

If that is not in the interest of relief, I do not know what is. It is said, "The reason why we cut you out, the reason why we refused to adhere to a decision by the Senate"—and the vote stood 43 to 19—"was because the subject of your amendment was not germane to the bill."

Mr. President, this is a relief bill, and I say that when we add to it an amendment which prevents a farming population who are in distress and in need of help from going on the relief rolls, we are doing a measure of relief. That is particularly true if we accompany that with the elements of social security which are contained in the amendment; namely, the reduction of the debt by agreement between the creditor and the debtor and the benefactor, the reduction of the interest, the extension of the time within which to pay the debt, and the advice and help of experts in social security who go on the farm, see the family, and aid them, perhaps, to change their mode of agriculture, and lead them along a way of earning the money necessary to pay off the interest, and finally pay off the debt.

Mr. President, I seize this occasion to say that I shall not stop in my efforts to have this principle written into the law. It is a very simple thing. It allows States which cannot now have funds from the Bankhead-Jones Act to have their equitable proportion of the funds, just as it was intended they should have. It accomplishes that purpose by permitting the yardstick of farm tenancy to be waived as to those States in which that is not the mode of holding the real estate. Instead of the purchasing of a farm by a tenant, it permits the refinancing of a mortgage on a farm the title of which is held by the occupant, and prevents his becoming a tenant.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. I desire merely to make the observation that I agree heartily with what the Senator has said about the virtues of the amendment which the Senate adopted, and which has been abandoned in the conference report. With the Senator from Vermont, I hope that the Committee on Agriculture and Forestry will speedily report the bill in substantially the form in which the Senate added it to the relief bill. It is a marked advance in the legislation which is designed to promote farm ownership, to promote land ownership, to keep the people on the land; and I think nothing could be very much more important than doing that.

Mr. AUSTIN. Mr. President, I conclude with the statement that the proposal did not undertake to take from one taxpayer his money in the form of taxes and give the money to another. It did not undertake to transfer anything from one citizen's pocket into another citizen's pocket money in the form of work relief and in the form of direct relief. What it did was to permit a farmer to undertake a dignified transaction, under circumstances in which he might be able, and probably would be able, to repay every cent borrowed, for this related to loans to refinance mortgages, and to keep the mortgagors at work on their land.

Mr. NORRIS. Mr. President, will the Senator permit an inquiry?

Mr. AUSTIN. Certainly.

Mr. NORRIS. I became very much interested in the Senator's amendment, or in the bill which was referred to the Committee on Agriculture and Forestry, but knew nothing

about it until the Senator offered the amendment here. I think the Senator ought to proceed before the Committee on Agriculture and Forestry, since the amendment has gone out of the relief bill. I am sorry it was dropped; I wish it had been retained. The Senator should proceed and ask for hearings and action by the Committee on Agriculture. I did not know that such a bill had been referred to the committee. I am a member of the committee myself, and I see around me several other Senators who are members of the committee, and I am satisfied that the members of the Committee on Agriculture will give support to the ideas contained in the Senator's bill. I think the provisions of the bill are very good. They are a little different from others, but the Senator's is a very advanced position, which it seems to me can be justified, and I think much good might come from the bill. Did the Senator ask the chairman of the Committee on Agriculture and Forestry to appoint a subcommittee, or to have hearings on the bill?

Mr. AUSTIN. Mr. President, I think I have exhausted my resources to secure action by the Committee on Agriculture and Forestry. The distinguished Senator from Alabama [Mr. BANKHEAD] has a more intimate knowledge of what happened in the Committee on Agriculture and Forestry with respect to the bill than I have. I have obtained nearly all my information from him.

I received a letter from the secretary of the chairman of the committee, in response to a letter from me addressed to him, submitting my bill, and saying that I wished for a speedy determination of the question so that we could get the legislation through before many families lost their farms, because there are some of these farms now under foreclosure.

Mr. NORRIS. Since the amendment has disappeared from the particular legislation we are now considering, I am more interested than ever in it. Perhaps it is too late to get action at this session, if it is to end as soon as most of us think it will, but there is no reason why a subcommittee should not be appointed and hearings had on the Senator's bill, with the purpose of having action by the committee. I understand the Senator from Alabama, now acting chairman of the Committee on Agriculture and Forestry, would be very willing to appoint a subcommittee and let them proceed as soon as possible. I hope we may expedite the matter, and may obtain results on it, because I believe very much good can come from the bill.

Mr. AUSTIN. Mr. President, I am very grateful to the Senator from Nebraska for his assistance. He expresses my wish with more urgency than I commonly use myself. While the Senator from Alabama is present, I wish again to urge that something be done to get the bill out into the Senate, not as an amendment to some other bill, because the bill is entitled to consideration on its own merits, and we have had one example of what can happen to it when it is hitched to another bill.

Mr. BARBOUR. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield.

Mr. BARBOUR. I do not desire to prolong the discussion, but I should like to have the Senator from Vermont and the Senator from Nebraska realize that we in New Jersey are just as much interested in this measure as I am sure the people of Vermont, Nebraska, and other States are, and I hope very much, as has been indicated, that as soon as possible, in the light of what has happened to the amendment, an opportunity will be afforded to further this very vital and necessary legislation.

Too often, I feel, people do not recognize that New Jersey is a very large agricultural State. It is thought of in terms of industry only. It is not only an industrial State; it is one of the largest of the agricultural States of the United States, so far as several crops are concerned, and it was a great disappointment to me when I realized—and there is no criticism in what I say so far as the conferees are concerned—that the amendment was dropped from the relief measure. I am delighted that this particular legislation is being advocated by

such able champions as the Senator from Vermont and the Senator from Nebraska.

Mr. AUSTIN. Mr. President, I take my seat thanking all of those of my colleagues who voted for the amendment and asking them to stay with me until we put the proposal on the statute book. I think it is quite essential to have it enacted at the present session of the Congress, and I shall do what I can to secure a favorable report from the committee.

Mr. GURNEY. Mr. President, one observation on this subject. I was gratified when the amendment was agreed to and made a part of the relief bill. In my State of South Dakota, and in many of the States surrounding South Dakota, drought and similar afflictions have made it impossible for many of the farm owners to keep up payments on mortgages, and many of their obligations are to semi-Federal institutions known as Federal land banks. Some rulings have been issued by the Federal land banks to the effect that when they have to foreclose on mortgages because of not receiving interest payments, or principal payments on due dates, in recent years, they have had to go through foreclosure, involving advertising the property for sale, and so forth; but they have not allowed the original owner to bid when the property was sold, even if the original owner was able to secure financing so that he could make as large an offer on the foreclosed property as some prospective new owner might make.

That ruling of the Federal land bank that no previous owner of this farm property could be or would be given the chance to regain ownership of his real homestead, his home, is definite. I wanted to have that statement in the Record at this point. I am very much disappointed that the conferees failed to include the entire section in the W. P. A. measure.

Mr. AUSTIN. Mr. President I thank the Senator from South Dakota.

I wish to insert in connection with the debate at this point in the RECORD a copy of the context of the bill and the amendment itself, so that the RECORD will show in convenient form just what we are talking about.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

(c) In making any relief payments under this section, the Secretary of Agriculture is authorized to require of employable recipients of such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of section 24 of this joint resolution, relating to disability or death compensation and benefits, shall apply to such recipients while performing such work.

(d) The Farm Security Administration within the Department of Agriculture is hereby extended until June 30, 1940, to carry out the purposes of this section.

The Bankhead-Jones Farm Tenant Act is amended by inserting at the end of section 3 a new subsection reading as follows:

"(e) Loans may also be made under this title to enable the borrower to refinance an existing mortgage or mortgages on a farm personally occupied and operated by him and for necessary repairs and improvements thereon, in cases where the Secretary determines that such refinancing is necessary and will enable the borrower successfully to operate the farm, and that the borrower cannot obtain credit for such refinancing from any other Federal agency or federally incorporated lending institution. Such loans shall comply with all the provisions of this title: *Provided, however*, That the Secretary may make such loans without regard to the provisions of section 4 of this title, but shall not use for such purpose in excess of 10 percent of the funds made available during any fiscal year for the making of loans under this title."

There is hereby appropriated the sum of \$10,000,000 for the purpose of carrying out the provisions of title I of said Bankhead-Jones Act.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. DANAHER. I wish to ask the Senator from Vermont whether or not he understood various Senators previously to imply that there is no politics in the administration of W. P. A.

Mr. AUSTIN. Mr. President, I did not so understand. I do not think there is a Senator here who would be so intemperate as to make such a claim.

Mr. DANAHER. Mr. President, if I may proceed further, I am wondering if the Senator recalls that at the opening

of the session the first official document that was laid on the desks of us new Senators, was the so-called Sheppard committee report, growing out of the investigation of W. P. A. in 1938? Here we are, 6 months later, and still discussing the same matter of politics in relief and the implications, as the Senator from Indiana would have it, with reference to the 1936 investigation. I believe the Senator from Indiana was a member of the committee at that time. If the Senator will be so good as to yield further—

Mr. AUSTIN. I yield the floor.

Mr. DANAHER. Mr. President—

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. HOLT. Does not the Senator from Connecticut also know that in many States where there were no senatorial elections there was as much or more corruption, but the committee could not look into it because it had no authority to do so? I speak from experience.

Mr. DANAHER. The Senator, of course, asks me if I know. The fact is that I do not know. I have read in the newspapers that such was the fact, but I do not know it to be a fact.

But, Mr. President, if my silence previously may have led anyone to think that I did not dispute the fact, as I heard the word used, that there is politics in Connecticut in connection with the administration of relief, I think it is fitting to call the attention of this body to the fact that on the night of February 24, 1939, the town chairman of another political party in one of our larger cities addressed an organized rally of W. P. A. workers. Those workers, Mr. President, were advised that there was impending in the United States Senate the threat of a cut in W. P. A. or relief funds; that if people were to be cut off of relief that they would naturally suffer; that it behooved them, therefore, to sign up as members of the political party of this particular gentleman, for if they were not members of his party he could not be expected "to go through"—to adopt slang—to keep them on the rolls.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. LUCAS. Of what party is the Senator speaking?

Mr. DANAHER. Let me say, Mr. President, in answer to the Senator from Illinois that I am speaking of the Democratic Party. I supposed the Senator might have guessed as much.

Mr. LUCAS. I wanted to be sure.

Mr. DANAHER. On various W. P. A. jobs in that city not long after that particular meeting there was circularized a broadside, a copy of which I have before me. I should like to read it to the Senate. It is as follows:

Politicians who are long on promises are usually short on performance. We have had many examples of this in the past. Just now our eyes are turned to the political arena, where politicians rode to victory, due to the fact that many went to the polls last November, blindfolded, to exercise their right of franchise.

You who voted regardless of consequences are heard to cry out: "If—I only knew the election was going to turn out as it did, I certainly would not have voted for McLevy."

Little did many realize that the Congressman at Large they voted for would throw in with those who voted against you receiving a check, which any day now you may have to forego because of insufficient funds and take up your place in the bread line.

Mr. Voter, you, and you alone, are responsible for the consequences. You lost confidence in our President, Franklin D. Roosevelt, the Democratic Party Leader, who since his first day in office has directed his untiring efforts in the interest of the unemployed, the welfare of their families.

The distress of the people has been greatly increased by your selfish ideas and thoughtless action. You voted into Congress men who voted against the President, men who demanded a drastic cut in the relief bill. By this action a decided cut in the relief rolls is not far in the offing, and you may be numbered among those to lose your check and cause those near and dear to you untold hardship. Then you may rejoin the ranks of the campaign songsters, "Bring on the Republicans—Bring on Recovery," and get a basket instead of a check.

You not only jeopardized you and yours, but also those with whom you have worked. It is not a pleasant thing to think that



we are responsible for the misfortune of our fellowmen. People judge what we are capable of doing by what we have done.

Seldom, if ever, in the history of the United States has a greater responsibility rested upon its citizens. Support the man who has done so much for you, the man who has made it possible for you to retain your self-respect, the man who replaced the relief basket with a check.

Mr. President, I sent that letter to the administrator of W. P. A. in Connecticut, Mr. Vincent J. Sullivan. I may say from what acquaintance I have with him that he is a very honest and capable gentleman. Mr. Sullivan received that broadside as well as a letter from me. I pointed out to him in a letter dated February 27 the following:

FEBRUARY 27, 1939.

HON. VINCENT J. SULLIVAN,  
State Administrator, Works Progress Administration,  
125 Munson Street, New Haven, Conn.

MY DEAR MR. SULLIVAN: I am enclosing a copy of a circular which is being distributed by W. P. A. foremen to men employed in W. P. A. jobs in New Britain. I intend to take appropriate steps to ascertain the extent to which this wholly unjustified and unwarranted situation has been allowed to progress. I send this circular to you with the request that you cause an investigation to be made to ascertain who is responsible for it, and that, in fairness to yourself and to the Government, the necessary and the indicated action may thereafter be taken by you.

I will greatly appreciate a report of the facts from you at your earliest reasonable convenience.

Faithfully yours,

JOHN A. DANAHER.

Obviously, Mr. President, my letter to him was written in the spirit of complete fairness to him, that he might conduct the investigation himself through his own investigator. Thereafter an investigation was conducted and Mr. Sullivan did report to me; and I think, in fairness to him, I should read his answering letter under date of March 9:

MARCH 9, 1939.

HON. JOHN A. DANAHER,  
Senate Office Building, Washington, D. C.

DEAR SENATOR: Acknowledgment is made of your letter of February 27, 1939, to which you attached a copy of a circular alleged to have been distributed on the W. P. A. projects in the city of New Britain.

Upon receipt of your letter I immediately sent an investigator from this office to New Britain with instructions to interview a complete cross-section of W. P. A. project employees in that city, and endeavor to trace both the origin and the method of distribution. It has been reported back to me that approximately 50 individuals were interviewed, covering all projects and all types of employment, and that 19 of these persons were willing to write voluntary statements. I am attaching for your information a copy of these statements. I am holding the originals for my files.

From the information gathered it is my understanding that these circulars were distributed upon only one W. P. A. project and not by anyone on our pay rolls. It would appear to me, therefore, that this is something which has been concocted locally.

I thank you very much for forwarding this information to me, as I am at all times pleased to completely check any such matters, in order that there will be no abuse of Federal money in this State.

Yours very truly,

WORKS PROGRESS ADMINISTRATION,  
V. J. SULLIVAN, Administrator.

Mr. President, when the order of last February went into effect, by the terms of which supervisors and other officers of W. P. A. who also held positions in political parties were required to elect which position they would continue to hold, in some instances in some of our towns whole committees resigned; town chairman and from there on down. In some cities various members of the board of aldermen resigned their positions, either as aldermen or as W. P. A. officers, depending, apparently, on which they found the most satisfactory and the more expedient and enticing to them at the time.

Mr. President, if any one wants to know whether there is any politics in W. P. A. let him not ask Senators. Let him ask the man who is on relief. He will tell.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DANAHER. Indeed, I will yield.

Mr. MINTON. The Senator does not contend, does he, that politics is all on one side?

Mr. DANAHER. I do not. I decry it, I will say to the Senator from Indiana, no matter on what side it is. I do not sustain it for one moment. If Republican officials in some communities shall improperly certify people as being in

need of relief I certainly abjure it, and I hope the Senator from Indiana joins me in that attitude.

Mr. MINTON. Yes, I do join in that attitude.

Mr. DANAHER. I am glad to hear it.

Mr. MINTON. Yes, I do. And I found that the Republican Party in my State during the last campaign were using W. P. A. lists, and told the people on W. P. A. how much the Republicans were in favor of W. P. A. and how much more they would give them if they were elected.

Mr. DANAHER. The Senator did not relish that particular form of campaign appeal, did he?

Mr. MINTON. I did not relish it; but the Republicans captured 4 or 5 seats in Congress from Indiana by such an appeal; and when they came to Congress all of them but one ran out on the people of Indiana.

Mr. DANAHER. Did they not support the people of Indiana?

Mr. MINTON. I do not believe they did.

Mr. DANAHER. We are doing our best to do it.

Mr. MINTON. We Democrats are doing our best to do it; but I do not think the Republicans who were elected on that platform in Indiana are.

Mr. DANAHER. Just what is the point the Senator is endeavoring to make?

Mr. MINTON. I can only state the point. I cannot be responsible for the Senator's inability to grasp it.

Mr. DANAHER. Mr. President, I yield the floor.

Mr. LUCAS. Mr. President, I rise to address the Senate for a few moments in view of the statements made by the Senator from Connecticut [Mr. DANAHER] upon certain reprehensible political conditions relating to relief in his State. While the Senator from Connecticut states that he is adverse to any political party using relief for politics, the example which he cited to the Senate deals wholly with what the Democrats did in that State last year. I think the country should know that out in my State that it is not a one-sided proposition as the Senator finds it in his State.

Last fall I experienced a campaign in Illinois. I saw what Republican sponsors of certain projects in Republican counties, controlling, hook, line, and sinker, the W. P. A. foremen, timekeepers, and all those on relief, did to me in that campaign.

Mr. President, I decry politics in relief; and in every speech I made in Illinois last year in my campaign for high public office I took particular pains to request every W. P. A. worker within the sound of my voice, or any friend of a W. P. A. worker who might be in the audience, to follow the dictates of his own conscience in exercising his right of franchise when he went to the polls to vote.

Mr. President, the northern part of my State, except Cook County, is predominantly Republican. In those counties we find Republican members of boards of supervisors, Republican county highway commissioners, Republican mayors, and Republican officeholders who are the sponsors of W. P. A. projects and who absolutely control the personnel. The Republicans in that part of my State played politics with relief in no uncertain terms.

I wish to cite, as one classic example of Republicans in the relief picture in a bold and rather picturesque manner. A Republican in one of the large counties of my State was a candidate last year for the office of township supervisor. And, diverging for a moment, let me say there was more politics played around that particular office in my State than around any small office within my knowledge of politics in Illinois, because of the power township supervisors had with relief clients in their particular townships. This candidate loaded trucks with Federal surplus commodities purchased with funds we voted in the Congress. He took this food and clothing to the needy homes in his county. Plastered on the sides of this truck were his campaign posters, blazoning to the world that he was the Republican candidate for the office which he sought. By the way he was elected; and why should he not have been? As the truck drove up with the food and clothing it was followed by a large automobile. As soon as the surplus commodities were delivered to a home

a political friend of the candidate entered, left Republican literature, and told the recipients of this Federal munificence that the groceries and clothing came from Republicans and that, therefore, they must put Republican posters and placards in their windows, which they did.

Perhaps this sounds too utterly fantastic. Listen to the letter which this same Republican candidate used to circulate all relief clients and W. P. A. workers, a paragraph of which I quote:

Since you are, or have been, interested in W. P. A., will you let me remind you that through my personal efforts and cooperation with W. P. A. this township \* \* \* has assigned 1,300 persons to W. P. A. since January 1, 1938. Many of these people were assigned to the hot lunches, furniture repair, gardening and canning, sewing, and the nursery school projects. All of these projects have been sponsored by myself. I am sure you realize the value of each of these to your community.

That is the kind of campaign literature and documents that this particular Republican candidate was using to have himself elected to office. Now, my colleagues, we Democrats initiated the W. P. A. program in Washington under the Roosevelt administration. We are charged with the administrative responsibility. We are responsible for the appropriation of the billions of dollars which have been necessary during the past few years to take care of human misery and suffering in this country. Relief in politics has been condoned in many States by local leaders, both Democrats and Republicans, but Republicans controlling projects in Republican communities receive little or no criticism when they elect men to office through such despicable methods as outlined above.

Let me read another example of what is happening in Winnebago County at this particular time in my State. In that section of Illinois there is at the present time a W. P. A. administrator who is a Republican. Let me read a letter which comes from a responsible citizen of that community as to how that individual is dealing with politics. This gentleman says:

The W. P. A. is being used in fostering the Republican cause in this county. It is dominated by members of the Republican Party. The district director is and always has been a Republican, and since his appointment as administrator the few Democrats we had have been gradually eased out of all key positions, and Republicans have been promoted to these positions, and the result is that if a man is a Democrat he has little or no opportunity of obtaining W. P. A. employment, and this is generally known among all the men on the job.

During the recent campaign—

That is, the campaign of 1938.

One of the men who occupied an important position with the W. P. A. was very active among the men on behalf of the Republican Party, and as a result thereof he has now been appointed chief deputy for the newly elected sheriff of Winnebago County, and shortly after the election the local newspapers carried an article stating that it was understood that he was very active on the W. P. A. for the Republican Party and that he was in line for this position.

Mr. President, I merely cite these two typical examples—and there are many others in downstate Illinois that could be cited—to demonstrate that, after all, all the virtue does not lie in the Republican Party when we talk about politics in relief.

Mr. MALONEY. Mr. President, I wish briefly to make some further reference to the suggestion of politics in relief in connection with the W. P. A. Lest someone may misunderstand, I wish to make it clear that in my brief colloquy with the Senator from Michigan [Mr. VANDENBERG] I did not say, nor am I so naive as to believe, that there is not some politics in relief. I presume the people of my State suffer from the same frailties of human nature which afflict the people of other States. I presume that there are as many political-minded people in my State as there are in any other State. I am ready to believe that, as my distinguished colleague pointed out, that there are some local politicians in Connecticut who would inject politics into relief. What I discussed earlier with the Senator from Michigan [Mr. VANDENBERG] was the matter of whether or not

there would be more politics in relief under State supervision than there is under Federal supervision.

I insist that by turning the absolute control of relief back to the States there would be politics to a definitely greater degree. There would be, in some States, hundreds of agencies engaged in divided control. There would be, in some States, hundreds of politically minded men in the picture. While it is true that we have suffered to some extent under this gigantic program, I think the records will show that, considering the magnitude of the work, the need for speed, the fact that it was necessary after the chaotic situation of 1931 to 1933 to write the laws hurriedly and to set up the agencies quickly, that the W. P. A. has done a comparatively good job.

It is a long time since I have been a candidate for office, and I have not suffered as did the distinguished Senator from Illinois [Mr. LUCAS], and I would not charge that there is any less desire to take advantage of the distress of men on the relief rolls in my party than in the Republican Party or any other party. I do, however, want to make it clear that in my State we have, in my opinion, a splendid situation. I was pleased to hear my illustrious colleague [Mr. DANAHY] say that, insofar as he knew, the W. P. A. administrator in my State is a good and capable man. I think that is true of most of the W. P. A. employees in my State. We have, and continuously have had, splendid projects. There has been no raking of leaves, so to speak. We have created and completed projects of unusual social values in my State under this agency. There has been no single, solitary instance of a charge of corruption. There has been, to my knowledge, no serious charge of abuse. Up to this moment I am certain there has not been a specific instance in which anyone on the W. P. A. rolls in my State—at least anyone with any degree of authority—has attempted to exercise the authority of his position for political purposes.

I did not rise especially to talk about this subject; but I wanted to keep clear the splendid record which we have enjoyed in Connecticut. I do not take exception to a single, solitary thing my colleague has said. I do not understand that anything he said was said in criticism of the W. P. A. in our State; but I do want him to know, and my colleagues to be certain, that I am not so simple or so foolish as to believe that this tremendous program is without some element of politics in Connecticut. What I have been trying to emphasize is that in my opinion it would be a serious mistake to turn the control of relief back to the States, and to the numerous political agencies and to the politicians of a State, who would have no restraining influence of expenditure. This would not be true if the State was paying the bill. I should be perfectly willing, in my State, and in every State, to turn relief completely back to the States if we could get one Governor or the mayors of the municipalities, to say that they could stand the cost of relief.

I share the feeling of the Senator from Michigan [Mr. VANDENBERG] and the other Senators who voted on the matter a few days ago, that the industrial States of the Union can only with very great difficulty stand the cost of this 25-percent contribution. Mine is one of the so-called wealthy States of the Union. Mine is one of the comparatively well-off States. But because mine is a highly industrial State our burden has been heavy and we have been contributing only 16.1 percent to these payments. The additional charge of approximately 10 percent will prove a burden to the municipalities of my State unless the State government is willing to bear a part of the cost. If the conference report should be adopted, I am very hopeful that the Governor of my State, appreciating that this additional 10-percent cost, without his help and the help of the State government, will fall heavily upon the oppressed local taxpayer through real-estate taxes. I am hopeful he will see to it that the State of Connecticut will lighten the burden of the man who pays real-estate taxes.

We have in my State just now, as we have in so many of the other States of the Union—and it was especially emphasized at the Governors' conference a few days ago—a pride in the fact that our budget is balanced, an especial



pride in the condition of the financial affairs of the State. I rejoice in that situation. I am hopeful that it can be kept that way. But I am not so blind as not to know and fully appreciate that that condition is true only because of the large contributions of the Federal Government, and the expenditure in Connecticut of millions upon millions of dollars by the Federal Government.

Now we come to a changed situation. I assume that because of the lateness of the hour and in order to get this joint resolution passed by 12 o'clock tonight, and to keep these men on the relief rolls at work, that we will adopt the conference report. If the leadership decides that that is not the proper procedure and is willing to adopt my continuing resolution and let this debate continue, I should prefer to join in that course, but if the leadership decides that in the interest of the Works Progress Administration and its millions of employees it is best to accept the conference report, I shall accept that decision with considerable regret.

If the report is accepted it means that my State and many other States will be called upon to make an additional contribution to the relief projects. In my State the additional contribution amounts to 10 percent. Obviously, the burden will fall upon the home owners of the various municipalities. That is the only way the municipalities in my State have of raising money—by taxing the home owners; in most instances, of course, the small home owners. There is now a chance for the public officials of the country, particularly those who are crying and clamoring for a return of control to the States, to give an indication of their sincerity and appreciation of the situation by saving the municipalities and the small taxpayers of the States from that burden, because the State governments have ways of raising funds other than by taxing the home owner.

Mr. President, this is an important day in Congress, because it is necessary, it seems to me, that we consider at least these important conference reports. I am extremely sorry that we did not have a greater success in conference. I could not say that without paying my tribute of respect and confidence to the chairman of the Senate subcommittee which handled the joint resolution. There is no Member of Congress for whom I have a greater feeling of affection or a greater respect. He is a man of sincerity, courage, and ability. I know the feeling on the part of the House and the House conferees. I can imagine what took place in the conference; but I am extremely sorry it was necessary for the Senate conferees to yield in the matter of releasing from the relief rolls, at the end of 18 months, probably thousands of persons. It means that many of the persons so released, who have not had a chance to save any money because of their meager income from W. P. A., will be returned, temporarily, at least, to the stigma of charity, and for what gain? For a period of 30 days. The loss is a possibility of a chaotic condition in some States and a tremendously unnecessary expense as well as a tremendous amount of work that produces little.

It seems to me that the Senate subcommittee, under the splendid leadership of the chairman of the subcommittee, had worked out a splendid and sensible and reasonable solution of that particular part of the joint resolution. I am sorry it did not prevail in conference. I am satisfied that one day we shall all feel sorry that the Senate lost that particular amendment.

I am sorry, of course, and I shall not now delay the Senate to give the reasons, except to point to what I said on the floor of the Senate a day or two ago, that we are to lose the increased amount made available temporarily by the Senate in connection with the National Youth Administration. I am sorry as well, in the adoption of the conference report—and I am assuming that it will be adopted—if the art projects will suffer. I am particularly sorry insofar as music and sculpture and painting are concerned. I do not know that they will suffer; but, if they do, I seriously regret it.

Mr. President, I shall not longer delay the Senate; but I felt in duty bound, in view of what was said by my dis-

tinguished colleague [Mr. DANAHY]—with which I am in disagreement—that there might be a misunderstanding to the detriment of our State. And, further than that, I did want to give expression to my feelings in regard to the conference report before it is finally voted upon.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised.

The message also announced that the House had passed a joint resolution (H. J. Res. 345) providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, and it was signed by the Vice President.

#### HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 345) providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior, was read twice by its title and referred to the Committee on Appropriations.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

Mr. HOLT. Mr. President, when any statement of mine is challenged as to accuracy, I have always made it a point to go to the place where it is challenged and refute the argument, or at least try to do so. I take a little pride in the fact that whenever I say something is so, I know it to be so.

The other night, when we were discussing the relief joint resolution—and that is why I am discussing it today, because it is again before the Senate—I quoted the Senator from Pennsylvania [Mr. DAVIS] as saying that the director of the theater projects in the United States had a communistic leaning, and I cited a certain play taken from the Senator's speech of April 30, 1936. One of my colleagues, the junior Senator from Montana [Mr. MURRAY], a very close associate of Herbert Benjamin and David Lasser—I do not think I need to say more—rose on the floor of the Senate and made this statement, which is found on page 8093 of the CONGRESSIONAL RECORD of June 28:

There is much misrepresentation with reference to the program they have been carrying out. Tonight on the floor of the Senate a paragraph was read from a play which purported to have been given by the theater project in which the spokesman was supposed to be advocating communism. As a matter of fact, that was a play that was produced at Vassar College. I have before me a statement with reference to it. A single sentence was picked out which created the impression that the whole purport of the play was to advocate communism, whereas if the play had been read further it would have appeared that the purpose of the play was to bring out the subject and to prove that communism was a bad thing for the country, and that the proper

course for Americans to follow was good, patriotic, democratic principles.

I did not quote a sentence. Let me refer to what I did quote. I quoted many sentences from that play, and they also are found on page 8087 of the CONGRESSIONAL RECORD. These are the words of the play written by Mrs. Hallie Flanagan, director of the theater project. This is good democratic doctrine, according to the junior Senator from Montana. It may be to him, but it is not to me.

This is what the play says:

Don't you see, Rose, it ain't Purcell that's wrong. It's the plan we live under; it's the whole system. Listen! Maybe I think, like you, that there'll come a time when there'll be shootin'. But today ain't the time. Maybe there'll come a time when we can stand on our feet like freemen, instead of crawlin' on our bellies askin' for help. But that time ain't come yet. Some of us believe in a time comin' when everybody will have to work, and there'll be enough work for everybody. Some of us believe that the land and the crops and the cattle and the factories belong to the men that work 'em. But we ain't strong enough yet to take 'em. And that's why some of us think it's more important to work for that time than to shoot up a few rich guys now.

That sounds like a democratic statement, according to the junior Senator from Montana. Then he goes ahead to quote one other excerpt from the play. This is what he says:

So, if one reads the play in its entirety, it is obvious that the whole purport of the play was to denounce communism rather than to support it.

I took the floor and said that I had not read the play, but I was taking the word of the junior Senator from Pennsylvania, that he said that this was in the play. But I have read it since, and this is what the junior Senator from Montana said again on that:

Mr. MURRAY. As a matter of fact, all the theatrical newspapers of the country which commented on the play have supported it as a good play, and have said that it was not a play advocating communism.

Mr. President, I admit it is hard for some individuals to realize what communism is. If one lives with Communists, it is pretty hard to name them out, I admit. But let us see if this play contains sound American doctrine. Where was the play taken from? Here is the information, if anyone is interested in reading it. It was taken from the March, 1931, issue of a magazine called *New Masses*, written by Whittaker Chambers, and it is entitled "Can You Make Out Their Voices?" It runs from page 7 clear through to page 16. It is a play by Whittaker Chambers. Of course it is good, sound democratic doctrine. Who is Mr. Whittaker Chambers? Let me quote again from the Communist magazine, *New Masses*, for July 1931, page 23, and see if anyone wants to challenge this. Here is his picture. I wish all could see it. He does not have a beard, but that is the only thing it does not have. This is what the *New Masses* says of Mr. Whittaker Chambers:

Whittaker Chambers—

I do not know him, but this is what it says:

Whittaker Chambers was born in Philadelphia in 1901. Boyhood in eastern United States. Youth as periodically vagrant laborer in deep South, Plains, Northwest. Brief Columbia College experience.

He is not from Harvard. This is what it says:

Brief Columbia College experience, ending with atheist publication.

Formerly member Industrial Union 310, I. W. W. Joined revolutionary movement 1925. Contributed to numerous publications. Former staff member of the *Daily Worker*, contributing editor to the *New Masses*.

Of course there is no communism in that, none at all! This story was so good that it attracted the attention of Mrs. Hallie Flanagan—and some Senators said it was terrible to insinuate she had anything to do with communism. Let us see what happened. The Communists thought the story was so good—the story which appeared in the magazine *New Masses*—that she went to work and made a play in a month, and in the June 1931 issue of the *New Masses*, on page 19, this advertisement can be read. Do not be fooled; the *New Masses* is communistic. They admit it, and I say

they should take credit for it, because if one is a Communist he should not be ashamed to say so. This is what they said:

Can you hear their voices?

A play of our time, based on Whittaker Chambers' story in the *New Masses*.

"While the farmers in the drought area are starving, 'money is kept in circulation' in Washington."

A play for workers' theaters.

Seven scenes in a single setting. An exciting drama of satire and tragedy. A moving story of the Arkansas farmers.

Book, with three photographs of the production, postpaid, 75 cents

Vassar Experimental Theatre. Poughkeepsie, N. Y.

They were not satisfied with giving it an advertisement, but on page 20 they give it two pictures and say this:

Vassar College presents a play.

I merely want the facts to be known. This is a great Democratic play, about which the junior Senator from Montana spoke. I am glad he is now in the Chamber—

Mr. MURRAY. Mr. President—

Mr. HOLT. I yield.

Mr. MURRAY. I was not in the Chamber when the Senator began his remarks.

Mr. HOLT. I shall be glad to repeat what I said. I said I made a speech in which I stated the play was communistic in origin, and the junior Senator from Montana said that there was not any communism in it, that it was democratic doctrine. I also said that the Senator was a very close associate of Mr. Herbert Benjamin and David Lasser, and I also quoted from the Senator's speech.

Mr. MURRAY. The Senator said I was a close associate of Mr. Herbert Benjamin?

Mr. HOLT. I think so. That is generally understood.

Mr. MURRAY. The Senator is entirely mistaken.

Mr. HOLT. I am glad the Senator has renounced it.

Mr. MURRAY. I want to say that the Senator seems to be obsessed by his bitterness against the W. P. A. and the administration of the W. P. A., and he devotes his time constantly to nothing else but an attempt to discredit the administration of the W. P. A. I think he is doing a great injustice to the people of this country and to the workers of the W. P. A. and the administrative force of the W. P. A., and it seems to me that he could very well employ his ability in some other more constructive direction.

Mr. HOLT. I thank the Senator. I will say that I have been in favor of cleaning up W. P. A. since the start of it, but the Senator from Montana has not.

Mr. MURRAY. Mr. President—

The PRESIDING OFFICER (Mr. BURKE in the chair). Does the Senator from West Virginia yield to the Senator from Montana?

Mr. HOLT. I am glad to yield to the Senator from Montana.

Mr. MURRAY. Sometime ago the Senator made some observations in reference to the W. P. A. in my State, Montana.

Mr. HOLT. That is correct, and I told the Senator a great deal that he knew.

Mr. MURRAY. It happened that the administration started an investigation of the W. P. A. in my State—

Mr. HOLT. Who made the investigation?

Mr. MURRAY. The F. B. I.

Mr. HOLT. It must have been pretty bad.

Mr. MURRAY. They sent 16 men from the Federal Bureau of Investigation to the State of Montana and made a thorough and complete investigation of the administration there. As a result of their investigation they found absolutely no irregularities, and they advanced the salary of the administrator, and advanced his assistant to a position in the headquarters of W. P. A. in Washington. The investigation showed that the administration of W. P. A. in Montana was one of the most efficient in the United States, and there was absolutely no evidence whatever of any political influence of any kind or character.

As a matter of fact, all of the newspapers in the State of Montana, both Republican and Democratic alike, have commended the operations of the W. P. A. in my State, and have



written editorials time and again. Editorials have appeared in the newspapers controlled by the Anaconda Copper Co. showing that the work of the W. P. A. in my State has been of tremendous importance and of great benefit to the people of Montana, and there is absolutely no justification for these foul insinuations of dishonesty or corruption in the W. P. A. in my State. I think that is true of most of the charges against W. P. A. that are made on the floor of the Senate from time to time. The only purpose, it seems to me, is to try to discredit this administration, try to emasculate the great work which has been and is being done by the W. P. A. in the United States. It is absolutely unfair, dishonest, and corrupt, in my judgment.

Mr. HOLT. I know the Senator is talking about the W. P. A., and I know it is dishonest and corrupt. I want to say to the Senator from Montana that the only thing he mentions as having been done by the W. P. A. in investigating the conditions in his State that was similar to the general conduct of the W. P. A. was that they raised the administrator's salary, as he admits. However, I know from information given to me by very reliable officials in the State of Montana that there was rottenness in the State of Montana, and it was controlled by the gambling influence of Butte, Mont. I shall be glad to accommodate the Senator at a later date with some facts about it, since he has brought up the question.

Mr. MURRAY. The Senator will only make that statement on the floor of the Senate, but he will never follow it up by any competent, reliable proof. It is absolutely false and dishonest, and is only being made on the floor of the Senate for the purpose of trying to discredit an honest administration of a great agency of the Federal Government.

Mr. HOLT. I do not blame the Senator from Montana for complaining about what I say, because I am telling about his own baby in Montana. When they went out to destroy the senior Senator from Montana they fired the senior Senator's employees and gave the places to the junior Senator from Montana.

Mr. MURRAY. That is absolutely false, and it cannot be established in any shape or form. There is absolutely no truth in the statement that anyone was fired from the W. P. A. because of any hostility to the senior Senator from Montana.

Mr. HOLT. Not to the junior Senator.

Mr. MURRAY. Not to the senior Senator.

Mr. HOLT. I think I have better authority than the Senator from Montana has, because I have it from an official of Montana who knows. We cannot blame a man for talking about his own child.

Mr. MURRAY. But the Senator is talking about his own child. His child is his obsession about this matter, trying to discredit and injure the administration of the W. P. A., and he wants to spend all the time here which ought to be devoted to the welfare and betterment of the country. He is simply trying to undermine the country and to create a situation that would result in very dangerous conditions. He is making statements which he knows very well cannot be substantiated and which he will not even attempt to support.

Mr. HOLT. There is an obsession on my part to clean up W. P. A. and give relief to the needy, instead of to the political bosses of West Virginia, Montana, or any place else. I do not blame the Senator from Montana; so long as he is getting nice invitations from the Workers Alliance I do not blame him at all. Nevertheless, the facts are as I have stated. I am not discussing Montana here today, but I will say to the Senator that he voted against taking politics out of relief, he voted not to make public the pay rolls of relief.

Mr. MURRAY. I voted against the pretended effort the Senator was making—

Mr. HOLT. Oh, yes; pretended effort!

Mr. MURRAY. When the whole object was to injure the administration.

Mr. HOLT. No; the object was to uncover what was going on, and the Senator from Montana did not want it uncovered in the State of Montana.

Mr. MURRAY. The administrator in my State welcomed the investigation. The people of the State of Montana understand the conditions very well. They are fully satisfied with the record of W. P. A.

Mr. HOLT. I think so, and they will express their views in 1942.

Mr. MURRAY. I want to tell the Senator that what happens in 1942 is of no importance to me whatever.

Mr. HOLT. Or to the country, may I say.

Mr. MURRAY. That is true; and what happens to the Senator from West Virginia is of less importance.

Mr. HOLT. I thank the Senator.

Mr. MURRAY. Because he has displayed on the floor of the Senate ever since he has been here his incompetency to represent the people anywhere in the United States.

Mr. HOLT. I admit with modesty that I do not have the power of the Senator from Montana; I admit I do not have any patronage or jobs to give. If that is representation, the Senator from Montana has been a very good representative, because every once in a while they throw him a few hundred-dollar-a-month jobs, and that is very satisfactory.

Mr. MURRAY. I want to deny that.

The PRESIDING OFFICER. The Senator from Montana will suspend. When a Senator desires to interrupt a Senator he must first address the Chair, and the Chair will then ask the Senator having the floor whether he will yield.

Mr. MURRAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. HOLT. I yield with pleasure.

Mr. MURRAY. The Senator has stated that every once in a while I get a sop thrown me in the way of a job. That is absolutely a false statement.

Mr. HOLT. Has not the Senator named any persons recently?

Mr. MURRAY. No, the Senator has not named any person.

Mr. HOLT. Not any person on the Federal payroll?

Mr. MURRAY. No; not any person on the Federal payroll. I made a recommendation to the Attorney General 6 months ago for the appointment of a United States marshal, but that is the only recommendation I have given to any of the agencies of the Government during the last 6 months. So the Senator it appears is very glib in making these false accusations and statements on the floor of the Senate.

The PRESIDING OFFICER. The Senator will suspend. The Chair will read section 2 of rule XIX:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

The Senator from West Virginia will proceed in accordance with the rules of the Senate.

Mr. HOLT. I was going back to the question of Vassar College and the play that the junior Senator from Montana says is not communistic. In the June 20, 1931, issue of the New Masses is set forth a statement about the play of Mrs. Hallie Flanagan. She is a nice girl to talk to, and I know that the Senator from Montana was given the material. Of course this is not spoken derogatorily. I would have gone out that night and talked to her about a play.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. MURRAY. I wish to correct the Senator in his statement that I discussed the matter with Mrs. Flanagan.

Mr. HOLT. Then from whom did the Senator get the book?

Mr. MURRAY. I never spoke to Mrs. Flanagan in all my life.

Mr. HOLT. From whom did the Senator get the book?

Mr. MURRAY. I do not know who the gentleman was, but he gave me the record which contained the information which I submitted on the floor of the Senate.

Mr. HOLT. Is it the Senator's usual custom to go outside and get books from individuals he does not know and bring them in and read them to the Senate?

Mr. MURRAY. I take information from any source if it is reliable and accurate, and this book shows that it was a copy of the hearings before the House; and it would not make any difference who presented it to me if it contained an accurate statement of the hearings. It seems to me that would be sufficient for anyone willing to accept facts and not irresponsible statements.

Mr. HOLT. I am glad the Senator went out and talked to him, because he brought in a very interesting defense.

To continue with this play:

VASSAR COLLEGE PRESENTS A PLAY

After Whittaker Chambers' story *Can You Hear Their Voices?* appeared in the March issue, *New Masses* readers from all over the country heaped enthusiastic praise on it. With the deluge of congratulations came a letter from Hallie Flanagan, director of the experimental theater at Vassar College, asking for permission to dramatize the story.

The play was written and produced within a month—

This is a Communist paper speaking about the great Democratic play, to use the words of the Senator from Montana:

And it is the best play of revolutionary interest produced in this country; not excluding the well-known *Precedent*, *Gods of the Lightning*, and *Singing Jailbirds*.

That comes from the Communist paper. The Communists say it is revolutionary, but it is not revolutionary to the Senator from Montana.

It was written by Hallie Flanagan, winner of a Guggenheim award which enabled her to study the theater in Russia and European countries, and her former student, Margaret Ellen Clifford, now also teaching dramatics and playwriting. The Vassar production on May 2 was directed by Hallie Flanagan, as fine a director as she is a playwright.

I am quoting from the Communist paper the *New Masses*. I wish to make that clear.

Written in a college, about farmers, it is a swell play for workers' groups. It is satirical and exciting drama, vital and timely in its subject matter. It is stronger and clearer in its social viewpoint than any radical play yet presented in America.

Let me read that again. It is democratic to the Senator from Montana, but it was not even that to the Communist paper. Here is what it says:

It is stronger and clearer in its social viewpoint than any radical play yet presented in America. It uses with intelligence and startling effect the facts of actual events that have recently taken place in the American scene. It pictures authentically the lives of the Arkansas farmers. It exposes the hypocrisy of Red Cross charity. It ends on a note of struggle in full justice to the original story on which it is based.

The play follows faithfully Whittaker Chambers' story of the drought-stricken dirt farmers, their hunger, and desperate need which ends in the raid on the food stores.

Who is Whittaker Chambers? I told the Senate just a moment ago that he was the Communist who wrote for the *New Masses*. I continue to read:

While retaining the spirit of his story, the playwrights have added to it, to meet the needs of the theater. These additions are illuminated with a clear social understanding.

The staging of the play was the work of people who have an expert knowledge of the theaters. A simple stage construction is used throughout and scene changes are made with shafts of light directed upon different portions of the stage. This simple setting and dramatic handling makes the play of added value for workers' groups.

Governmental statistics on unemployment and national suffering caused by the drought and the general economic depression, are thrown on a movie screen, in between scenes.

APPROPRIATION FOR PETROLEUM CONSERVATION DIVISION

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HOLT. I yield to the Senator from Tennessee if thereby I do not lose the floor.

I understand it is the Senator's purpose to report a measure for action by the Senate.

Mr. McKELLAR. My purpose is to ask for consideration of a joint resolution, which should be acted upon immediately.

Mr. VANDENBERG. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. VANDENBERG. Is it the Chair's ruling that the Senator from West Virginia is entitled to yield for the

purpose in question without being charged with having ended one speech?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. McKELLAR. From the Committee on Appropriations, I report back favorably without amendment the joint resolution (H. J. Res. 345) providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the House Joint Resolution 345.

Mr. VANDENBERG. Mr. President, may we have the joint resolution read?

The PRESIDING OFFICER. The joint resolution will be read.

The Chief Clerk read as follows:

*Resolved, etc.,* That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 for the month of July 1939, for administering and enforcing the provisions of the act approved February 22, 1935 (49 Stat. 30), entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," as amended, and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed \$500 for necessary expenses of attendance at meetings and conferences concerned with the work of petroleum conservation when authorized by the Secretary of the Interior, not to exceed \$2,500 for printing and binding, not to exceed \$100 for books and periodicals, and for the hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. McKELLAR. Mr. President, in explanation of the joint resolution I ask as part of my remarks that a statement with respect to it be printed.

There being no objection, the statement was ordered to be printed in the *RECORD*, as follows:

HOUSE JOINT RESOLUTION 345, PROVIDING AN APPROPRIATION FOR THE MONTH OF JULY 1939 FOR THE PETROLEUM CONSERVATION DIVISION, DEPARTMENT OF THE INTERIOR

The item proposed in House Joint Resolution 345 is to provide for the administration and enforcement of the act of February 22, 1935, generally known as the Hot Oil Act. The Bureau of the Budget has approved an estimate of \$230,000 for the fiscal year beginning July 1, 1939, and the appropriation of \$20,000 contained in House Joint Resolution 345 is to cover the personnel now engaged in enforcing the declared policy of the Congress in the conservation of petroleum. The present personnel is composed of 8 employees in Washington and 68 employees in the field. It is essential to the orderly conduct of the public business that no lapse occur in the administration and enforcement activity under the Federal Statute of February 22, 1935. The act of February 22, 1935, as amended by the act of June 14, 1937, was extended until June 30, 1942, by act approved by the President on June 29, 1939. The last legislation does not make any changes in the basic law.

ADDITIONAL APPROPRIATIONS FOR MILITARY ESTABLISHMENT—CONFERENCE REPORT

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. HOLT. I yield with the understanding that I do not lose the floor.

The PRESIDING OFFICER. The Senator yields with that understanding.

Mr. THOMAS of Oklahoma. Mr. President, I submit the conference report on House bill 6791, the supplemental War Department appropriation bill. There is only one item in the bill, and I feel sure there will be no objection to agreeing to the conference report.

The report was read, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6791) making additional appropriations for the Military Establishment



for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1; and agree to the same.

ELMER THOMAS,  
CARL HAYDEN,  
JOHN H. OVERTON,  
RICHARD B. RUSSELL,  
JOHN G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

J. BUELL SNYDER,  
DAVID D. TERRY,  
D. LANE POWERS,

*Managers on the part of the House.*

Mr. VANDENBERG. Mr. President, will the Senator indicate what the conferees did?

Mr. THOMAS of Oklahoma. The Senate added three amendments to the House bill. The first amendment was to provide \$1,200,000 for the extension of Lowrie Field located at Denver. The House accepted that amendment.

The second amendment was offered by the Senator from Arizona [Mr. HAYDEN] providing \$5,000,000 to be used for making maps. The House would not accept that amendment, and the Senate receded.

The third amendment was offered by the Senator from Maryland [Mr. TYDINGS] asking for permission of the War Department to use funds carried in the bill for the extension of factories and providing equipment for making necessary articles of armament. The House would not accept that amendment, and the Senate receded.

So the only Senate amendment agreed to was the one providing for \$1,200,000 for the extension of Lowrie Field at Denver.

Mr. VANDENBERG. That is very satisfactory. I wish to congratulate the Senate conferees for standing so tenaciously for the Senate position.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### POSTMASTERS

Mr. McKELLAR. Mr. President, will the Senator from West Virginia further yield?

Mr. HOLT. I yield with the understanding that I do not lose the floor.

The PRESIDING OFFICER. The Senator yields with that understanding.

Mr. McKELLAR. The two Senators from Florida [Mr. ANDREWS and Mr. PEPPER] and the two Senators from Missouri [Mr. CLARK and Mr. TRUMAN] have handed in two appointments as postmasters.

The first is that of J. D. Beggs to be postmaster at Orlando, Fla.

The other is W. Rufus Jackson to be postmaster at St. Louis, Mo.

As in executive session, from the Committee on Post Offices and Post Roads, I report favorably the nomination of James D. Beggs to be postmaster at Orlando, Fla., and W. Rufus Jackson to be postmaster at St. Louis, Mo.

I ask unanimous consent the two nominations be confirmed as in executive session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the nominations are confirmed.

Mr. McKELLAR. I ask unanimous consent that the President be notified of the confirmations as they seem to be matters of emergency.

The PRESIDING OFFICER. Without objection, the President will be notified.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 6577) to provide revenue for

the District of Columbia, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NICHOLS, Mr. RANDOLPH, Mr. KENNEDY of Maryland, Mr. DIRKSEN, and Mr. BATES of Massachusetts were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5722) for the relief of Evelyn Gurley-Kane.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

Mr. HOLT. Going back to the great play written by the head of the whole theater project of the W. P. A. in the United States, I want to give Senators some of the plot as told in New Masses, the Communist paper as of June 2, 1931. The reason I repeat that is because there has been some intervening business:

The radio speech on farm relief, added to the story by the playwright in the play's opening scene, is a powerful stroke of satire. The farmers are gathered in front of Jim Wardell's house, talking about the damage the drought has done, how it has killed their crops and cattle; and they wonder how they are going to continue. The groups listen to the radio speech, some credulously, some hopefully, some skeptically, and some in open disgust. "Ladies and gentlemen of the radio audience \* \* \* have you ever experienced that hollow feeling that comes over you in the middle of the morning?" the voice over the radio asks. Farmer Davis answered: "Well, I hadn't thought of puttin' it just that way."

Two scenes in Washington are added and the play gains in dramatic contrast. In alternating scenes the play flashes back and forth from Washington to the rural areas.

In the rural areas conditions are continually growing worse. The dirt farmers are starving and Frank's young German wife, for days unsuccessful in getting milk for her baby, and unable to bear its prolonged suffering, herself strangles it to death. The bare simple writing of this short scene is a poem of stark beauty and power. The acting is perfect. A brilliant German exchange student at Vassar (and, by the way, a baroness with an accent) acts the part of Frank's wife superbly.

After long months of waiting the Red Cross relief arrives. The charity it gives isn't enough to feed hungry farmers and their families. The farmers are becoming more militant. Under the leadership of Wardell, they come together to take the food they need from the stores by armed force, if necessary.

Oh, that is sound democratic doctrine. It is sound democratic doctrine to go into the stores with rifles and take what is in there. This is a play, remember, that was written by the head of the theater project.

The Governor orders out the militia. Expecting this, Wardell and his wife send their two boys hitchhiking to Communist headquarters in New York. "Tell them that Jim Wardell sent you. They'll take care of you. Tell them that things have gone too far and that we're organizing, that we may be sent to jail and that the comrades here need help. \* \* \* And remember all you've seen here boys. And understand it. Remember every man has a right to work and eat. And see if you can't help make a better kind of world for kids to live in."

The story develops logically and inevitably out of the nature of events. It is simple, unforced. It is a challenging social document.

It would be a fine thing for Vassar to produce this play in New York.

This is a Communist paper from which I am quoting.

The Vassar girls, and the men (instructors at Vassar and residents in Poughkeepsie) caught the spirit of their characters and presented it with dignity and guts.

Mr. President, those are not my words. Those are the words of the paper.

The play is now being published in a cheap paper edition and the playwrights and author offer it free from royalties to workers' groups who want to produce it. We urge every workers' theater group to take prompt advantage of the best revolutionary play that has yet been produced in America.

In other words, you do not have to pay for it. The Communists will give you free this sound Democratic play referred to by the Senator from Montana.

Then it goes ahead to say:

We urge every workers theater group to take prompt advantage of the best revolutionary play that has yet been produced in America.

Let me read what the Senator from Montana [Mr. MURRAY] said. I am sorry he has left the Chamber. This is what he said about the play:

As a matter of fact, all the theatrical newspapers in the country which commented on the play have supported it as a good play and said it was not a play advocating communism.

Then he goes ahead and praises the play. Let me read what the Communists say about it in support of the statement that it is not a democratic play. Let me repeat the last sentence of the statement I have just read:

We urge every workers theater group to take prompt advantage of the best revolutionary play that has yet been produced in America.

No communism? Not tainted with communism? They admit it themselves. The Communists themselves say it is the best revolutionary play in America; and the Senator from Montana [Mr. MURRAY] says it is the best democratic play in America. One can take his choice of authority. There is a difference of opinion. The Communists think it is revolutionary, and the Senator from Montana—to whom I apologize if he is not a friend of Mr. Herbert Benjamin, but who admits his friendship for David Lasser—says it is a democratic play.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. TOBEY. Is it not possible that the two terms are synonymous?

Mr. HOLT. Not in my mind. I admit that Earl Browder says that the thing for America to do is to carry on a communistic front. He says, "We cannot win. The thing for us to do is to get behind President Roosevelt for a third term." I do not know, but that is what Earl Browder says, and he is the best authority on communism in the country, outside of the Senator from Montana. [Laughter.]

The PRESIDING OFFICER (Mr. HATCH in the chair). Let there be order on the floor, and in the galleries.

Mr. HOLT. I started to read the play when the Senator challenged my authority. If any Senator wishes to obtain the play or the newspaper New Masses, he can send over to the Library and obtain it. The newspaper will show that it is controlled by the Communist Party.

I now turn to the December 1931 issue of New Masses, on page 26. It says:

T-r-i-k-e-n-i-s-h—

I cannot pronounce the name. I shall have to ask the Senator from North Carolina to pronounce it. It means "drought," but it is written in Russian. It is not American.

Trikenish (drought), by Hallie Flanagan and Margaret Ellen Clifford, based on a story by Whittaker Chambers. Translated and adapted by N. Buchwald. Directed by Beno Schneider. Settings by M. Solotaroff.

I hope Senators will not hold me responsible for the pronunciation. I cannot speak Russian. These are the people who put on the play.

Dances arranged by Sophie Berensohn. Produced by the Artef (Jewish workers' theater) at Heckscher Foundation Theater.

This is a play written by the head of the Federal theater project. The articles closes with this statement:

Yet despite these defects, the production of Trikenish is a real achievement when one takes into consideration the enormous difficulties under which a proletarian theater works. The Artef has traveled a long way since its first performance 3 years ago; it has improved ideologically and artistically; it is today clearer in its aims, more conscious of its responsibilities to the revolutionary movement.

Hallie Flanagan wrote the play for the theater which this Communist newspaper says is "more conscious of its responsibility to the revolutionary movement."

Mr. President, I do not condemn a man for being a Communist. He has a right to be a Communist. But if he is a

Communist he ought to be brave enough to say he is a Communist and not try to hide behind any other term than that. I say that the Federal theater project is tainted and corrupted with communism. What is the reason behind it? Let me again refer to the New Masses. These cartoons are pictures of Senators, so do not worry about them. I shall not read them. They indicate what the Communist newspaper thinks of Congress.

I read from page 11 of the August 1931 issue of New Masses:

ART IS A WEAPON—PROGRAM OF THE WORKERS CULTURAL FEDERATION

The world-wide crisis of capitalism has intensified the class struggle not only on the economic and political fields but on the cultural as well. More than ever it is becoming clear to the workers of every country, and to those intellectuals whose economic distress or mental integrity has brought them to the side of the workers in their struggle for the overthrow of capitalism, that art and science, journalism and education, indeed, every instrument for molding the mind and imagination of man, is being utilized by the capitalist class for concealing the truth and for spreading falsehoods regarding the system of exploitation upon which its power rests.

I could go ahead and read the whole of this article. It is quite lengthy. I ask that it be inserted in the RECORD after my speech, which will not be long.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. HOLT. The article is entitled "Art Is a Weapon," and is from the New Masses.

Let me read another portion of the article:

"Art belongs to the people," said Lenin. "It must have its deepest roots in the broad mass of the workers. It must be understood and loved by them. It must be rooted in and grow with their feelings, thoughts, and desires. It must arouse and develop the artist in them."

Then the article goes ahead to say how that shall be done, with the art movement and the theater movement in the United States of America.

This article was written in 1931, before the Federal theater project came into being; and just as soon as the theater project went into effect the Communists took advantage of it and made it in every way possible just as communistic as they possibly could make it.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HOLT. I shall be glad to yield.

Mr. VANDENBERG. I dislike to have such a large percentage of the membership of the Senate fail to have the advantage of the Senator's observations. I wonder if he will yield to me for the purpose of suggesting the absence of a quorum.

Mr. HOLT. I shall be glad to do so if the Senator will take the responsibility for the future suffering.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slatery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

SELECTION SYSTEM AND PROMOTIONS IN NAVY

Mr. WALSH. Mr. President, will the Senator from West Virginia yield?



Mr. HOLT. I yield, with the understanding that I do not lose the floor.

Mr. WALSH. Mr. President, at the time the conference report on the relief joint resolution was taken up, the Senate had under discussion Calendar No. 684, House bill 4929. The debate was finished, and the Senator from Colorado [Mr. ADAMS] was trying to get the floor. Before the Chair had a chance to put the question on the passage of the bill, the Senator from Colorado was recognized. All the amendments to the bill had been approved. There was no opposition to it.

I ask unanimous consent that Calendar No. 684, House bill 4929, to amend the act of June 23, 1938 (52 Stat. 944), be passed as amended.

The PRESIDING OFFICER. Without objection, the amendments having heretofore been agreed to, the amendments will be ordered to be engrossed, and the bill to be read a third time, and passed.

#### WORK-RELIEF AND RELIEF APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940.

Mr. HOLT. Mr. President, when the quorum was called I was discussing the Communist movement, and how communism was being spread, and was quoting from the Communist magazine *New Masses*.

Here is another article in the July 1931 number, written by Michael Gold, entitled "Toward An American Revolutionary Culture."

On page 12, he says, speaking about the need of communism:

It was not a problem of stimulating a new school of writing or music in the limited intellectual groups. Everything that affected the mind of the working masses had to be overhauled. You cannot build communism with masses whose emotions are still of the capitalist world—who are superstitious, or romantic, or mystic—who have not been penetrated in every fiber with the emotional habits of communism.

Certain theorists have held that this Communist culture can only be built after the proletariat has taken the state power. But here again life has confounded some of the theorists.

As Mr. Gold truthfully said, the way of communism is to get in the theaters, in the arts, and in the various means of communication to the individual.

Here is what he says on page 13:

For many years, in the *New Masses*, we have been preaching the importance of cultural work. Several years ago we made the first step in a practical direction by devoting two pages every month to reports of cultural work already going on. For it actually existed in this country. It had grown up spontaneously, breaking against all the barriers of indifference. It had proved its own right to life by daring to live. It was a real working-class phenomenon.

As Mr. Gold says, we shall go into the theaters and we shall sell communism to the people; but how little did he think in 1931 that the Federal Government would allow him to go into the theater to spread this same communistic doctrine. I agree with the Senator from Arizona [Mr. ASHURST] when he said that the Communists have a right to present their plays to the people; but they have not a right to present their plays at the expense of the United States Government, plays sponsored by the Government. That is my objection to it.

I do not criticize freedom of the stage. I think the stage should have the utmost freedom; but we should not pay for this propaganda out of the Federal Treasury and have it hidden as I have mentioned. The play, although a W. P. A. play, written by Mrs. Hallie Flanagan, the head of the theater project, is again noted.

Oh, you say, that is just one play of Miss Flanagan. I brought another play along. It has the right kind of cover—red. It is written in Russian, but here is the English translation of it. If you want to get it, it is "P G

Russian, copy 2," from the Library of Congress. This is by Hallie Flanagan, the head of the theater project.

Let me tell you what she says about it here in the foreword. There is no communism about it. Let me say, before I go ahead, that she went over to Russia—I understand she has been over there three times—and she wrote a play about the Russian theater, according to the Senator from Pennsylvania [Mr. DAVIS], in which she says this. Let me read to you what she said about the Russian theater. This is what she said on page 81 of her book:

I went to Russia because I wanted to understand the circumstances under which developed the incomparable art which we have seen in Stanislavsky's Theater, in the Chauve-Souris, the Musical Studio, the Ballets Russes, and the Habimah—

I cannot even pronounce the names of these theaters, but I will ask that they go into the RECORD. They are written in Russian; but she went to these theaters—

and because I wanted to see for myself what part the theater plays in the new order and how it is influenced by that order. The answer to both questions proved to be so bound up with the whole social experiment that I became absorbed by the drama outside the theater; the strange, stirring, and glorious drama that is Russia.

That is from Mrs. Flanagan's own book. She went to Russia in order to find out what part the theater should play in the new order, and she became absorbed in the drama of Russia. She became absorbed by "the \* \* \* glorious drama that is Russia"; and the United States Government is paying for theater projects sponsored and controlled by her and by those who feel the same way.

Let me go ahead and tell you about this play. This is written by Mrs. Flanagan herself and published by the experimental theater of Vassar College. Here are her own words from the foreword:

In *Fear*, Soviet drama moves definitely into a new phase. This is no revolutionary drama such as *Roar*, *China*, *The Armoured Train*, or *The Death and Destruction of Europe*. Neither is it one of the 5-year-plan plays such as *Oil* or *Tempo*, preaching the gospel of industrialization. *Fear* is an insular play, taking little cognizance of the world outside the Union of Socialist Soviet Republics. There are in the entire play only three lines which link Russia with other countries.

Then she goes ahead to discuss those. I will not take the time of the Senate to read that; but she says:

This is a play of human beings struggling to become adjusted to a changing order.

This is by Mrs. Flanagan, the head of the theater project, written not for the United States, but for Russia; and the Senator from Montana said, "Would you say that there is any communism about it?" and he called me names. I have been called worse names than that. Nevertheless, going ahead with this—

This is a play of human beings struggling to become adjusted to a changing order. The line-up of forces for and against the Soviet is so equal that the play was at first barred in Russia as being counter-revolutionary; later—

Now listen—

Later it was accepted as a part of Russia's self-criticism program; as such it has packed theaters throughout Russia for a run of 2 years, and it is still the greatest theater attraction in the U. S. S. R.—Soviet Russia.

Those are the words of Hallie Flanagan. She is not only satisfied with writing plays such as *The Drouth* over here, in which Arkansas is attacked, but she goes over to Russia and writes a play for Russia, *Fear*, which she said herself is still the greatest theater attraction in the Union of Socialist Soviet Republics.

I forgot to say, during the colloquy which developed with the Senator from Montana, that I discussed with the Senator from Arkansas [Mr. MILLER] this matter about the play that was written, and he said he hoped he would be present here this afternoon to say that he resented the vicious, untrue attack made on Arkansas and the people of Arkansas by this play, and that he hoped at a later date to discuss the play written by Mrs. Flanagan in which she

attacks the people of Arkansas, attacks the Red Cross, and attacks the social order as it is.

That is a play. There are other plays that have been written. Let me read you what the International Theater on page 52 in 1934 says about Mrs. Flanagan's plays. Here is what it says:

Whittaker Chamber's story, *Can You Hear Their Voices?* appeared in the (Communist) *New Masses*. This is also a story of life on the farms of the American Midwest. This story not only had a deep effect on American revolutionary literature—

Let me repeat that. It says:

This is also a story of life on the farms of the American Midwest. This story not only had a deep effect on American revolutionary literature, it also affected American revolutionary dramaturgy.

That is the play written by Mrs. Flanagan, the head of the theater project, who hates communism, according to some of the Senators here.

Then it says:

Within 2 months of its publication Hallie Flanagan and Margaret Clifford, instructors of the theater at Vassar College, put it into a play of the same title.

Then, going ahead, let me quote from page 31 of the American Theater, in which it says this. This is what Ben Blake, who, I understand, is the representative of the Moscow board of the Communist American theater movement, says about the play of Mrs. Flanagan:

Up at the Vassar experimental theater the intrepid Hallie Flanagan and one of her advanced students, Margaret Clifford, wrote and staged *Can You Hear Their Voices?* which told with hard and bitter realism the tale of the impoverished and drought-stricken farmers, hunger driven to militant action to secure relief from starvation.

Of course, those who were in the Chamber and who heard what I read know what that militant action would be. They advocate that they take guns and go into a store and take flour, for instance, because, as they say, "Whose flour is it? Is it not our flour?" Or they advocate taking the land, and say, "Whose land is it? Is it not our land?"

Their leader finally sends his sons to a Communist workers' school to learn the basic causes of their misery and how to overcome them. \* \* \* *Can You Hear Their Voices?* created a sensation in the American little theater. \* \* \* Like an American forerunner in another field, it was a "shot heard 'round the world." It has been staged in at least a dozen languages in scores of cities and many lands.

That is the play which Mrs. Flanagan was sponsoring.

Mr. MILLER. Mr. President—

The PRESIDING OFFICER (Mr. MEAD in the Chair). Does the Senator from West Virginia yield to the Senator from New York?

Mr. HOLT. I yield.

Mr. MILLER. I understand the Senator is discussing the play *Can you Hear Their Voices?*

Mr. HOLT. That is correct.

Mr. MILLER. That is a play based upon the life of an Arkansas farmer. I realize the latitude that should be given dramatists, and I would be the last man to destroy dramatics in any profession, particularly the stage. I realize the necessity for latitude to the press and to artists in portraying the thoughts they may have in their minds. But that play, localized as it is, seeking to portray a condition which does not exist, has never existed, and never will exist, in the State of Arkansas, is deeply resented by the people of Arkansas.

The tenant farmers of Arkansas are as patriotic as are any people who ever lived. They think just as much of this country as does anyone else, and they would be just as quick to bare their breasts to all the horrors war might have in order to sustain our form of government. Any play which undertakes to paint the Arkansas tenant farmer as a man who is untrue to the principles of his government is based either upon utter ignorance of conditions, or is conceived in an effort to destroy Americanism in this country. I thank the Senator.

Mr. HOLT. Mr. President, I wish to ask the Senator, in my time, whether it is not a fact that there have been many

movements in Arkansas in an effort to stir up strife and trouble with the Arkansas farmers?

Mr. MILLER. The only trouble we have ever had in Arkansas, agriculturally speaking or otherwise, is because of agitators who came into the State, and who do not understand our people. Tolerance may cease to be a virtue. About the best way I know of to end that condition is to render some Arkansas justice.

Mr. HOLT. I am sure the Senator from Arkansas had not realized that they were painting the people of Arkansas in this way all over the United States, not only in the English language, but in foreign languages. As is said, they were not even satisfied with telling it in English, but they employed 12 other languages.

Mr. MILLER. I noticed that the play had been translated into Yiddish and other languages, but our true Americans down in Arkansas are not much concerned about it, except that I would like to invite the author to visit Arkansas and talk to some real Americans who live there.

Mr. HOLT. Going back to the question of this theater movement, it is said, You cannot indict all the people of the theater movement. But here is the head of the theater movement in the United States, who went over to Russia; and let me read from a very close friend of hers a statement—

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. WALSH. Is the play to which the Senator from Arkansas referred a play financed by the Federal Government?

Mr. HOLT. No; it is not; they attempted to do that, but it was not finally done. But the woman who wrote the play is head of the whole theater project in the United States.

Mr. WALSH. I am glad the Senator clarified that.

Mr. HOLT. This is what a very close friend of Mrs. Flanagan has written to a Senator, speaking of the theater project:

When the movement first began I thought it was a wonderful thing, consequently I have followed it very closely. Today I think it is bad, and I write to tell you so. I think the Federal theater had its opportunity to give something constructive and valuable to the life of Americans and has muffed its chance dreadfully.

Perhaps one reason is that Mrs. Flanagan is so very communistic in tendencies that she has used her Federal theater project to disseminate communistic propaganda. After her three visits to Russia, Mrs. Flanagan has expressed herself very definitely in favor of many communistic thoughts. In arguments she has become very heated in her statements and has spoken in glowing terms of the work of Lenin and Semanoff. Though she denied that she is a Communist as such in her appearance before the Dies committee, she admitted in her testimony that the theater had always been used as a medium of propaganda. But I believe that, if we are going to have a Federal theater it should be used to disseminate propaganda about a democratic form of government rather than a communistic form.

That letter was not received by me, but it was received by a Senator from the Midwest, and I do not want to divulge the name, but I assure my colleagues that this is from someone very close to Mrs. Flanagan herself.

Going on with the discussion of the theater movement, let me quote from the Sunday Worker. I know many of my colleagues have read the Daily Worker, which is a Communist paper. This is what is said in the issue of July 12, 1936, of the Sunday Worker:

More than 1,600 persons saw *Battle Hymn*, the W. P. A. Federal theater project play about John Brown.

This is a W. P. A. theater project.

A model of the Harpers Ferry scene from *Battle Hymn*, the Michael Gold-Michael Blankfort play—

Senators know who Michael Gold is, do they not? He is probably the foremost Communist writer in America—

A model of the Harpers Ferry scene from *Battle Hymn*, the Michael Gold-Michael Blankfort play current at the W. P. A. Experimental Theater, Sixty-third Street and Broadway, is now on display in the window of the Workers' Bookshop, 50 East Thirteenth Street.

Those who are familiar with conditions know that the Workers' Bookshop is a bookshop where one can buy books either in Russian or English that are in favor of communism.



Mr. REYNOLDS. Mr. President, will the Senator yield? Mr. HOLT. I am glad to yield.

Mr. REYNOLDS. Why do not all the people who are so thoroughly impressed with the fine form of government provided by the Communists, who are preaching communism in this country, and say it is the finest sort of government upon the face of the earth, go back to Russia? Will the Senator tell me why they do not go to Russia?

Mr. HOLT. I am not able to answer the Senator. The Senator from Montana probably could answer that better than I could. [Laughter.] However, I will say this, that I have always found that the Communist wants communism for the other fellow instead of for himself. I have no objection to a man saying he is a Communist, but let him say so and not hide it under the Federal Government and say, "I am a good liberal. I am a liberal, not a Communist."

Now I go ahead with the Sunday Worker story.

They say this:

The scene, which was executed by the scenic model department of the W. P. A. Federal art project, was designed by Howard Bay.

And here is something about Florida. I spoke about Arkansas. I refer now to a play produced, according to this publication, by the W. P. A. regarding the State of Florida, and this will interest the Senators from Florida. I am quoting from the Communist paper under the heading—

"TURPENTINE—NEGRO W. P. A. REVOLUTIONARY TRIUMPH"

To quote from the Communist Party's Daily Worker (June 29, 1936) under the heading, "The Negro Theater Triumphs—Turpentine, Drama of Struggles in Florida Swamps":

"Turpentine, J. A. Smith and Peter Morell, staged by Emjo Basshe and Augustus Smith, settings by Manuel Eisman, produced by the Negro theater of the Federal theater of the W. P. A. at the New Lafayette Theater, Seventh Avenue and One Hundred and Thirty-first Street, New York City."

Then it proceeds to attack the conditions in Florida, and it tells the workers in Florida that there is a way out, that there is a new order. That was the statement of a W. P. A. theater project.

We can also discover other things in going over this Daily Worker; and, of course, I am sure no one can criticize me for using that, because that is the Communists' own paper.

On the 18th of May the Daily Worker reported that Prof. H. W. L. Dana had joined the advisory committee of the Federal theater's forthcoming production Battle Hymn, by Communists Mike Gold and Michael Blankfort, as announced by Virgil Geddes—of the Communist New Theater League—supervisor.

Although I have not checked this, I have been advised that Mr. Dana is a man who was active in communism, was arrested on a charge of corrupting boys' morals, and was barred from England as a Communist. Think of that; here is a man instrumental in W. P. A. plays in the city of New York who was barred from England, according to the New York Herald Tribune of April 1935, because he was corrupting boys' morals and was a Communist. This information has been handed to me.

Oh, no communism? The theater project is pure, just as pure as can be. It is as pure as the W. P. A. in Montana, let me say.

Going further we find this in the Sunday Worker of May 24, 1936, a news review of W. H. Auden's novelty, The Dance of Death. This Communist paper says:

A Broadway producer said: "You got me. I don't know what it's all about. I guess it must be a new era."

I am sure the Senator from North Carolina knows about the Adelphi Theater, because that is where, I believe, they had the play Sing for Your Supper, where they practiced for a good many months before putting on the play.

The audience in the capacious Adelphi Theater knew what it was all about and enjoyed the newest offering of the Federal theater project, W. H. Auden's The Dance of Death.

Listen to this. This is Hallie Flanagan, the woman who has a pure democratic viewpoint. Let me read this:

Auden's long poem reached Broadway through the will of Hallie Flanagan, National Director of the F. T. P. It has been produced

under the supervision of Alfred Kreymborg, and Mr. Kreymborg is to be complimented upon the manner in which he has brought The Dance of Death to life. Miss Flanagan has already watched over a previous production of Auden's work, at her own Vassar College.

In The Dance of Death Auden tells, in musical-comedy ballet, verse, and with music, of the decadence of the bourgeoisie.

Listen to this. This is a play put on by the W. P. A.:

As the dancer dies and the middle class mourns his passing, preparing his funeral and its own, the shadow of Karl Marx looms over the stage. A voice speaks pityingly: "The instruments of production have been too much for him. He has been liquidated." \* \* \* The shadow of the revolution hovers over the spectacle.

No communism about the theater project? They would just liquidate them. Senators know the story I read a moment ago, where it was said, "We are not strong enough to shoot them yet. We will shoot them later." Or words to that effect.

Here is another one, according to the Sunday Worker. The Sunday Worker of May 24 says about The Class of 1929, a play:

The Class of 1929 as depicted in the play by Orrie Lashin and Milo Hastings is a class of young men clinging desperately to their station in the old dying world. They cannot get jobs of the sort they desire. Their girl friends keep two of them. \* \* \*

And so forth.

An argument in the Communist Sunday Worker (July 5, 1936) as to which is the best of two revolutionary plays is carried on by Percy McAllister, the Communist Party's Sunday Worker review, and Ben Irwin, of the national executive board of the Communist New Theater League.

The Communist New Theater League executive praises the W. P. A. play, Class of '29, as "undoubtedly the most complete condemnation of capitalism that this year's dramatic crop has produced."

That is what the dramatic critic of the Communist paper says of the Theater League, that the play put on by the W. P. A. in New York was "undoubtedly the most complete condemnation of capitalism that this year's dramatic crop has produced." Then he proceeded:

As far as actual wallop goes, Class of '29 would make the carriage trade wriggle in their seats a sight more than Dead End. "Carriage trade" refers to the bourgeois "exploiters" who drive to the theater.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. HOLT. I yield for a question.

Mr. WILEY. I have been interested in what the Senator has said. I want to know whether he has any statistics to show the number of plays which have been put on under the theater project, and whether or not the project has seen fit to try to educate the people of this country by putting on plays like Shakespeare's plays, or some fine American plays or French plays, whether they were in the category of plays put on under this project?

Mr. HOLT. In the congressional hearings in the House there were listed, as I recall, 1,143 plays. I am not sure of the exact figure, but there were over 1,100 plays listed. There were some Shakespearean plays. But, if the Senator from Wisconsin will wait a moment, I will read some of the names of the plays and he will see what kind of plays the theater project is putting on in the United States. I am not talking about communism when I read you those plays.

The reviewer retorts: Class of '29 shouts about communism, yet its authors make the Communist a prig. I do not mean to infer that no prigs are Communists and that no Communists are prigs. Clear our prig is on certain questions. He stands by, however, at the unfortunate end of the play when one of his classmates commits suicide and the other compromises his principles following a drunken debauch.

I have never said that Class of '29 would not make the carriage trade wriggle in its seats. I don't care a whoop in a cavern about the carriage trade. I do care about the pedestrian ticket purchasers, and I do want them to see Dead End, which, never shouting revolution, is nonetheless revolutionary.

In other words, they are not interested in getting the man who comes to the theater in a carriage. "We are interested in getting the man to come to the theater who works, and we don't care if we shout revolution, as long as we can

give him a little revolution under a sugar covering." That is the W. P. A. play under control of the theater project of Mrs. Hallie Flanagan, who, it is said, has no communistic leanings at all; the woman who went to Russia; and the woman, as I showed a minute ago, who wrote a play which is now being used in the propaganda movement of the Soviet Republic.

Here is what the Communist party newspaper, the Sunday Worker, of June 21, 1936, says about the W. P. A. theater project.

The turmoil attendant upon the introduction of Hallie Flanagan's policy \* \* \* has died down. Plays which were called "red" and "pink" have come, have gone, and have enriched—in most cases—the public's knowledge of things as they are—

Do not forget, Senators, Hallie Flanagan is the head of the theater project in the United States of W. P. A.

Meantime, the workers of the Federal theater project look forward to the establishment of a permanent Federal theater. They have carried their case to Washington and, although nothing official has yet been done, they have received assurances that, barring unfortunate upsets—

And they had one in this conference, I may say—

Barring unfortunate upsets, the Federal theater project will go on indefinitely.

Those are statements all quoted from the Communist newspaper in New York.

Mr. President, I probably would not have talked so long, but when my word was challenged and it was intimated that I had not told the truth about the plays, I wanted to show one play to the Senate. It can be obtained from the Library, and I will leave the decision to any Senator in this body, except the Senator from Montana. I assure the Senate that I will get 100 percent proof that the play is communistic and that Mrs. Flanagan wrote it, as she wrote the play Fear, which she herself said had been used by the Soviet Republic. That is one outstanding reason why I have been opposed to the Federal theater project.

I feel, as I have said, that they have a right to have their plays about communism. I would be the last man on earth to condemn that; but I do not think it is the duty of the United States Government to finance and to propagate Communist propaganda and pay for it out of the Federal Treasury. That is my objection to the project.

It is said, "Well, if you throw the theater people out on the street, what are they going to do?" Well, railroad men are thrown out. About 50 or 60 percent of the railroad men are now unemployed in the United States. The Government of the United States does not build railroads simply to take care of the railroad workers who are out of employment. It does not open up coal mines in the State of West Virginia to take care of the unemployed coal miners. It does not start a newspaper or a magazine to take care of unemployed writers. It does put some of them on the writers' projects—that is, if it knows how they stand. But it does not do all those things. I know it is said, "Oh, this must be done for humanitarian reasons. All these poor actors will be thrown out of work."

Mr. President, I feel sorry for the actors, but I think that they can get work on other white-collar projects, just as can accountants and auditors who are not employed. We do not set up new auditing departments simply to take care of them. Furthermore, we must realize that the cost per capita of the Federal theater project is the highest of any project in America. They want it continued. Why? Because they can disseminate propaganda through the United States and spread it wholesale, because when one goes to a Federally-sponsored theater he does not expect it to be entirely communistic in its nature. I do not say that all the plays are communistic. That would kill their purpose. They simply put on a few here and there. The Communists are not foolish. They know how to do it. They do it gradually. They will probably give a half dozen plays that are all right, and then they show a Communist play and put that across. Then they give three or four more other plays, and as time goes on the development they desire has been made.

And through the theater project they have carried the policy that was referred to in New Masses, a new cultural

life in America, so that communism could be sold to the people.

I have spoken about a good many plays, but I want to give Senators the titles of some plays that will probably surprise them. The Senator from North Carolina spoke about some of them. Here are plays sponsored by the United States Government, paid for by the United States Government. I will read the titles:

After Dark.  
This Thing Called Love.  
My Lady Friends.

Every one of these is from the record of the House hearings, if Senators want to find them, on page 128 and following that, under House Joint Resolution 209.

After Dark.  
This Thing Called Love.  
My Lady Friends.  
Companionate Maggie.  
Dollie of the Follies.

Oh, they provide a good wide variety. One can get any kind of girl he wants by going to the W. P. A. theater project. One can get:

Companionate Maggie.  
Dollie of the Follies.  
King and the Chorus Girl.  
Shanghai Sai.

Now, all these are W. P. A. theater projects. I am not going to stop with them. Here is a particularly suggestive one:

Elizabeth Sleeps Out.

Here is another:

Just a Love Nest.

Just a Love Nest. And that is put on by the Federal Government. [Laughter in the galleries.]

And then after Love Nest do Senators know what one of the plays is? After Love Nest one can go and see another theater project play called Her Confession.

And then if one is in that love nest he can go and see the play No More Ladies.

Senators, I do not know whether any of you have any trouble or not with your wives. I am a single man. I do not have any such trouble. But if you have trouble with your wife and have such a problem, the W. P. A. in this theater project takes care of it. Here is what you can see at the expense of the Federal Government:

School for Wives.  
Too Many Wives.  
She is in Plenty of Trouble.  
Old Captain Romeo's Four Wives.

But he was not so bad as the next to which I am going to call attention. If you think he was in a bad situation, you can go and see another W. P. A. play entitled:

Six Wives on a Rampage.

It is bad enough to have one on a rampage, from what I hear from my married friends, but if you have six of them on a rampage you are in bad. And that play, Senators, is sponsored by the Federal Government.

I am a single man, and I suppose single men are interested in love. I do not know. But I want to go to New York to see these W. P. A. plays.

Then if you are interested in love you can see—

This Thing Called Love.

If the love bug bites you, the W. P. A. have a play for it: Love and How to Cure It.

That is a W. P. A. play. And then if you are not cured the W. P. A. will furnish you with another kind of a play entitled—

New Kind of Love.

Of course, then, they have the More Abundant Life. Then if you are not satisfied, you can see the play:

Petticoat Fever.

All at the expense of the Federal Government. We are discussing a relief bill, and we have heard so much about



the dole and work relief. So they have a play for you if you are interested in that. That play is entitled:

"Love on the Dole."

And then after that they have a play called—  
Puppy Love.

All these plays are sponsored by the United States Government out of the W. P. A. theater project, which they claim has been so fine and so wonderful.

The reason I give the names of these plays is that I think the people have the right to know how the money is spent.

Here is another play—

The Boudoir Diplomat.

I spoke about trouble with wives. If the wives have trouble with their husbands there is a W. P. A. play for them. They have a W. P. A. play for anything one may want. Here is one:

The Cheating Husbands.

Then you will find these other plays—

Do Men Gossip?

Gentlemen Prefer Blonds.

Here is some advice in the way of a play they give one if he has any trouble—

Lend Me Your Husband.

Senators, that is a W. P. A. play!

Here are two plays about Mary—

Mary's Other Husband.

New Deal for Mary.

Here is another one:

Ruling Passion.

Then two other plays:

Suppressed Desires.

The School for Scandal.

Then there is another:

Nude With Pineapples.

All those plays paid for by the United States Treasury, paid for by the Government, and under the Federal theater project.

Then, if you are interested in more plays, here is another:

Three Ways to Rob a Lady.

Senators, Three Ways to Rob a Lady. That is a Federal theater project play.

What Ann Brought Home.

What a Woman Wants.

Those are W. P. A. plays. There are three plays about Mabel. There are only two about Mary, but three about Mabel:

Up in Mabel's Room.

Mabel Looks Ahead.

Go Easy, Mabel.

All of those come out of Federal funds. It is purified Federal theater project, about which so many tears have been shed.

I am now going to give a list of plays in another part of the theater project. I have given the titles of those about the ladies. I do not know whether any Senators have any trouble with old King Alcohol, but the theater project has plays concerning King Alcohol, if Senators want to see them and are interested in them:

Ten Nights in a Barroom.

The Old Soak.

Hiccoughs and Happiness.

All those put on by Federal Government theater projects. Then here is one more play:

The Bishop Misbehaves.

But the best title of them all, one very typical with the W. P. A., comes next. We know how the W. P. A. loves the workers in September and October. That was shown when there was an election. They love them in September and October, but as Jimmy Walker's song, I Wish They Would

Love Them in December as They Do in May. So, I will give the name of another play, which is typical of the W. P. A.:

Love 'Em and Leave 'Em.

That is what they do to the workers. They love them in October and leave them in December, under the W. P. A. That is what is going on under the purified W. P. A. As I said, I probably would not have gone into the matter so thoroughly had not my word been challenged; but when my word was challenged I went to the record to see what kind of a record Miss Flanagan had personally, and what the theater project had cost.

The Senator from North Carolina put into the RECORD the other day a very startling thing. I understand a conference committee had some beautiful paintings that were very startling. I did not see them, but I understand that under the names of the beautiful ladies, whose pictures were painted by the W. P. A., were their telephone numbers. I did not see the pictures, but I have been told about them by a Member of Congress. That was all paid for out of the United States Treasury.

Is it not time that we were realizing that if we are to have relief, we should have relief for constructive purposes? Let us have relief for the unemployed and for those who are in need; not to disseminate propaganda, not to spread filth over the country. I do not object to the people of the country being given the opportunity to see good plays. However, I say that the Federal theater project must be cleaned up. First, because it exhibits too many trends toward communism; second, because it is too expensive; and, third, because the selection of plays has been ridiculous so far as certain titles are concerned.

Mr. President, I do not care to discuss the subject further, except to say that I wish to compliment the House committee on the work it has done in cleaning up the Federal theater project in America. I favor relief for the actors, but I favor a different kind of relief than that given under the Federal theater project.

#### EXHIBIT A

[From the New Masses for August 1931]

#### ART IS A WEAPON—PROGRAM OF THE WORKERS CULTURAL FEDERATION

The world-wide crisis of capitalism has intensified the class struggle not only on the economic and political fields, but on the cultural as well. More than ever it is becoming clear to the workers of every country, and to those intellectuals whose economic distress or mental integrity has brought them to the side of the workers in their struggle for the overthrow of capitalism, that art and science, journalism, and education, indeed, every instrument for molding the mind and imagination of man, is being utilized by the capitalist class for concealing the truth and for spreading falsehoods regarding the system of exploitation upon which its power rests.

Capitalism has reached a period of material and spiritual decline. Bread lines fill the cities of the various capitalist empires. Millions of workers the world over, with the solitary exception of the Soviet Union, are vainly tramping the streets for jobs. Starvation and misery are widespread. The bourgeois governments are making frantic pretenses of halting the crisis while energetically preparing for the next war. In this critical period it must be clear, more than ever before, to all workers, to all honest intellectuals, that the capitalist class is using the instruments of culture at its disposal for propaganda purposes, sometimes crudely open, sometimes well concealed.

This campaign of capitalist propaganda is carried on through the church, the schools, the newspapers, the magazines, the movie, and the radio. The greatest inventions for the spread of ideas, which in a Socialist country like the Soviet Union are used to raise the cultural level of the masses, are used in the United States and other capitalist countries for spreading far and wide lies about the extent of unemployment, lies about the economic crisis, lies about the preparations for war, lies of the tremendous Socialist construction being carried out by the workers of the Soviet Union.

This is to be expected. In all class societies the dominating class rules by controlling the instruments of culture along with economic and political power; it rules by disarming the exploited classes culturally as well as economically and politically. In the present crisis in capitalist economy, the Fascist elements in every country have not only slashed wages and deprived the workers of economic and political advantages won in previous struggles, but have attacked the cultural strongholds of revolutionary working-class organizations. The American capitalist class has dropped the mask of democracy; it has broken up workers' meetings, suppressed workers' newspapers, deported foreign-born workers for revolutionary activity, attacked workers' organizations, and prohibited the importation of revolutionary books and pamphlets from other countries.

The most cursory glance at American cultural institutions will reveal them at once as instruments of capitalist domination. The American school teacher who ventures the mildest criticism of the fraud and violence by which the bourgeoisie maintains its power is in danger of losing his job. Students who engage in revolutionary activities face persecution and expulsion. The public-school systems are adjuncts to corrupt local political machines, while the private colleges and universities are controlled by Wall Street bankers. These institutions drill the students in the capitalist catechism based on patriotism, militarism, hatred and contempt for the working class, sacred worship of capitalist society. Similarly, the press is a loyal mouthpiece of the ruling class, presenting to the masses, day in and day out, the capitalist version of all important events, and distracting the attention of the workers from the burning problems which confront them by stressing pornography and crime. The church, through its servile priests, ministers, and rabbis, fills the minds of the masses with the most childish superstitions, hands them spiritual opium to make them forget their class interests, identifies the gospel of Jesus with the gospel of J. P. Morgan and brands as heresy and heathenism any effort of the oppressed toilers to better their condition. Keeping pace with the times, the church has now established itself as a recreational and cultural center in order to hold the workers in leash. Such semireligious institutions as the Y. M. C. A., Y. W. C. A., Y. M. H. A., and Y. W. H. A. serve the same purpose.

Bourgeois sport, to which the press gives more space than to the most important political and economic questions, has ceased to be sport in any real sense of the word and has become a commercial and profitable form of fraud for profit. The corruption of professional sports, which are often closely connected with the underworld, is notorious. Discrimination against Negroes is rampant in both amateur and professional sports. Not content with the usual sport organizations, which are ballyhooed through the press, the movies and the radio, the capitalists have now resorted to organizing sport teams in the factories as a means of keeping the workers distracted.

From the point of view of reaching the widest masses of the population, the most important cultural instruments are the movies and the radio. Here we have two "arts" monopolized by a handful of capitalists organized in trusts, handling billions of dollars, reaching every day and every evening millions of people. Here bourgeois censorship has full sway. The movies writer, the radio speaker must conform to bourgeois policy or get out. While the literary teas still like to babble about the "freedom of the artist," the radio and the movies turn the American intellectual into a slave whose utterances are controlled in the interests of the sacred rights of private property. On this score even highly paid writers in Hollywood have complained. In the radio and the movie we have reached the industrialization of art, under capitalism the mass production of bourgeois ideas. It is no wonder that Hollywood turns out dozens of insipid films of "passion" and racketeering, while completely ignoring the life of the masses of the population; it is no wonder that workers' organizations cannot broadcast over the radio.

Capitalist culture in the twentieth century is imperialist culture. The American ruling class exports capital to foreign countries—and movies. American gunboats and missionaries are sent to China; American schools are opened in Cuba, Haiti, China, the Philippines for the sons of the middle classes who are trained to become efficient betrayers of their people while keeping the masses in ignorance. Beneath this upper crust of "Western culture," imperialism preserves intact the stagnant precapitalist cultural forms and levels, preventing the development of an independent national culture.

Within the United States itself this cultural domination is most evident in the case of the Negro. Negro children in the South (and in many Northern States), when they get any schooling at all, are segregated in Jim Crow schools that are vastly inferior to the white schools. Most Southern States spend from 4 to 10 times as much on the education of white children as on Negro children. In contrast, Negro preachers, Bible thumpers, and holy rollers of all kinds flourish amidst the economic, social, and cultural exploitation of the Negro. In the North the Negro is patronized culturally, kept at the level of a blues singer and tap dancer for the amusement of tired businessmen and white thrill hounds.

To the culture of capitalism in decay the new culture of the Soviet furnishes a striking contrast. For the first time in history, a true mass culture on a high level (as distinguished from the culture of primitive communism which was based on a very low development of the productive forces) is being developed. The entire working population of the Soviet Union is participating in the creation of a new culture, molding it on the basis of their own lives and struggles.

"Art belongs to the people," said Lenin. "It must have its deepest roots in the broad mass of the workers. It must be understood and loved by them. It must be rooted in and grow with their feelings, thoughts, and desires. It must arouse and develop the artist in them." In contrast to the spiritual exhaustion, mysticism, and despair of bourgeois literature, there is tremendous vitality and a creative strength in Soviet literature, rooted in the shops and factories and fields, fertilized constantly by the worker and peasant correspondents. In the other arts even bourgeois specialists are forced to express their admiration. It has become a commonplace that the Soviet drama and cinema (particularly the latter) lead the world. The cultural revolution

in Soviet Russia, which is an integral part of the social revolution, has given complete cultural, as well as political autonomy to the numerous nationalities that were formerly oppressed by Russian czarism and imperialism. Stalin's formulation: "proletarian culture—national in form, proletarian in content" is being realized in life. Soviet culture is not only aiding the struggles and developing the creative powers of the Russian masses, but is a mighty force helping to undermine the domination of bourgeois culture throughout the world. In every capitalist country, in varying degree, we already see the birth of a proletarian culture within the womb of capitalist society. Just as the epoch of the bourgeois revolution witnessed the upsurge of bourgeois culture, so the epoch of the proletarian revolution is producing a powerful development of cultural activities among the working class.

In performing its historic mission of creating the material basis for the socialist society, capitalism also creates the basis for socialist culture. The development of the press, the spread of literacy, the establishment of publishing houses, libraries, and movies, the radio, in short, the entire cultural apparatus of capitalism becomes the foundation for mass proletarian culture and the arsenal from which the workers take their cultural weapons even before the overthrow of the bourgeoisie.

The possibilities for the development of proletarian culture in the United States have been immensely widened by the economic crisis which has shaken the pillars of capitalist society, has radicalized the workers, as well as large numbers of intellectuals, and destroyed in them the illusions about prosperity, the American standard of living, etc., which the ruling class had so carefully cultivated.

The economic crisis has roused many intellectuals out of their indifference to social questions and has brought them closer to the workers. Thousands of engineers, musicians, teachers, writers, artists, and newspapermen are walking the streets unable to find jobs. Even before the crisis rationalization (speed-up), technological improvements (e. g., the movietone), and trustification (e. g., newspaper mergers) had thrown large quantities of skilled mental labor out on the streets. Here, too, the anarchy of capitalist production plays its part. The colleges and universities produce thousands of teachers, engineers, chemists, etc., for an unknown market which is already glutted and cannot absorb these surplus commodities. And, as in industry, we find that skilled mental labor is being dumped into the ranks of the relatively unskilled. Many lawyers, for example, who imagined that they were going into business for themselves have been reduced to the position of little more than clerks for large banks and trust companies. How true today are the words of the Communist manifesto: "The bourgeoisie has stripped of its halo every occupation hitherto honored and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science into its paid wage laborers."

The lowered economic and social status of the intellectuals, coming in the period of the decay of bourgeois culture and the rise of the culture of the proletariat, has produced a deep social ferment among them and a decisive swing to the left on the part of many. This leftward swing is of varying degrees and though it is accompanied by characteristic confusions and vacillations, it is nonetheless immensely significant. The first organizational expression of this radicalization occurred at the very beginning of the economic crisis with the formation in October 1929, of the first association of revolutionary writers and artists of the United States, the John Reed Club. This gave an impetus to the general proletarian cultural movement, which found organizational form in the Workers Cultural Federation of New York, founded in June 1931.

The Workers Cultural Federation of New York, formed at an enthusiastic conference at which 130 organizations, with a total membership of about 20,000, were represented, comes forward in the most acute period of the capitalist crisis. It is an expression on the cultural front of the will to struggle, on the part of thousands of workers, for the overthrow of the system that makes crisis, starvation, misery, and war inevitable. Against reactionary capitalist culture and its liberal, reformist servants we oppose the swiftly developing forces of revolutionary proletarian culture. Against the treacherous policy of cultural class collaboration and the open or concealed support of reactionary organizations, we pursue the policy of class struggle in culture and openly support all the revolutionary organizations of the working class. Against ideological reaction, fascism, mysticism, liberal tightrope walking and pseudo-scientific apologetics that have become the platform of the cultural representatives of capitalism, we stand firmly on the platform of dialectical materialism, on the discoveries and teachings of Marx, Engels, and Lenin.

For many years American working-class organizations of various nationalities have been engaged in some form of cultural activity. This activity has, however, been uncoordinated and has affected for the most part only the foreign-language workers. Little cultural islands have grown up among the various nationalities, and though all have common aims, there has been no contact among them. Moreover, this work has been confined largely to the big cities and to the advanced workers, while the broad masses in the shops and factories, and especially the native-born workers, have not been touched at all.

It was to remedy these defects and to broaden and develop cultural activity as a weapon in the struggles of the workers that the Workers Cultural Federation of the New York District was formed—the first step toward a Nation-wide federation of all proletarian cultural groups. The fifth congress of the Red International



of Labor Unions and the Kharkov Conference of Revolutionary Writers and Artists, held last year, gave the immediate impetus to the establishment of the federation. The experiences of the highly developed proletarian cultural movements in Soviet Russia and Germany have shown us the way. That way is into the shops and trade-unions. The revolutionary trade-unions must, in fact, become the base of all the cultural work, from which it will penetrate into the other mass organizations, into isolated industrial and farming communities, into strike struggles and political campaigns, into all the activities of the working class.

The broad masses must be the basis for all our work and not merely the advanced workers. Special attention must be paid to the Negroes among whom the influence of the church is especially pernicious. It is our job to develop cultural activities with a special appeal to the Negro masses and to draw Negroes into the already existing cultural organizations. In this work the cooperation of the League of Struggle for Negro Rights is essential. Similarly, the Latin American workers in the United States, who, like the Negroes, bear the burden of a double oppression, are sorely in need of cultural organizations.

Strong ties with the worker correspondence and shop paper movements are essential if we are really to be close to the masses and respond to their needs. New and more varied forms of cultural activity need to be developed. Of paramount importance is the creation of a strong proletarian antireligious movement to free the workers from the strangle hold of the church.

The youth, both proletarian and intellectual, holds not only the future of the proletarian cultural movement, but its dynamic, vitalizing present. The Labor Sports Union, the radical students' clubs, and the Pioneer movement must be given all possible aid and their work coordinated with that of the other cultural groups.

Coordination of activity, broadening of our work to include larger numbers of workers and radicalized intellectuals, an interchange of material and experience, the development of greater internationalism among the workers in this country, relentless struggle against bourgeois culture, the development of a great mass proletarian culture to vitalize the lives of the workers and aid them in their struggles—these, in brief, are the aims of the Workers Cultural Federation. They can be achieved only on the basis of the platform adopted at the Kharkov conference which urged support of the workers revolutionary movement, struggle against imperialist war, and in defense of the Soviet Union, struggle against fascism and its "socialist" twin brother, social-fascism, struggle against the persecution of Negroes and the foreign-born, struggle for the release of all political prisoners, which include many cultural workers.

The struggle against imperialist war and in defense of the Soviet Union is especially important because of the widespread illusions that exist on this question. In the last war most of the writers, artists, scientists, teachers, and other intellectuals went over bag and baggage to the imperialist governments and did their best to lead the workers in the same direction. Today many of them are consciously or unconsciously doing the same sort of work, aiding in the ideological preparation of the new war, a war which will most probably be directed against Soviet Russia. To deny the war danger is to bury one's head in the sands; the Workers' Cultural Federation calls on all American workers, farmers, and intellectuals to unite in the struggle against the criminal war preparations of the American Government which spends billions for war, but not one cent for unemployment relief. We call on them to defend the Soviet Union.

Our federation emerges at one of the critical moments of history, the moment when the struggle between two systems of civilization has entered a decisive stage. We enter this struggle in order to hasten the death of the old world; we enter it in unshakable faith in the creative powers of the working class and in its ultimate triumph. Among the working masses in shop, mine, mill, and field, among the toiling and thinking youth of America our work will be noted. To all those who like Romain Rolland and Theodore Dreiser, by their opposition to the old world of oppression, of hypocrisy, lies, and corruption, already stand in the ranks of the fighters for the new, we hold out the hand of comradeship. The proletarian revolt sweeps on; whatever the vicissitude of its fortunes, it sweeps on to victory.

WORKERS' CULTURAL FEDERATION.

JULY 25, 1931.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Gibson	Hughes
Andrews	Byrnes	Gillette	Johnson, Calif.
Ashurst	Capper	Glass	Johnson, Colo.
Austin	Clark, Idaho	Green	King
Bailey	Clark, Mo.	Guffey	La Follette
Bankhead	Connally	Gurney	Lee
Barbour	Danaher	Hale	Lodge
Barkley	Davis	Harrison	Logan
Bilbo	Donahey	Hatch	Lucas
Bone	Downey	Hayden	McCarran
Borah	Ellender	Herring	McKellar
Bulow	George	Holman	Maloney
Burke	Gerry	Holt	Mead

Miller	Pepper	Shipstead	Tydings
Minton	Pittman	Slattery	Vandenberg
Murray	Radcliffe	Smathers	Van Nuys
Neely	Reed	Stewart	Wagner
Norris	Reynolds	Taft	Walsh
Nye	Russell	Thomas, Okla.	Wheeler
O'Mahoney	Schwellenbach	Tobey	White
Overton	Sheppard	Townsend	Wiley

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the conference report.

Mr. TAFT. Mr. President, I should like to ask the chairman of the subcommittee what was done with the N. Y. A. appropriation?

Mr. ADAMS. Mr. President, the Senate conferees receded. The compelling argument, in addition to the pressure which is always exerted in conference in the adjustment of different disputed items, was a statement made by the House conferees that the Appropriations Committee had originally intended to put in \$81,000,000 for the N. Y. A., instead of the \$75,000,000 of a year ago. The committee was asked to place the figure at \$100,000,000, and it did so, with the assurance from Mr. Aubrey Williams that he would not ask for an increase over the \$100,000,000. The House conferees stated that there was a definite agreement on that point, and that they would not and could not go beyond their understanding with Mr. Williams.

I am merely stating what was reported to us. I have no personal knowledge of the agreement, but it seemed to be understood by all the House conferees, and they were insistent that they would not raise the figure.

Mr. TAFT. I also understand that because of the views of the Senator from West Virginia [Mr. Holt] the theater project has been entirely eliminated.

Mr. ADAMS. The theater project was eliminated with the exception of some rather minor provisions for salaries for theater project workers, in some cases for 1 month and in other cases for 2 months.

Mr. TAFT. Mr. President, I wish to make only one other statement, and that is with reference to the same matter which was discussed by the Senator from Michigan [Mr. Vandenberg]. I do not make this statement because of any telegrams from mayors in cities in Ohio. I am convinced that there is no way by which those cities can raise the additional money to pay their sponsors' share of 25 percent. Fortunately, the effective date of the provision to which I refer is put off until the 1st of next January. I would vote against the conference report if that were not so. I hope that by that time conditions may have changed. I do not think they will. I feel perfectly confident that on the 1st of January we shall be insisting, with proper support from the statistics, that the 25-percent figure should not be maintained, or at least that there should be some leeway, such as a margin of 10 percent, which can be dispensed at the discretion of the Administrator, as was provided in the House measure.

Mr. ADAMS. The Senator will recognize that the 25-percent provision was put in by the Senate.

Mr. TAFT. I recognize that, and I congratulate the conferees on insisting on the Senate's views. I wish all conferees had pursued the same policy during the past few days.

I will say, Mr. President, that I am going to vote for the conference report, and I hope it may be adopted as soon as possible.

Mr. BARBOUR. Mr. President, too few realize the significance and importance of votes on conference reports. As a matter of fact, the conference report vote on the W. P. A. appropriation measure for 1939-40 is really the final vote on it. As the vote may not be a record vote, I want to take this opportunity to state that I am voting for the W. P. A. appropriation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. Lodge].

Mr. McKellar and other Senators. "Vote!"

Mr. LODGE. Mr. President, will the Senator from Tennessee object if I ask a question?

Mr. McKELLAR. Not at all.

Mr. LODGE. It is with regret that I am advised that the prevailing-wage features of the joint resolution, which were inserted in the Senate by a rather overwhelming vote, were not retained. I wonder if the chairman of the Senate conferees can shed any light on the reason for that provision being left out of the conference report.

Mr. ADAMS. Mr. President, I can only say that in the conference we considered 131 amendments. The House receded and accepted something over 100 of those amendments. The Senate receded in whole on only 4 amendments. There were about 12 to 15 amendments upon which there were adjustments. The Senate was not in a position to secure the adoption of everything it put in the joint resolution. We had, of course, to concede some things that we wanted to have in the joint resolution. As a matter of fact, everything the Senate put in the joint resolution it was the desire of the Senate conferees to retain. The Senator, of course, knows that that cannot be done.

The House conferees were very insistent upon some of these things. They were particularly insistent in regard to the amendment in reference to the prevailing wage. Back of them was the view of the Administrator, Colonel Harrington, and of the administration. In other words, the administration was opposed to the prevailing wage.

Colonel Harrington's statement on that subject appeared in our records. If the Senator will recall, on page 105 of the Senate hearings appears the statement of Colonel Harrington, made before the House Committee on Appropriations and repeated before the Senate committee. I think, perhaps, if the Senator does not mind, I will read that statement.

Mr. LODGE. I wish the Senator would do so.

Mr. ADAMS. Colonel Harrington said:

The next item I wish to take up is that concerning the 130 hours a month.

A very important new policy with which I am fully in accord is expressed in section 15 of the joint resolution. This is that all project employees shall be required to work 130 hours a month in order to earn the security wage. I sincerely trust that this provision will receive final approval.

My remarks in justification of that are contained in the House hearings.

Senator NYE. What line is that, Colonel?

Colonel HARRINGTON. Page 17, beginning with line 16.

Senator ADAMS. Colonel Harrington, I think there should be in our record at least a summary of your statement. That is one of the items which is apt to be controversial.

Colonel HARRINGTON. My testimony on that occurs beginning on page 19 of the House hearings from which I would like to put into the record the following—

Senator ADAMS. Yes.

Colonel HARRINGTON. Under the subject "Advisability of Adopting Wage Policies on Monthly Bases."

A great deal of consideration and study has been given to the advisability of the abandonment of the prevailing hourly rate of pay and the adoption of the principles of a monthly wage with a standard number of hours of work required each month. In addition, the Works Progress Administration has experienced the advantages and disadvantages of operating a works program on the basis of monthly wages with standard, uniform hours of work for all workers and also of operating a works program on the basis of prevailing hourly rates of pay with hours of work varying according to classes of work.

An example of the difficulties involved in scheduling operations as a result of the differences in the hours of work for different classifications is afforded by a building construction project in Pittsburgh. Bricklayers are permitted to work only 48½ hours per month while the hod carriers work 63½ hours, the building-trade laborers 89 hours, and unskilled laborers 120 hours. On the same project a plumber is limited to 50 hours of work a month, while his helper must be scheduled for 71½ hours of work. Compressor operators are limited to 56½ hours per month while jack-hammer operators are scheduled for 119 hours of work. It is obvious that schedules such as these render any practicable type of staggering of employment ineffective in producing efficient operations.

It is believed that the principles of the monthly wage requiring 130 hours a month will be an important factor in determining need, since workers who are able to secure part-time employment and who have any other means of livelihood would not, in general, accept employment on a works program requiring 130 hours of work per month at a subsistence wage except as a final resort.

It is my recommendation that persons employed on projects of the W. P. A. be required to work 130 hours per month and that

the earnings of such persons be on a monthly basis with the requirement that substantially the present national average labor cost be maintained. Allowances should be made for differentials in these earnings according to existing differentials in cost, conditions of living, and the average earnings in private industry.

As I say, we were confronted with the solid opposition of the House conferees, backed up with the support of the administration. We did secure the inclusion in the report of the amendment which was put in by the Senator from Georgia [Mr. RUSSELL], forbidding differentials in excess of the difference in living conditions in different sections.

Mr. LODGE. Mr. President, I am very much obliged to the Senator from Colorado for making such a complete statement. I know, of course, that he did everything he could to defend the view of the Senate. I think, however, the average citizen is going to be somewhat confused, if not bewildered, at the attitude taken by those in authority on the matter of prevailing wages.

After a certain amount of difficulty, the Senator will recall, provisions for prevailing wages have been incorporated in our Federal housing legislation so far as the overwhelming majority of the work is concerned. We have provisions for prevailing wages in other types of Federal laws. In my State we have requirements for prevailing wages on any work that is done by a public body. It is going to be difficult for the average man to grasp—and I confess the logic of it is not at all apparent to me—why a principle that is good for Americans working on one kind of project is not equally good for Americans working on another.

Mr. ADAMS. I have no desire to delay the adoption of the conference report. I am obliged to the Senator from Colorado for making his explanation. I simply wish to express my regret that that has been the conclusion.

I desire to add two statements, if I may, that were made by the House conferees.

One was in an effort to meet the argument which the Senator has presented; that is, that the prevailing wage could operate in housing projects and in other industries. They say the difficulty is, "In the Works Progress Administration you have fixed the security wage. That is, you have fixed a maximum wage to which you have to adjust your hours; while in working on buildings the full amount of wages is not involved. The man is working the full time and getting a wage in accordance with the classification."

I am merely stating the argument which was made.

The other was that the House members contended that if those on W. P. A. worked longer hours, there would be less real infringement upon the prevailing wage than otherwise; that they were now confronted with the fact that the men on W. P. A. were working perhaps 2 weeks out of the month at the prevailing wage, and then there was some tendency for them to go out and take at a cut rate jobs which otherwise would go to men not on relief.

I am merely reciting arguments that were made which had convinced the House members.

I may add, purely as a personal matter, that when the prevailing wage was before the Senate, I voted for the prevailing wage. I voted to put it in the joint resolution.

Mr. LODGE. I know the Senator did.

Mr. ADAMS. So I am presenting the situation as it developed in the committee, which is not made up of a single individual.

Mr. LODGE. I appreciate that fact. What impresses me is the apparent contradiction between the expressions which quite often appear in the press that the administration is in favor of prevailing wages, and then an action like this, which, as the Senator from Colorado has explained, is an official administration policy not to have the prevailing wage in this joint resolution.

Mr. PEPPER. Mr. President, in about 5 minutes I can at least utter a word of protest against what is about to be done by the United States Congress.

I am not so critical of the conferees, because I am sure they have been acting in accord with the sentiment of what is perhaps the dominant attitude of both Houses of Congress; but in the reduction of the appropriation which was



made available by the Senate amendments to the National Youth Administration part of the joint resolution they have deprived a great many thousand boys and girls of this country of a chance to get an education.

I should be unworthy of an obligation which I owe to a Federal Government which made it possible for me to get a considerable part of my own education if I did not utter a sentiment of protest against depriving others who are ambitious for a chance to go to school of the same opportunity that I had.

Some Senator or some Representative had enough generosity and unselfishness in his heart to propose and secure the passage of Federal legislation of which I was the personal beneficiary. I shall be grateful to the last day of my life for the sentiment which on that occasion prevailed in Congress. When America is too poor to give the boys and girls of this country an opportunity to work for an education, I wonder about how seriously we have reflected upon the security of our people.

They are not asking for charity. As the able Senator from Rhode Island [Mr. GREEN]—who so splendidly sponsored the increase which the Senate put in the joint resolution for the N. Y. A.—told us, we are helping these boys to get an education that will make them better citizens, and not only better citizens but more productive economic units in this country. By our present action we have not denied them charity; we have denied them an opportunity to work in order that they might increase their services to their country and their personal earning capacity; and we do that under the pretentious guise of economy and stability of government.

Not only that, Mr. President, but we have with evident glee, with the evident dominancy of some safe and sound conservatism, destroyed one of the splendid contributions which the Works Progress Administration has been making to the cultural and esthetic values of this country—the theater project—which some derive so much satisfaction from castigating and denouncing upon this floor and the floor of the other body of Congress.

I derive no satisfaction from being the kind of a demagogue that delights to raise my own position to greater prestige by taking advantage of a prejudice and a falsification; nor do I think it appropriate to castigate 7,000 as worthy persons as there are in this country with being Communists, or something else that is objectionable to the philosophy of some person, because there may be some individuals in that group of 7,000 who do not have ideas upon which perhaps some persons, or almost all persons, agree.

The people who are on the theater projects in this country, the actors and actresses of this Nation, have responded as generously as any other class of our citizens when catastrophe and suffering and emergency laid their hands of affliction upon the people of this Nation. They have given their services charitably and generously for the relief of the oppressed, and the drought-stricken and the flood-stricken and tornado- and storm-stricken people of this Nation, and it is an unworthy response for the American Congress to leave the inference that the people who are engaged in the theater are un-American, in sympathy with some foreign doctrine that is subversive of the principles of this Government, and I would not deem that I had discharged my individual duty to my personal conscience if I did not say a word in protest against that.

In my own State of Florida a few months ago I drove unobtrusively one evening into a small town in a rural county, and I saw perhaps a thousand people assembled there obviously observing some display. I slipped unnoticed up to the edge of the crowd and discovered that the occasion of the assembly was the showing of a third-rate western movie thriller on an open screen from a machine that was little better than a magic lantern of the old days, and that recreation-starved and hungry people came there, when there was no picture show in the town, to see that for recreation. The W. P. A., be it said to its credit, did give the people of that community better recreational opportunities than they had ever previously been

able to enjoy, from the theater project, which were exhibited there from time to time.

Therefore I say, Mr. President, that the American theater has profited and American cultural sentiment has gained advantage and the American tradition of a better life for all the people has been added to by this plan which has been carried on under the W. P. A., and now is thrown to the dogs, as it were, with only a few to defend it.

Mr. President, I know it has not been perfect. There may have been a lack of wisdom on the part of some of its administrators, but that does not entitle it to what it has received from the American Congress.

The significant thing I wanted to say was that we know that there are at least seven or eight hundred thousand people in this country who are certified for relief by responsible State agencies to whom we have entrusted that authority and responsibility and we know that they were unemployed and unable to get jobs in January of this year when there were 3,000,000 working on the W. P. A. We know that since January of this year, due to what we have done in the Congress toward restricting the W. P. A. appropriation, hundreds of thousands have been taken away from the single opportunity they had to earn a dollar for a day's work. We know that this appropriation will condemn to unemployment, will separate from their only chance to get a job, another million of those people who have been certified after investigation as unable to get jobs in private enterprise.

We know those facts, and, in addition, we know from every census that has been made, from American Federation of Labor censuses, from investigations that have been made by the Department of Labor of the United States Government, and the investigation that was made in the taking of the unemployment census, which was conducted by a Republican, that, we know that every single investigation has disclosed that there are millions of unemployed men and women in this country. Yet what are we doing? Gradually we are choking the only alternative to persistent employment that was offered to those people.

What I rose to say was that I have observed the tendency in this country, which disturbs me when I think of what is likely to happen in the future. I have observed religious bigotry and intolerance growing in this Nation; I have observed racial bigotry and intolerance growing in this Nation. I have observed the attitude of antipathy toward the spirit of reform which occasionally asserts itself in this country. We are becoming tired of idealism again, and I suppose we are on the way toward the swinging of the pendulum of reaction. Perhaps we are going to see another era of "normalcy" such as that which came upon this country after the World War.

Perhaps it is just inherent in human nature, and in the infirmity of man, that we cannot maintain ourselves very long upon a high plane of ambition and idealism. Perhaps it is just that way that the world has been made in that cast, has been formed that way, but I remember what happened in the twenties under the reign of "normalcy," which our Republican friends promised us in this country.

I remember how debauched the American character became. I remember how sordid American ideals became. I remember to what low degree integrity, even in the highest offices in this country, sank, and I say God forbid that we should have something comparable in the years to come, if we are headed again toward another such reactionary period in this country.

The prospect now is that the millions who are unemployed, the thousands and hundreds of thousands who are certified as in need of work and unable to find jobs, and all the people who are dependent upon those millions of people look now, so far as I can see, not even to a hope. The Federal Government is decreasing rather than increasing what it is doing and if I were an unemployed person I would not see very much promise of getting assistance from the Federal Government, because steadily, steadily, steadily they are tightening their grasp upon this program and choking it, choking it, choking it to death.

I suppose that if I were in that category I would perhaps be in a frame of mind to listen to the fantastic assurances of the Republican Party, when they come along next year and say to the assembled multitude of hungry and unemployed, "The Democrats have had their chance, have they not? They occupied the White House, they had the Vice Presidency, they had the Presidency of the Senate, they had the Speakership of the House, they had the chairmen of all the important committees in the Senate and the House, they had the purse strings of the Federal Government, they had the assets of the United States of America at their disposal and look what a meager pittance they were willing to give you."

"Give us, the Republicans of this country, the control of the Government, and we will give you something. You older people, in the sunset period of life, we will give the Townsend plan, and that will mean \$200 a month. We will give you, not a pittance, but we will give you aplenty," and naturally they are going to harken, in all probability, in far too many instances, if not in all, to the illusion and the snare of such a claim.

Mr. President, I merely wanted to say that it seems to me that if the United States Congress were actually disturbed about conditions as they are in this country it would want to protect the youth of America, that one-third of all the unemployed who are between 16 and 24 years of age, those 4,000,000 American boys and girls between 16 and 24 who are out of school, employable, who want to work, who do not have a chance to work in their own country.

Mr. President, it seems to me that if the American Congress actually were cognizant of conditions as they are, instead of haggling here over a few hundred thousand dollars for cancer eradication or for the extermination of pneumonia or for the abolition of tuberculosis or for making it forever impossible for people to be stricken down by numerous preventable scourges and diseases, the American Congress out of the plentitude of America's resources would say to the Public Health Service, "How much can you intelligently and efficiently spend in eradicating disease which is taking such a deadly toll of loved ones of America's citizens every year, every month, and every second of the day?"

Instead of that we stand here and howl about economy, and let little children die, and let mothers die, and let men and women who ought to live die, and we are proud of the contribution we have made to the stability of the American Government.

Mr. President, I am not so sure but that I would not have in my heart some of the same sentiments the agitators display if I were in their category and I observed the lack of conscientious concern the American Congress exhibited about deplorable conditions in the United States.

I know a little bit about how the poor live, because I have been all my life practically in that category. I know the squalor which exists in millions of American homes. Senators know it, if they do not stay out of that atmosphere so long that they forget it. Just take your hat in your hand and go to any one of the States, or come into mine, and go actually out into the streets and the highways and the byways, and if you are not almost affronted by the callousness of what you see I think you will have made your heart callous before you begin the adventure.

In my State of Florida, which I have good reason to believe is not so very far behind the average, the head of the nutrition department of the University of Florida a few months ago told me that she had investigated the rural schools of that State, and that 50 percent of the children in the rural schools of the State were so undernourished that they were literally almost on the brink of the grave with an inadequate hemoglobin, so much so that only a little bit before that one of her case workers saw a little child ascend a short stairway and fall dead in the middle of the schoolroom floor from that meager exertion. Not only that, but pellagra, attributable to undernourishment, is rampant in my State, and in practically every other State in the Union, at least in the Southern States.

Anyone who says we are making conscientious approach to and an attack upon the real problems which disturb the hearts of America's people simply does not appreciate how relatively little we are doing.

It is now said, "Let us cut out this reform, let us get back to normalcy, let us yield to the plea of another Harding for normalcy" that was made to the American people after the stirring idealism of Woodrow Wilson. Very well, get ready, boys and girls, for another era of debauchery in the United States; if that is coming, get ready for business to be conducted under the rule of the jungle, get ready for the slimy way of corruption to wind its labyrinthine course to the front door of the sacred citadel of the people's White House, and put its vicious coils around the necks of Cabinet members of this Government. Get ready for normalcy to come back. Perhaps the signs indicate that it is on the way. Then let them stand up and parade their virtue who have claimed to realize success, and as they stand upon the broken bodies and the still forms of America's men and women and children, let them unsheath their gilded swords and say, "Thank God, we are back again to the good old fundamental principles of Americanism."

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. RUSSELL. Mr. President, if room can be found for me at the wailing wall among the Senators who have bemoaned the loss of amendments which carried huge sums of money for various purposes, I should like to express my deep regret that the Senate conferees were unable to save the modest amendment I sponsored providing funds to enable the Public Health Service to function in conjunction with the W. P. A. program. On night before last I undertook to convince the Senate of the importance of this item in conserving the health of the Nation. The Senate adopted the amendment so I shall not repeat my statement under these inauspicious conditions.

Generally speaking, the Senate conferees have done an excellent job. It is not my purpose to complain of their action in surrendering my amendment. Out of my own experience I know that no conference can ever succeed unless both sides show a spirit of compromise. It was my misfortune that the spirit of compromise overwhelmed our conferees when my amendment was reached at the conference table.

I did not rise to deliver a sermon at the funeral of my amendment. It is so important and necessary that I wish to serve notice on the Senate that I consider it stricken down but not dead, and that I shall offer to revive it again when the next deficiency bill comes along. I hope that in the meantime Senators will understand its great importance. If it is understood I have no doubts as to its enactment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions, and they were signed by the Vice President:

H. R. 6791. An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes;

H. J. Res. 326. Joint resolution making appropriations for work relief and relief for the fiscal year ending June 30, 1940; and

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939 for the Petroleum Conservation Division, Department of the Interior.

#### EXCHANGE OF SURPLUS AGRICULTURAL COMMODITIES FOR STRATEGIC AND CRITICAL MATERIALS PRODUCED ABROAD

Mr. BYRNES. Mr. President, if the Senator from Vermont were present I would present a matter at this time. He suggested to me that I ask unanimous consent for the consideration of Senate bill 2697. I ask for its present consideration.



Mr. TOWNSEND. Mr. President, is the Senator from Vermont interested in it?

Mr. BYRNES. He is.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of Senate bill 2697, the title of which will be stated.

The LEGISLATIVE CLERK. A bill (S. 2697) to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. VANDENBERG. Is that the legislation which proposes to implement the treaty which we ratified yesterday?

Mr. BYRNES. It is. The treaty was reported unanimously by the Foreign Relations Committee.

Mr. VANDENBERG. I have no objection to it, but I wish the Senator would agree to the suggestion of the absence of a quorum, for there are some Senators absent who are interested in the matter.

Mr. BYRNES. If time is to be consumed in the consideration of the measure I shall withdraw my request.

Mr. VANDENBERG. I do not think there will be much time consumed. I am not trying to cause delay. I should like to have the Senator from Vermont present.

Does the Senator from Vermont say he is satisfied with the suggestion the Senator from South Carolina makes?

Mr. BYRNES. The Senator from Vermont is entirely satisfied because I have an amendment suggested by him and he was really desirous of having it considered.

Mr. VANDENBERG. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of California. Mr. President, just a moment. I suggest the absence of a quorum.

Mr. BYRNES. I withdraw my request for the present consideration of the bill.

The PRESIDING OFFICER. The Senator from South Carolina withdraws his request. Does the Senator from California withdraw his suggestion of the absence of a quorum?

Mr. JOHNSON of California. If the Senator from South Carolina withdraws his request for consideration of the bill I withdraw my suggestion of the absence of a quorum.

Mr. BYRNES. The request for the present consideration of the bill has been withdrawn and the suggestion of the absence of a quorum is withdrawn.

#### STABILIZATION FUND AND ALTERATION OF WEIGHT OF THE DOLLAR— CONFERENCE REPORT

Mr. WAGNER. I submit a conference report and I propose to move for the consideration and adoption of the report.

The PRESIDING OFFICER. The report will be read.

The Legislative Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3. The second sentence added to paragraph (b) (2) of section 43, title III, of the Act approved May 12, 1933, by section 12 of said Gold Reserve Act of 1934, as amended, is further amended to read as follows: 'The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended.'

"Sec. 4. (a) Each United States coinage mint shall receive for coinage into standard silver dollars any silver which such mint, subject to regulations prescribed by the Secretary of the Treasury,

is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

"(b) The Director of such mint with the consent of the owner shall deduct and retain of such silver so received 45 per centum as seigniorage for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The balance of such silver so received, that is 55 per centum, shall be coined into standard silver dollars and the same or any equal number of other standard silver dollars shall be delivered to the owner or depositor of such silver, and no provisions of law taxing transfers of silver shall extend or apply to any delivery of silver to a United States mint under this section. The 45 per centum of such silver so deducted shall be retained as bullion by the Treasury or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury.

"(c) The Secretary of the Treasury is authorized to prescribe regulations to carry out the purposes of this section. Such regulations shall contain provisions substantially similar to the provisions contained in the regulations issued pursuant to the Act of Congress approved April 23, 1918 (40 Stat. L., p. 535), known as the Pittman Act, with such changes as he shall determine prescribing how silver tendered to such mints shall be identified as having been produced from natural deposits in the United States or any places subject to its jurisdiction subsequent to July 1, 1939."

And the Senate agree to the same.

ROBERT F. WAGNER,  
ALBEN W. BARKLEY,  
JAMES F. BYRNES,

*Managers on the part of the Senate.*

ANDREW L. SOMERS,  
W. H. LARRABEE,  
JOHN J. COCHRAN,

*Managers on the part of the House.*

Mr. VANDENBERG. Mr. President, now I suggest the absence of a quorum.

Mr. WAGNER. Very well. I was going to make the same suggestion.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Ellender	Lee	Russell
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	McCarran	Slattery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Tydings
Byrnes	Hayden	Norris	Vandenberg
Capper	Herring	Nye	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. A quorum is present.

Mr. WAGNER. I now move that the Senate proceed to the consideration of the conference report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. WAGNER. Very well. Mr. President, the conferees upon this bill met yesterday afternoon and again last night. Of course, the conferees recognized that the powers with which we were dealing would expire as they exist in the law today at midnight tonight, and undoubtedly in attempting to reach a decision and report by the end of the day, were influenced largely by that consideration of time. In other words, we regarded time as of the essence. It was also essential if we were to consider this report in this body and in the House today, that an agreement, if possible, be reached last night before the adjournment of the House of Representatives. The conferees met and discussed the respective differences between the House and the Senate,

both in the afternoon and again in the evening. Of course, I can speak only for myself, but I did my very best to carry out the mandate of the Senate, having in mind, of course, the consideration of time. The other conferees are well able to speak for themselves.

So far as the deprivation of the power to devalue the gold content of the dollar was concerned—that is the amendment of the Senate to the House bill eliminating the provision continuing that power—the conferees on the part of the House were definitely and unalterably opposed to the Senate amendment, and would never recede, and so stated in the conference.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. CLARK of Idaho. I ask the Senator from New York whether or not any suggestion was made on the part of the Senate conferees that a yea-and-nay vote be had in the House upon the power to devalue the dollar.

Mr. WAGNER. Such a suggestion was made.

Mr. CLARK of Idaho. Did the House conferees refuse that suggestion?

Mr. WAGNER. They rejected the proposal.

Mr. CLARK of Idaho. Of course, Mr. President, if the House conferees arbitrarily rejected a proposal to have yea and nay, and then took an adamant and arbitrary position, they were obviously quite unjustified. Does not the Senator from New York agree with that statement?

Mr. WAGNER. I do not like to characterize the attitude of any member of any conference; I assume that we all go into a conference with the desire conscientiously to carry out the mandate of the body which sends us there. As to whether or not the House conferees were unreasonable, that is a matter which each Senator and Member of the House must decide for himself. I can only tell the Senator what actually took place.

Mr. CLARK of Idaho. I quite agree with the Senator from New York; and it is far from my purpose to undertake to impugn the motives of the House conferees, but they had no mandate from the House of Representatives on the devaluation clause. The only point I mean to suggest at this point is that when the House conferees insisted upon the devaluation clause they did so without a specific mandate from the House of Representatives; and in refusing the request of the Senate conferees, which the Senator from New York says was made—and, of course, I know it was—I say the House conferees took a very arbitrary position.

Mr. WAGNER. The conferees on the part of the House felt that they had a mandate upon that question, which was decided by a vote of the House.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. TAFT. Did it occur to the Senate conferees that if they had simply said, "We will not continue the power to devalue the dollar, but we will go on with the stabilization fund," there would have been nothing for the House conferees to do but to accept it? In other words, the Senate conferees refused to take positive action. Does it occur to the Senate conferees that if they had simply stood pat, there was nothing the House could have done but to accept the view of the Senate as to the devaluation of the dollar?

Mr. WAGNER. Having in mind that an agreement had to be reached considering the expiration of the powers which were involved, it was finally decided by the majority of the conferees on the part of the Senate that rather than have no report and postpone, perhaps for a numbers of days, any consideration of this legislation, and have the legislation reintroduced and reconsidered, they should recede. I finally decided I would recede and two other Members of the Senate conferees decided likewise.

Mr. TAFT. I wish to point out that it seems to me the Senate was in a peculiarly strong strategic position by reason of the fact that the House was asking us to do two things. We could say, "No; we will do one of them." What could the House do except to say, "All right; we will take that?"

Mr. WAGNER. Take the relief measure, which we were just discussing. I am confident the conferees on behalf of the Senate struggled to the very end to keep many of the items which were included in the relief joint resolution by the Senate; and yet I am sure that the question of time must have influenced the conferees on the part of the Senate and they finally felt it their conscientious duty to recede. Speaking for myself that was the attitude which I took in the matter, and two of the other Senate conferees also took a similar attitude.

The House receded on the provision of the bill relating to domestically mined silver. The Senate placed a price of 77 cents per ounce on domestically mined silver, or a ratio of 60 and 40, the 40 for seigniorage. The House receded on that amendment placed in the bill by the Senate, with an amendment which had the effect of reducing the minimum to be paid for domestically mined silver from 77 cents to 70.95, which is almost 71 cents. So, in that regard the House receded from its position and, with an amendment, accepted the Senate amendment.

The Senate conferees receded from the amendment made by the Senate, which repealed the act authorizing the Secretary of the Treasury to purchase foreign silver. On that question, too, the conferees on the part of the House were absolutely adamant, and said there was nothing that could persuade them to change their attitude. So the conferees on the part of the Senate felt that rather than have the entire legislation lapse, they should recede. There were three votes among the Senate conferees for receding upon that point.

As I have explained, those are the provisions which are contained in the conference report which is now under consideration. I take it, Mr. President, that automatically the question now is on agreeing to the conference report.

The PRESIDENT pro tempore. That is the pending question.

Mr. ADAMS and Mr. GEORGE addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado.

Mr. HOLT. Mr. President, will the Senator from Colorado yield in order that I may suggest the absence of a quorum?

Mr. ADAMS. I think not.

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Russell
Andrews	George	Logan	Schwellenbach
Ashurst	Gerry	Lucas	Sheppard
Austin	Gibson	McCarran	Shipstead
Bankhead	Gillette	McKellar	Slattery
Barbour	Green	Maloney	Stewart
Barkley	Guffey	Mead	Taft
Bilbo	Gurney	Miller	Thomas, Okla.
Bone	Hale	Minton	Tobey
Bulow	Harrison	Murray	Townsend
Burke	Hatch	Neely	Tydings
Byrd	Hayden	Norris	Vandenberg
Byrnes	Herring	Nye	Wagner
Capper	Holman	O'Mahoney	Walsh
Clark, Idaho	Holt	Overton	Wheeler
Clark, Mo.	Hughes	Pepper	White
Connally	Johnson, Calif.	Pittman	Wiley
Danaher	Johnson, Colo.	Radcliffe	
Davis	La Follette	Reed	
Donahey	Lee	Reynolds	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. A quorum is present.

Mr. ADAMS. Mr. President, the bill which is the subject matter of this conference report is a bill coming from the Committee on Banking and Currency; a bill which was there the subject of extensive hearings and considerable discussion. It came on the floor of the Senate, and was there amended in three particulars.

An amendment offered by myself was adopted by a substantial vote to terminate the powers of the President to devalue the American dollar. That vote was upon a roll call.



Another amendment was adopted to require the mints of the United States to accept silver produced in the United States upon a seigniorage charge of 40 percent; in other words, to establish practically a purchase price of 77 cents for American-produced silver.

These two amendments primarily were combined in one; but upon the motion or request of one of the Senators who was in opposition to the amendment a separation was ordered, and separate votes were had upon the two questions, and the amendments were adopted by substantial majorities.

A third amendment providing for the cessation of the purchase of foreign silver was adopted without a roll call.

Following that, the bill went to the House.

The House, in a normal, formal way, in one motion, disagreed with the Senate amendments, and asked for a conference.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. LOGAN. The House had first passed the bill; had it not?

Mr. ADAMS. It was a House bill.

Mr. LOGAN. That is what I wanted to bring out.

Mr. ADAMS. The Senate was sending the House bill back, having passed it with three amendments, two of them upon roll-call votes. Then the Senate acceded to the request for a conference, and appointed conferees. The conferees were under definite, positive instructions, if any conferees in the history of this body ever were, to stand by the three amendments, and particularly the two amendments upon which the Senate had voted by roll call.

As a member of the Appropriations Committee, in conferences, I had been repeatedly met by House Members of the conference committee saying, "We cannot yield upon this matter because there was a roll-call vote upon it in the House." That has always been, from the standpoint of House Members, an answer to any request from a Senate conferee to recede. But we went into a conference, and we asked the House Members to take the bill back and submit these questions to individual votes, as we had done. They would not do so. No one knows what the vote might have been in the House on separate motions to send these items to conference rather than on a composite motion upon three questions. Here we voted separately, and at the insistence of those opposed to the amendments. So I went to the conference instructed, as usual; and I had had some specific instructions on the floor of the Senate 2 nights ago. I had heard discussed the obligations of a conferee.

We met at half past 2 yesterday afternoon. The matter was discussed until 4 o'clock, when three members of the conference committee were compelled to go to the conference on the relief joint resolution. Then it was understood that the conference on the bill to which I am referring was recessed until 10 o'clock the next morning. Our very able, very fine chairman said, as we left the conference at 4 o'clock, "Well, we have not accomplished a thing." There had been discussion. It is not strange to Members of the Senate that I was responsible for a good deal of the discussion. I was presenting the views which I held as to the merits of these questions. The chairman of the House conferees was largely conducting a responding discussion on the other side.

We recessed at that time. Then we were called back at approximately 7 o'clock. I think there was a perfectly sound reason for recalling us, because I think the chairman had been advised that in order to bring the conference report up in the House today it would be necessary to have it filed by midnight, and if we had recessed over until this morning it would have taken a two-thirds vote at least to bring it up; and I think he exercised the proper legislative precaution in calling the conferees back. But when we came back, instead of being in the situation in which we left, when nothing had been done, we were advised that an agreement had been reached.

In other words, the articles of capitulation and surrender had already been agreed upon.

I am not complaining of that. I have not the slightest objection to discussions outside of the conference room. I am merely picturing the situation.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. ADAMS. Certainly.

Mr. REED. I wonder if, in the opinion of the Senator from Colorado, the paragraph I am about to read from the New York Times of this morning aptly describes the situation to which the Senator from Colorado has just referred, upon the reconvening of the conference committee.

The New York Times of this morning says—I am reading from page 8—

There was little question from the first naming of the conference committee that it would report an agreement acceptable to the President, inasmuch as it was weighted with administration followers.

I ask the Senator from Colorado if that is not the situation which he and his colleagues had to face.

Mr. ADAMS. Mr. President, I have no criticism to make of individual Members, other than as the facts inevitably suggest. I suggest none. It so happens that a majority of the conference committee voted against these amendments on the floor. They had a perfect right to do so. They had a perfect right, when they were appointed on the conference committee, to serve. So far as the little afternoon session was concerned, I accept the blame for myself occupying the time. The majority conferees kept their powder dry.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. MINTON. Is it not usually the custom in the Senate to appoint members of conference committees according to seniority on the Senate committee?

Mr. ADAMS. It is. The conferees were appointed in accordance with the custom.

Mr. MINTON. And the senior members of the Banking and Currency Committee were appointed on the conference committee in accordance with that custom?

Mr. ADAMS. They were.

Mr. BANKHEAD. Mr. President, the Senator from Colorado does not rank me. I was not appointed on the conference committee. The rule was relaxed in order to put the Senator from Colorado on the committee.

Mr. MINTON. That is true.

Mr. ADAMS. I will make that plain also. The Senator from Virginia [Mr. GLASS] was first in rank in seniority on the Senate committee. The Senator from Virginia was not well, and he asked that I be substituted for him on the conference committee.

Mr. BANKHEAD. In order to accommodate the Senator from Colorado and let him go on the conference committee it was necessary to skip some other Senators who had a right to go on the committee if the Senator from Virginia did not want to go on it.

Mr. GEORGE. Mr. President, I well recall more than one occasion when the Chair has refused to put on a conference committee Members of the Senate who had voted contrary to the Senate's judgment; and I think every other Senator recalls it.

Mr. ADAMS. With all due respect to the Senator from Alabama, I do not think it is an outrageous thing to put on the conference committee one man who was in favor of and voted for the three amendments which were the issues in the case.

Mr. BANKHEAD. I make no complaint. I was glad the Senator from Colorado was put on the conference committee. I simply wanted to emphasize the fact that certainly no partiality was shown in the selection of the conferees. I had no desire to serve, and I thought the Senator from Colorado ought to be on the committee; but certainly neither he nor any of his associates, either on the Republican side or on

this side, has any just complaint about the appointment of the conferees.

Mr. ADAMS. The Senator has not heard any complaint from me, has he?

Mr. BANKHEAD. Someone rose and complained.

Mr. ADAMS. The Senator has not heard any complaint from me, has he?

Mr. BANKHEAD. No. The Senator from Colorado could not complain when he got his selection. Somebody brought the question up, however. The Senator from Kansas brought it up. Republicans associated with the Senator in his program made the complaint.

Mr. ADAMS. Just a moment. I was on the Committee on Banking and Currency. The battle that was conducted on that committee was conducted largely by myself. If the Senator had been there more of the time he would have known that. The Committee on Banking and Currency divided 10 to 10 on the devaluation question, and I was not associated with anyone other than I am associated on every question which comes up on the floor. The more Senators who associate with me with their votes the happier I am, be they Democrats or be they Republicans, and never would I be happier than to have the Senator from Alabama with me, and the Senator was with me in part on this question.

Mr. BANKHEAD. That is true; I was with the Senator when he was right. When he went over to the Republican side, then I left him. [Laughter.]

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. WAGNER. I want to say that the Senator from Colorado upon the floor, in voting on the respective amendments which were brought up, took exactly the same attitude he took in the committee when we were considering the legislation.

Mr. ADAMS. I thank the Senator. I am one of the very few Senators, perhaps, who had a conviction which tacked on all three of these amendments. If Senators will look at the roll calls they will see that there was a shift back and forth on the different amendments, like the Senator from Alabama voting for one and being against another, and there were shifts of 12 votes on one and 10 on the others. So that it was not any hard-and-fast army. I will say to the Senator from Alabama that, while of course, I have always had a predilection for Democrats, I have also gotten on very well with Republicans. I have never had any fault to find with them. I have found them to be good citizens, good neighbors, good friends, good clients. The only criticism I have ever made of Republicans is that I have not thought they did very well as officeholders. [Laughter.] Everyone has some weakness, and I have rather felt that that happened to be a Republican weakness, that they did not do so well holding office.

Mr. President, this was a practical situation. I am not uttering any complaint about my fellow conferees. I am willing to accept at full weight the statement of the chairman of the Committee on Banking and Currency that they did their utmost to maintain the position of the Senate, except that, having seen them in action at other times, knowing of their vigor and their virility, I would say that in this instance their efforts were greatly weakened. I know these gentlemen; I know how they fight sometimes. But they held back, I am satisfied, because, as I have said, I was making the presentation that was made, and I would be happy to think that I was speaking for them.

When we came back and the conference was called, we then were told that an agreement had been reached. I was not present during the negotiations which led to the reaching of the agreement. I do not claim it was essential that I should have been there. At that time it was submitted to the full conference, and I declined to sign the conference report. I felt that it did not represent the wish of the Senate as expressed by its votes; that we had no right, under the conditions, to surrender to the House when the Senate had given no specific mandate by vote.

I recognized the necessity of agreement by midnight, perhaps, of last night, in order to get the bill in, but it did not follow, because the conference report had to be agreed to, that there had to be a surrender to the House. It was a surrender much like that at Appomattox—we were allowed our side-arms. On two amendments the surrender was absolute, and on the third, the silver amendment, we were permitted to have a partial portion of the amendment.

The House conferees, we are told, were adamant. They would not take the matter back to the House, but they were ready to say that the House was willing that the mint should buy silver on a basis of 45 to 55, but they would not even take it back to see if the House would accept the 40-60 basis, that is, they were not adamant against the purchase of domestic silver.

Why did they take that position? There were the two main issues: The devaluation of the gold dollar and the purchase of domestic silver, and the collateral issue of the purchase of foreign silver.

The Senator from Delaware [Mr. TOWNSEND] and I, conferees, did not sign the report. It does not represent our views. The Senator and I disagreed on the silver amendment on the floor of the Senate, but I do not believe that the conferees representing the Senate should walk into a conference and permit the representatives of the House to refuse to take a proposal back to the House for instructions, and for the Senate conferees to defy the instructions which they received from the Senate. There is an issue here of the obligation of conferees, and the right of conferees appointed by the Senate, to defy the votes of the Senate solely because of a general vote in the House appointing conferees, and disagreeing to the Senate amendments generally.

Mr. President, I feel, under those conditions, that the Senate should refuse to approve the conference report, should send it back, and that it should be required to go to the House. Let those in the House who are in favor of or who oppose the individual items have a chance to express themselves, and then we will meet on equal ground.

As I have said, my difference is with the policy of the conferees, with their theory of the obligation of a conferee, and I do not think any pressure of time should be greater upon the conferees of the Senate than upon those of the House. If the pressure was there, it should have been upon the House conferees, who were without specific instructions.

Mr. President, that, in substance, represents the view I have. I feel that the majority conferees capitulated, practically without firing a shot, upon a matter of very great import. The question involved, of the power to devalue, is one of great importance. The question of the purchase of foreign silver is a serious one. The question of the purchase of domestic silver is vital to the Western States.

I cannot accede to a suggestion that I should surrender my convictions upon one issue in order that my State might receive some partial reward because I abandoned principles which I think are important to my country.

I say to those who come from the silver-producing States, who are interested in the purchase of silver, the adoption of this conference report is not essential to securing ultimately the purchase of domestic silver at a proper price. I say that if the House is favorable to the purchase of silver on a basis of 45 to 55, there is no reason why we should not at least submit the question to them of agreeing to the Senate figures of 40 to 60. To those from the silver States I say—and this is practical—we do not have the strength, the voting power, to put across that issue for ourselves. We did have the assistance of other men, men not interested in silver, men interested in a great public question, willing to consolidate forces, not formally, but informally. We were allied, as it were, the newspapers charged. Personally, having been sincerely and genuinely for every amendment, I did not have to make any arrangement with any one as to my vote, but those of us interested in either of the questions, devaluation or silver, may well remember that there are things of greater value than the mere temporary accomplishment, and loyalty and faithfulness rank above all.



Mr. BYRNES. Mr. President, I desire to make but a short statement with reference to the action of the conferees. The question of the appointment of conferees is one which has been the subject of debate in the Senate on many occasions. The Senate has followed the seniority rule. Sometimes it works well, and sometimes it does not.

Mr. GEORGE. Mr. President, the Senator does not mean that it has uniformly followed that rule, does he?

Mr. BYRNES. I said sometimes it works well.

Mr. GEORGE. The Senator stated that the Senate had followed the seniority rule. Does the Senator mean to say that it has uniformly followed that rule?

Mr. BYRNES. No; I said it has usually followed the seniority rule. I think that is a correct statement. It has not always done so.

Mr. GEORGE. That is what I wanted to call to the Senator's attention.

Mr. BYRNES. I agree, it has not; and I think that the Senate might well consider the question. I have always thought it might well consider the question of appointing as conferees upon a bill, especially a bill of the character of the one we are discussing, a majority of Senators who are in favor of the bill. In the appointment of conferees upon appropriation bills, where there are many items, it is exceedingly difficult to make any distinction, and the rule of seniority may be the wise one, but I have always thought that where a legislative bill was concerned, another rule should prevail, the rule of majority opinion.

I did not participate in the debate on the particular bill now under discussion. When I learned that I was appointed as one of the conferees, I expressed the desire to the chairman of the Committee on Banking and Currency that I be relieved of the assignment; but I was not relieved.

As to what occurred yesterday in reaching the agreement I desire to say only a word or two. The Senator from Colorado [Mr. ADAMS] and myself are members of the Appropriations Committee. We were conferees upon the relief appropriation bill. We were conferees on this bill. We stayed in conference, as I recall, until 6:10 on the appropriation bill, at which time we recessed for an hour. Earlier in the afternoon the conferees on the stabilization bill had met and there occurred just what the Senator from Colorado has described. The Senator from Colorado conducted most of the argument—in fact, practically all of the argument—in favor of the Senate's position. It was his amendment. He was more familiar with the subject, in my opinion, than was anyone else there in the conference, certainly on the Senate side.

When the conferees on the appropriation measure recessed from 6:10 until 7 o'clock, without any arrangement or any engagement, by chance, I met the Senator from Kentucky [Mr. BARKLEY], who is absent from the Chamber at this moment, and the Senator from New York [Mr. WAGNER]. They were in the Senate Chamber when I came up from the recess of the appropriation conference. We discussed this measure. The situation that confronted the conference, which has been accurately described by the Senator from Colorado, meant that unless there was a report filed last evening it could not be considered in the other House today except by a two-thirds vote.

We discussed our position and the opportunities of bringing about an agreement between the differences of the two Houses. That, as I understand, is the object of a conference. There has never been a time in all my experience—so long back that I do not want to recall it—when conferees under similar circumstances, when they have about an hour to discuss matters, would not consider every possible way of reaching a compromise between the two Houses and bringing about an adjustment.

The Senator from Kentucky and the Senator from New York and myself, after discussing the matter, came to the conclusion that we would take the action that the conferees finally took. Before we did anything about it I told the Senator from Kentucky and the Senator from New York that I was going to look for the Senator from Colorado. I went first to the committee room, then came up here, and

then went to the Senate restaurant. I was told that he had left, and I went around the building spending about 10 minutes searching for my good friend the Senator from Colorado, and when I found him in the Committee on Appropriations I went to the room of the chairman in order that I might make to him a statement of the views of the Senator from Kentucky and the Senator from New York and myself as to what we should do when we came again to discuss this matter.

While I was engaged in discussing the matter with the Senator from Colorado the Senator from Kentucky and the Senator from New York came to the Appropriations Committee room. I had advised the Senator from Colorado what the Senator from Kentucky and the Senator from New York had stated to me. I wanted him to have a full statement in order that he might determine his course. He said to me that his view was just as he has now stated it to be on the floor, and he said that he could not agree to that proposal. The Senator from New York and the Senator from Kentucky and the Senator from Colorado and myself discussed it then for some 10 or 15 minutes. Not being chairman of the conference, I may say that I do not know whether the Senator from New York had invited the House conferees or whether they had come and talked to him and the Senator from Kentucky before they conferred with me, but between 10:45 and 11 o'clock the House conferees were down in the Appropriations Committee room. And they went into a conference and stated just what has been stated by the Senator from Colorado.

My only purpose in making the statement is to say that I would not want the Senator from Colorado to be under the impression when he said that the agreement had been arrived at that any determination had been made by me until I went there and told him that I wanted him to know what was suggested by the Senator from Kentucky and the Senator from New York. He stated that he would not sign the conference report. I thought from his viewpoint he was right. The Senator from Colorado will say that my statement is correct, I believe.

Mr. ADAMS. The statement of the Senator from South Carolina is absolutely correct.

Mr. TOWNSEND. Mr. President, in all my 10 years in the Senate I have never known of a single instance when the will of the Senate was so completely ignored and cast overboard by a conference committee as was the case yesterday with reference to the monetary bill, House bill 3325, under consideration here today. This is a bill to extend certain monetary powers conferred by Congress on the executive branch of the Government during the time of national and international financial uncertainty which followed this country's abandonment of the gold standard in 1933. Of the 48 States of the Union represented in this body, the clear majority voted last Monday to do three things by way of amendment of the monetary bill. According to the Senate vote on Monday, this body favors:

(A) Discontinuance of the President's power to change our standard of value at will by varying the gold content of the dollar.

(B) Payment of seventy-seven and a fraction cents an ounce for domestic-mined silver for a 2-year period.

(C) Cession of the purchase of foreign silver.

The conference committee, however, yesterday decided that this body had made three big mistakes on Monday. The majority of that committee of 5 Senators and 5 Representatives decided that the 51 Senators who went on record as favoring discontinuance of the President's power over the gold dollar were wrong and the 35 Senators who voted to continue vesting that far-reaching power in the President were right! So the majority of the members of the committee of 10 recommended that the Senate now reverse itself.

The same conference committee has now passed down its judgment that 77 cents an ounce for domestic silver would not be the proper price to pay, that exactly 70 cents an ounce would be a very nice price, indeed, would be exactly suited to the country's needs, and that the 55 Senators who voted for

77 cents were much less sagacious than the 34 Senators who voted against 77 cents for domestic silver.

Therefore the conferees in their combined wisdom overruled the decision of those 55 Senators and last night voted to sustain the other 34 Senators. Thirdly, there is the question of buying foreign silver. So general is the disgust with the wasteful exportation and expenditure of American wealth on foreign silver that no tally of votes was necessary. By an overwhelming voice vote the Senate Monday recorded its opinion in favor of stopping the purchase of foreign silver. But the majority of the committee of 10 now tell us that the Senate is sadly mistaken, that this body should not pay any attention to its own convictions, that it should disregard all the facts in the case, all the expert testimony presented in the Senate hearings on the subject, that it should go along with a policy for which there is absolutely no rational defense.

Here is an account of the Senate vote on repealing the purchase of foreign silver as it appeared in the Baltimore Sun of June 27, 1939:

The Townsend amendment was declared adopted after a strong chorus of ayes and a weak response of noes.

The Washington Times Herald of June 27 reported that the Senate repealed those provisions of the Silver Purchase Act relating to foreign silver purchases. Here is what the Times Herald reporter wrote:

The ayes rang out loud and clear despite Majority Leader BARKLEY's pleas that the repeal would adversely affect our trade with foreign countries.

And this is how the New York Times correspondent, in the issue of June 27, reported the Senate's attitude on foreign silver:

As a final stroke in upsetting administration policy, the Senate voted by an overwhelming chorus of ayes to stop on July 1 the Treasury's purchases of foreign silver.

The Washington Post, of June 27, reported:

The amendment of Senator TOWNSEND (Republican), of Delaware, forbidding further purchase of foreign silver was adopted by the Senate without even the formality of a roll call, although it was vigorously opposed by Majority Leader BARKLEY.

The New York News said of the Senate's vote on foreign silver:

The ayes rang out loud and clear.

My able colleague from Colorado, Senator ADAMS, is discussing the question of the power to devalue the dollar, so I will limit my remarks on that subject. With the Senate's indulgence, I would like to read a statement on this subject issued earlier this year by a group of 55 economists and professors, which group included members of the faculties of such universities as Columbia University, Princeton University, Stanford University, Harvard, New York University, the University of Pennsylvania, the University of Wisconsin, Northwestern University, Swarthmore College, Yale University, the University of Chicago, and many others.

Concerning the devaluation power of the President, this group united in stating the following:

The Gold Reserve Act of January 30, 1934, gave the President the power to reduce the gold content of the dollar by not less than 40 percent and not more than 50 percent, and, thereafter, at his discretion, to change the weight of the dollar within the specified limits. This provision was to be in effect for 2 years, with the possibility of its extension for an additional year by proclamation by the President should he think such extension desirable.

The President extended this provision for the additional year, as authorized in the Gold Reserve Act. Shortly before that year elapsed, Congress, at the request of the administration, further extended the provision to June 30, 1939. On January 19, 1939, the President again requested the extension, until January 15, 1941, of his present power to devalue the dollar.

There are no adequate reasons for further extension of the President's power to change the gold content of the dollar. Since the devaluation of the dollar in January 1934 was close to the minimum specified in the Gold Reserve Act, any further alteration in the weight of the dollar would necessarily be in a downward direction. Further devaluation would be opposed to the best interests of the country and should not be permitted. Continuance of the President's authority to devalue the dollar still further implies that there are sound reasons for a better or stronger currency pursuing a weaker one in its downward course, whereas no such sound reasons exist.

In reply to the frequently heard argument that depreciating foreign currencies might suggest the desirability of continuing the power of the President to lower the gold content of the dollar, we wish to call attention to the fact that during the period from 1919 to 1923, when the pound was unstable, when the French and Belgian francs and the Italian lira were falling rapidly in value, and when the German mark was plunging toward a trillionth of its former value, the dollar remained firmly anchored to gold at an unchanged weight. This firmness of the dollar was both a source of great strength to this country and a stabilizing factor in the world economy. If any adequate reason for devaluing the dollar should arise in the near future, a situation which is difficult to envision, considering our huge supply of gold, it should be done by act of Congress, as provided by the Constitution, and not by an administrative order of the President.

The Economists' National Committee on Monetary Policy has repeatedly taken a stand against any further devaluation of the dollar. The undersigned members of the committee, in reaffirming their conviction that further devaluation is opposed to the best interests of the country, hereby recommend to the Congress that it rescind immediately its delegation to the President of its constitutional power to change the gold content of the dollar.

With regard to the buying of foreign silver, the Senate vote on this question was the only rational position to take. I have been studying the facts concerning the foreign silver program, and I am solidly convinced that there is no argument in defense of foreign buying which would have a shred of substance if examined unemotionally.

Consider how that program originated. There was strong inflation sentiment based on the theory that there was a shortage of gold. That was in 1930, 1931, 1932, and 1933. Many persons were convinced by that argument. There were those in Europe, Mexico, China, and elsewhere who had silver to sell and thought it would be a fine idea if the United States Treasury would buy it. They therefore called out all the fallacious arguments that could be found in the history of monetary controversies in past centuries and thus increased the number of those who were willing to enact a law compelling the Treasury to buy foreign silver. Both these groups combined to enlist the interest and support of American producers of wheat, cotton, tobacco, and other export crops, and of manufacturers of goods we exported. Then the sentiment for foreign silver purchases increased; and by 1934 a silver-purchase law was enacted, even though we had by then been given a revalued gold dollar, even though an inflow of capital from abroad had set in, and even though greatly increased gold stock measured in revalued dollars, and there was no faintest excuse for saying that the country faced a shortage of monetary reserves. In other words, the silver movement had achieved so much momentum by 1934 that a law calling for purchase of foreign silver was enacted.

Let us pause here a moment to recall how foreigners agitated here for the enactment of a law so injurious, as I shall show the Senate, to American interests. I cite just a few instances of this foreign propaganda.

Sir Henri Deterding, who, of course, was not an American, sought time and again to get us to buy foreign silver. He gave out press interviews on the subject. He wrote letters which were later published in Senate hearings, urging us to have our Government buy foreign silver. He wrote various signed articles on the subject, but in none of them did he point out that he would be a large potential beneficiary if we followed his advice. What eventually happened was that this country did follow Sir Henri Deterding's advice; and then the Treasury, under the law, bought from his concern a large amount of silver which it had exported from China, thereby intensifying that country's already serious monetary crisis caused by this Nation's silver policy.

Let me read just an excerpt from an article in the Chicago Daily Tribune of October 27, 1936, on this matter. I quote:

But the huge profits were made by foreign speculators. The Gaekwar of Baroda, an Indian potentate who receives a 21-gun salute throughout the British Empire, is said by one of the best-known authorities in America to have made \$25,000,000 directly as a result of the New Deal silver- and gold-buying activities.

Sir Henri Deterding, head of the Royal Dutch company and one of the world's foremost industrialists, is shown by his voluminous correspondence with René Léon to have been in intimate touch with American monetary plans and to have profited accordingly. Newspaper accounts of Sir Henri's sailing from America on August 26, 1934, after he had been a guest at the White House, said that the Royal Dutch company's holdings had made up the bulk of



silver shipments from China aggregating 60,000,000 ounces. Other newspaper accounts estimated the Royal Dutch holdings at 80,000,000 ounces.

Sir Henri, an ardent silverite, revealed in one of his letters to Léon that he was a shrewd trader and entertained a great contempt for the methods of his competitors.

On September 17, 1934, Léon had cabled: "Suggest you see Guaranty Trust, London, who, acting for Treasury, would consider your firm offer." Sir Henri's letter dated at St. Helen's, the 18th, said:

"DEAR MR. LÉON: \* \* \* Thanks very much for your kind service re Guaranty Trust and silver. I should like to tell you the whole story of this transaction.

"About 3 months ago there was a great chance that China would demonetize that currency, so I bought forward sterling against local currency in Shanghai and covered myself by buying silver for same delivery here; in this way I secured that by the time my outstandings in Shanghai currency became due. I got the same dollar value as at the time I bought the sterling.

"Now, naturally, I have to turn that silver into sterling again to be 100 percent right. Incidentally I wanted to be sure of my silver price rather than put my silver into the four broker 'blind' pool in London. I think the Guaranty Trust took the silver at today's price, so I have done the brokers not only out of their commission but also made a silver transaction possible outside the pool, and if this silver is shipped to the States we shall have the pleasure of seeing some people look extremely foolish."

The Chinese, who had the largest stock of silver in the world a few years ago, also worked to get us to adopt a policy of supporting foreign silver. Chinese representatives at the International Chamber of Commerce meeting in Washington in 1931 strongly urged us to buy foreign silver. They threatened to go on the gold standard if we did not buy silver. Well, we bought their silver. We gave them dollars and gold for it. We bought Chinese silver in such large amounts and so rapidly in 1934 and 1935 that for a time we hurt China because it did not give China time to readjust its currency system internally. But in the end we have conferred a vast gift upon China through our silver purchases, entirely without quid pro quo. We acceded to the propaganda of the Chinese, and all we have to show for it is a lot of silver in a hole at West Point.

The Mexicans also helped create the American policy of buying foreign silver. Mexico for years has been the world's largest producer of silver. Mexico had much to gain. It pressed for action on silver at various international conferences, at Montevideo, at London.

In 1933 the Mexican Government distributed to Americans a liberal quantity of a 300-page pro-silver book which had been written by a Mexican and translated into English. The book is called *The Crisis in the Gold Standard*, by Jose Luis Requeña. The volume is known to contain the silver views of the Mexican Government in 1933.

Another example was the pamphlet containing an English translation of the silver-purchase arguments of General Calles, distributed here by the Mexican Embassy.

In 1933 this country and Mexico were parties to an agreement on silver. Under this agreement Uncle Sam undertook to buy 24,000,000 ounces of silver each year for 4 years, while Mexico, the chief beneficiary of that agreement, undertook to buy only 7,159,000 ounces a year.

And what was the aftermath of that 4-year silver-purchase agreement? The aftermath was that in 1938, after the agreement had expired, the Government of Mexico got together all the silver it had bought under the commitment, added a few more million ounces, and sold 35,000,000 ounces of silver to the United States Treasury at 20 percent more than the Mexicans themselves were carrying the metal on their books.

The purchase of all that Mexican silver on the occasion to which I refer was made at a most peculiar time in American relations with Mexico. It seems incredible that our policy with reference to that Mexican silver was formulated entirely without reference to American interests, yet that seems to be what happened. It also seems unbelievable, yet it is an indisputable fact, that the administration's deal with Mexico's Finance Minister with reference to the 35,000,000 ounces of silver Mexico sold us at the beginning of 1938 was concluded at the very time when Mexico was preparing a sharp increase in its import tariff affecting American goods, was preparing

its abrogation of the Morrow-Calles oil pact, and was preparing other moves injurious to American interests.

Exactly on the day when the United States Treasury undertook to purchase the 35,000,000 ounces of Mexican silver, Mexico seized American properties with a reported value of \$6,000,000. The Mexican tariff increases were announced by the Mexican Government on the very day that the American Government agreed to purchase the silver which Mexico had accumulated under the London silver agreement which Mexico had worked so hard to have signed.

Mr. President, Mexico's recent policy toward American interests has been widely discussed in this country. Some people think the Mexicans are very grateful to us for following their advice that we buy their silver; but such people are mistaken about the matter.

I am not one who thinks that throwing money out of the window, or throwing away wealth in any other form, is a way of gaining the respect and gratitude of others.

When the Treasury was buying silver so rapidly in 1935, and when foreign speculators were rushing for the metal so that they could later sell it to our Treasury, Mexico was disturbed. In 1936 the Treasury let the price of silver decline slightly, and this is the attitude the Mexicans then took. I quote from the Mexico City newspaper *Excelsior*:

[The American policy] is causing Mexico more damage than the seven Biblical plagues. \* \* \* It is time for the North American Republic to show its true desire to collaborate in the prosperity and development of the nations of this continent.

A leading Mexico City daily called the United States silver policy "disastrous" to Mexico and evidence of a "bad neighbor" attitude.

We are urged to consider the purchase of foreign silver as an instrument of our good-neighbor policy. We are urged to buy silver from all sources to further the administration's Latin American policy. We are told we must keep on our statute books a law compelling us to buy Chinese silver from Japan, Ethiopian silver from Italy, or Spanish silver from Russia, in order to keep the Germans out of Mexico. "Take what Latin America has to sell, even if it is only worthless silver, and thereby keep Latin America's friendship," we are told.

In the first place, we must remember that the most important countries in Latin America from an economic and political standpoint produce no silver. In some parts of Latin America silver is not even used as subsidiary currency. What we may expect in the way of future gratitude for present lavishness with respect to foreign silver is amply illustrated by what we got when we loaned billions of dollars to foreign governments during and after the World War. The war debts are not being paid. We shall never recover what we sent out in the form of such loans. Does anyone think the continued existence of these debts results in gratitude and respect from the debtors? On the contrary, such wastefulness only makes for ultimate bad feeling.

Silver purchases are not a proper instrument of foreign policy. If it is necessary to Santa Claus other countries, we can give them money outright, or we can lend them money. Why keep this back-door device that the country does not understand? If the country would not approve of direct loans to foreign lands, it certainly would not approve of this reckless delegation of broad financial power.

If this dissipation of American goods is so necessary and so desirable, why not pay twice as much for foreign silver, and thus make twice as many jobs for American factory workers? Why not pay 10 times as much, and make 10 times as many jobs for Americans? Would not that be logical?

We do not need any foreign silver. The Treasury already holds 1,130,000,000 ounces of idle silver, absolutely unused, as well as billions more in the currency system.

The folly of buying Mexican, Japanese, Russian, German, or any other foreign silver is illustrated by the drop in the price of silver since Monday from 43 cents to 38 cents. There is practically no support to the market but ours. If silver is worth so little that the mere indication of cessa-

tion of United States Treasury buying is followed by a price collapse, of what value is foreign silver to us? If, instead of merely not buying, we actually tried to sell our silver, who would buy it at any price?

Buying foreign silver is merely a way of extending the W. P. A. to foreign mining camps, for which we Americans receive neither remuneration, gratitude, nor respect. Is not that the height of folly?

A good part of China's silver is now in Japanese hands. When we buy Mexican or other foreign silver all sellers of silver throughout the world get a higher price than they otherwise would receive. Buying Mexican silver aids Japan. Even if we could discriminate against Japanese silver, Japan would still benefit by our good-neighbor silver-purchase program, since Japan would obtain a higher price than otherwise.

Buying foreign silver which we cannot again sell is equivalent to a gift to foreigners. We send abroad our wheat to feed them, our cotton to clothe them, our automobiles to carry them around—and they give us a receipt "written" on silver! And this very silver, which the Treasury buys today at less than 38 cents an ounce, it "sells" or issues to the American people at \$1.29 an ounce!

To give the administration authorization to buy silver here, there, and everywhere is making a gift to foreigners. It is like giving the administration a huge fund over and above its ordinary Budget without requiring it to render an accounting. Do we want to vest such a power in the executive branch of the Government? I, for one, do not.

If the Treasury bought foreign copper or nickel, at least the country could use those metals. We are about to exchange surplus cotton for rubber, which program at least seems to be based on a rational argument. But to exchange valuable export commodities of our Nation for a foreign metal of which we already hold tons in buried vaults simply because the ancient Greeks used to coin it is utterly indefensible.

Even if there were the "benefits" now claimed for the purchase of foreign silver—a new excuse, incidentally—it would still be highly important for us, in formulating our attitude toward it, to consider the disadvantages as well. The Chairman of the Federal Reserve System has testified to the serious problem which is created by the large banking reserve since 1933, one-fifth of which is accounted for by the issuance of silver certificates. To continue issuing silver certificates against further silver imports is more than unnecessary; it is very undesirable and risky from a monetary standpoint.

We are told that retention of the foreign-silver program is important; that it makes jobs for Americans because it gives foreigners purchasing power here, and so is valuable to our export interests. A good commentary on that argument is that the outstanding export organization of this country, the National Foreign Trade Council, opposes the purchase of foreign silver.

In 1934, the final declaration of the National Foreign Trade Council Convention held at New York, N. Y., October 31–November 2, stated:

One of the first steps toward recovery, therefore, is the return to a definite and known monetary system and the abandonment of further experiments. Facing facts as they now exist, specific measures should include:

No further introduction of silver into the monetary system.

In November 1935 the final declaration of the convention at Houston, Tex., stated:

One essential step toward world recovery—only to be attained following at least a partial reestablishment of sound industrial activity—is the return to a sound and proven monetary system and the abandonment of further monetary experiments. Specific measures should include:

Repeal of such laws as may require the further purchase of silver for monetary purposes.

And at Chicago, in November 1936, the final declaration of the council's convention stated:

This convention urges reconsideration of laws requiring the purchase of silver for monetary purposes.

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The purchase of foreign silver is of no help to the silver States. In fact, the cost of the program must be shared by the silver States.

Mr. President, to date there have been spent on foreign silver hundreds of millions of dollars. This is simply a process of transferring purchasing power from Americans to foreigners. It is an insidious process, none the less real because it is in some respects invisible. It is going on all the time. Every week and every day more foreign silver is coming here. Just because the American Government does not have to appropriate a Budget for the purchase of silver, because it is buying silver with silver certificates, it does not follow that the American people are paying nothing for the silver we are importing. We are paying very dearly for it. We are buying silver with wheat, with cotton, with machinery, and with Treasury bonds in which the silver sellers invest their easy profits. By doing these things, we as a Nation are paying for every ounce of silver we buy. That is an indisputable fact, and there is no way to get away from it.

Mr. President, I hope the Senate will not agree to the conference report.

Mr. VANDENBERG obtained the floor.

Mr. HOLT. Mr. President, will the Senator yield while I suggest the absence of a quorum?

Mr. VANDENBERG. No, Mr. President. I thank the Senator; but there are so many Members of the Senate who want to testify upon this critical subject between now and morning that I hesitate to waste the time that a quorum call would take.

Mr. President, this conference report does not bear more than an utterly remote relationship to the recorded will of the United States Senate upon this proposed legislation. It does not represent a composition of the issues between House and Senate. It represents a complete and abject surrender on the part of the Senate conferees. Furthermore, it represents government by Executive decree, reaching even into the prerogatives of the United States Senate itself.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Michigan yield to the Senator from Texas?

Mr. VANDENBERG. I yield to the Senator.

Mr. CONNALLY. How did the Senator vote on the original gold-devaluation bill?

Mr. VANDENBERG. Against it.

Mr. CONNALLY. The original bill of 1933?

Mr. VANDENBERG. Yes.

Mr. CONNALLY. I am glad to note that the Senator is consistent.

Mr. VANDENBERG. I thank the Senator for his unmediated compliment.

Without requiring specific votes in the House to determine the actual will of the House upon these critical issues in dispute, and without returning to the Senate for supplemental instructions, three out of five Senate conferees have yielded the Senate's position and nullified the Senate's attitude.

I am unable to believe that the whole Senate will supinely accept any such quick, humiliating and wholly indefensible desertion of its considered judgments.

I shall have something to say a little later about the attitudes and the assertions of the executive branch of the Government as it has flung one misrepresentation after another into the discussions of the last 2 days, striving—at any hazard—to keep for itself the monetary powers which the Constitution commits to the Congress, and whiplashing the Congress into a continuing rubber-stamp surrender of its own prerogatives.

At the moment I deal only with the legislative spectacle itself.

The Senate voted on conclusive roll call to terminate the Presidential powers to devalue the gold dollar and to reclaim



in the Congress the constitutional authority to fix the value of our money. The House has never been faced with this specific issue as raised by the Senate's deliberate action. But three Senate conferees at the end of two comparatively brief sessions signed away the Senate's judgment, vetoed the Senate's verdict, and nullified the Senate's action.

Again, the Senate voted to terminate the purchase of foreign silver which we do not want, cannot use, and which has represented an alien drain upon us of some \$13,000,000 a month. Only one voice was raised in the Senate in defense of this foreign bonanza. The opinion of the Senate was so overwhelmingly obvious that no one bothered to even ask for a roll call. The viva voce vote was an irresistible mandate. The House has never been faced with this specific issue as raised by the Senate's deliberate action. But three Senate conferees at the end of two comparatively brief sessions signed away the Senate's judgment, vetoed the Senate's verdict, and nullified the Senate's action.

Again, the Senate voted on conclusive roll call to terminate the Presidential powers to fix the price of domestic silver and to restore this constitutional function to the Congress and to fix the price at 77 cents plus per ounce. It is beside the point at the moment whether that price was or was not intrinsically too high. The point is that the Senate spoke. The House has never faced this specific issue as raised by the Senate's deliberate action. But three Senate conferees at the end of two comparatively brief sessions signed away 50 percent of the Senate's judgment—and the other 50 percent represents the sum total of their pathetically inadequate achievement as the Senate's ambassadors.

There were three major issues in conference. On two, this majority of the Senate's conferees gave up the Senate's position with complete and effective abandonment. On one—by far the least nationally consequential of the three—they bring us back an inconsequential halfway Pyrrhic victory. It amounts to nothing as respects a decent consideration for the Senate's place as a component part of the legislative branch of the Republic. It amounts to nothing as respects the fruits of a fiduciary mission. It amounts to nothing as respects the bipartisan judgment of the Senate upon vitally and fundamentally important issues.

I submit, Mr. President, that the Senate cannot accede to any such contempt. Not even the pressure of a legislative dead line at midnight tonight can justify any such one-way verdict which is all "give" and no "take." If this pressure calls for extraordinary toleration and malleability in conference, it calls no less to the House than to the Senate.

We had considerable discussion Wednesday evening about the responsibilities of a Senate conferee and the extent of his obligation to the Senate to sustain the Senate's position with all reasonable diligence and tenacity. It was directed chiefly to the able and distinguished senior Senator from Colorado in connection with one favorite item in the relief bill. Well, Mr. President, the Senator from Colorado was also one of the conferees upon this bill. He is one of the dissenters from this majority report. With all appropriate respect for this majority, I can only say that if the diligence and the tenacity of the Senator from Colorado had been a little more contagious in this conference upon this bill, the Senate would not now confront the results of a battle which, from a Senate standpoint, is chiefly reminiscent of Waterloo.

I do not yet deal with the merits of the matters at issue. So far as this immediate consideration is concerned, the primary question at the moment is whether the Senate can be satisfied that sufficient conference effort has been made to sustain its views. It makes no difference whether I happen to think that the statutory price proposed for domestic silver is right or wrong. It makes no difference whether the three majority Senate conferees happen still to think that they were right when they voted against the Senate's verdict upon all three moot issues in the first instance. I can understand how this would perhaps dampen the enthusiasm with which they would set out to do battle for a cause in which they did not believe. But they are all honorable men and they

will understand that I am not questioning the integrity of their attitudes as conferees. I question solely whether their effort has been adequate in the light of its dead fruits.

For myself, I cannot be content with the fruits, and therefore I cannot be satisfied with the effort. It is no reflection upon them to insist that the effort must be renewed. This would not be the first conference report that has been rejected because the Senate was dissatisfied. Yet in my 12 years of senatorial experience I have never known of greater reason for dissatisfaction and therefore for rejection.

Mr. President, it happens that the House and Senate are in original agreement upon this bill only at one point, namely, the stabilization fund. With new provisions for publicity in connection with the stabilization fund I should be glad to have it continued despite some of its untoward implications. I suggest and prophesy that if the administration leaders who have brought this disgusting conference report to our attention at the moment would bring a continuing resolution into the House and Senate now to continue the stabilization fund, it could pass practically unanimously; and if they miss their stabilization fund on the morning of July 1, as they inevitably will, they can blame it to their own laxity in refusing or failing to realize that a continuing resolution in respect to the stabilization fund would pass in five minutes.

The remainder of the contemplation, however, is something else. Since the action of the Senate a few days ago there has been much discussion of the matter in editorial comment—which has been almost universally favorable—and in the pontifical pronouncements of the columnists—who have been almost universally critical—and in bludgeoning dictums from Hyde Park, and the rest of the responsive executive machine.

By some inadequately informed critics, the action of the Senate has been called "partisan." Any such nonsense is completely dissipated by the roll calls which show a majority of the voting Democrats on record for the Senate's position. If anything was ever bipartisan it was this effort to restore a few steel beams to the public credit and to the structure of the public confidence.

By other equally inadequately informed critics, the action of the Senate has been called a blow at economy. Any such error is promptly apparent if one consults simple arithmetic. If you want to call the ratio of seigniorage on domestic silver a charge upon the Public Treasury—which it actually is not—then the Senate's bill would have cost perhaps an extra seven million a year. But its action on foreign silver would save the Treasury about ten million a month. When seven million a year for domestic American interest is balanced against one hundred and twenty-five million a year to fertilize foreigners, I am unable to believe that economy as well as national interest are not obviously served by the Senate program.

But there have been yet other and more highly placed critics who have been no less treacherously imaginative in their animadversions.

The distinguished Secretary of the Treasury was almost amusing—it would have been funny if it had not been so serious—when he said yesterday that our distraught people "had better start worrying about the dollar" if devaluation authority is not continued.

That hysterical threat was scarcely worthy of the distinguished Secretary and not even casually related to authentic prophesy. He said:

Certainly, since 1934, no farmer, businessman, or laborer needed to worry about the dollar, but they had better start worrying now if the devaluation power lapses tomorrow night.

I am sure the farmers and the businessmen and the laborers of America will be glad to be told by the Secretary that they have not been worrying for the last 5 years about the value of the dollar. They have done nothing else but worry, and why should they not have worried when there was a floating power resident in the hands of the President of the United States, to be exercised solely and exclusively by him without necessity of consulting any other single living soul on earth, a power in the hands of one man to affect the value of the money of 130,000,000 people, and thus to affect their destiny.

Ever since 1934, the date to which the Secretary of the Treasury refers, there has never been a morning when the American businessman did not have to consult his daily newspaper to ascertain whether or not the President, all by himself, had decided to do something new about the value of the great medium of exchange with which the business of this great United States is conducted. When the Secretary has the temerity to say, when that insecurity is ended, when that speculation is terminated, when, pursuant to the mandate of the Constitution of the United States, the Congress, representing the elective will of the American people, instead of one autocrat down on Pennsylvania Avenue, shall control the value of the dollar, that that invites a doubt as to the value of our currency, he simply does not make sense.

The exact contrary of the Secretary's statement is the fact, Mr. President. Part of the worry stops when this conference report dies, as it will in about 3 hours and 40 minutes. [Laughter in the galleries.]

Mr. TAFT. Two hours and 40 minutes.

Mr. VANDENBERG. How many, Mr. President? I should like to have the official and authentic ruling with respect to the time.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Two hours and 33 minutes.

Mr. VANDENBERG. The Presiding Officer promises me that the legislation will be dead in 2 hours and 33 minutes.

The PRESIDING OFFICER. No; the Chair does not promise that.

Mr. VANDENBERG. Mr. President, on the question of value, the question of what we need to worry about in respect to the currency of our country, it is interesting to fall back for a moment upon the great standard classic, Adam Smith's *Wealth of Nations*.

I think that Adam Smith will still be a standard authority upon the subject long after Mr. Morgenthau has been gathered to his fathers, along with all the other "greatest Secretaries of the Treasury since Alexander Hamilton." I shall quote what Adam Smith had to say upon some of these fundamentals. There are some fundamentals, Mr. President, which not even the most persuasive magician with all the white rabbits in the world in his hat can never overcome. I read from Adam Smith.

In the payment of the interest of the public debt, it has been said, it is the right hand which pays the left. The money does not go out of the country. It is only a part of the revenue of one set of the inhabitants which is transferred to another, and the Nation is not a farthing the poorer.

That sounds very familiar. That is precisely the thing we were told a little while ago by a gentleman at the other end of Pennsylvania Avenue; that we did not need to worry about our national debt because we owe it to ourselves.

Well, Adam Smith was writing in 1776, Mr. President, the year of the birth of the great American idea. So long as that this sort of nonsense had been exploded. There is nothing new about it. That is not a New Deal. The only thing that is new about it is that its refutation is so old that we have forgotten about it.

Let me continue to read from Mr. Smith:

When national debts have once been accumulated to a certain degree, there is scarce a single instance of their having been fairly and completely paid. The liberation of the public revenue, if it has ever been brought about at all, has always been brought about by a bankruptcy; sometimes by an avowed one, but always by a real one, though frequently by a pretended payment.

Now, we are coming to the point. Do not overlook that last phrase—

By a pretended payment.

Continuing:

The raising of the denomination of the coin—

Mr. Roosevelt did not discover this. Oh, no. "Busted" dictators have been reverting to this device ever since time began.

I continue reading:

The raising of the denomination of the coin has been the most usual expedient by which a real public bankruptcy has been disguised under the appearance of a pretended payment.

Now that is exactly what happens when you devalue the dollar in the first place. Continuing:

A pretended payment of this kind, therefore, instead of alleviating, aggravates in most cases the loss of the creditors of the public, and without any advantage to the public, extends the calamity to a great number of other innocent people. It occasions a general and most pernicious subversion of the fortunes of private people, enriching in most cases the idle and profuse debtor at the expense of the industrious and frugal creditor, and transporting a great part of the national capital from the hands which were likely to increase and improve it to those which are likely to dissipate and destroy it.

The honor of a State is surely very poorly provided for when, in order to cover the disgrace of a real bankruptcy, it has recourse to a juggling trick of this kind, so easily seen through, and at the same time so extremely pernicious.

There is Mr. Adam Smith's definition of the process of the policy of devaluation, written the very year of the declaration of our independence. Devaluation is a juggling trick which fools nobody and ultimately penalizes everybody; and yet we are told by the distinguished Secretary of the Treasury that, unless we continue to license this juggling trick, everything is going to pot. I repeat, Mr. President, it just does not make sense.

But there was another petulant criticism from even higher thrones of grace. Oh, yes. The President himself volubly erupted in a fashion which, with great respect, it seems to me was what the lawyers call irrelevant, incompetent, and immaterial. In the first place, he said that if this power and authority were not left in the exclusive hands of the Chief Executive, commencing at midnight tonight, the national defense would be impaired.

Mr. President, there is a relationship between money and national defense, and a terribly significant and important one. But of all the factors essential to a successful national defense a sound and solvent public credit represents exhibit A. We cannot have a sound and solvent public credit rotating around a floating control of the value of our money at the mercy and the whim and the will of one single individual speaking the destiny of 130,000,000 people.

That is not all he said. He said that if we should not extend these devaluation powers of his that at midnight tonight the control of American money would pass back to Wall Street. That is not a literal quotation, but it is nearly so. At any rate that definitely was the impact and impulse of the assertion—that if we should take the power to control the value of the gold dollar out of the hands of the President and restore it, pursuant to the Constitution, to the hands of Congress, that it would be restored to the hands of Wall Street.

I wonder if our distinguished Executive realized precisely what he was saying, because there is no escape from the conclusion that he was saying, wittingly or otherwise, that when Congress, 531 elected Representatives of the American people, controls the value of money pursuant to the mandate of the Constitution, Wall Street controls it. Mr. President, if Congress wants to submit and surrender to any such implied slur as that they are welcome.

As a matter of fact, those who insist that the power to devalue the dollar, the executive authority which is going to die in 2 hours and 17 minutes [laughter in the galleries]—the Presiding Officer corrects me and adds 45 seconds, which makes it official—the power to devalue the dollar is attacked not by the racketeers of American finance but by the finest and most dependable economic thought available to the advice of the American public service. There are not any racketeers, there are not any Wall Street speculators, there are not any of the minions of the dark places of the world on the Economic National Committee on Monetary Policy. That is about as completely representative a group of the finest economic thought of the professional mind of the American Republic as exists.

What do they say about this power to devalue the dollar? They recommended in a joint statement last February that the President's power to devalue the dollar should be terminated. The distinguished Senator from Delaware preceding me in this debate read the full text of the forthright and unequivocal statement of the Economic National Committee



on Monetary Policy. I shall not take the time of the Senate to repeat it, for I want to conserve time and leave an opportunity for all the other Members of the Senate who wish to testify between now and tomorrow morning. But I do want to call the roll of these American experts whose signatures are signed to the statement read by the Senator from Delaware demanding the precise thing that the Senate is demanding.

Now let us see whether they are the racketeers of American finance; let us see whether they are entitled to be classed with the undesirable citizens of the land simply because they happen to disagree with the President of the United States that he is entitled to be monarch of all he surveys in respect to the value of American money. Let us see who they are:

James W. Angell, Columbia University.  
Charles C. Arbuthnot, Western Reserve University.  
Leonard P. Ayres, Cleveland Trust Co.  
Don C. Barrett, Haverford College.  
Benjamin Haggott Beckhart, Columbia University.  
James Washington Bell, Northwestern University.  
Ernest L. Bogart, University of Illinois.  
Jules I. Bogen, Journal of Commerce and New York University.

Frederick A. Bradford, Lehigh University.  
Herbert M. Bratter, Washington, D. C.  
J. Ray Cable, Washington University.  
Wilbur P. Calhoun, University of Cincinnati.  
Neil Carothers, Lehigh University.  
Charles A. Dice, Ohio State University.  
George W. Dowrie, Stanford University.  
William E. Dunkman, University of Rochester.  
D. W. Ellsworth, The Annalist.  
William D. Ennis, Stevens Institute of Technology.  
Charles C. Fichtner, University of Arkansas.  
Clyde Olin Fisher, Wesleyan University.  
Herbert F. Fraser, Swarthmore College.  
Roy L. Garis, Vanderbilt University.  
Harry D. Gideonse, Columbia University.  
Lewis H. Haney, New York University.  
E. C. Harwood, American Institute for Economic Research.  
Hudson B. Hastings, Yale University.  
William F. Hauhart, Southern Methodist University.  
Frederick C. Hicks, University of Cincinnati.

Mr. President, I am not ashamed to be in this company, regardless of the animadversion of the President of the United States upon those who dare say that he should be stripped of the autocratic, single-handed power to decide for himself what the value of the American dollar shall be.

Let us go on with some of these gentlemen who join a majority of the Senate in asserting that the thing that is going to happen in about 2 hours and 12 minutes is exactly the right thing, the thing that ought to happen. Here are some more of them:

John Thom Holdsworth, the University of Miami.  
Jacob H. Hollander, the Johns Hopkins University.  
F. Cyril James, University of Pennsylvania.  
Edwin W. Kemmerer, Princeton University.  
William H. Kiekhofer, the University of Wisconsin.  
Frederic E. Lee, University of Illinois.  
J. L. Leonard, University of Southern California.  
James D. Magee, New York University.  
Arthur W. Marget, University of Minnesota.  
Margaret G. Myers, Vassar College.  
Melchior Palyi, the University of Chicago.  
Ernest Minor Patterson, University of Pennsylvania.  
Clyde W. Phelps, Chattanooga University.  
Charles L. Prather, Syracuse University.  
Howard H. Preston, University of Washington.  
Leland Rex Robinson, New York City.  
Olin Glenn Saxon, Yale University.  
Joseph A. Schumpeter, Harvard University.  
Walter E. Spahr, New York University.  
William H. Steiner, Brooklyn College.  
Charles S. Tippetts, University of Pittsburgh.

Alvin S. Tostlebe, the College of Wooster.  
Rufus S. Tucker, Westfield, N. J.  
Russell Weisman, Western Reserve University.  
William O. Weyforth, the Johns Hopkins University.  
Nathaniel R. Whitney, the Procter & Gamble Co.  
Max Winkler, College of the City of New York.

Mr. President, the statement was issued in February. I originally put it in the CONGRESSIONAL RECORD on February 27. I thought perhaps someone might say that it is ancient dogma, inasmuch as the world moves so fast under the New Deal that things in the latter part of June might be totally different from things as they were in the latter part of February; so I took the pains yesterday to send a few sample telegrams to a number of these gentlemen to find out whether or not they had changed their minds. Mr. President, they have not changed their minds at all.

Professor Bell, of Northwestern University, Evanston, Ill., telegraphs under date of June 30:

Continue to oppose renewal of President's power to devalue dollar.

It must be he does not know what a terrible thing it is to which he subscribes. It must be he has not heard of the dire consequences of this thing which the Senate has insisted, and will continue to insist, shall be done.

Prof. Charles A. Dice, of Ohio State University, replies:

The Congress should not extend the power to devalue.

I read just a few of these to prove that the opinion of the economics committee is the same tonight as it was when that statement was issued—that devastating statement to which no responsible answer has ever yet been adequately submitted.

Dr. Charles L. Prather, of Syracuse University, replies:

My position on devaluation of the dollar has not changed.

Hudson B. Hastings, of Yale University, replying from Walpole, N. H., states:

I continue to be unalterably opposed to both further devaluation and also extending power of the President to do so. May I also add that I am strongly opposed to the purchase of silver at any price. In any event there is not the slightest excuse for paying more than world market price.

I wish particularly to read a message from Dr. Walter E. Spahr, of New York University, who is secretary of this great volunteer group of economists who have joined themselves together for the purpose of giving the American Congress the benefit of their wisdom and advice—the finest, most dependable, and most responsible possible group of consultants to whom we could turn in our dilemma. This is what Dr. Spahr telegraphed me this morning:

I oppose further devaluation of the dollar and renewal of the President's power to devalue as Economists' National Committee asserted last spring. It would be very unfortunate should the Senate fail to hold its grounds on this issue. Fixing the weight of the dollar should make it easy for other nations to tie their currencies to the dollar—

That is the point.

and should lead the way to international stabilization of currencies which would contribute much to economic recovery. International stabilization of currencies through an international convention is probably a remote factor since the administration wrecked the London conference of 1933. I also regard as most misleading and unfortunate the President's major contentions as he denounced the Senate for its recent legislation and steps taken to regain—

To regain what, Mr. President?—

to regain its appropriate constitutional control over this Nation's monetary standard. The President's arguments are political—

Those are not my words but the words of Dr. Spahr, speaking for the mobilized economists of America.

The President's arguments are political, not economic or constitutional, and are an effort to retain an improper dictatorial control by the Executive over the dollar.

That is precisely the situation which we confront; and it is precisely why the Senate does not owe any apology on earth to any Washington columnist, to any editor anywhere in the land, to any critic, to the Chief Executive, or to any of the other administrative forces of this administration.

It owes not one word of apology for the fact that in 2 hours and 5 minutes the control of money will have returned to the Congress of the United States, where the Constitution says it belongs.

Mr. President, I could burden the Record with an infinity of messages from the massed citizenship of this country. I shall not do so. I must yield the floor in order to be fair to all the other Senators who wish, between now and tomorrow morning, to record themselves upon this vital question.

However, I wish to read one telegram, because it comes from Ralph W. Moore, master of the Texas State Grange, and J. E. MacDonald, Texas commissioner of agriculture. I quote:

In the interest of parity price and agricultural and national recovery we urge you please do all in your power to defeat the discretionary monetary powers and the secret stabilization fund which have been used in tripartite monetary agreement with England and France, which might involve us in European wars. As pictured in Wednesday's Washington News, the control of money, the greatest financial and economic privilege of all, does not belong under the control of Wall Street; the control does not belong to the President, but, according to the Constitution, the control of money belongs to the Congress.

The master of the Texas State Grange and the Texas Commissioner of Agriculture are a long way from my home. Nevertheless, they are representative of the thought of a great imperial section of this land. They say further:

Therefore, we hope you will defeat these discretionary monetary powers and will thus make it possible to restore the control of money to the Congress.

Mr. President, I have so many things to say that I do not know what to do about it. However, I think I shall rather shortly conclude this particular contribution. We shall see about a little more later.

Mr. President, the New York Times is certainly not a partisan newspaper. It certainly has not been partial to the cause of the critics of this administration, yet it frequently speaks editorially with an amazing degree of incisive logic which is worthy of attention regardless of its source. I wish to read merely one editorial from the New York Times of June 29, just 2 days before the Senate will have declined to permit the President's monetary powers to continue. I read an editorial entitled "Mr. Roosevelt and the Dollar" because it epitomizes the situation about as well as it could possibly be done. It will save time for all of us if I present it for what it is worth. I read:

There is one ground on which the President's sharp rebuke to the Senate for its failure to renew his power to devalue the dollar would be logical. It has long been evident that the administration has regarded this power as an ace in the hole for a purely domestic "emergency." If business continued to drag despite the Government's efforts to "prime" it, if farm prices continued to fall despite the elaborate schemes that have tried to peg them, if one great "spending program" after another succeeded only in adding new burdens to the national debt, then there was always the possibility of using the President's power of devaluation to give business and prices another quick "inflationary" boom. To one school of the administration's advisers it has always seemed, in fact, that devaluation was the most important single factor in the vigorous if short-lived spurt of business and of prices that began in the spring of 1933. If the thing worked once, even for a little while, why couldn't it be made to work again—perhaps on the eve of an election? But it cannot be made to work again; it cannot even be tried again unless the Senate now reverses itself and consents to give the President the power of devaluation. On this ground the chagrin of the administration at the Senate's vote is understandable.

That is, chagrin at the vote of the Senate in the first instance. There is no chagrin at the vote of the majority of the Senate conferees.

It is as if a perplexed magician—

I think this is a perfect description of the situation—

It is as if a perplexed magician discovered late in the second act that someone had his white rabbit.

This is the New York Times, not I.

On any other ground the President's objections to the Senate's action do not stand the light of examination. As he states the case, the Senate's refusal to give him personal authority to devalue the dollar jeopardizes the national defense, puts "Wall Street" in control of the country's currency and opens the door of oppor-

tunity to "the ring of international speculators" whose activities once before threatened, and now threaten again, to destroy the stability of the dollar.

But—

Says the Times, and, of course, correctly—

But this is exactly what the Senate's action does not do. It is a fact to be remembered now that there was no question of the stability of the dollar until Mr. Roosevelt himself took office.

That is a good deal for the Times to say—

The dollar was stable in terms of gold until the spring of 1933. It began to depreciate only when rumors first came from Washington that the new administration intended to force action which would cheapen it. It continued to depreciate only so long as this new administration played the extraordinary role of a "bear" on its own currency, in the most gigantic speculative operation which history has witnessed. It recovered stability—

When?

It recovered stability when that amazing Government-managed speculation ceased.

What is the situation now? The fact of the matter is that opportunity for private speculation in the value of the dollar has been present only because of the existence of the very power whose impending loss—

In an hour and 55 minutes from now—

the President now so bitterly deplores. "The ring of international speculators" whose activities he properly condemns has its only opportunity to gamble in the value of the dollar—

When?

When word comes out of Washington, however ill-advised, that something will be done to change this value—that Mr. Roosevelt himself is once more contemplating making use of his power to devalue. Then rumors go around, "short selling" starts, and the dollar dips in terms of foreign currencies. The record of the last 5 years will show that every temporary decline in the dollar's value has been the direct result of such rumors—

Such rumors as what?

rumors of devaluation. These rumors can find credence only so long as—

What?

Only so long as it is possible for a single man—exercising a power never before given to an American President in the whole history of the United States—to devalue the dollar overnight, according to his own personal judgment or his private whim. Take that power away, and there goes with it the only opportunity for speculation which the situation now affords.

It is impossible to get away from the logic and the facts.

The American dollar is in a strong position so far as the reserves behind it are concerned. This country holds today more than half of the world's reserves of monetary gold—actually more than \$2 in gold for every dollar of American currency outstanding. In these circumstances there is only one threat to the stability of the dollar.

"There is only one threat to the stability of the dollar."

What is it?

That is the possibility that Congress will restore the power to devalue and that the President himself will use it.

In other words, the only threat to the stability of American currency values tomorrow morning is that the Senate might weaken—as, of course, it will not—and permit a restoration of the power over the value of American money to the whim, or the judgment, or whatever you want to call it, of a single human mind. There never was one human mind, and there never will be, entitled either to assume or to be trusted with a responsibility of such magnitude.

Mr. President, I am going to suspend now until about early in the morning. There are many other things I should like to submit; but I think I have, at least to my own satisfaction, demonstrated that the position which the Senate has taken, and which the conferees have abandoned, is squarely related to the best welfare of the American people, is squarely tied to the restoration of constitutional government under the flag.

So far as I am concerned, even though my name does lead the list of those who are proscribed in a statement at Hyde Park, I apologize to no one for expressing gratitude that in 1 hour and 50 minutes from now there will be no concentrated power to control the money of America in any one man's hand, anywhere.

[Manifestations of applause in the galleries.]



Mr. BARBOUR obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARBOUR. If I do not lose the floor.

Mr. CONNALLY. I desire to ask the Senator from Michigan a question.

Mr. BARBOUR. I yield for that purpose.

Mr. CONNALLY. I wish to ask the Senator from Michigan if he recalls voting on January 27, 1934, on House bill 6976, which was called the Gold Reserve Act of 1934, which ratified and confirmed everything the President of the United States had done under the so-called Thomas amendment?

Mr. VANDENBERG. I hope I voted for it, because it was very essential that the acts which the President had done should stand without question, inasmuch as they were ancient history. Furthermore, I often voted for emergency powers in the early emergency days which I am unwilling to continue when the emergency is past.

Mr. CONNALLY. The Senator does not recall how he voted?

Mr. VANDENBERG. I do not.

Mr. BARBOUR. Mr. President, the Senate acted properly, in my opinion, in refusing to extend further at this time the President's power to devalue the dollar. Since this question has come back to us in the pending conference report, owing to the action of the House in extending this power, it becomes appropriate to examine the possible reasons for further devaluation, or the threat of devaluation, and likewise the implications of such action or threatened action.

In the history not only of our times but of ancient peoples there is such abundant evidence of the dangers and disastrous consequences of the course we are now asked to follow that it would seem to be almost unnecessary to review them, and I am not sure time will permit even a superficial review of this evidence today. If it does, I shall be happy to go into this aspect of the problem later on in the discussion. For the present, I should like to present to my colleagues some of the reasons, as I see them, why it is unsound to extend this power of the President beyond today.

In the first place, we all know that the Constitution gives to the Congress exclusively the right and the responsibility to deal with this problem. It is the particular duty of Congress, under the Constitution, to regulate the value of money. There can be no question as to that. It necessarily follows that if Congress should refuse the President the authority he asks, it will simply be discharging its constitutional duty.

In the emergency of 1933, when our economic system was threatened with complete collapse, banks were failing, foreign currencies were declining, and disaster followed disaster almost too quickly to enable us to keep track of them, we may have been justified, though I doubt it, in giving to the President arbitrary power to devalue the dollar in his discretion, as he might regard it necessary to do so, to meet or partially meet the problems which then confronted the country so far as they were related to the management of our currency and to the currencies of other nations. No such emergency exists today, unless we are going to be continually in an emergency forever.

The currencies of the principal trading nations of the world are relatively stable, and have remained so for many months. There is no actual danger on the economic horizon which, to my mind, would make it advisable, let alone necessary, to leave this power in the President's hands. Accordingly, we should be false to our trust if we were to extend beyond today the unexercised portion of the power to devalue the dollar which Congress, wisely or unwisely, rightly or wrongly, to meet an emergency, gave him in 1933.

Nor is it conceivable, as I see it, even in this era of one handy emergency after another, that a new real emergency could develop so swiftly as to make it impossible for Congress to meet it in its own traditionally American way, and in the proper discharge of its constitutional responsibility for regulating the value of money. If it should seem necessary or desirable at some future time to devalue the dollar further,

Congress can then take whatever action is required to meet this condition.

This Congress is the only agency of the Government that should take such action. The collective wisdom of Congress in such a situation certainly would be equal to the wisdom of any one man or any President, guided though he might be by his financial advisers. Such a situation could only arise as a result of further fluctuations in the currencies of other nations. These fluctuations, and particularly the depreciation of foreign currencies, could flow from one of two causes: Currencies could be made to decline as a result of deliberate governmental policy designed to meet competitive conditions in trade, or for use as an economic weapon against another nation, or as the second cause, depreciation, as we all know, may occur automatically in response to the law of supply and demand as a nation's wealth is dissipated and the metallic or other basis of its money either goes into hiding or flees elsewhere for greater safety, or is drained away in settlement of international balances. There is no reason at the moment to believe that these conditions will arise elsewhere in the world, and certainly they cannot arise here. Consequently there can be no justification, in my opinion, for action by Congress which inevitably would be construed as anticipating a new emergency of this sort.

But suppose, we are asked, such an emergency should arise—what then? President Roosevelt argues that if he possessed the power which he asks Congress to leave with him, other nations which otherwise might be inclined deliberately to depreciate their own currencies further, seeking advantage in trade, would hesitate to take such a step.

Mr. President, I can find no validity in this argument. So far as I can see, it is meaningless, since all of the European nations understand thoroughly that we are in position to finish anything they may start along that line. Possessing as we do the strongest currency, the greatest hoard of gold and the greatest basic wealth in men and materials in the world, we would emerge eventually and inevitably as the victor in any currency war which other nations might start. That being true, it cannot possibly make any difference to the other players in the international poker game, with currencies as chips, whether the American chips are held by the President or by Congress. But it might make an exceedingly important difference to us, if the American chips are held and the American cards played by a Chief Executive who, in the 7 years of his tenure in the White House, has shown what many Americans regard as unprecedented recklessness in the handling of public funds, and a dangerous disregard for American tradition and the prevailing sentiment of the American people in the development of our foreign policy. With the power to devalue the dollar in the hands of Congress rather than in the hands of the President, there will at least be a much greater check on the further use of the money weapon in fighting our economic battles. We have not yet reached the point, nor has Congress achieved that state of impotence or incapacity, in which we need someone else to do our thinking for us. And I do not think we shall reach that stage.

As a final reminder to other nations, as well as to my colleagues in Congress, that the United States will always protect itself against economic raids, whether in the form of currency depreciation or otherwise, it is only necessary to recall that, in addition to controlling 60 percent of the world's monetary gold stock, we have had and in the past have used the weapons which are a part of our tariff system. I speak, of course, of the basic principle of protection for the domestic market, to which we have been committed as a nation since the Republic was founded; to the flexible provision of the tariff law, which in recent years has been employed by the President to increase rather than decrease duties to meet foreign competition; and to the Anti-Dumping Act, which operates as a further check on the dumping of foreign products on the American market at prices below those at which they are sold in the market of origin. The application of the American valuation principle in the evaluation of imports in cases where the 50-percent limit of change provided for in the flexible provision of the tariff act

is insufficient to equalize differences in costs of production here and abroad, gives us a further weapon which we can always use in any trade war with competing nations. But beyond this, as I said, other nations may be perfectly sure that Congress will take whatever steps are necessary to meet any new condition which may arise as a result of any new currency war and, that we will fight fire with fire, with the advantage on our side, so long as they choose to give battle on this basis. It is by no means necessary, nor, in my opinion, is it desirable, to leave this power in the President's hands when there is no justifiable emergency in sight to warrant it.

(At this point Mr. BARBOUR yielded to Mr. CONNALLY, who addressed the Senate. By unanimous consent the remarks of Mr. CONNALLY were ordered to be printed in the RECORD following the speech of Mr. BARBOUR, and they appear at that point.)

Mr. BARBOUR. Mr. President, may I revert now for a moment to the danger which I see in leaving this power in the President's hands? It must be apparent to all of us that, exercised unwisely, perhaps in response to a secret understanding with the so-called democracies of Europe, it might tend to entangle us further in the mesh of European intrigue. With the leading nations of Europe on a war footing, ready to jump at one another's throats, we must not allow the United States to be placed in a position where a false move, perhaps made impulsively, would commit us to a policy of joint action with one or more European powers against other powers with which they were unfriendly or whose purposes they might distrust.

It is not the extent of the power which the President asks which to my mind is of primary importance to us or to the country as we seek to arrive at a decision. It is the power itself. There is a further argument against extending the power in the necessity for a stable currency as an indispensable condition not only of recovery but of trade at any time. I shall develop this point very shortly. But even this requirement, it seems to me, is overshadowed by the possibility that an internationally minded President, or a President whose sympathies are clearly with one group of nations as against another may inadvertently permit his emotions to commit the United States to a course of action having the gravest consequences to our security as a nation. I am thinking, of course, as all of us are thinking, of the danger that the United States may again become involved in war. This is a danger we must face so long as dictators rule three-fourths of the territory of Europe and a ruthless and ambitious military junta runs amuck in the Far East.

Secret treaties, so far as the United States is concerned, are a thing of the past.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BARBOUR. I shall be very glad to yield.

Mr. AUSTIN. I note what the Senator says as to the need for this legislation. I should like to ask him, in passing, whether or not he believes that this evident eagerness for power to change the metallic content of the dollar carries definitely the implication of an intention to use the power?

Mr. BARBOUR. I cannot think there is any doubt about that, Mr. President. I think it is perfectly obvious. I appreciate the thoughtfulness of the Senator from Vermont in bringing up the point.

Even our trade agreements, hedged in secrecy though they are during the period of negotiation, are an open book as compared with the understandings involving joint action between the United States and other nations which might be reached between President Roosevelt and the chancelleries of the so-called European democracies. On this ground alone, it seems to me, we would be more than justified in refusing to extend further a power which, if exercised at all, would only be exercised in response to some secret understanding with other nations, in which event the Congress and the country would have no voice in the decisions reached, or in a trade war in which so many factors would be involved that Congress ought to have the right in this

case also to participate if not to decide the strategy or the steps necessary to meet it.

The power to take 9 cents more from the original gold dollar, that is to say, to inflate the present gold stock approximately 18 percent, resulting in a further paper profit of almost \$3,000,000,000, which could be and undoubtedly would be, applied to a reduction in the national debt, or listed as an offset to the debt—a course which to my mind would be completely unsound—is evil enough in itself, particularly when there is no necessity for exercising it. When there is added to this evil the imminent danger that any unwise and unnecessary exercise of this power might under some circumstances take us a step further on the road to war, I think the argument against extending the present power becomes unanswerable.

But let us give the President the benefit of the doubt and assume that he would not make any mistaken move in the international poker game. Let us assume that he would act as cautiously and with the same deliberation as the most careful Member of Congress would act in using the power to devalue the dollar as an economic weapon in meeting any new European attack on our own country.

What other reason then, could he have for devaluing the dollar further within the 50-percent limit fixed originally by Congress? Why foreign currencies are not to be depreciated to the point where retaliatory action by the United States is required to meet such a condition, does he want the power for which he asks? What could be gained? I think the answer to these questions is obvious. Already the Government has realized a paper profit of between two and three billion dollars through the original devaluation of the gold dollar. The \$2,000,000,000 stabilization fund, as we all know, is a part of this so-called profit. To reduce the value of the dollar further would result in a further paper profit of comparable size. Thus between five and six billion dollars will have been cut from the national debt—on paper. Can it be that President Roosevelt desires this power so that it may be exercised for the benefit of the New Deal fiscal record? Had the original gold dollar retained its former value, the national debt in 1940 would be in excess of \$45,000,000,000. It may reach that figure as it is. But whatever may be the level of the debt at that time, it will be more than \$2,000,000,000 below the real debt as measured in terms of the gold dollar on which our currency was based until 1933. And if the power which he now asks were to be given him, and were to be exercised during the next year and one-half, the debt total would, of course, show a further drop of about \$2,700,000,000. I hesitate to raise this issue and we naturally cannot read the President's mind. Nevertheless, it is apparent that this would be one of the results of devaluation, and to that extent the record of the New Deal would be made to appear better than it otherwise would.

But, Mr. President, whether this is the President's true purpose or not—regardless of what reasons motivated him in asking Congress to extend this power—all that we know of the history of monetary systems and monetary experiments by other nations, both ancient and modern, attests the truth of the statement that currency depreciation acts like a drug, first to stimulate, then to depress, and finally to become a habit which it is all but impossible to break. Devaluation is simply inflation by another name; and devaluation by means of a bookkeeping transaction does not differ in principle from the chipping of metal currencies by the emperors of ancient Rome, searching then as we are searching now for remedies for the economic evils of the day.

Currencies may be debased in more ways than one, but debased they are; and the ultimate effect is always the same, once the process gets out of control, as it usually does. It is not yet out of control in the United States; but we have taken the first step toward inflation, and are now asked to take the second step. Who can say that before the New Deal ends we shall not be asked to take a third or a fourth step in the same disastrous direction? I cannot help but recall in this connection that President Roosevelt assured the country in 1933 that the national debt would not go above \$30,000,000,000.



We also know that in his preelection speeches during his first campaign he ridiculed the idea that we should ever be forced off the gold standard. We know now how little those assurances meant. How, then, can we be sure that the power to devalue the dollar further will not be exercised by a President who has constantly used the power given him to meet emergencies and has constantly asked for more?

I shall not at this time go into the philosophic aspects or political implications of this incessant drive for personal power. These issues have been discussed before and will be discussed again. For the present I desire to discuss only the immediate issue now before us, involving the soundness of our currency system and the possible uses and results of the use of the devaluation power.

Perhaps the Senate will be interested in this connection in the observations of Roger W. Babson on the subject of inflation, as found in the volume, *If Inflation Comes*, published in 1937. I quote it because we are asked now to take a further step, or at least give the President the power to take us further along this road:

#### INFLATION IS A STIMULANT

What is inflation? Inflation is a stimulant. What is a stimulant? A stimulant performs a useful function in an emergency, but it is not of permanent value. There usually is a bad reaction from a stimulant. To the extent that general business justifies increased prices, such prices hold; but otherwise they react. Those who are depending on inflation should realize this fact. Any benefits that come from inflation are like benefits from borrowed money—they must be paid back again. Let me repeat, I am not violently opposed to inflationary remedies. I believe that inflation is often a useful method of temporarily redistributing wealth. But here, again, wealth distributed by inflationary measures usually flows back again to its original owners. Water can be pumped uphill, but sooner or later works its way back again. It is the same concerning prices, debts, profits, rents, and wages when raised by inflation. Sooner or later they return to their natural levels. On the principle of the pendulum, when falling again, they go as much below their normal level as they were risen above by an inflationary movement. This means that a great deal of distress often follows an inflationary era.

How is inflation administered? I have already answered this inquiry, but to continue my illustration let me say: There are different ways of administering stimulants. Some stimulants are taken into the stomach; other stimulants are injected with a hypodermic; other stimulants are given by gas, or in other ways. Therefore, let me repeat that there are many ways of bringing about inflation besides the printing of currency. As stimulants may be taken without the person knowing it, inflation may take hold unconsciously in the same way. The great danger in connection with all stimulants is that they are habit forming. This especially applies to the use of inflation to correct economic evils. The more one depends on inflation, the harder it is to quit depending upon inflation. Controlled inflation is a splendid theory, but it does not work out in a practical manner. Stimulants have their uses but also their abuses. Unfortunately, abuses seem to be a natural reaction from uses. This is the danger of inflation.

I have read these passages from Mr. Babson's book simply to emphasize once more that devaluation or inflation is an insidious habit-forming drug.

If it can be assumed that the President would not use this weapon unwisely if given him, either to meet an international situation or to improve the financial statement of the New Deal, what other reason could there be for devaluing the dollar at this or any other time? Currencies may be depreciated for any one of several reasons:

First. To meet a corresponding depreciation of competing currencies. I have already discussed this point.

Second. To increase the volume of the circulating medium when there is a shortage of money. This condition does not now exist in the United States nor can such a condition possibly arise in the visible future. So there is no justification on that score for further devaluation or for extending the power to devalue the dollar further.

Third. A currency may be inflated to bring about an advance in the general price level. That has been one of the consistent purposes of one group of economic thinkers in the United States who believe that a higher price level would be desirable. Certainly it would be one of the results of devaluation. But here, again, there is always the danger that the upward tendency of prices, like the inflation habit, will get out of control.

Let us for the moment consider what a rising price level in the United States would mean to the American people at the present time.

In the first place and immediately the result would be to increase the cost of living to the nine-tenths of the population who are employed or who are dependent on persons who are employed, and two-thirds of whom are dependent on incomes averaging less than \$1,500 per year. Can they stand an increase in the cost of living at this time? Is there any Member of this body who, knowing this would be the inevitable effect of devaluation, would deliberately place this burden on the backs of the wage earners, the housewives, and the small farmers of this country?

As for the one-tenth of the population who are on relief, or dependent on various forms of charity, or the several measures of social security taken for their benefit, it is tragically clear that any rise in living costs would simply cut down the quantity of food and clothing purchasable out of their little allowances. Do Senators want to see those on relief suffer? Shall we, by our action today, say to these unfortunates, "You are eating too much. You don't need so many clothes. We have no interest in whether or not you can pay your rent. We are interested only in the debtor and the speculator and in international exchange and problems of high finance. You will have to get along as well as you can. You will get as many dollars as before, but, of course, they will not buy so much. That is too bad; but we can't do anything about it, because the President wants to devalue the dollar again, and has to have his way."

I do not think we want to say that to those worthy unfortunates who are on relief; nor do I think that, having set up a social-security system, we shall deliberately tear it down within a year or two of its creation by acting in such a way as to impair the benefits extended by the system to the millions for whom it was created.

There is, of course, an alternative. Unless we were to invite destruction of the social-security system, or deliberately destroy it and see those on relief suffer, it would be necessary alternatively to increase the present allowances for relief, old-age pensions, aid for the blind, aid for widows with dependent children, and the present schedule for the social-security payments as well. The rise in the price level would inevitably be reflected also in increases in all the other costs of government. The salaries of all Government employees would have to be increased, although they would find, as wage earners and salaried people always find, that wages lag behind any rise in the cost of living, whether attributable to inflationary measures by governments or to the natural play of economic forces. Is there any Senator here who believes that under these circumstances the national debt would not get out of control, and that further inflation would not be necessary? Is there anyone who believes it would be possible under these circumstances to balance the Budget?

If these are Senators who wish to impose these burdens on the poor, to bankrupt millions of other Americans who are on the verge of bankruptcy now, and at the same time give aid and comfort to the wealthy owner of securities, to the speculator and to the debtor, he is welcome to this course. It is one I shall not follow.

And may I say a word at this juncture about the effect of inflation on the debtor? There is a prevalent belief that the man in debt gains by inflation. The agitation for so-called cheap money invariably starts in agricultural areas. The farmers have been led to believe that inflation means higher prices for crops, and that debts can be paid more quickly. Many of them envision a condition in which the farm is free of debt and crops can be raised at a constant and substantial profit. What they forget is that as prices rise the consuming power of cities declines, so that the net return to the farmer not only is no greater than before, but his own maintenance costs tend also to increase with the rise in the general price level. His farm implements cost more; his clothing costs more; taxes are higher; seed costs

more; transportation costs rise; and all other items which enter into his cost of raising crops increase proportionately.

I happen to know that a study of this particular effect of inflation on the farm population in Germany was made some years ago by one of the ablest and best-informed students of the subject in the United States. I refer to Dr. Landis, of New York, vice president of the American Cyanamid Co. and engineer by profession. Some of you may have seen his brochure *An Engineer Looks at Inflation*. The particular fact I am giving you now does not appear in this booklet.

Dr. Landis was in Russia during the period of Russian inflation, saw inflation run its cycle in Italy, and studied the effect of the disastrous post-war inflation in Germany on the Rhine, spending several years in these countries and bringing from Germany particularly a great volume of data bearing on this problem, some of which is now to be found only in his files. Dr. Landis was interested in discovering whether it were really true that the farm population of Germany benefited from inflation. His investigations disclosed that at the end of the inflationary cycle in Germany the total farm indebtedness of the country was greater than before inflation.

What happened was this: First, the markets for farm quotas declined, and in the end disappeared, as the value of money was wiped out and people had nothing with which to buy the crops the farmers raised. During the interval of wild inflation and the subsequent period of economic readjustment, and as Germany attempted thereafter to get back to a gold basis, the physical plant on the farms deteriorated, houses fell to pieces, barns went without paint, implements rusted, and the farmers' families suffered deprivations inevitable in such circumstances. The old mortgages were paid off in inflated currency, it is true, but when the new currency was established and money was hard to get the farmers had to borrow for seed, living expenses, rehabilitation of the farms and other purposes, and in some instances paid interest as high as 20 percent or more on the money borrowed. It is my recollection also that in the general economic readjustment which followed inflation in Germany, 25 percent of the face value of urban mortgages and 20 percent of the face value of farm mortgages of the preinflation period were reinstated. So, while the farmers had only one-fourth of the original mortgage to pay, their total mortgage indebtedness in the end was greater than formerly, and they were worse off, as were the people of the cities, than before the rulers of Germany adopted inflation as an instrument of national policy employed to wipe out the Government's internal debt.

We could, of course, go on indefinitely with a review of the record of modern Germany, of eighteenth century France, and of ancient Rome, along the way of horrible examples of the consequences of currency debasement. For the moment, however, let us see what a sound currency means, and why it is important to the economy of a trading nation.

What are the requirements of a serviceable currency? First, soundness. Second, stability. Third, it must be related in value to the stable currencies of the principal competing nations, if it is to serve as an acceptable medium of exchange in settlement of international balances.

Under modern conditions, until the post-war cyclone swept into the discard much of what we have known of economic practice, the currencies of the trading nations were based on gold or silver, or a combination of the two. When the cyclone struck, gold went into hiding and is still in hiding, except as a basis for settling international balances, and, at least in theory, as a backing for currencies of other forms.

We all know, of course, that the monetary system of a country need not be based on gold. It need not even be based on silver. In its broadest interpretation, money may be any medium of exchange which has a definite value and in which people have confidence. It may be, in short, anything which serves its purpose as a circulating medium. In the development of modern civilization and the evolution of human society, most human beings have found it more

satisfactory to use gold or silver coins or paper currency as a medium of exchange rather than the sea shells, stone, iron, or other currencies of primitive peoples. But in any case, whether money be sea shells or gold, it must have a definite and substantially stable value in the minds of persons using it if it is to serve as a basis for the exchange of goods.

Assuming its soundness and its stability, there must be enough of it to enable a community or a nation which wishes to trade to do so. That is, volume must be added to value as the second condition of a serviceable currency. Finally, if the money of any country is to serve its maximum purpose in encouraging the exchange of goods, velocity must be added to soundness and volume. When these three conditions exist, we have a reasonable chance for prosperity. In an industrial country such as ours there can be no prosperity when any one of these three conditions is lacking, whether the currency be based on gold, silver, or a combination of these metals.

So much for the elementary principles of money. Now let us see whether there is anything in our own economy which would make it advisable to devalue the dollar further at this time, or to give the President the power to do so in his discretion, or whether our situation argues against it.

Our money is unquestionably sound. We all know that. The dollar is accepted everywhere by all the peoples of the world. It is the soundest currency on the face of the earth, notwithstanding the size of the national debt. It may not be possible to make this statement a few years hence, but it can be made now without fear of substantial contradiction. It is self-evident.

For several years, further, the dollar has had a substantially stable value, both as a medium of domestic exchange and in relation to the currencies of our principal competitors. It is not subject to fluctuation. It is reinforced not only by our tremendous and unprecedented gold stock, but by the security afforded that stock by our strength as a nation, our determination on the one hand to remain at peace with the world, and on the other to make our defenses so strong that no nation will dare attack us.

There is plenty of money available in the United States for all possible purposes to which it might be put. We have the broadest and strongest metallic base of any nation, and the quantity of money available for commerce is more than sufficient to finance the present volume of business or any volume now in sight.

There is, however, one weakness in our domestic economy so far as it concerns the uses and circulation of money. This is the sluggishness with which money moves. We have soundness and volume without velocity. More simply, the money we have is locked up in the banks. The reason it is locked up is that the Government itself—and by the Government I mean the New Deal—has kept business in such a state of uncertainty, and failed so completely to bring back prosperity to the majority of Americans, as to offer no hope of a new national prosperity under present conditions. The banks of the country have been all but ruined as lending institutions, as the Government absorbs their surplus funds and they are in turn spent, redeposited, reborrowed, and respend in an unending cycle. This is the condition of our national economy at the present time. If any one thing is needed to help the country find its way back to prosperity, it is confidence in the Washington Government, a change of direction on the part of those in power, and the stabilization, rather than the further unsettlement or threat of unsettlement, of our currency. Certainly the way to restore prosperity is not to devalue the dollar further. There is nothing whatever in our economic picture to justify a further step in this direction. We do not need more money. We do need sound money. We do not need uncertainty. We need certainty. We need stability, not instability. We need confidence above all else—confidence in our institutions, in the Government, in our officials, in the President, in Congress, in the future, in ourselves. And we are asked by the President to pursue a course which could only result in



further loss of confidence, uncertainty, and increase the Nation's fears, all of which unquestionably would be reflected in a further business recession at a time when, if the common-sense course is followed, business normally should improve.

Let us not be deceived by calling the debasement of the dollar, devaluation; or deluded in the belief that it is not, or would not be, another step on the road to inflation.

Stephen Leacock, head of the department of economic and political science at McGill University, expresses the same thought as Mr. Babson in a different way.

"The first consequences of an inflation of currency," he remarks, "are as cheering as the first consequences of taking a brandy and soda." Perhaps a few Senators will understand what he is talking about.

"There is nothing like it," he says—and I quote from the volume *Back to Prosperity*. "The only problem in both cases is how many do you take and when are you to stop?"

Well, we had our brandy and soda in 1933 and the headache lasted ever since. And a good many Americans are beginning to wonder if it would not be better to sober up completely and stay sober, rather than invite a succession of headaches.

If we were living in the Middle Ages, under a monarch whose rule extended over half the world, and whose power within the boundaries of the country was absolute, it might be possible, as in the time of Kublai Khan, to do business with a currency made of what Marco Polo describes as "the bark of the mulberry tree." So far as I am aware, this was the first use of paper currency in recorded history. The Mongolian emperor whose hordes devastated eastern Europe and extended his sway from the Russian steppes to the coasts of China, required all persons entering his dominion to leave behind them all of the precious metal, jewels, and all other articles of enduring value brought with them, and to accept in exchange a currency serviceable only for the purchase of other goods within the empire which it was permissible to possess or export. Unfortunately, perhaps, we are living under different conditions, and it is necessary to give those with whom we trade a little more consideration than they received in trading with Kublai Khan. It is because we have played fair with other nations and because we are strong economically and in a military sense, that the owners of gold the world over have shipped their holding here, where we hold them as owner or trustee until such time as the balance of trade or the restoration of stable conditions abroad shall result in a reversal of the gold flow. How long do you suppose gold would continue to flow to the United States if we were to travel the road to inflation? How long before it would take flight to safer shores? We are on that road now, but it is not too late to turn back. And that is precisely what the Senate, or those of us whose vote determined its action the other day, propose to do.

I commend to the Senate, or to those Senators who are interested in the subject, a small volume in which is reproduced a paper read by Dr. Andrew White, a one-time president of Cornell University, before a committee of Congress in 1876, in which he vividly presents the picture of the inflation which preceded the French Revolution. The volume is obtainable in the Congressional Library. I cannot but feel that while the wrath of the American people would hardly express itself in the same manner as that of the French people in their revolution, this country would be in grave danger of a social upheaval more violent than anything it has ever known if those of us entrusted with the responsibility of directing its destinies ever take it down the road of uncontrolled inflation. And the penalties visited at that time on those in power, whatever they might be, would be justified.

If we want to see the average American wiped out completely and nine-tenths of the population nailed to the cross of human misery, let us give the President the power he asks; otherwise let us be sensible and call a halt on the march toward inflation before it is too late.

A contemporary writer, Mr. H. J. Haskell, the editor of the *Kansas City Star*, has recently written an interesting book, in which he shows the parallel between many of the things which are happening today and those which happened in the days of Rome's decline in the early centuries of the Christian era.

Perhaps because the records for that period are more complete than for some others, he discusses in some detail the condition of the empire and the people under Diocletian and the efforts of this able administrator to deal with the consequences of currency inflation by his predecessors. I think it worth while to recall this story once more.

At this point I wish to read from a book by H. J. Haskell, *The New Deal in Old Rome*:

Diocletian, with army backing, became dictator, reorganized the administration, and stabilized the currency on what he believed was a sound basis. Unfortunately, like some modern rulers facing a similar problem, he overvalued his new monetary unit. Prices promptly responded with another violent rise. Diocletian recognized the suffering that resulted, but naturally did not understand the cause. The trouble, he thought, lay in greedy profiteering. In 301 he issued his famous edict setting maximum prices and wages. After denouncing the profiteers in the preamble, he announced maximum prices for between seven and eight hundred articles and types of work and service.

In its technical descriptions the edict reads like a modern tariff act. There is millet ground and millet unground; olive oil first quality and olive oil second quality; goose artificially fed and goose not artificially fed; cabbages best and cabbages small; washed Tarentine wool and washed Laodicean wool. Maximum salaries are included for barbers, wagon makers, elementary teachers, teachers of Latin and Greek, and many others.

The act had teeth. The penalty for evasion was death. The Emperor had so expanded the civil service that a contemporary wrote, with disgusted exaggeration, that half of the men of the empire were on the government pay roll.

There were plenty of inspectors. But this early attempt at price fixing failed. It is recorded that businessmen closed their shops, that many articles of commerce disappeared, and that food riots resulted. A dozen years later we read the obituary of the act: "For merest trifles blood was shed and, out of fear, nothing was offered for sale and the scarcity grew much worse until, after the death of many persons, the law was repealed from mere necessity."

The attempt of Diocletian and his successors to save an empire that was crumbling resulted in complete regimentation under a totalitarian state. In the reign of Marcus Aurelius many villages and towns had been virtually wiped out by a great plague, probably a malignant type of smallpox, that had swept the empire from Persia to the Rhine. On a diminished population with greatly impaired resources, taxes were increased to support the enlarged army and the vast bureaucracy. Heavy contributions of grain were exacted from farmers to feed the soldiers and the population of the large cities. There were land taxes, property taxes, occupation taxes, poll taxes. It has been said of this period that "the penalty of wealth seemed to be ruin." The heart was taken out of the enterprising men. Finally the burden became so intolerable that to escape the imperial levies tenants fled from the farms and businessmen and workmen from their occupations. The government intervened and bound the tenants to the soil—the beginning of serfdom—and the businessmen and workmen to their occupations and trades. Private enterprise was crushed, and the state was forced to take over many kinds of business to keep the machine running.

As oppression by the central authority increased, many Romans in the frontier provinces escaped from its heavy hand to find refuge among the Germans and even the Huns. It is recorded that a refugee with the Huns told a Roman ambassador that "he considered his new life with the Huns better than his old life among the Romans." To the poor, it was said, the enemy was kinder than the tax collector.

Mr. President, could any description more accurately portray the conditions which result from a steady march down the road in which we stand at present?

Nor can we believe that these things happen and could happen only in the ancient world. For we know—from having seen or read with our own eyes of the suffering resulting from inflation in Germany following the World War. We know that it was this suffering that made Hitler possible. And the rest of the story, including the threat to world peace inherent in the Hitler program, we live from day to day. Do we want this to happen here? I do not think so, and I earnestly believe that the American people will sustain the Senate in its action if it refuses once more to give the President any further power to tamper with the currency, and that we shall be condemned and punished, as we should be, if we yield to his importunity.

I now desire to read an extract from Prof. Edwin W. Kemmerer's work on money:

In Germany we have a case of an inflation that was held in control throughout a great war and for some time afterward, and then broke away completely and ran amuck.

When the war broke out, Germany was on the gold standard and all her currency was maintained at a parity with her monetary unit, the gold mark, which had a value equivalent to about 24 cents United States gold. Although there were several kinds of paper money in circulation, none of them was important, except the notes of the German central bank, the Reichsbank, which constituted about two and six-tenths billion marks out of Germany's total coin and paper money circulation of six and one-half billion marks.

#### WARTIME INFLATION

Immediately upon the outbreak of the war Germany went off the gold standard and the Government took vigorous measures to bring into the vaults of the Reichsbank as much of the country's gold coin and bullion as possible. A strong, patriotic appeal was made to the public to sell to the Reichsbank for paper money their gold jewelry and ornaments; and a memorial medal of iron was given to those who did so. It bore the inscription:

"Gold I gave to defend my country.  
Iron I took for a badge of honor."

Restrictions on the issue of notes by the Reichsbank were lightened and a new form of war emergency paper money, the Loan Bureau notes, was authorized to be issued under Reichsbank control. They were to be used chiefly in the granting of credit to the smaller business concerns.

Since Germany expected the war to be a short one and hoped to recoup her war expenditures from a defeated enemy, she adopted the policy of obtaining her war revenue chiefly through borrowing, rather than from increased taxation. Politically it was the more popular method, at least for a short time. Germany's wartime inflation, therefore, was merely another case of the old story of exploiting the monetary function of government—namely, the function of providing the public with a good medium of exchange—for the benefit of the fiscal function of providing government with an adequate revenue.

#### INFLATION VIRUS WORKED SLOWLY

Under the influence of the war, Germany's national expenditures increased fivefold from the fiscal year in which the war began to the fiscal year 1918 in which it ended. During the same 4 years her total national debt increased sixfold. Her circulation of paper money (other than emergency money) increased from less than 3,000,000,000 marks at the beginning of the war to 29,000,000,000 at the end of November 1918. During the war the amount of Government treasury and commercial bills discounted and of advances made by the Reichsbank increased from 1.3 billion to 22.1 billion marks. The demand deposits of the Reichsbank increased from 858,000,000 marks to 10.7 billion marks, and the country's gold reserve from 1.25 billion marks to 2.38 billion marks. From the calendar year 1914 to 1918 the price of gold in terms of marks, as measured by New York-Berlin exchange rates, rose only 41 percent. Wholesale prices in Germany slightly more than doubled, and wages for every class of labor for which wage index numbers are available covering these years moved strongly downward.

Considering the extent of the expansion of the country's circulating medium during the war, the advance in prices up to the time of the armistice was strikingly moderate. It usually takes considerable time for the inflation virus to work, as we have been experiencing recently in the United States.

There is also an interesting extract in Frank F. Abbott's work *The Common People of Ancient Rome*, which I should like to read to the Senate:

The history of the growth of paternalism in the Roman Empire is still to be written. It would be a fascinating and instructive record. In it the changes in the character of the Romans and in their social and economic conditions would come out clearly. It would disclose a strange mixture of worthy and unworthy motives in their statesmen and politicians, who were actuated sometimes by a sympathy for the poor, sometimes by a desire for popular favor, by an honest wish to check extravagance or immorality, or by the fear that the discontent of the masses might drive them into revolution. We should find the Roman people, recognizing the menace to their simple, frugal way of living which lay in the inroads of Greek civilization, and turning in their helplessness to their officials, the censors, to protect them from a demoralization which, by their own efforts, they could not withstand. We should find the same officials preaching against race suicide, extravagant living, and evasion of public duties, and imposing penalties and restrictions in the most autocratic fashion on men of high and low degree alike who failed to adopt the official standards of conduct. We should read of laws enacted in the same spirit, laws restricting the number of guests that might be entertained on a single occasion, and prescribing penalties for guests and host alike, if the cost of a dinner exceeded the statutory limit. All this belongs to the early stage of paternal government. The motives were praiseworthy, even if the results were futile.

During the delivery of Mr. BARBOUR's speech,

Mr. CONNALLY. Mr. President, will the Senator from New Jersey yield?

Mr. BARBOUR. I am very glad to yield.

Mr. CONNALLY. This power has resided in the President for about 6 years, has it not?

Mr. BARBOUR. Not so long as that, I believe.

Mr. CONNALLY. It was ratified by the act of 1934, but the power to buy gold was conferred in May 1933. The Senator expresses fear that the power may be abused. Will he say that the President has abused the power within the past 6 years?

Mr. BARBOUR. Mr. President, I was on a vacation for 2 of those years, so perhaps I am not as competent a witness as I might otherwise be.

Mr. CONNALLY. Whether the Senator was on vacation or whether he was here, he had to have a little money, and he is a businessman of large means and large operations. Will he, or will he not, now say that the power which has been resting in the hands of the President to fix the value of the gold dollar for 6 years in fact has heretofore been abused?

Mr. BARBOUR. Of course, "abused" is a strong word. I will say that I myself regret that the dollar was devalued. I think that was a mistake. Whether it was an abuse or not is a matter of personal opinion.

Mr. CONNALLY. Let me say to the Senator that the question now is not whether it was right originally to devalue the dollar, but would the Senator say or not say that the power given to the President to vary the content from 60 to 50 percent has been unwisely exercised during the past 6 years? The President has not changed it since it was fixed at 59 cents.

Mr. BARBOUR. I think it was unwise to give the President that power, and I think it is unwise to let him retain it.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. BARBOUR. I am very glad to yield to the Senator from Vermont.

Mr. AUSTIN. Merely to have the Record show the exact time when the action of the President occurred, I ask the Senator from New Jersey to take notice that the proclamation of the President with respect to the gold standard under the Gold Reserve Act of 1934 was promulgated on August 9, 1934, and that the proclamation of the President relating to silver purchases under the Silver Purchase Act of 1934 was issued on the 10th day of April, 1935.

Mr. BARBOUR. I thank the Senator from Vermont very much.

Mr. CONNALLY. If the Senator will yield, I suggest to the Senator from Vermont that the original power to purchase gold at a higher valuation was conferred on the President by the act of May 12, 1933, by the so-called Thomas amendment. In 1934 Congress passed House bill 6976, known as the Gold Reserve Act, to which the Senator from Vermont makes reference. It was under that specific act that the President issued his proclamation to which the Senator now refers, was it not?

Mr. AUSTIN. It was directly referred to.

Mr. CONNALLY. That is the act for which the distinguished Senator from Michigan [Mr. VANDENBERG], who made the very exhaustive and scholarly speech a while ago, voted, according to the Record, on January 27, 1934, as is shown on page 1484 of the CONGRESSIONAL RECORD, where it is indicated that the yeas were 66 and the nays 23, and among the "yeas" appears the name of Mr. VANDENBERG, of Michigan.

Under that act it is provided, in section 13, that—

All actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury, under the act of March 9, 1933, or under section 43 or section 45 of title 3 of the act of May 12, 1933, are hereby approved, ratified, and confirmed.

The act of 1933, to which reference is made, was the agricultural appropriation act of that year, which carried the so-called Thomas amendment, which empowered and au-



thorized the President to buy gold, not to fix the gold content of the dollar, but to buy gold at a higher valuation, and the President did conduct a buying operation.

In 1934, after all of that had been done under that act, the Senator from Michigan [Mr. VANDENBERG] solemnly voted for the Gold Reserve Act, which specifically ratified, approved, and confirmed everything which had been done toward devaluation under the act of 1933. He voted for more than that.

Mr. BARBOUR. Mr. President, I do not want to lose the floor by this question.

Mr. CONNALLY. I assure the Senator he will not lose the floor, because it is a big floor, and the Senator fits it very well. [Laughter.]

I thank the Senator for his cordial reception, and I would not interrupt him except for the fact that the Vice President, or the President pro tempore, has such a long list of Republican orators who are ahead of the Senator from Texas that he can never hope before about 3 o'clock in the morning to obtain the floor.

The Senator from Michigan also voted for this act, which contains this language:

SEC. 12. Paragraph (b) (2) of section 43, title 3, of the act approved May 12, 1933—

And I should like to have the attention of the Senator from New Jersey. I hope he will not be diverted by any questions of those around him. [Laughter.] This is not a silver speech, I will say to the Senator from Oregon. This is the Thomas amendment to the act which originally gave the President power further to change the price of gold—

Is amended—

The Senator from Michigan [Mr. VANDENBERG] was not satisfied with the act of 1933. He wanted to give the President some more power. That act is—

amended by adding two new sentences at the end thereof, reading as follows:

"Nor shall the weight of the gold dollar be fixed in any event at more than 60 percent of its present weight."

In 1934 the Senator from Michigan voted not to permit any more gold in the dollar than 60 cents. Now he says he wants to put back 100 cents in it.

The powers of the President—

Listen to this. This is the solemn language of the Senator from Michigan, because he voted for it at a time when whisperings were not perhaps assailing his ears with as much force as they are now along certain other political lines. [Laughter in the galleries.] This is the Senator from Michigan [Mr. VANDENBERG] speaking through his vote, through the solemn act of the Congress as it appeared in the CONGRESSIONAL RECORD:

The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and \* \* \* objects of this section in his judgment may require;

Not the judgment of the Congress, but the judgment of the President of the United States—

Except that such powers shall expire 2 years after the date of the enactment of the Gold Reserve Act of 1934 unless the President—

Not the Congress—

Unless the President shall sooner declare the existing emergency ended, but—

Not the Congress—

But the President may extend such period for not more than 1 additional year after such date by proclamation recognizing the continuance of such emergency.

I will not take up more of the Senator's time, because I know he is anxious to convert somebody on his side of the House, and to conclude his remarks.

I wish Senators would read this act for which the Senator from Michigan voted. Let me merely read one more line.

Mr. BARBOUR. Mr. President, I am very glad to have the Senator read it.

Mr. CONNALLY. This measure for which the Senator from Michigan voted in 1934 also has a silver thread running through it, "Silver threads among the gold."

Mr. BARBOUR. I merely want to mention at this point for the RECORD that the Senator from Michigan [Mr. VANDENBERG] is not present during this discussion of the Senator from Texas.

Mr. CONNALLY. I wish he were. I like the Senator from Michigan as a Senator and a gentleman. I think he is a splendid, fine, lovable individual; but I cannot say as much for him as a Senator. [Laughter in the galleries.]

Mr. President, let us see about silver. "Paragraph (2) of subsection (b) of section 43, title III, of an act entitled"—and so forth—that is the Thomas amendment to the Agricultural Act of 1933. The Senator from Michigan tonight wants to strip from the President every power he has with regard to gold and with regard to silver. I am not interested in silver, but I am interested in the devaluation of the gold dollar. Some Senators will remember that I raised my voice on the floor of the Senate before Mr. Roosevelt became President, in a speech in January 1933, in which I took the position that if we were to make the dollar worth less, the only sensible way to do it was to take some of the gold out of it and reduce the gold content of the dollar. Senators were incredulous. They did not believe it could be done. They made sport of the Senator from Texas. They said, "That is unconstitutional. It cannot be done. It won't work." But afterward, when the President took it up, many of them saw a different light.

The Senator from Michigan was not content with the act of 1933, giving the President power to value gold in different values, so he voted for the act of 1934, which said:

The President, in addition to the authority to provide for the unlimited coinage of silver at the ratio so fixed—

He was not satisfied with the President's unlimited power; he wanted to give him some more—

under such terms and conditions as he may prescribe.

Is there anything there about the Congress of the United States prescribing it? The Senator from Michigan was voting to give the President the power, not the Congress. He was giving up the powers of Congress, surrendering them to the President.

Mr. McKELLAR. The same President, however.

Mr. CONNALLY. Yes; the same President. Tonight the Senator is balking the President, seeking to strip from him what little vestiges of power he has not exercised. Here is what the Senator said:

Under such terms and conditions as he may prescribe—

Who? The President of the United States; the same President that now sits in the White House—

under such terms and conditions as he may prescribe, is further authorized to cause to be issued—

The Senator from Michigan has given him more authority. He was not satisfied with the act of 1933. He wanted to give him some more power—

is further authorized to cause to be issued and delivered to the tenderer of silver for coinage—

Why silver? This unholy thing; this thing which would ruin all of us.

The President \* \* \* is further authorized to cause to be issued and delivered to the tenderer of silver for coinage, silver certificates in lieu of the standard silver dollars to which the tenderer would be entitled and in an amount in dollars equal to the number of coined—

Mr. BARBOUR. Mr. President, I hope the Senator will not think it discourteous or unfriendly of me, but I wish to inquire of him how much longer he will talk?

Mr. CONNALLY. About 3 or 4 minutes. And I thank the Senator very much for permitting me to do so. I am

not a glutton. I appreciate what I have. And it is fairly satisfactory, but I will not trespass long.

This is what the Senator from Michigan said. He was not satisfied with all the other powers that had been given to the President. He said:

The President is further authorized to issue silver certificates in such denominations as he may prescribe against any silver bullion, silver, or standard silver dollars in the Treasury not then held for redemption of any outstanding silver certificates, and to coin standard silver dollars or subsidiary currency for the redemption of such silver certificates.

But wait a moment.

The President is authorized in his discretion—

In the discretion of Congress? No; not in the discretion of the Senate. Oh, no. The President is authorized "in his discretion." The same President that is now in office, who has not changed the gold content of the dollar since he originally fixed its value. The same President we are talking about here tonight.

And to make different charges, or to collect different seigniorage for the coinage of silver of foreign production—

What? Silver from foreign lands. Why, we ought to shut it out under the immigration laws or the tariff laws. But the Senator from Michigan is willing for the President to buy foreign silver—

than for the coinage of silver produced in the United States or its dependencies. The silver certificates herein referred to shall be issued, delivered, and circulated substantially in conformity with the law now governing existing silver certificates, except as may herein be expressly provided to the contrary, and shall have and possess all of the privileges and the legal-tender characteristics.

The Senator from Michigan was voting to make a silver dollar legal tender along with the gold dollar.

The President is authorized—

He was not satisfied with giving the President that power. He had to give him some more power.

The President is authorized, in addition to other powers—

The Senator from Michigan was piling on the powers, making of the President—what did he call him?—making of the President an economic monarch, a financial emperor.

The President is authorized, in addition to other powers, to reduce the weight of the standard silver dollar in the same percentage that he reduces the weight of the gold dollar.

The President is further authorized—

And this is the language of the Senator from Michigan at a time—

Mr. BARBOUR. Mr. President, how long does the Senator expect to continue?

Mr. CONNALLY. Just 3 minutes more. [Laughter in the galleries.]

Mr. BARBOUR. I am very much afraid the Senator from Texas is going to be accused of filibustering.

Mr. CONNALLY. Oh, no; the Senator from New Jersey would not accuse the Senator from Texas of anything of that kind. And the Senator from Texas would not say anything which might cause offense, considering our respective circumstances and our proportions. [Laughter.]

I thank the Senator.

Mr. BARBOUR. That is all right.

Mr. CONNALLY. But if the Senator is filibustering, which I am not charging—

Mr. BARBOUR. No. I said I am afraid the Senator from Texas might be accused of filibustering.

Mr. CONNALLY. I would strike hands with him across the aisle, because I am not unacquainted with filibustering. That is no crime in my life. And if the Senator is filibustering he need not complain if he gets someone to help him a little.

Mr. BARBOUR. I am not complaining.

Mr. CONNALLY. Three other lines, and then I am through. This is the language of the Senator from Michigan at a time when the country was encompassed by economic stress and economic difficulties, at a time when business was disrupted, at a time when we were groping

around seeking to correct the abuses under which we were suffering and at a time when the Senate was in calmness and could practice wisdom and work without division, trying to arrive at a remedy. And the Senator from Michigan voted for the bill.

Mr. President, 5 years is a long time in a republic, where people vote and run for office. Many currents and storms and zephyrs and other manifestations of disturbances in the elements may be generated during such a period. So we cannot judge the Senator from Michigan of today as of 1934.

The President is further authorized—

The Senator from Michigan was not satisfied with monkeying with the dollar. He went down to nickels and dimes. [Laughter.]

The President is further authorized to reduce and fix the weight of subsidiary coins so as to maintain the parity of such coins with the standard silver dollar and with the gold dollar.

Mr. President, I do not want to put this speech in the bosom of the speech of the Senator from New Jersey, but I should like to have placed the entire act, Public, No. 87, Seventy-third Congress (H. R. 6979), into the RECORD at the conclusion of my remarks. I shall not undertake to belabor the Senate with quoting all of it, but I have read some pertinent extracts from it. These are the things for which the Senator from Michigan voted. I particularly want to charge the Senate's memory with section 13.

All actions—

Not just some actions, not one or two actions of the President about buying gold and changing the value, but—

All actions—

Are approved by the Senator from Michigan, because he said in this law—

All actions—

And if it did not happen to rise to the dignity of an action—

regulations, rules, orders, and proclamations heretofore taken, promulgated—

They may not be taken but simply promulgated—

All actions \* \* \* made or issued by the President of the United States—

Not by Congress or by the Secretary of the Treasury. The Senator from Michigan is willing to include the Secretary of the Treasury—

All actions \* \* \* made or issued by the President of the United States or the Secretary of the Treasury under the act of March 3, 1933, or under section 43 or section 45 of title III of the act of May 12, 1933—

These were the Thomas amendments, the silver and the gold and the paper money amendments—  
are hereby approved, ratified, and confirmed.

By Senator VANDENBERG, of Michigan, in 1934. I thank the Senator from New Jersey very much.

I ask that the act to which I referred be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection it is so ordered.

The act referred to is as follows:

[Public—No. 87—73d Congress]

[H. R. 6976]

An act to protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Gold Reserve Act of 1934."

SEC. 2. (a) Upon the approval of this Act all right, title, and interest, and every claim of the Federal Reserve Board, of every Federal Reserve bank, and of every Federal Reserve agent, in and to any and all gold coin and gold bullion shall pass to and are hereby vested in the United States; and in payment therefor credits in equivalent amounts in dollars are hereby established in the Treasury in the accounts authorized under the sixteenth paragraph



of section 16 of the Federal Reserve Act, as heretofore and by this Act amended (U. S. C., title 12, sec. 467). Balances in such accounts shall be payable in gold certificates, which shall be in such form and in such denominations as the Secretary of the Treasury may determine. All gold so transferred, not in the possession of the United States, shall be held in custody for the United States and delivered upon the order of the Secretary of the Treasury; and the Federal Reserve Board, the Federal Reserve banks, and the Federal Reserve agents shall give such instructions and shall take such action as may be necessary to assure that such gold shall be so held and delivered.

(b) Section 16 of the Federal Reserve Act, as amended, is further amended in the following respects:

(1) The third sentence of the first paragraph is amended to read as follows: "They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank."

(2) So much of the third sentence of the second paragraph as precedes the proviso is amended to read as follows: "The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this Act, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this Act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates:"

(3) The first sentence of the third paragraph is amended to read as follows: "Every Federal Reserve bank shall maintain reserves in gold certificates or lawful money of not less than 35 per centum against its deposits and reserves in gold certificates of not less than 40 per centum against its Federal Reserve notes in actual circulation: *Provided, however,* That when the Federal Reserve agent holds gold certificates as collateral for Federal Reserve notes issued to the bank such gold certificates shall be counted as part of the reserve which such bank is required to maintain against its Federal Reserve notes in actual circulation."

(4) The fifth and sixth sentences of the third paragraph are amended to read as follows: "Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal Reserve banks through which they were originally issued, and thereupon such Federal Reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal Reserve notes have been redeemed by the Treasurer in gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold certificates, and such Federal Reserve bank shall, so long as any of its Federal Reserve notes remain outstanding, maintain with the Treasurer in gold certificates an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal Reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold certificates out of the redemption fund hereinafter provided and returned to the Reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States."

(5) The fourth, fifth, and sixth paragraphs are amended to read as follows:

"The Federal Reserve Board shall require each Federal Reserve bank to maintain on deposit in the Treasury of the United States a sum in gold certificates sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal Reserve notes issued to such bank, but in no event less than 5 percent of the total amount of notes issued less the amount of gold certificates held by the Federal Reserve agent as collateral security; but such deposit of gold certificates shall be counted and included as part of the 40 per centum reserve hereinbefore required. The Board shall have the right, acting through the Federal Reserve agent, to grant in whole or in part, or to reject entirely the application of any Federal Reserve bank for Federal Reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal Reserve agent, supply Federal Reserve notes to the banks so applying, and such bank shall be charged with the amount of the notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal Reserve notes less the amount of gold certificates held by the Federal Reserve agent as collateral security. Federal Reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal Reserve bank as may be issued under section 13 of this Act upon security of United States 2 per centum Government bonds, become a first and paramount lien on all the assets of such bank.

"Any Federal Reserve bank may at any time reduce its liability for outstanding Federal Reserve notes by depositing with the Federal Reserve agent its Federal Reserve notes, gold certificates, or lawful money of the United States. Federal Reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"The Federal Reserve agent shall hold such gold certificates or lawful money available exclusively for exchange for the outstanding Federal Reserve notes when offered by the Reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal Reserve agent to transmit to the Treasurer of the United States so much of the gold certificates held by him as collateral security for Federal Reserve notes as may be required for the exclusive

purpose of the redemption of such Federal Reserve notes, but such gold certificates when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal Reserve agent."

(6) The eighth paragraph is amended to read as follows:

"All Federal Reserve notes and all gold certificates and lawful money issued to or deposited with any Federal Reserve agent under the provisions of the Federal Reserve Act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal Reserve bank to which he is accredited. Such agent and such Federal Reserve bank shall be jointly liable for the safekeeping of such Federal Reserve notes, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal Reserve agent from depositing gold certificates with the Federal Reserve Board, to be held by such Board subject to his order, or with the Treasurer of the United States for the purposes authorized by law."

(7) The sixteenth paragraph is amended to read as follows:

"The Secretary of the Treasury is hereby authorized and directed to receive deposits of gold or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal Reserve bank or Federal Reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal Reserve bank or Federal Reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold certificates on the order of the Federal Reserve Board to any Federal Reserve bank or Federal Reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal Reserve bank or such Federal Reserve agent. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the Board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury."

(8) The eighteenth paragraph is amended to read as follows:

"Deposits made under this section standing to the credit of any Federal Reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal Reserve notes, or as a part of the reserve it is required to maintain against deposits."

SEC. 3. The Secretary of the Treasury shall, by regulations issued hereunder, with the approval of the President, prescribe the conditions under which gold may be acquired and held, transported, melted or treated, imported, exported, or earmarked: (a) for industrial, professional, and artistic use; (b) by the Federal Reserve banks for the purpose of settling international balances; and, (c) for such other purposes as in his judgment are not inconsistent with the purposes of this Act. Gold in any form may be acquired, transported, melted or treated, imported, exported, or earmarked or held in custody for foreign or domestic account (except on behalf of the United States) only to the extent permitted by, and subject to the conditions prescribed in, or pursuant to, such regulations. Such regulations may exempt from the provisions of this section, in whole or in part, gold situated in the Philippine Islands or other places beyond the limits of the continental United States.

SEC. 4. Any gold withheld, acquired, transported, melted or treated, imported, exported, or earmarked or held in custody, in violation of this Act or of any regulations issued hereunder, or licenses issued pursuant thereto, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and in addition any person failing to comply with the provisions of this Act or of any such regulations or licenses, shall be subject to a penalty equal to twice the value of the gold in respect of which such failure occurred.

SEC. 5. No gold shall hereafter be coined, and no gold coin shall hereafter be paid out or delivered by the United States: *Provided, however,* That coinage may continue to be executed by the mints of the United States for foreign countries in accordance with the Act of January 29, 1874 (U. S. C., title 31, sec. 367). All gold coin of the United States shall be withdrawn from circulation, and, together with all other gold owned by the United States, shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct.

SEC. 6. Except to the extent permitted in regulations which may be issued hereunder by the Secretary of the Treasury with the approval of the President, no currency of the United States shall be redeemed in gold: *Provided, however,* That gold certificates owned by the Federal Reserve banks shall be redeemed at such times and in such amounts as, in the judgment of the Secretary of the Treasury, are necessary to maintain the equal purchasing power of every kind of currency of the United States: *And provided further,* That the reserve for United States notes and for Treasury notes of 1890, and the security for gold certificates (including the gold certificates held in the Treasury for credits payable therein) shall be maintained in gold bullion equal to the dollar amounts required by law, and the reserve for Federal Reserve notes shall be maintained in gold certificates, or in credits payable in gold certifi-

cates maintained with the Treasurer of the United States under section 16 of the Federal Reserve Act, as heretofore and by this Act amended.

No redemptions in gold shall be made except in gold bullion bearing the stamp of a United States mint or assay office in an amount equivalent at the time of redemption to the currency surrendered for such purpose.

SEC. 7. In the event that the weight of the gold dollar shall at any time be reduced, the resulting increase in value of the gold held by the United States (including the gold held as security for gold certificates and as a reserve for any United States notes and for Treasury notes of 1890) shall be covered into the Treasury as a miscellaneous receipt; and, in the event that the weight of the gold dollar shall at any time be increased, the resulting decrease in value of the gold held as a reserve for any United States notes and for Treasury notes of 1890, and as security for gold certificates shall be compensated by transfers of gold bullion from the general fund, and there is hereby appropriated an amount sufficient to provide for such transfers and to cover the decrease in value of the gold in the general fund.

SEC. 8. Section 3700 of the Revised Statutes (U. S. C., title 31, sec. 734) is amended to read as follows:

"Sec. 3700. With the approval of the President, the Secretary of the Treasury may purchase gold in any amounts, at home or abroad, with any direct obligations, coin, or currency of the United States, authorized by law, or with any funds in the Treasury not otherwise appropriated, at such rates and upon such terms and conditions as he may deem most advantageous to the public interest; any provision of law relating to the maintenance of parity, or limiting the purposes for which any of such obligations, coin, or currency, may be issued, or requiring any such obligations to be offered as a popular loan or on a competitive basis, or to be offered or issued at not less than par, to the contrary notwithstanding. All gold so purchased shall be included as an asset of the general fund of the Treasury."

SEC. 9. Section 3699 of the Revised Statutes (U. S. C., title 31, sec. 733) is amended to read as follows:

"Sec. 3699. The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he may sell gold in any amounts, at home or abroad, in such manner and at such rates and upon such terms and conditions as he may deem most advantageous to the public interest, and the proceeds of any gold so sold shall be covered into the general fund of the Treasury: *Provided, however,* That the Secretary of the Treasury may sell the gold which is required to be maintained as a reserve or as security for currency issued by the United States, only to the extent necessary to maintain such currency at a parity with the gold dollar."

SEC. 10. (a) For the purpose of stabilizing the exchange value of the dollar, the Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to carry out the purpose of this section. An annual audit of such fund shall be made and a report thereof submitted to the President.

(b) To enable the Secretary of the Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 7 hereof, the sum of \$2,000,000,000, which sum when available shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the "fund") under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine, are not currently required for stabilizing the exchange value of the dollar. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

(c) All the powers conferred by this section shall expire two years after the date of enactment of this act, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated; but the President may extend such period for not more than one additional year after such date by proclamation recognizing the continuance of such emergency.

SEC. 11. The Secretary of the Treasury is hereby authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this act.

SEC. 12. Paragraph (b) (2), of section 43, title III, of the act approved May 12, 1933 (Public, Numbered 10, Seventy-third Congress), is amended by adding two new sentences at the end thereof, reading as follows:

"Nor shall the weight of the gold dollar be fixed in any event at more than 60 per centum of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised

by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire two years after the date of enactment of the Gold Reserve Act of 1934 unless the President shall sooner declare the existing emergency ended, but the President may extend such period for not more than one additional year after such date by proclamation recognizing the continuance of such emergency."

Paragraph (2) of subsection (b) of section 43, title III, of an act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes," approved May 12, 1933, is amended by adding at the end of said paragraph (2) the following:

"The President, in addition to the authority to provide for the unlimited coinage of silver at the ratio so fixed, under such terms and conditions as he may prescribe, is further authorized to cause to be issued and delivered to the tenderer of silver for coinage, silver certificates in lieu of the standard silver dollars to which the tenderer would be entitled and in an amount in dollars equal to the number of coined standard silver dollars that the tenderer of such silver for coinage would receive in standard silver dollars.

"The President is further authorized to issue silver certificates in such denominations as he may prescribe against any silver bullion, silver, or standard silver dollars in the Treasury not then held for redemption of any outstanding silver certificates, and to coin standard silver dollars or subsidiary currency for the redemption of such silver certificates.

"The President is authorized, in his discretion, to prescribe different terms and conditions and to make different charges, or to collect different seigniorage, for the coinage of silver of foreign production than for the coinage of silver produced in the United States or its dependencies. The silver certificates herein referred to shall be issued, delivered, and circulated substantially in conformity with the law now governing existing silver certificates, except as may herein be expressly provided to the contrary, and shall have and possess all of the privileges and the legal tender characteristics of existing silver certificates now in the Treasury of the United States, or in circulation.

"The President is authorized, in addition to other powers, to reduce the weight of the standard silver dollar in the same percentage that he reduces the weight of the gold dollar.

"The President is further authorized to reduce and fix the weight of subsidiary coins so as to maintain the parity of such coins with the standard silver dollar and with the gold dollar."

SEC. 13. All actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made or issued by the President of the United States or the Secretary of the Treasury, under the act of March 9, 1933, or under section 43 or section 45 of title III of the act of May 12, 1933, are hereby approved, ratified, and confirmed.

SEC. 14. (a) The Second Liberty Bond Act, as amended, is further amended as follows:

(1) By adding at the end of section 1 (U. S. C., title 31, sec. 752; Supp. VII, title 31, sec. 752), a new paragraph as follows:

"Notwithstanding the provisions of the foregoing paragraph, the Secretary of the Treasury may from time to time, when he deems it to be in the public interest, offer such bonds otherwise than as a popular loan and he may make allotments in full, or reject or reduce allotments upon any applications whether or not the offering was made as a popular loan."

(2) By inserting in section 8 (U. S. C., title 31, sec. 771), after the words "certificates of indebtedness", a comma and the words "Treasury bills".

(3) By striking out the figures "\$7,500,000,000" where they appear in section 18 (U. S. C., title 31, sec. 753) and inserting in lieu thereof the figures "\$10,000,000,000."

(4) By adding thereto two new sections, as follows:

"SEC. 19. Notwithstanding any other provisions of law, any obligations authorized by this act may be issued for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, or Treasury bills, of the United States, or to obtain funds for such purchase, redemption, or refunding, under such rules, regulations, terms, and conditions as the Secretary of the Treasury may prescribe.

"SEC. 20. The Secretary of the Treasury may issue any obligations authorized by this act and maturing not more than one year from the date of their issue on a discount basis and payable at maturity without interest. Any such obligations may also be offered for sale on a competitive basis under such regulations and upon such terms and conditions as the Secretary of the Treasury may prescribe, and the decisions of the Secretary in respect of any issue shall be final."

(b) Section 6 of the Victory Liberty Loan Act (U. S. C., title 31, sec. 767; Supp. VII, title 31, secs. 767-767a) is amended by striking out the words "for refunding purposes", together with the preceding comma, at the end of the first sentence of subsection (a).

(c) The Secretary of the Treasury is authorized to issue gold certificates in such form and in such denominations as he may determine, against any gold held by the Treasurer of the United States, except the gold fund held as a reserve for any United States notes and Treasury notes of 1890. The amount of gold



certificates issued and outstanding shall at no time exceed the value, at the legal standard, of the gold so held against gold certificates.

SEC. 15. As used in this act the term "United States" means the Government of the United States; the term "the continental United States" means the States of the United States, the District of Columbia, and the Territory of Alaska; the term "currency of the United States" means currency which is legal tender in the United States, and includes United States notes, Treasury notes of 1890, gold certificates, silver certificates, Federal Reserve notes, and circulating notes of Federal Reserve banks and national banking associations; and the term "person" means any individual, partnership, association, or corporation, including the Federal Reserve Board, Federal Reserve banks, and Federal Reserve agents. Wherever reference is made in this act to equivalents as between dollars or currency of the United States and gold, one dollar or one dollar face amount of any currency of the United States equals such a number of grains of gold, nine-tenths fine, as, at the time referred to, are contained in the standard unit of value, that is, so long as the President shall not have altered by proclamation the weight of the gold dollar under the authority of section 43, title III, of the act approved May 12, 1933, as heretofore and by this act amended, twenty-five and eight-tenths grains of gold, nine-tenths fine, and thereafter such a number of grains of gold, nine-tenths fine, as the President shall have fixed under such authority.

SEC. 16. The right to alter, amend, or repeal this act is hereby expressly reserved. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 17. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

Approved, January 30, 1934.

Mr. BARBOUR. I thank the Senator for his very welcome contribution.

Mr. President, I ask unanimous consent that the RECORD be so arranged that the remarks of the Senator from Texas, if agreeable to him, follow the conclusion of my address.

Mr. CONNALLY. Mr. President, I wish the Senator from New Jersey would allow me to make that request. I would prefer to do so.

May I request, Mr. President, that the remarks which the Senator from Texas, by the kindness, generosity, and grace of the Senator from New Jersey, had the honor to submit to the Senate, be placed at the conclusion of the Senator's remarks?

The PRESIDENT pro tempore. Without objection, it is so ordered.

During the delivery of Mr. BARBOUR's speech,

Mr. AUSTIN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. AUSTIN. The Senate is honored by many guests tonight. I think they should be cautioned that merely slight conversation creates a murmur which interferes with the performance of the duties of the Senate.

The PRESIDENT pro tempore. The point of order is well taken. Let the Chair remind those in the galleries that they are guests of the Senate. Senators are attempting to transact very important business, and it is against the rules for the occupants of the galleries to indulge in conversation if it is annoying on the floor; and it is. Order must be preserved in the galleries. As the Senator from Vermont says, constant talking, although it may not be loud, causes disturbance on the floor of the Senate.

After the conclusion of Mr. BARBOUR's speech,

#### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BULOW, from the Committee on Civil Service, reported favorably the nomination of Arthur S. Flemming, of the District of Columbia, to be a Civil Service Commissioner, vice Samuel H. Ordway, Jr., resigned.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

#### ADDITIONAL BILLS AND A JOINT RESOLUTION INTRODUCED

Additional bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

S. 2741. A bill to amend section 308 (an administrative provision) of the Tariff Act of 1930; to the Committee on Finance.

By Mr. REYNOLDS:

S. 2742. A bill to provide an allowance to civilian officers and employees of the United States permanently transferred to a new post of duty equal to the cost of transporting their family and personal goods to such new post; to the Committee on Expenditures in the Executive Department.

By Mr. ANDREWS:

S. J. Res. 165. Joint resolution to provide for the payment of indemnity for losses suffered and damages sustained as a result of the campaign for the eradication of the Mediterranean fruit fly in the State of Florida; to the Committee on Claims.

#### NEUTRALITY OR WAR?—EDITORIAL FROM SEATTLE STAR AND TACOMA TIMES

[Mr. BONE asked and obtained leave to have printed in the RECORD an editorial from the Seattle Star and the Tacoma Times of June 23, 1939, entitled "Neutrality or War?" which appears in the Appendix.]

#### KEEP AMERICA OUT OF WAR—ADDRESS BY DR. GERALD B. WINROD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by Dr. Gerald B. Winrod on April 30, 1939, on the subject Keep America Out of War, which appears in the Appendix.]

#### STABILIZATION FUND AND WEIGHT OF THE DOLLAR

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised.

Mr. TYDINGS obtained the floor.

Mr. JOHNSON of California. Mr. President, would the Senator mind if I suggested the absence of a quorum?

Mr. TYDINGS. I really do not care to have one, but I thank the Senator for his kindness in thinking of it.

Mr. President, it seems to me that the question now before the Senate and the question now before the country is a very simple question indeed. We are not debating tonight whether it is advisable to devalue the dollar further. We are not debating whether or not we intend to change the value of our money either in terms of gold or in terms of foreign exchange. We are debating one thing and one thing only, namely, Shall we give to the President of the United States the power to further devalue the dollar, or, having once given him that power, and now having the opportunity to recapture it, shall we get it back and keep it, and, if advisable, devalue the dollar by ourselves by a law enacted by the Congress? That is all there is to the pending proposition.

No one maintains that if we give this power to the President he is going to devalue the dollar further. Indeed, in an interview given out at Hyde Park, I believe he is quoted as saying that the odds were, he said, about 10 to 1 that he would not use the power if Congress gave it to him.

If the President of the United States tomorrow, next week, next month, or next year, feels that it is advisable, for the good of this Nation, for the good of the people of this country, for the economy of this country, for the welfare of this country, that the dollar be further devalued, he can make such recommendation at the desk of the Senate, where it will be read, and at the other end of the Capitol, in the House of Representatives, where it will be read, and if the Congress thinks there is merit to the recommendation of the President, we can devalue the dollar within a week.

It would be supposed, from the futile arguments made on this floor, that if in the future it should become advisable to devalue the dollar, and we do not give this power to the President, my goodness, there would be no way under God's eternal sun by which we could devalue the dollar if we wanted to. That is childish; it is not worthy of debate; it is so void of any logic that it hardly merits discussion.

It may be advisable in the future to devalue further our dollar, depending on conditions which we do not now know; but if that time should come, whether we give the President this power or whether we do not give him the power, Congress could devalue the dollar if it decided to do so by passing a bill declaring what the value of the dollar shall be in terms of gold. The bill would go to the President, and if he should sign it, that would be the value of the dollar in terms of gold, and if the President should veto the bill and it should come back to the Congress and two-thirds of both branches should decide that they still wanted to devalue the dollar anyway, they could pass the bill over the President's veto and still devalue the dollar, whether the President wanted it devalued or not.

Let us get it straight that the only thing now pending before this body is a simple matter of policy, whether Congress, which, under the Constitution, has the right and authority and the sole power to coin money and fix the weight and value and standard thereof, shall keep that power until such time as it feels it may want to exercise it, or whether it shall say in advance that it transfers the power to the President to use it as he sees fit.

Mr. President, this matter is just exactly like the neutrality bill. I am in favor of neutrality; every Member of the Senate is in favor of neutrality; every Member of the House of Representatives is in favor of neutrality, and I suppose nearly every person in the United States is in favor of neutrality. But when we come to writing a neutrality bill before a war actually happens, we are in the situation of a doctor who attempts to write a prescription for a patient before he knows from what disease or difficulty the patient is suffering.

That is exactly the case of the bill before us. While no emergency exists, we are not asked to give the President this power so that he may devalue the dollar tomorrow or next week or next month, but we are asked to give it to him merely in case at some time away off in the future he may think it wise to devalue the dollar.

For my part, I am of the very definite opinion that if the time shall come again when it will be wise or necessary or expedient to change the value of the dollar, then the Congress should take the appropriate action, and if the time shall come when it is necessary or wise or expedient to change the value of the dollar and the President thinks that to be the case, all he will have to do will be to make such a recommendation to the Congress, and the Congress, if it agrees, can take action within a week and the dollar will be devalued.

Yet we have heard, in the arguments when the bill was pending in the Senate, and in similar arguments from some of the columnists, and, indeed, from interviews given out by some officials in the administration, that, in effect, if we do not give the President this power and it shall become necessary to devalue the dollar for the good of the United States, it will just be too bad, because the dollar will never be devalued again. Every Member of the Senate knows that is childish; every Senator on this floor knows that is not the case.

Mr. President, when we passed the original devaluation bill in January 1934, what were the conditions in the United States and abroad in comparison with the conditions in the United States today and the conditions abroad today? In 1934, when we passed the act, it was within 9 months of the time when every bank in the United States was closed; it was within 9 months of the time an entire administration had gone out of power and an entirely new administration had come into power. It was at a time, as the Senator from Oklahoma has said, when wheat was selling at a very

low figure, when corn was selling for a very low price, when cattle and hogs were down to a very low price, and it was at a time when Germany was not being governed by the present chancellor.

It was at a time when France and Great Britain had depreciated their currencies. It was at a time when there was the lowest ebb of public confidence, the greatest mass of private debt, and the most unprecedented low-scale prices within the lifetime of most of the people of this Republic. So in that period of great chaos, in that period of uncertainty, it was felt that the dollar was too high in relation to commodities, and, as all nations were attempting to depreciate their currencies in an effort to attract foreign trade to themselves and away from nations which did not depreciate their currencies, it was deemed advisable by Congress to turn this power, among others, over to the President of the United States.

Let me burn this statement into the thoughts of my colleagues with letters of fire: There was no stabilization fund of \$2,000,000,000 at the time.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield, for a question, of course.

Mr. THOMAS of Oklahoma. I wish to direct the attention of the Senator to the fact that the power to devalue the dollar was contained in an act passed in 1933. The power was conferred on the President in the Agricultural Adjustment Act which was approved on May 12, 1933, and the President, acting under that authority, proceeded to bid up gold, and by the 30th day of January 1934 he had the gold price bid up to where he wanted it. The Gold Reserve Act was passed on the 30th day of January 1934, and the next day the President stabilized the dollar at its present value of fifteen-and-five-twenty-first grains of gold.

Mr. TYDINGS. I thank the Senator from Oklahoma. That is a case in point. All these actions were taken in 1933 or early in 1934. There was no \$2,000,000,000 stabilization fund in those days which stabilized our currency in relation to the currencies of France and England and other nations. Congress had not taken any of the actions which have since been taken.

The situation was entirely different and any Senator would be justified in having taken one view by virtue of the condition then existing, and taking another view today when the conditions are utterly changed, when there is a \$2,000,000,000 fund with which to support the American dollar in all the exchanges of the world, and back of that \$2,000,000,000 there are \$16,000,000,000 of gold in the United States, which is about 60 percent of all the gold in the world. If there is any such situation existing today, comparable to that of 1934, I do not know where it is.

Therefore, there is only one thing before this body tonight. Shall we recapture, now that the time limit has expired, the right vested in Congress by the Constitution to fix the value of the money of the country, or, with no need—for the President himself says it is 10 to 1 if we give him the power he will never use it—shall we give up that power in advance, without an emergency, to the President of the United States and deprive ourselves, should future opportunity or need arise, to take action which Congress may think is wise in relation to the value of money?

This is what we do when we give the President the power to devalue the dollar: We give him the power to declare by Executive decree that all tariffs shall be reduced. Mark that. He can reduce every tariff in the country against foreign importation by Executive decree if we give him this power and if he desires to exercise it.

He can by Executive decree reduce the wages and the salaries of every worker in this Nation who works for wages and salaries if he desires to exercise the power to devalue the dollar, if Congress confers it on him. He can by Executive decree increase the cost of living to every salaried and wage earner in America should he decide to exercise the power, if Congress gives it to him, to devalue the dollar. He



can decrease by Executive decree the purchasing power of all the wage earners of this Nation should he decide, in the event we give him this power, further to devalue the dollar. He can increase the cost to our citizens of all imports coming into the United States, by Executive decree, should we decide to give him the power to devalue the dollar and should he exercise it. He can decrease in terms of wealth the customs revenues of the Nation by Executive decree, should we give him the power and should he exercise it.

What is involved here? Mr. President, let us tear down the camouflage, let us tear away the veil. Let us look at what is really involved in this issue. What is it? Daily, weekly, monthly, yearly, all of us, the President of the United States, Members of the Senate and House of Representatives, people in the administration and out of it, point to the dictatorships in Russia, Germany, and Italy and say, "What a horrible thing it is to have to live under a dictatorial form of government. What chaos it brings." And while we denounce these strange and novel forms of government in one breath here in the Congress, by request of the President from the other end of the Avenue, we adopt the very measures which imitate the dictator system of which the power to fix money is one.

In one breath we assert that democracy is a great boon; that we have a representative government; that power rests in the representatives and in the people of the Nation; and by legislative action we immediately go back on all we have said, and pass laws one after the other which make of our Government at least an invitation to and a reflection of the very systems of government which we denounce.

What is the difference between the Government of Russia, of Germany, and Italy, and the Government of Great Britain and the United States, for example? The sole difference is that all the dictatorial countries have laws for unemployment; they have laws for the army and they have laws for the navy and for railroads and for agriculture, just as we have; but in those countries laws are made by decree, whereas in this country and in Great Britain, thank God, up to this hour the power to legislate resides in the representatives of the people.

Mr. President, ours is a representative form of government. There is not a representative form of government, because when an election is held over there it is held under such auspices that the people can, in the main, vote only as the head of the government wants them to vote. That is the reason why, having been a party, as practically every Senator and every Member of the House has, to giving the President some power in the past of a temporary nature to meet a certain emergency, to fit a certain condition, and that time having passed, with the growth of these dictators, with the retreat of democracy, with the imitations of democracy by dictatorial forms of government, I feel that the hour has come when, if we do not want to walk the same road that other nations have walked, we should take action to steer our course away from it. They all walked it gradually; not overnight, but step by step, step by step, they have arrived at their present state of governmental philosophy. I think we have gone far enough in that direction, and that the time has come to restore to the Congress and to the people of America the time-honored means and traditions and methods of transacting governmental business by having power which the Constitution vests in the Congress remain in the Congress, to be used by the Congress whenever an emergency demanding its use shall arise.

I now wish to call to the Senate's attention a few remarks of the Chief Executive of the United States which appeared in all the newspapers of the Nation, and which appeared also in the Chicago Daily Tribune of Wednesday, June 28, a copy of which I happen to have, and from which I shall read to the extent of a paragraph or two:

In his conference at Hyde Park, the President, in clipped syllables, denied flatly that he had any intention of exercising his fading power to devalue the dollar but insisted the right should be lodged with him because it might prove important during a national or international crisis. He set at 10 to 1 the betting odds against further devaluation.

In other words, he himself said, "I cannot do this without the Congress of the United States giving me the power, and

even if Congress gives me the power, I do not expect to use it; indeed, the odds are 10 to 1 that I shall never use it." Which leads me to ask, Why in the world is he not content? If there is no immediate emergency, if he does not intend to use it, if the odds are 10 to 1 against its use, why in the world does he not let it reside in the Congress of the United States until the time comes when he thinks perhaps it may be wise further to devalue the dollar, in which event all he has to do is to point out the circumstances, the conditions of the crisis, the particular events which make it mandatory or necessary or wise, and Congress can act upon it instantly. That is all there is in this bill—whether we want to lodge that power at the Executive end of the Avenue or whether we want to keep it right here.

I read further:

The President asserted that the Senate action was not final by any means. He referred to approval by the House of extension of his monetary powers, which, in the face of Senate disapproval, forces the measure into conference. His manner indicated, however, that he has little hope the conference will bring a return of the power he covets.

He accused the coalition of silver bloc New Dealers, conservative Democrats, and Republicans of returning the control of international exchange to Wall Street from the Treasury. Control is going back to the hands of bankers, he said, who profited in 1930 and 1931 by international currency manipulation which cost Americans hundreds of millions of dollars.

I thought we had put the stabilization fund of \$2,000,000,000 down there to stop that very thing, and I venture the remark that if these bankers can amass a fund of \$2,000,000,000 that is available instantly, that can be used to buy and sell the currencies of the world, then they are a great deal richer bankers than any I ever heard of.

They cannot begin to match in volume, in finesse, in information, or in anything else the ability of the Government in the field of international currency stabilization. Here are \$2,000,000,000 backed by a Government with \$16,000,000,000 in gold; and if \$2,000,000,000 should not stabilize the currency of this country, we could double the amount, we could treble the amount, indeed, we could increase it eight times before our resources would be exhausted.

So it is absolutely silly to say that the international bankers are going to manipulate the currency of this country. To show how absolutely silly, in my judgment, that statement is, let us go back to 1920, 1921, 1922, and 1923. What happened then? France devalued its currency; Great Britain devalued its currency; but we never devalued our currency. What happened? Did we go down into the doldrums? Did that wreck our economic structure? Were people out of work? Was there unemployment? Were there bad times? Not at all. From the period of 1922 to 1929, although the foundation was unsound insofar as money valuation was concerned, it was otherwise sound, and it was one of the contributing factors to the prosperity that was then enjoyed.

Therefore, in my judgment, if without a \$2,000,000,000 stabilization fund we could go through those years of prosperity, with governments all over the world devaluing their currencies, and we did not need to devalue ours, how much more readily can we go through the present time without further devaluation, when we have a \$2,000,000,000 stabilization fund with which to support our currency in any market in the world.

This statement, as it was printed in some of the press of the country, shocked me at first, until I applied some reason to it. I visioned that on tomorrow morning, July 1, which is just 15 minutes away from the moment I am speaking, the sun would not shine. I visioned that all the wheat out on the prairie would stop growing; that every railroad train would cease to run; and I thought that the water in all the streams would dry up, and there would not be a mouthful of food for a person in the Republic; that the farmers down South would go out in the cottonfields and find them all withered; that up in Vermont the granite would turn to putty and no longer would make the beautiful building stone which bedecks the Republic. Indeed, I thought that never again would a President of the United States go across the country in an attempt

to enlist the people in any particular cause in which he might be interested; and, above all things, I knew that in the State of Wisconsin never again would a round, solid cheese be produced from the cows of that beloved and progressive State. [Laughter.]

Then I had another view. It seemed to me that if everything was going backward all the nations of the world which owe us money would begin paying their war debts. I even thought, to change the scheme of things, that the Chief Executive would go abroad and visit in England in order to show the English people the kind of ruler we have in the United States. Never again would my ears hear the Senator from Mississippi [Mr. BILBO] in his eloquent efforts to send all the beloved colored brethren of our Republic to Dark Continent.

But there was one ray of hope that came down from the clouds, even like a bolt of lightning; for I knew that the debts which my friend from Oklahoma [Mr. THOMAS] wants the people of this Nation to be in a position to pay would not have to be paid after all; and I could see no reason, therefore, for continued and future sessions of the Congress. I thought that after all there might be some good in the end of the world, which the President predicted.

Tomorrow will be Saturday, just 13 minutes away from this good hour. Tomorrow will be the first of July. I have a feeling—I may be wrong—that even in New York City overnight grass will not be growing in the streets. I have a feeling that the banks will all open, that all the merchandising establishments will have their wares on display; that people will be going back and forth to the world's fair; and that down in North Carolina Mount Pisgah in all its glory will kiss the first refulgent rays of the golden rising sun.

I have a feeling, Mr. President, that the end of the world will not come, whether Congress grants this power or whether it does not grant the power. I have a feeling that if an emergency should arise in the future, as it may, in which it may be wise for us further to devalue the dollar, when that emergency arises and the President of the United States, whether he be our present President or another, calls it to the attention of the Congress, if the action is wise the Congress will pass a law further devaluing the dollar and fixing the value of the money at a lower value in gold than its present value.

That is all there is in the bill—whether in advance, before an emergency arises, we wish to give the power to the President to devalue the dollar, or whether we wish to retain it until that emergency comes, and then, upon the suggestion of the President, agree or disagree with the action he recommends. That is all. Whether we give it to him or do not give it to him will not matter; for we will devalue the dollar whenever Congress makes up its mind that it is wise to devalue it. One can bet on it. The very day that a majority of the Congress—this or any other—feels that it is wise further to devalue the dollar of the United States, one can bet his last cent that that very day the bill will be introduced and speeded on its way to passage, and when it is passed it will result in further devaluing the dollar of our country, and not until then.

I was not one of the silver bloc. I was not one of the conservative Democratic bloc. I was not one of the Republican bloc in whatever deal or agreement was made. I voted against the silver proposal. I wanted to vote, if opportunity presented, for the continuance of the stabilization fund. I did not want to vote to give the President further power to devalue the dollar, because I think conditions today are utterly different from the conditions which existed in 1933 and early in 1934, when the laws which are the subject of debate were passed. There is absolutely no comparison.

I do not mean to say that if we should give the President this power he would abuse it. I do not think he would. I do not think he would use it any further, as far as we can now see. I do not think he now intends to use it, as far as he can see. Therefore, why give him the power, which always rests in Congress? It does not disappear. It does not evaporate. It is always where he can get it if the peo-

ple's representatives want him to have it. It is always right here; and if some emergency down the road of time arises which makes it necessary for us to take further action in this field of legislation, that is what we are here for, and that is what we ought to be here for and ought to do if it is necessary for the country that we take such action.

Mr. President, I do not want to be captious or mean in what I am about to say, or to draw invidious comparisons; but I defy any man to read the list of authorities and experts, the professors and teachers of economics in colleges from Maine to California who oppose this proposal and match it with a list of students, economists, professors, or whatever you please, who are in favor of the proposal. In other words, if we go back to the lingo of 1932, the brains of the country are opposed to the brain trust. If there is any group which has studied and is familiar with the history and consequences of currency depreciation in the world, not only here, but in Rome, in England under Henry the Eighth, in France under Napoleon, in connection with the South Sea Bubble, the Mississippi Bubble and John Law, and depreciation in Holland during the tulip craze which swept that country, they are enumerated on the pamphlet which was read into the RECORD by the Senator from Michigan [Mr. VANDENBERG] a while ago.

What group of people in America has come forward and asked for this power for the President? The bankers? No. Big business? No. Little business? No. College professors? No. The economists? No. The railroads, which are on the verge of bankruptcy? Not that I know of. Labor? Perhaps it has, but I have not heard of it. The farmers? A few, perhaps, but not any considerable number. Then who? Who?

It seems to me that the President stands almost unsupported by the people of this Nation, by classes, by professions, by avocations, by wealth, by poverty, or by any standard which may be employed. He stands absolutely unsupported by the people of the Nation, insofar as I know, in having the Congress give him the powers which he has requested further to devalue the dollar. On the other hand, we have an array of students of the question—not rich men, not international bankers, not Wall Street fellows, not speculators, not persons allied with the money ring, for the most part not in any way connected with high finance, but students, teachers of the question, persons whom the President sometimes consults, or at least the class from which he frequently draws advice.

They stand opposed to the request. Fifty-five of the outstanding experts and economists of the country stand in a solid phalanx and tell the Congress to retain these powers; for if the time comes when it is wise further to devalue the dollar, Congress can then devalue it by law or give the power to the President to do so.

There is a difference between military preparedness for international hostilities under the heading of war and financial preparedness or armament. Financial preparedness or armament has to do with money, credits, trade, and things of that sort. Military or naval preparedness has to do with guns, men, ships, supplies, organizations, and what not. The difference between the two is that we cannot build a battleship in less than 42 months; we cannot train a soldier overnight; we cannot make a machine gun or a cannon except in a plant with trained men and at an expenditure of time. However, we can prepare ourselves financially overnight, insofar as changing the value of our money is concerned, if financial hostilities break out.

We could devalue the dollar in a week if desired. We could start such legislation in the Congress, and if there were enough sentiment in the Senate and at the other end of the Capitol we could act on it in a night, or in a week at the outside. Therefore there is no financial war which any nation or group of nations could declare which we could not meet with financial preparedness in a week, 2 weeks, or a month. That is the reason why Congress does not have to give up the power. Now that the emergency which first called for the transfer of that power has passed, Congress can now safely retain the power until hostilities again break out on the international financial front.



If the achievement of financial preparedness required a long time and a cumbersome method, as does the achievement of military preparedness, we should have to lodge such a power with the President. But that is not the case. I do not believe there is a Senator on the floor who, in his heart of hearts, will contend that if it became necessary for the dollar to be further devalued Congress could not be called into session, if it were not in session, and pass the necessary legislation within a period of 10 days or 2 weeks.

No one will challenge that statement, I believe, in honesty. If that is true, why in the name of common sense should we take this great power, which primarily was lodged in the Congress by the framers of the Constitution and set forth in that document, and give it to the Executive, who does not represent the people in a lawmaking sense, when we ourselves were elected particularly to deal above all other things with that power, because it is an express and not an implied power in the Constitution?

Mr. President, I note that we are now in Saturday morning. It is slightly after 12 o'clock. I think, to be exact—my eyes being fairly good—that it is about 1 minute after 12. There is a point of view, therefore, we having gotten over into Saturday, which I think is appropriate for a Saturday morning discussion.

Why do we have international currency depreciation? Why did we devalue the dollar? The first thing we ought to do in this troubled world occasionally is to try to diagnose the disease we call "depression," to isolate as many of the germs as we can, so that we can evolve the proper medicine and antitoxin with which to meet it.

Now, listen to me for a moment, if you please, and see if this makes good, ordinary, hardheaded, common horse sense.

When France and Great Britain devalued their money, I have a feeling, which I cannot prove but I think everyone will concede, that Great Britain devalued her money primarily because France started to devalue hers.

Mr. President, may we have order? This is a very important argument I am making now, and I hope it will convert any wavering Senators, and I should like to have their attention.

The PRESIDENT pro tempore rapped for order.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. For a question.

Mr. AUSTIN. I ask the Senator if he can advise me whether this is the end of the calendar day of June 30 and the beginning of the calendar day of July 1, or whether it is some other day?

Mr. TYDINGS. I can advise the Senator as to that, and I can do it almost instantaneously. The official time of the Senate of the United States on any and all occasions is fixed by the clock over the desk of the Vice President, and, for verification, by the clock over the door of the Senate which leads to the House of Representatives. In order to be exactly specific, and in order that there may be no question about the exact time, in answer to the Senator's interrogatory, at this moment it is 4 minutes past midnight, Saturday morning, July 1, 1939.

I hope I have fully answered the Senator.

Mr. AUSTIN. Mr. President, will the Senator yield for another question?

Mr. TYDINGS. For a question.

Mr. AUSTIN. The Senator from Maryland has been in the Senate longer than the Senator from Vermont, and he doubtless can answer this question for the Senator from Vermont.

Mr. TYDINGS. I will if I can.

Mr. AUSTIN. Does the Senator know whether or not the Journal shows the fact when it is important to have such an event recorded in the Journal?

Mr. TYDINGS. That is another point in my argument which I am just warming up to, if the Senator will bear with me.

Mr. AUSTIN. Mr. President, I hope the Senator from Maryland will not let me interrupt him.

Mr. TYDINGS. I appreciate what the Senator has said.

Mr. President, I do want to make, in all seriousness, an argument. Senators may disagree with me, may think there is no point in it, but I want to make it in a sincere way and I hope in a logical way; and I think it is a point of view which deserves the consideration of even the opponents of this measure.

Out in the western towns, particularly in the days of the frontier, every man carried a gun. The reason why every man carried a gun was because every other man carried a gun; that is all.

One day a few fellows felt that toting a gun around was rather heavy and uncomfortable; they were not using guns as much as they had been using them 5 or 10 years before; and a fellow said to his wife, "Mary, I do not believe I will put on my gun today." So the movement spread, until if you go out in the West today you will find that there are very, very, very few men who carry a gun.

Currency stabilization and currency depreciation are very much like that. You will never, never, never, never get this world back on a sound-currency basis, if you want to, while every nation walks around with a great, big currency club on its shoulder. Just put that down as a fact. There is nothing, except perhaps armaments and the threat of war, that is unsettling the social, economic, and I will even say the spiritual life of the world today like the currency wars that have gone on and are likely to go on.

Any nation that can afford to set a good example, when the whole world is in a state of economic fear, by taking that club off its shoulder, is going to give to every other nation that wants sound currency an invitation to come along and take the club off its shoulder, too. The more clubs you put on your shoulder, the more clubs the other fellow will put on his shoulder as long as he can get them. It is just like the case of battleships. The more battleships you build, the more battleships the other fellow is going to build; and if you want to bring about a basis of currency stabilization in this Nation and in the world, you want a leadership away from currency wars, and not a leadership in favor of currency wars.

That is the point of view I want to leave with you. Indeed, I should like to see the President of the United States, through whatever medium he thought wise, endeavor not only to stabilize our currency through international arrangement with Great Britain and France, as is now the case, but stabilize as far as he can without making us the "goat," without giving us the hod to carry up the ladder of time. I should like to see him encourage the people of Germany and Italy and Russia and Belgium and Holland and Switzerland, and all the countries of the world to enter into some sort of agreement for the stabilization of international currency, to lay a foundation upon which international business could be done, and international contracts for a long time could be made for the purchase of goods and supplies. That way leads to democracy; that way leads to peace; that way leads away from war. The way we are proceeding leads to war, because war is not fought with guns and cannon and men and shells. It is fought with money. You can starve a people to death, if you have money power, even beyond your own national limits, just as quickly as you can starve them to death by locking them up in a jail and depriving them of food.

What the world wants is cooperation on business lines, and not more threats and financial clubs put on the shoulders of this or any other Nation. Until we take off our gun—we being the biggest Nation in the whole lot, the strongest one financially in the whole lot, towering a million miles in height, with 16,000,000,000 foot-pounds of gold muscles in our arms and legs, a Nation of rich natural resources—if we do not lay down our gun, how in the name of common sense can we expect the other nations of the world to lay down their guns?

What is the purpose of the stabilization fund of \$2,000,000,000? One purpose only, and that is to do just the opposite of what this power held over the people of this Nation, and held over the people of other nations, is going to do to financial stability. The equalization fund is cooperative, helpful, a matter of mutual assistance, leadership, understanding, and promotion of trade. The power to devalue money in the hands of the President is an antidote to that, the antithesis of the equalization fund, for it is a constant threat that keeps every other nation on the tip-toe, in anxiety if you please; and they, in turn, marshal every force and asset they have, because we have marshaled every force and asset we have.

Yes; I should like to go further than 'o try to bring the nations to an understanding on the stabilization of currency. I should like to bring them into a conference for disarmament, for the way to end war is not to build battleships or to make cannon. I am going to vote for our Army and our Navy as long as the other fellow builds up his, and he is going to vote for his army and navy as long as we build up ours; but I should like to see coupled with this question of currency stabilization a call for disarmament to a peacetime basis so that the tremendous revenues which are now going into battleships and guns and cannon and airplanes should go into roads and hospitals and other things that every community of this Nation needs a thousands times more than it needs a battleship.

I would go further than that. I would try to encourage every nation on the face of the earth to take our surpluses, particularly of the farm, as well as the factory, and we would take their surpluses. We would swap wheat for rubber, cotton for tin, and other things I might mention, so that there would be a greater exchange of surpluses, a greater exchange of goods; for the greater the exchange of goods, the more work there is for the people in this and every other nation.

Then I would drag out from the closet the skeleton of 21 years, and I would really try to settle the war debts, and clean up the whole international debris at one time. When I came to settling the war debts, I do not mean that I would say, "You do not owe us a dollar, any one of our Allies"; but I would settle the debts with the humanities in mind. I would not forget that after we went into the war on April 6, 1917, our Allies lost several hundred thousand men killed on the field of battle while we were training our Army over here; and with the money we loaned them they bought from our people, in large part, the supplies with which they carried on the war. While I would not, by any means, let that wipe out the war debts, I would let it be a big factor as a matter of justice and humanity, and I would meet the debtors with that spirit; and if they came to me in that spirit I would be willing, as a Senator, to do my part to ratify such an agreement.

But this business of acrimony is not getting us any money. All we are doing is making fun of the fact that we are not being paid. We are not even trying to arrange a settlement, as a lawyer or a businessman tries to do when he has a difficult debt to collect. We are not trying. This great Nation, which has more wealth and more power and more opportunity to bring about order than any other, is not trying to bring about disarmament, so far as I know. It is trying in some degree to increase foreign trade. Whether we agree with the policy or not, it is making an honest effort to do that; but if we give the President this power to devalue the dollar further, we are simply putting one more financial battleship in the international financial battleship race.

It has no place in America at the present time. This country is not going to be a dictatorship; it is not going to walk the road some other nations have walked, because the American people are sound at heart, and they are not going to be the first really to take the steps which bring such a possibility to reality.

Men in this body are going to point it out, men in the other body are going to point it out, the press of the Nation

is going to point it out, and we can start today to keep America democratic and to help protect the international economy and good will by not giving this authority to the President, which he himself says he would not use. He says it is 10 to 1 that he would not use it. "I only want it as a sort of a threat," his words imply, "so that I can have this as a club in case they do something again."

It is not possible to build a world order with that sort of thing going on. It is not possible to build a personal friendship, to build a business, to build a name, to build anything, except by cooperation, and the strong man owes it to the weak man to take the lead in cooperation, or he is not a strong man after all.

Mr. President, I was always fond of the number 17, always have been fond of it, and looking at the official clock over the distinguished Nevadan, who is President pro tempore of this body, I see that it is now 17 minutes past 12 o'clock midnight January [laughter]—I mean July 1, 1939. No Senator on this floor will dispute that. Do I hear that denied? No one rises to deny it. What I have said has met with the approval of all present, at least no Senator has dared to contradict me that it is now 18 minutes after midnight, January the 1st [laughter].

Mr. AUSTIN. A parliamentary inquiry.

Mr. TYDINGS. I was not wrong, after all, for it is a new year, if we do not pass this bill.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. AUSTIN. Is the present day the 1st day of January, or the 1st day of July. [Laughter.]

The PRESIDENT pro tempore. That is not a parliamentary inquiry.

Mr. TYDINGS. It is the 1st day of July, and no man on this floor will dispute that statement.

Mr. President, I do not care to detain the Senate longer, but I should like to ask unanimous consent to have entered in the Journal of the Senate that at 18 minutes past 12 o'clock a. m., July 1, 1939, House bill 3325, an act to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised was before the Senate and under debate, and had not been acted upon by the Senate of the United States. I ask unanimous consent that the Journal contain that minute.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

Mr. TAFT. Mr. President, I have no desire to keep the Senate here at this late hour, and I should like to make it perfectly clear that at any moment when the Senator from Kentucky wishes to move that the Senate adjourn, that process will be entirely agreeable to me, and I should be delighted to discontinue, although I should like to discuss the principles involved in the pending report. I have great confidence in the legal judgment of the Senator from Kentucky—

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. THOMAS of Oklahoma. Will the Senator yield to me for a moment or two, without losing the floor?

Mr. TAFT. I would yield only for a question.

Mr. THOMAS of Oklahoma. With the understanding that the Senator would not lose the floor?

Mr. TAFT. No; I would prefer not to yield. I should like to read from the RECORD the remarks made by the Senator from Kentucky on yesterday. He said:

I appreciate the remarks made by the Senator from Oklahoma. I will say frankly that consideration, naturally, has been given to the question of the effect of the automatic expiration of these various powers tomorrow night. The legislation we have been considering, of course, is based upon the continuation of an existing power, and so long as that power exists it may be continued. But when it has expired by operation of law, it is just as dead as if it had never been the law; and it is my view, in concurrence with



the Senator, that it would take legislation ab initio to revive these expiring powers. We can revive them by new legislation just as we could create them in the beginning; but when they have once expired we cannot, in my judgment, revive them simply by continuing what does not exist.

Consequently, it seems to me that since there is no other business to come before the Senate, the Senator from Kentucky might well move to adjourn. But there is even more distinguished authority, if possible, for the statement that these powers have expired.

Mr. President, I see that the Senator from Kentucky has just entered the Chamber, and I repeat to him that I stated that at any time the Senator from Kentucky wished to move to adjourn I should be delighted to discontinue, and not detain the Senate longer.

Mr. Morgenthau, in his interview with the press yesterday morning, made approximately the same statement the Senator from Kentucky has made. He said:

The situation, I repeatedly told the Congress, was that the powers the Congress delivered to the President and the Treasury were ample to take care of any situation I could foresee. Well, after midnight the 30th of June I cannot make that statement any more and of all the time to lose these powers I cannot imagine a more unfortunate time.

In that I might say I do not agree with the Secretary. Again, later, in the press conference, he said, in answer to a question:

On the first of July, if the President will see me and discuss the matter—he may be busy—why, we will talk the matter over, but I am not going to—he is so busy and has got so much on his mind—I'm not going to bother him as long as there is a chance that the bill may pass. As I say, if he is not too busy and will spare the time Saturday morning, why, I'll talk with him.

I trust the President will have time to discuss the situation with the Secretary this morning, and that he will announce there is no serious emergency before the country.

I insert another question.

You still have the stabilization fund, Mr. Secretary.

No; it expires.

That apparently is going through, though.

No; nothing has passed. That money will go back to the general fund.

The stabilization fund is in that bill.

Yes; but supposing no legislation passed on the monetary question. Then on the 1st of July the money in the stabilization fund goes back into the general fund of the Treasury, on the 1st day of July it would go back to the general fund of the Treasury.

If that money at this time has gone back to the general fund of the Treasury, how on earth can we re-create the stabilization fund by an act which merely provides in a few words that the powers of the President shall continue until January 1941?

There is even more distinguished support for the statement, because the President himself in his press conference yesterday morning said that he had not consulted the Attorney General, but understood that the present monetary power expires at midnight unless an extension bill is enacted. He said he was willing to go to the Capitol tonight and sign the bill, if necessary. It has not been necessary.

There is still one more occurrence which makes it perfectly clear that the gentlemen who have been supporting the bill realize and recognize that the time for its passage has now gone by and that we might just as well lay the conference report on the table and get rid of it.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator from Ohio, if he and those with whom he is associated are so confident as to their position, why they keep on talking on into the night?

Mr. TAFT. Because the Senator apparently has not fully admitted the fact, and the Senator from South Carolina, with whom I was talking, advanced a theory of some kind that in some way the law had not expired. The only excuse given for the action of the conference committee last night was that these powers would expire at midnight tonight.

In order that the stabilization fund should not expire, because that was the only interest the Senate had in these powers, the only part of the law the Senate was willing to continue was that relating to the stabilization fund, and the Senator from New York stated that the reason why the conferees had to get together in 10 minutes and recede from all the Senate amendments was the absolute necessity for the bill to be passed by midnight. If that be not a fact, then it seems to me that all justification for the outrageous performance of the conference committee in abandoning all three important decisions which the Senate made only a day or two ago is gone.

Mr. SCHWELLENBACH. I take it, then, that the Senator, despite the very great confidence which he exhibited a few minutes ago, making the statement that the powers had died at 12 o'clock midnight, after talking with the Senator from South Carolina now has doubts about the question, and feels it is necessary to keep on filibustering for the remainder of the night.

Mr. TAFT. No, indeed. I should like to state the reason why I think the adoption of the conference report would be the most unfortunate action the Senate could take, but I see no reason why the Senate should remain in session. I think that at half past twelve there is every reason for going home, unless Senators on the other side of the Chamber have an idea that something can be accomplished by adopting the report at this time.

Mr. President, I wish to discuss, first, the question of the stabilization fund, because apparently it was the necessity of getting the stabilization fund through which led the conferees of the Senate to recede from all the Senate amendments.

The stabilization fund is a fund of \$2,000,000,000, but the report on that fund which appears on page 11 of the hearings on this measure shows that of the total fund \$1,800,000,000 remains in gold in the Treasury of the United States, and has never been used in any way whatsoever. Of the other \$200,000,000, about \$77,000,000 is in cash, about \$80,000,000 is in a special account of the Secretary of the Treasury in Federal Reserve banks, secured by additional gold, and about \$43,000,000 is in loans to the Central Bank of China, against the security of silver, I believe, as I remember it.

The fund has once or twice been operated fairly successfully, but I have made inquiry from bankers who understand the situation, and I have not found a banker who does not say that, so far as anything the stabilization fund has ever done is concerned, the Government could have done it without the stabilization fund.

They could have operated as they operated through the Federal Reserve Bank of New York in dealing with currency. They could maintain exchange against possible speculation or against raids of speculators. They could accomplish what the stabilization fund is aimed to accomplish, to keep the rate of exchange fairly stable from day to day so that there would not be speculation at the expense of American producers and consumers.

I am advised that the power can be carried on. The testimony of a number of bankers was to the effect that it may be carried on. If a new resolution establishing the stabilization fund were introduced, I certainly should be willing to go along with it, although I think it ought to be in a reduced amount, for I wish to point out one of the dangers even of the stabilization fund, if we go ahead with this proceeding.

In the hearings I asked the Secretary of the Treasury the following question:

Suppose there is a foreign war and suppose you go out and do what you can to buy \$2,000,000,000 worth of pounds. Isn't the effect of that to give England the power to buy \$2,000,000,000 worth of goods in this country under the cash-and-carry provision?

In other words, I asked him whether, if he wished to do so under the wholly unlimited powers granted in connection with the stabilization fund, he could not, in effect, make a loan to England without any authority from the Congress

or anyone else, in the sum of \$2,000,000,000 in case a war developed in England. His answer was:

Secretary MORGENTHAU. Senators, if there is a war in any foreign country, before we would use the stabilization fund or any money in the Treasury to assist any country in prosecuting that war, I would come up before the proper committee and ask for guidance.

Senator TAFT. I have no doubt you would, perhaps. But nevertheless, the authority granted in this extension would give you power to do that, would it not, if you did choose to do so?

Secretary MORGENTHAU. To do what?

Senator TAFT. What I suggested: To buy pounds, and in effect, create an English credit here of \$2,000,000,000; and we would wake up, in the end, and find ourselves with \$2,000,000,000 worth of pounds that were worth nothing? I am not asking whether you would do it. My question is whether that is not legally possible. Isn't that legally possible?

Secretary MORGENTHAU. Well, if I lost all sense or reason in the performance of my duty, I might do a lot of things.

Senator TAFT. In other words, it is legally possible?

Secretary MORGENTHAU. Well, a lot of things are legally possible, which you would not do under the rule of common sense.

I say, without any authority, there is no limitation on the purposes for which this tremendous fund may be used. There is a necessity to report, but no necessity to account. That money could be used to finance foreign wars. That seems inconceivable, and yet the administration has shown today its desire to use money and use loans for political purposes in many countries throughout the world. It apparently is an established policy of the administration. They want the power. I believe they want the power to buy foreign silver largely to use that power for political effect in different countries.

We examined, for instance, the Export-Import Bank. It develops that the Export-Import Bank loaned \$25,000,000 to the Bank of China, which is in reality the Chinese Government. They are interested in assisting China in a particular war.

It was testified that they had loaned \$6,000,000 to Haiti for internal improvements. So far as I could see, only a very small part of that was going to be used in order to finance the export of American goods. The Export-Import Bank was created not to loan money to foreign governments; that was not its purpose; its purpose was to finance from time to time and over and over again, on 3 months and 6 months credit, the exports that American exporters and importers wished to make. That was its purpose. There was no intention to loan through it to foreign governments. Yet, nearly every important loan made today by that bank is made to foreign governments, and largely for political purposes.

The loan was not made to Haiti. It was made to some American contractor, and that American contractor took the notes of the Haitian Government and then turned around and sold them without recourse to the Export-Import Bank.

There have been loans made to Mexico. Loans have been made to the Mexican railways, rather, which are owned by the Mexican Government. Loans have been made to sell American locomotives, although there are any number of holders of bonds, there are any number of people in the United States who built the Mexican railroad and whose bonds are in default. The railroads have been taken over by the Government and the holders of those bonds have never been paid.

We read in the newspapers of a loan to Brazil. What for? In order to finance American exports? No. In order to enable them to set up some kind of central bank to help them in their whole financial situation. And recently we find another loan being made to Paraguay.

So, it is perfectly apparent, as I have said, that the American administration desires to use loans for political purposes.

If the Government have this \$2,000,000,000 stabilization fund, there is no limit to the amount of purchasing power which they may create in this country for the British Government. They simply buy British pounds. If the British should become involved in war when they got through the war we would have about \$2,000,000,000 worth of pounds, and if the British Government lost the war those \$2,000,000,-

000 of pounds would not be worth anything. So, we are giving unlimited powers under this provision.

I believe \$500,000,000 would be ample to provide all the purposes of the stabilization fund, and would remove a temptation which would be difficult to resist.

There is one other power which the stabilization fund contains, and that is that the Treasury may buy Government bonds, may infringe on the power of the Federal Reserve Bank to buy and sell Government bonds for its effect on credit. In fact, Secretary Morgenthau admitted that he had actually bought a number of bonds with the stabilization fund, a purpose for which I do not believe the stabilization fund should ever have been used.

So I say that I believe the stabilization fund could expire permanently, and certainly it could expire temporarily, without the slightest danger to the economy of the country.

The question arises whether under the Silver Purchase Act the Government may continue to buy silver. It seems to me, as a matter of fact, that if the administration wishes to do so, even though the act is not continued, it could buy domestic silver at any price it saw fit to pay. That question was also discussed by Secretary Morgenthau. Of course, the Silver Purchase Act is not affected by the failure of the bill to pass. The Silver Purchase Act remains in full force and effect. It contains this provision:

Whenever and so long as the proportion of silver in the stocks of gold and silver of the United States is less than one-fourth of the monetary value of such stocks, the Secretary of the Treasury is authorized and directed to purchase silver at home or abroad, for present or future delivery with any direct obligations, coin, or currency of the United States \* \* \* or with any funds in the Treasury \* \* \* at such rates, at such times, and upon such terms and conditions as he may deem reasonable and most advantageous to the public interest.

It seems to me that under that law he may say, "I will not buy foreign silver. I will buy domestic silver, and I will pay for the domestic silver any price that I think is for the public interest under \$1.29, which might be 64 cents, or might be 77 cents."

Apparently in order to scare the silver people the Secretary of the Treasury suggested that the 50-percent tax would become in force upon silver. I notice the Journal of Commerce, in reporting the interview, said:

Failure of the Senate amendment to the House-adopted bill which would fix the price of silver at 77.57 cents to provide a specific exemption may subject the sellers of metal to the Treasury to a 50-percent tax on the amount of the difference between that figure and the world price, it was suggested in Treasury circles today.

That is the way these things are started. I tried to figure on what basis they could figure that the tax applies. A reading of the act, it seems to me, makes it clear that it does not apply to the purchase of silver from American producers, because the tax only arises when it is sold in excess of cost; and—

In case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the price to a profferer who is a producer shall be deemed to be the market price at the time of production, determined in accordance with regulations issued hereunder.

There seems to me to be no reason why the market price at the time of production should not be the market price fixed in the United States by the Treasury, and so long as that price is continued and the silver is produced at that price, I see no reason to suppose that the tax would go into effect.

So I say that the expiration of the law does not end the power of the President to buy domestic silver. It does not end his power to pay 64 cents, or 70 cents, or 77 cents, or any other price he chooses to fix under \$1.29.

Mr. McCARRAN. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield to the Senator.

Mr. McCARRAN. Does the Senator know that at the time the President signed the Silver Purchase Act, and in the presence of the now Secretary of the Treasury, both the Secretary of the Treasury and the President said that



they would carry out the spirit and policy of the Silver Purchase Act enthusiastically?

Mr. TAFT. No; I was not familiar with the past history of that act.

Mr. McCARRAN. I may say to the Senator from Ohio that at the time that act was signed—and it was signed one evening in the study of the President in the presence of many Senators and some Representatives—the statement was made by the President and by the Secretary of the Treasury then present that the spirit and policy of the Silver Purchase Act would be carried out enthusiastically.

The Senator from Ohio is entirely right that there can be no tax penalty imposed against the producer of silver under the language of the Silver Purchase Act. We did impose a tax on those who dealt in silver, and by voting that tax we lost the American market for silver and transferred that market to London, so that there has been no market to speak of in American silver or in any other silver in America since we passed the Silver Purchase Act.

If I may interrupt the Senator once more? It is now about 20 minutes to 1. The hour of 12 o'clock midnight has passed. If the act referred to, known as the Thomas amendment, has expired or would expire at 12 o'clock, then it has expired now. Therefore, so far as the argument offered in the press today by the Secretary of the Treasury is concerned, which would affect those of us interested in the silver question, it has already become effective.

Mr. TAFT. I should like to have the Senate adjourn and go home also, if it please the Senator from Nevada.

Mr. McCARRAN. There are two of us of the same mind.

Mr. TAFT. I thoroughly agree with the Senator from Nevada. I wish to say that the purchase of foreign silver seems to me to be utterly and completely unnecessary, and I have yet to hear a single argument in favor of the right to purchase foreign silver which our conferees so lightly gave up in the conference committee.

It seems to me again that the administration is interested in the purchase of foreign silver primarily for political effect, in order to have a political weapon with which to deal with this country or that country. I do not believe that is a weapon the administration ought to have, or one that the Senate intended to give it when it passed the Silver Purchase Act.

I suppose everyone knows that during the Spanish controversy, in order to help the then government of Spain, because of hostility to Franco, the Government of the United States proceeded to buy something like \$20,000,000, as I recall, of silver, which was in the Bank of Spain, which Franco says today the Government had no right to purchase. They purchased that silver. They rushed it out of Spain. I am told that Mr. Thomas Corcoran himself went down to New York Harbor to meet the boat to conduct it into New York Harbor. I understand the Federal Reserve bank would not touch it, for the simple reason that it knew that the Franco government claimed that the Government of Spain could not sell that silver.

I am told—I do not claim it is necessarily true, but I have seen it stated, and have not seen it denied—that the silver was brought here, and that the Secretary of the Treasury himself paid the Spanish Ambassador at that time in currency in order that the Spanish Ambassador and the Spanish government might escape the attachments and other claims against them which were likely to be filed if it were known that the \$20,000,000 was being paid in American dollars.

That is one instance in which silver was used in a foreign dispute in order to help one disputant against another.

It seems to me that the purchase of silver from Mexico today is largely a political affair. Apparently, there is an effort to stir us up, because it is said that if we stop buying silver from Mexico we shall wreck the Mexican Government. I do not know why we should be particularly interested. We are going to force Mexico in some way to confiscate some more mines. I do not see any reason to believe that Mexico is not going to confiscate those mines anyway. Mexico has already confiscated all the oil wells.

On the subject of Mexican silver, I should like to read an editorial from the New York Times of yesterday dealing with the subject of how much harm we may be doing Mexico by discontinuing the purchase of foreign silver. The editorial reads:

Immediately following the Senate's vote to terminate purchases of foreign silver, "emergency conferences" were held by officials of the State Department to consider "the serious crisis caused in Mexico."

And, incidentally, to stir up opposition to that feature of this bill in the Congress of the United States.

The Mexican Government, it appears, obtains more than half of its total revenues, either directly or indirectly from the silver industry. It has depended largely on income from silver to keep going since the American oil properties were expropriated.

I do not know that anybody denies the right of the Mexican Government to expropriate the properties. The point is that they have been expropriated, and they have not been paid for; and, so far as we can see, there is no prospect that they are going to be paid for.

Some officials of the State Department are said to fear that a "dangerous situation, politically as well as economically" has been caused by the Senate's action. One of their fears is that the Mexican Government may now expropriate American mining properties, valued at \$400,000,000, in order that the Government might get all money from silver sales at what is expected to be a lower price.

All this sounds as if the Senate, in voting to discontinue purchases of foreign silver, did something irresponsible.

That is the impression which the State Department interviews are really intended to create.

But what do such fears really imply? Must we continue to buy Mexican silver that we do not need and continue to pay a wholly artificial price for it, to prevent Mexico from expropriating American mines? Are our purchases of Mexican silver to be thought of as a form of political blackmail that we must pay to keep more American property in Mexico from being seized? A worse argument for continuing our purchases of foreign silver could not possibly be imagined.

It is true that if we cease to buy foreign silver at an artificial price the foreign individuals and governments who were profiting from those sales will be less well off than they are now. Our Government will no longer be supporting them. But the inconveniences of readjustment are no reason why our Government must continue to support them indefinitely. By our silver purchases we have actually continued to contribute heavily to the support of a government that meanwhile has been seizing American private property on a grand scale. It is an astonishing situation. Even now we would not be discontinuing these silver purchases in any sense out of retaliation but because there is no good reason why we should ever have made them in the first place. If the American people decide that they owe any foreign government their financial support, they can give that financial support directly and not under the subterfuge of doing something else.

Incidentally, if any support is to be given to foreign governments, it seems to me that is a function of Congress to decide, and not a function of the Executive to decide.

That editorial is from the New York Times, a Democratic newspaper. A similar editorial is published in the Baltimore Sun, another Democratic newspaper, taking approximately the same position. I shall not take the time of the Senate to read the editorial from the Baltimore Sun at this time.

However, I should like to read an editorial from the Columbus Evening Dispatch, in my own State:

A dispatch to the Baltimore Sun from its London correspondent says that Germany now has obtained from Mexico a supply of oil sufficient for 100 days usage at war-time consumption rates. This oil—and additional supplies which the Reich will purchase in the future—are to be paid for by the now-familiar Nazi barter method, in this case the payment being in the form of arms and munitions secured through the seizure of Czechoslovakia. The reports current in London say that Mexico in turn plans to sell the military goods to China receiving in return silver which will, in turn, be sold to the United States.

Here is an improvement over the technique of robbing a victim going and coming. American interests, as we figure it, are being gypped three ways.

The oil belonged to American producers in the first place and when the wells were seized by the Cardenas government under expropriation proceedings, but without payment of any kind, it was gyp No. 1.

Selling to Uncle Sam the silver received in exchange for the arms that were swapped for the oil, in accordance with the baffling and unpopular New Deal silver-buying, constitutes gyp No. 2.

Then, as it is reasonable to believe if some or all of the cash used by China to buy the arms and munitions comes from the recent \$25,000,000 loan granted China by the United States, it isn't hard to see where gyp No. 3 comes in.

In other words, American property is bartered for silver obtained by a loan from the United States Treasury and then the silver is sold back to this country at an artificially boosted price. Maybe this is being a good neighbor or something. We think it's more like being the goat.

Apparently, the only argument advanced in favor of the purchase of foreign silver is that in some way, by buying silver, we send dollars to foreign countries with which to buy our exports. Of course, if we could use the silver, or if it were like any other import, that might be some argument; but, as a matter of fact, we are no better off with the silver than without the silver. It seems to me that we are again doing in substance what we did in the 1920's, what every member of the Democratic Party has condemned, and what I, myself, am quite willing to condemn. We are in effect again lending money to foreigners to enable them to buy our products so as to create an artificial market for American products.

We can create an artificial market. We did it in the 1920's, and we built it up. I think we loaned from five to ten billion dollars during that period; and sooner or later we discovered that we could not go on indefinitely. When we had to stop lending, we absolutely cut off the market for American products, which either resulted in the depression itself, or in making the reaction of the depression infinitely more severe. The final result was the complete destruction of the prices of the very American products whose exports we had stimulated.

That is, in effect, the same thing we do when we artificially create a market for exports by buying foreign silver. That would be the effect of this policy, because sooner or later we would be bound to stop. We could not go on indefinitely buying all the silver there is and storing it at West Point. When we do stop, it only means that the prices of the very products we are trying to help are going to be more affected by the reaction, and are going to be lower than they would have been if we never had adopted the silver-buying policy.

I am sorry that the senior Senator from Virginia [Mr. GLASS] is not present. I think the senior Senator from Virginia was as much interested as any one in killing once and for all the power to devalue the dollar. I should like to read what he had to say in the Senate when a similar bill was before it in 1934, because I think his statement very clearly sets out the objections to the bill, and states the reasons why nothing that was promised could be carried out, and why nothing that was promised actually resulted.

The senior Senator from Virginia said, as recorded in his biography by Rixie Smith and Norman Beasley:

I cannot in any circumstances, painful as it is to me to differ from the occupant of the White House and from my party colleagues, support the second section of this amendment, relating to the devaluation of the gold dollar.

I will say that I have since talked with the Senator, and I do not see that he has changed his views in any respect since that time.

Continuing the quotation:

England went off the gold standard because she was compelled to do so, and not from choice. She had less than a million dollars in gold left after paying her indebtedness to the United States. Of course, she went off the gold standard; and her going off has not resulted in increasing the prices of commodities. There was a temporary flurry then as there has been in this country now; but the inevitable reaction came.

Why are we going off the gold standard? With nearly 40 percent of the entire gold supply of the world why are we going off the gold standard?

We now have 60 percent of the entire gold supply of the world instead of only 40 percent.

With all the earmarked gold, with all of the securities of ours that they hold, foreign governments could withdraw in total less than \$700,000,000 of our gold, which would leave us an ample fund of gold in the extremest case to maintain gold payments both abroad and at home.

To me, the suggestion that we may revalue the gold dollar 50 percent, means national repudiation. To me it means dishonor. In my conception of it, it is immoral. All the legalistic argu-

ments which the lawyers of the Senate, men of eminent ability and refinement, may make here or have made here have not dislodged from my mind the irrevocable conviction that it is immoral, and that it means not only a contravention of my party's platform in that respect but of the promises of party spokesmen during the campaign.

Mr. President, there was never any necessity for a gold embargo. There is no necessity for making statutory criminals of citizens of the United States who may please to take property in the shape of gold or currency out of banks and use it for their own purposes as they may please.

I do not think there is anyone for whose financial judgment I have more respect than that of the senior Senator from Virginia, and I feel confident that in quoting what he said at that time I will meet with his approval, and that those views are his views today. I greatly regret that because of illness he is unable to be present.

While dealing with this book, I might say that there has been some discussion to the effect that deflation of the dollar resulted in the increase in prices after the bank closing in March 1933. Apparently the biographers of the senior Senator from Virginia do not take that view. They take the view rather that the bank crisis was created by the threat of devaluation of the dollar—by the rumors that that devaluation was going to be brought about.

I read again from the biography:

Washington dispatch: "The whole question of inflation, which has been stalking the Capitol for weeks and so far has been held behind cloak-room doors, boiled out on the floor of the Senate today \* \* \* to remonetize silver \* \* \* to devalue the gold dollar. \* \* \*"

Senator Huey P. Long: "Inflate \* \* \* Roosevelt's 'controlled currency inflation.' \* \* \*"

Henry A. Wallace: "The smart thing would be to go off the gold standard a little further than England has."

It is difficult to say precisely when GLASS began to have doubts concerning the monetary policies of the incoming administration. He was not one of the tight-lipped few who had been taken into Roosevelt's confidence about what he planned to do, if elected.

Certain it is, however, he had no doubts during the campaign. To him a party platform meant what it said, "a covenant with the people to be faithfully kept by the party when entrusted with power." Up to January he continued to brand the persistent rumors as "malicious and inspired gossip," but with each passing day of silence after the 1st of January, he began to wonder, and then to worry.

In a similar situation in 1885 and in 1893, another Democratic President-elect, Grover Cleveland, had publicly avowed his intentions, thus removing apprehension over the maintenance of gold payments. GLASS wished Roosevelt would do likewise—and because the President-elect did not the Senator made up his mind to find out, if he could, and at the first opportunity, what truth, if any, there was behind the now common talk.

The authors of the book at least attribute as one of the causes of the bank crisis the growing public belief that the Roosevelt administration, when in office, would devalue the dollar and go off the gold standard, and the failure of the President-elect publicly to disclaim these rumors. The fact now is, as we know, that he was discussing the question of devaluation with a good many persons prior to taking office in March 1933, and we know that those rumors got out. We know that—

Those who were skeptical of Roosevelt's good intentions were buying foreign securities and foreign currencies—in other words, exporting their capital. Others were buying gold bullion and leaving it on deposit abroad.

There was a run on gold, on the Federal Reserve bank itself, in order to get gold out, because, of course, it would be more valuable if the dollar were actually devalued.

These, of course, were people with money who stood to make handsome profits if the rumors turned out to be true; and who were in no danger of loss did they turn out to be untrue. Glass heard these rumors and placed no stock in them. Hadn't the Democratic platform specifically stated "a sound currency to be preserved at all hazards"? Hadn't Roosevelt pledged himself "unqualifiedly" to that plank, and to every plank in the platform?

"You're impugning the honor and integrity of the next President of the United States," he rebuked his worried friends. "I will not listen to such malicious gossip. It is nothing but hang-over propaganda from a disgruntled group that has lost public confidence." The rumors persisted.

There was plenty of fire where there was smoke, and the dollar was devalued; and a considerable part of the fire which brought about the bank crisis of 1933 resulted from that



known intention, that somebody might have power to devalue the dollar; and I say the power of devaluing the dollar today is just as dangerous, is just as likely to create speculation in currency of all kinds if we continue it, as it was at that time.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. TAFT. Surely.

Mr. CONNALLY. Do I understand the Senator to have opposed, and now to oppose, the original devaluation of the dollar?

Mr. TAFT. I think we would be just as well off if we had never devalued the dollar. I opposed it at that time; yes.

Mr. CONNALLY. And it was wrong, of course? The Senator from Ohio thought it was wrong to devalue it?

Mr. TAFT. I agreed with the senior Senator from Virginia [Mr. GLASS] at that time, as I do today.

Mr. CONNALLY. Would the Senator now revalue it back to 100 cents?

Mr. TAFT. No. I think once devaluation occurs, it is an irrevocable step. I know of no case in history in which any nation has ever revalued its currency. That step would have certain effects that nobody wants to undertake. That step deliberately, at least temporarily, would reduce prices in a very considerable field in which we do not want to reduce prices.

Mr. CONNALLY. All right. I thought the Senator said, a while ago, that devaluation did not raise prices.

Mr. TAFT. No; I said it did not raise prices permanently. Of course it raised prices temporarily. That is what the Senator from Virginia said here, that it would raise prices temporarily, as it did in England, but that the permanent effect is most remote; and see what has happened. We have devalued the dollar 40 percent. Prices today stand at 78 compared to 60 when the devaluation started. The actual increase in prices apparently is considerably less than half the percentage of devaluation brought about by the devaluation of the dollar; and, goodness knows, there have been plenty of other measures taken by this administration. We cannot attribute even that 18 percent to devaluation of the dollar. We have had every kind of control of farm products. We have had every effort to use this or that. What brought about that small increase I do not know, but certainly no material effect can be attributed to the devaluation of the dollar.

Mr. CONNALLY. If devaluation was wrong originally, as the Senator said it was, why should we not go back and restore it, undo the wrong, and put it back to 100 cents on the dollar?

Mr. TAFT. No; I do not think that is a logical conclusion.

Mr. CONNALLY. I did not necessarily assume that the Senator was acting on the basis of those considerations.

Mr. TAFT. The President has attacked this bill and attacked the Senate. I read from the New York Herald Tribune, from his interview at Hyde Park on June 27, in which he said this:

The failure to pass this bill, which has now occurred—

He said—

had done four things.

He charged—

That the Senate, in voting yesterday to strip him of his power to devalue the dollar, had seriously hindered national defense—

What on earth it has to do with national defense, I do not know. I have not the slightest idea what he means. The claim was made before the committee that the power to devalue would be used, and would only be used, in case of a tremendous devaluation of the British pound, in order to meet a competitive devaluation by England. Certainly if war occurs—and that is what this authority to devalue contemplates, apparently—nobody is going to devalue the dollar, because obviously the people who are at war are going to have to come to this country in order to get our goods; and the probability of making those goods cheaper to them by

devaluing our dollar, and making other people's goods more expensive, is most remote.

We saw in the last war what happened. People rushed here to buy our goods. Nobody thought of devaluing the dollar then, and nobody will think of devaluing the dollar now in case of war. That is the one thing it has not anything to do with. The only case, according to the testimony of Secretary Morgenthau and other administration witnesses before the committee, in which they were going to use this power was in case of peace, when peace went on, and there was some devaluation of the British pound. That reason, I think, is something merely to attract attention to the attack upon the Senate.

The President said that our action—

Had thrown control of the Nation's currency back to Wall Street.

How on earth we threw control of the Nation's currency back to Wall Street, I do not know. We fix the price of gold. We say the dollar is a certain amount. The President himself has said that for the past 6 years he has not changed the dollar, and he says now he is not going to change it except in the most extraordinary emergency. That is the only time he is going to change it.

Well, if an emergency arises, Wall Street knows that we can change it just as well as he can change it. It seems to me the whole effect of this thing is to make it less possible to speculate, because we had testimony supporting that view before the committee. We had the testimony of T. Jefferson Coolidge, who was abroad last summer, that from time to time the rumor starts—somebody starts it on purpose, perhaps, or perhaps there is a conversation that gives rise to it—that the President is going to devalue the dollar. The moment that happens the speculators in foreign exchanges get busy, and they are able to make a considerable profit out of people who believe the rumors more than there is any reason to believe in them. So the present condition, with the power existing in the President to devalue the dollar overnight, is actually an encouragement to speculators, and permits speculators to go out and fool other people and to obtain their money.

Then he said:

It meant a return to a system which, before the passage of devaluation legislation in 1933, had cost Americans millions of dollars—

I do not know what he means. I do not know in what respect that system cost Americans millions of dollars. As long as we were on the gold standard we got full value for our goods. Our exports were excellent. Our exports and imports went practically together. We did not pay more for foreign goods, and we sold our own goods for the full price—

And left the Government little defense against raids on foreign exchange by other nations.

That certainly is, if nothing else, a ridiculous overstatement. The Government is perfectly able to prevent raids on foreign exchange by foreign nations. The Government is perfectly able to do so, whether it has a stabilization fund or not. Certainly if it has a stabilization fund it can prevent any raid on foreign exchange, or any raid on the dollar to force it up or force it down. I think, since this legislation has failed, we ought to introduce a joint resolution re-creating the stabilization fund, perhaps in a smaller amount, and giving the President, the Secretary of the Treasury, or I myself would prefer a board of three men, the power to use that fund to stabilize exchange and to prevent these raids on foreign exchange.

So I say that in those various statements there is no respect in which the President is correct. There is no respect in which his attack on the Congress of the United States is correct.

He goes on to say facetiously that—

He took it that the Senate would now vote for fixed prices by the Government for cotton, wheat, pigs, and cattle.

Well, if prices are to be fixed I should say Congress ought to fix them, and not the President. But the President him-

self has fixed the price of gold. We have already fixed the prices for gold and silver. That is not the question. The question whether we have fixed prices for currency is not at all the same question as whether we have fixed prices for commodities; and, in any event, the question here is not whether we have fixed prices, but who is going to fix them? Are we going to fix them under our constitutional power, or is the President going to fix them now under his power?

The Senator from Texas [Mr. CONNALLY] criticized what he considered an inconsistency on the part of the Senator from Michigan [Mr. VANDENBERG]. On the question of inconsistency, I think, we can say that Mr. Roosevelt is probably as inconsistent as anyone can be, and inconsistent, I believe, under far more similar circumstances than the circumstances relating to the Senator from Michigan.

In 1932 President Roosevelt said:

The businessmen of the Nation, battling hard to maintain their financial solvency and integrity were told in blunt language in Des Moines, Iowa, how close an escape this country had some months ago from going off the gold standard. But that, my friends, as has been clearly shown since, was a libel on the credit of the United States. \* \* \*

No adequate answer has been made to the magnificent philippic of Senator GLASS the other night, in which he showed how unsound this assertion was. And, I might add, Senator GLASS made a devastating challenge that no responsible government would have sold to the country securities payable in gold if it knew that the promise—yes, the covenant—embodied in these securities was as dubious as the President of the United States claims it was. Of course, the assertion was unsound.

And yet within a few months the President himself proceeded to devalue the dollar, and proceeded to sell people securities payable in gold, knowing that he was going to devalue the dollar.

One of the most commonly repeated misrepresentations by Republican speakers, including the President—

The President at that time was Mr. Hoover—

has been the claim that the Democratic position with regard to money has not been made sufficiently clear. The President is seeing visions of rubber dollars. But that is only a part of his campaign of fear. I am not going to characterize these statements. I merely present the facts.

The Democratic platform specifically declares, "We advocate a sound currency to be preserved at all hazards. That \* \* \* is plain English.

Senators, at that time England had devalued. The pound had been devalued. All the circumstances, as far as relative currency was concerned, that existed when the devaluation occurred were already present. During that campaign there was not any change of circumstances, except solely on the theory that devaluation in some method would raise domestic prices. That was the only reason why the power was used. So, if you want to look at inconsistency, I think you will find a more inconsistent record in Franklin Roosevelt than you will find in that of the Senator from Michigan.

Senators, I believe this conference report should be rejected. We are asked in this measure to give up a constitutional power—the constitutional power to regulate the currency of the United States. I believe the original measure was brought to us because of a great emergency, and it was an emergency. The banks of the United States were closed. We had a serious financial crisis but, whatever remedy anyone might wish to adopt, there was an emergency. Today there is no emergency so far as we can see. Foreign currencies are fluctuating and will fluctuate for a long time to come. If an emergency exists today it is only the same condition that will exist for the next 15 years. There is no emergency which justifies the continuation of this power, and it is our duty to resume, as we have resumed today, our constitutional right to regulate currency. I trust that the Senator from Kentucky will recognize the fact that the bill is dead, and see that it is laid on the table and quietly disposed of during the coming week.

Mr. BARKLEY. Mr. President, I wish to say to the Senator from Ohio that he must evidently have been singing this new song, "Wishing Will Make It So." I have no such intention as that he has just hoped I might entertain.

Mr. TAFT. May I ask whether the Senator has changed his mind since yesterday?

Mr. BARKLEY. About what?

Mr. TAFT. On the subject of whether the bill has permanently died.

Mr. BARKLEY. I will express some views on that subject at the proper time.

Mr. TAFT. The Senator was not in the Chamber when I read his statement of yesterday. He said:

I will say frankly that consideration, naturally, has been given to the question of the effect of the automatic expiration of these various powers tomorrow night. The legislation we have been considering, of course, is based upon the continuation of an existing power, and so long as that power exists it may be continued. But when it has expired by operation of law, it is just as dead as if it had never been the law; and it is my view, in concurrence with the Senator, that it would take legislation ab initio to revise these expiring powers. We can revive them by new legislation just as we could create them in the beginning; but when they have once expired, we cannot, in my judgment, revive them simply by continuing what does not exist.

If the Senator is of that view, it seems to me we are wasting our time sitting here longer.

Mr. BARKLEY. That proves that frequently lawyers in expressing curbstone opinions may be mistaken. Upon further investigation of the law and the decisions I have reached the conclusion that the opinion I expressed on yesterday was a mistake, that it did not state the law, that the law is not dead, and that the adoption of the conference report would be as valid tonight or tomorrow as if it had been adopted yesterday.

Mr. TAFT. The Senator is a member of the conference committee, and if the conference committee surrendered on this bill so quickly only because the bill had to be passed yesterday, I should think he would favor discontinuing the consideration of the conference report.

Mr. BARKLEY. The Senator from Kentucky is not willing to accept the suggestion of the Senator from Ohio on that subject. Furthermore, I wish to say to the Senator from Ohio and to all other Senators that the insinuation that the committee was hastily called together in 10 minutes to dispose of this matter is in no sense the truth.

Mr. TAFT. I was only relying on what the Senator from Colorado [Mr. ADAMS] said.

Mr. BARKLEY. The conference met Thursday afternoon from 3 o'clock until 5 and discussed this proposition, and was in session Thursday night again upon it. At the same time the conferees were in session, or running back and forth from one session to another on the relief bill, and, considering the amount involved and the importance of the questions, I think I am within the truth when I say that in proportion to the respective importance of the two bills the conferees on the bill we are discussing devoted as much time to it as the conferees on the relief bill, which involved \$1,800,000,000, devoted to that bill, some of the conferees being the same.

It was necessary, in order that the House might vote on the measure yesterday, that the conferees agree last night, in order that the conference report might be reported to the House at last night's session.

Mr. TAFT. Why should the House have had to act yesterday?

Mr. BARKLEY. It was desirable that it should act, and it has acted.

Mr. TAFT. I think I still have the floor, have I not?

The PRESIDING OFFICER (Mr. BONE in the chair). The Senator from Ohio still has the floor.

Mr. TAFT. I should like to ask the Senator from Kentucky, since he has eaten his own words, if he knows whether the President also has eaten his. The report says that Mr. Roosevelt asserted that parliamentarians on Capitol Hill told him that the bill was drawn to extend existing law, and if the law was off the statute books because it had expired, he said it could not be extended, and new legislation would be needed. Can the Senator advise us whether the President has also eaten his words?



Mr. BARKLEY. I can speak only for myself, and if I have eaten my words, and even if the President has eaten his, neither finds them unpalatable. [Laughter.]

Mr. LODGE obtained the floor.

Mr. HOLT. Mr. President, will the Senator yield so that I may call a quorum, with the understanding that he will not lose the floor?

Mr. LODGE. I thank the Senator, but I have no desire to trouble Senators at this late hour—or early hour, as I am corrected.

I shall not cover all the domestic considerations involved in this issue, because they have been amply treated by the speakers who have preceded me. I shall confine myself to giving my views on the question before us as they affect the prospects for maintaining the United States at peace. I think the question of currency control and the question of the management of the stabilization fund have a very distinct bearing on the conduct of our foreign policy, and consequently relate intimately to the very pressing problem of maintaining the United States at peace.

I need not say that the preservation of peace is an indispensable element in all the domestic reforms we contemplate, and that this debate today would not be complete, and would not thoroughly cover the subject, if something were not put into the RECORD on this question.

Therefore, as a preliminary to the points I desire to make later, I should like to give my views on the present situation regarding American foreign policy, so that the question of currency control may be assessed with that as a background.

The PRESIDING OFFICER. The Chair feels obliged to ask the occupants of the galleries and those on the floor of the Senate to be in order.

Mr. LODGE. Mr. President, I realize how late the hour is, and while I appreciate the courtesy of the Chair, I shall not feel in the least bit put out if all the Members of the Senate do not take the trouble to listen to me. What I say can be read in the RECORD, and I do not desire to trouble the Senate unduly at this time.

Mr. BARKLEY. Mr. President, will the Senator yield to me in order that I may submit a unanimous consent request?

Mr. LODGE. I have no objection to yielding that such a request be made.

Mr. BARKLEY. Mr. President, I have no desire to punish the Senate by keeping Senators here unduly long. Today is Saturday, Monday is sandwiched between Sunday and the 4th of July, and of course a number of Senators would like to be absent over the holiday. In order to accommodate the Senate in that respect, under the peculiar circumstances in which we find ourselves—and my request is based upon an adjournment until Wednesday, if this agreement shall be entered into, not a recess, in order that there may be no question as to a legislative or a calendar day—I ask unanimous consent that on Wednesday, if we adjourn until Wednesday, during the further consideration of the conference report, no Senator shall speak more than once or longer than 30 minutes on the conference report and that at not later than 5 o'clock p. m. the Senate shall proceed to vote on the report.

Mr. AUSTIN. Mr. President, after canvassing the minority and other Senators here who are interested in this question whom I felt I ought to consult, I wish to have it understood that if no objection should be interposed by us, and if the unanimous-consent agreement should be entered into, we who are opposed to the conference report do not by our silence admit anything; that we do not waive any claims or any rights; and that this agreement for adjournment until Wednesday leaves us in the position in which we are at this time, to which I will refer in just a moment, so that on Wednesday this matter can be resumed without any alteration to the disadvantage of those who are opposing the conference report.

Before I take my seat I wish to state that we do this in the conscious and firm belief that at the hour of midnight on June 30 the power of the President, expressed or indicated in

the conference report, expired, and that it does not exist; that it is extinct; that it cannot be revived except by affirmative legislation of clear expression; that it cannot be revived by implication or by construction of the conference report.

Mr. LODGE. Mr. President, I do not intend to object, and I shall be glad to conclude my remarks by expressing the hope that the 4 days which elapse between now and the time when we shall vote will present conclusive proof that the world is not coming to an end merely because this power has not been extended.

Mr. THOMAS of Oklahoma. Mr. President, I shall not object provided I can have 1 or 2 minutes of time.

Mr. BARKLEY. I yield to the Senator.

Mr. THOMAS of Oklahoma. It is obvious that eventually this matter will get into the courts, and in order that the attorneys of the country who may be interested will have the law at one point, I ask to have printed at this place in the RECORD the complete text of what is known as the Thomas amendment.

Second. I ask to have printed, following that amendment, two sections from Public, No. 87, Seventy-third Congress, known as the Gold Reserve Act of 1934. These two sections are the two sections which create, first, the stabilization fund, and, second, extend the power of the President under the first amendment.

Third. I ask to have inserted in the RECORD following the second exhibit a copy of Public, No. 1, Seventy-fifth Congress, which extends these two powers for a 2-year period ending June 30, 1939.

I ask permission to have printed in the RECORD following that the complete text of the conference report, together with the statement of the managers on the part of the House.

I next ask permission to extend my remarks by having printed a brief statement giving my opinion of the status in which we find ourselves tonight.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[Extract from Public, No. 10, 73d Cong.]

FEDERAL FARM-LOAN BONDS AS SECURITY FOR ADVANCES BY FEDERAL RESERVE BANKS

SEC. 28. The eighth paragraph of section 13 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end thereof a comma and the following "or by the deposit or pledge of bonds issued pursuant to the paragraph added to section 32 of the Federal Farm Loan Act, as amended by section 21 of the Emergency Farm Mortgage Act of 1933."

TITLE III—FINANCING—AND EXERCISING POWER CONFERRED BY SECTION 8 OF ARTICLE I OF THE CONSTITUTION: TO COIN MONEY AND TO REGULATE THE VALUE THEREOF

SEC. 43. Whenever the President finds, upon investigation, that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such Reserve banks to agree that they will (1) conduct, pursuant to existing law, throughout specified periods, open-market operations in obligations of the United States Government or corporations in which the United States is the majority stockholder, and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of \$3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11 (c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11 (c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require

the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the act entitled "An act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States," approved February 25, 1862, and acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of \$1, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed \$3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 percent annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 percent of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

(2) By proclamation to fix the weight of the gold dollar in grains nine-tenths fine and also to fix the weight of the silver dollar in grains nine-tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained to a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 percent.

SEC. 44. The Secretary of the Treasury, with the approval of the President, is hereby authorized to make and promulgate rules and regulations covering any action taken or to be taken by the President under subsection (a) or (b) of section 43.

SEC. 45. (a) The President is authorized, for a period of 6 months from the date of the passage of this act, to accept silver in payment of the whole or any part of the principal or interest now due, or to become due within 6 months after such date, from any foreign government or governments on account of any indebtedness to the United States, such silver to be accepted at not to exceed the price of 50 cents an ounce in United States currency. The aggregate value of the silver accepted under this section shall not exceed \$200,000,000.

(b) The silver bullion accepted and received under the provisions of this section shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of the charges or deductions, if any, to be made; but such silver bullion shall not be counted as part of the silver bullion authorized or required to be purchased and coined under the provisions of existing law.

(c) The silver accepted and received under the provisions of this section shall be deposited in the Treasury of the United States, to be held, used, and disposed of as in this section provided.

(d) The Secretary of the Treasury shall cause silver certificates to be issued in such denominations as he deems advisable to the total number of dollars for which such silver was accepted in payment of debts. Such silver certificates shall be used by the Treasurer of the United States in payment of any obligations of the United States.

(e) The silver so accepted and received under this section shall be coined into standard silver dollars and subsidiary coins sufficient, in the opinion of the Secretary of the Treasury, to meet any demands for redemption of such silver certificates issued under the provisions of this section, and such coins shall be retained in the Treasury for the payment of such certificates on demand. The silver so accepted and received under this section, except so much

thereof as is coined under the provisions of this section, shall be held in the Treasury for the sole purpose of aiding in maintaining the parity of such certificates as provided in existing law. Any such certificates or reissued certificates, when presented at the Treasury, shall be redeemed in standard silver dollars, or in subsidiary silver coin, at the option of the holder of the certificates: *Provided*, That, in the redemption of such silver certificates issued under this section, not to exceed one-third of the coin required for such redemption may in the judgment of the Secretary of the Treasury be made in subsidiary coins, the balance to be made in standard silver dollars.

(f) When any silver certificates issued under the provisions of this section are redeemed or received into the Treasury from any source whatsoever, and belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation; but nothing herein shall prevent the cancellation and destruction of mutilated certificates and the issue of other certificates of like denomination in their stead, as provided by law.

(g) The Secretary of the Treasury is authorized to make rules and regulations for carrying out the provisions of this section.

SEC. 46. Section 19 of the Federal Reserve Act, as amended, is amended by inserting immediately after paragraph (c) thereof the following new paragraph:

"Notwithstanding the foregoing provisions of this section, the Federal Reserve Board, upon the affirmative vote of not less than five of its members and with the approval of the President, may declare that an emergency exists by reason of credit expansion, and may by regulation during such emergency increase or decrease from time to time, in its discretion, the reserve balances required to be maintained against either demand or time deposits."

Approved May 12, 1933.

[Public—No. 87—73d Congress]

[H. R. 6976]

An act to protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes

*Be it enacted, etc.*, That the short title of this act shall be the "Gold Reserve Act of 1934."

SEC. 10. (a) For the purpose of stabilizing the exchange value of the dollar, the Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to carry out the purpose of this section. An annual audit of such fund shall be made and a report thereof submitted to the President.

(b) To enable the Secretary of the Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 7 hereof, the sum of \$2,000,000,000, which sum, when available, shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the "fund") under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine are not currently required for stabilizing the exchange value of the dollar. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

(c) All the powers conferred by this section shall expire 2 years after the date of enactment of this act, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated; but the President may extend such period for not more than 1 additional year after such date by proclamation recognizing the continuance of such emergency.

SEC. 11. The Secretary of the Treasury is hereby authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this act.

SEC. 12. Paragraph (b) (2), of section 43, title III, of the act approved May 12, 1933 (Public, No. 10, 73d Cong.), is amended by adding two new sentences at the end thereof, reading as follows:

"Nor shall the weight of the gold dollar be fixed in any event at more than 60 percent of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire 2 years after the date of enactment of the Gold Reserve Act of 1934 unless the President shall sooner declare the existing emergency ended, but the President may extend such period for not more than 1 additional year after such date by proclamation recognizing the continuance of such emergency."



[Public—No. 1—75th Congress]  
[Chapter 5—1st Session]  
[S. 416]

An act to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 10 of the Gold Reserve Act of 1934, approved January 30, 1934, is amended to read as follows:

"(c) All the powers conferred by this section shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated."

Sec. 2. The second sentence added to paragraph (b) (2) of section 43, title III, of the Act approved May 12, 1933, by section 12 of said Gold Reserve Act of 1934 is amended to read as follows: "The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended."

Approved, January 23, 1937, 2 p. m.

[Rept. No. 1006, 76th Cong., 1st sess.]

#### STABILIZATION FUND, DEVALUATION, AND SILVER PURCHASES

June 29, 1939.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SOMERS of New York, from the committee of conference, submitted the following

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3. The second sentence added to paragraph (b) (2) of section 43, title III, of the act approved May 12, 1933, by section 12 of said Gold Reserve Act of 1934, as amended, is further amended to read as follows: 'The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended.'

"Sec. 4. (a) Each United States coinage mint shall receive for coinage into standard silver dollars any silver which such mint, subject to regulations prescribed by the Secretary of the Treasury, is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

"(b) The Director of such mint with the consent of the owner shall deduct and retain of such silver so received 45 per centum as seigniorage for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The balance of such silver so received, that is 55 per centum, shall be coined into standard silver dollars and the same or any equal number of other standard silver dollars shall be delivered to the owner or depositor of such silver, and no provisions of law taxing transfers of silver shall extend or apply to any delivery of silver to a United States mint under this section. The 45 per centum of such silver so deducted shall be retained as bullion by the Treasury or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury.

"(c) The Secretary of the Treasury is authorized to prescribe regulations to carry out the purposes of this section. Such regulations shall contain provisions substantially similar to the provisions contained in the regulations issued pursuant to the Act of Congress approved April 23, 1918 (40 Stat. L., p. 535), known as the Pittman Act, with such changes as he shall determine prescribing how silver tendered to such mints shall be identified as having been produced from natural deposits in the United States or any places subject to its jurisdiction subsequent to July 1, 1939."

And the Senate agree to the same.

ANDREW L. SOMERS,  
W. H. LARRABEE,  
JOHN J. COCHRAN,  
*Managers on the part of the House.*  
ROBERT F. WAGNER,  
ALLEN W. BARKLEY,  
JAMES F. BYRNES,  
*Managers on the part of the Senate.*

#### STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, submit the following statement in explanation of the effect of the action agreed to in conference and recommended in the accompanying conference report.

Amendment No. 1: The House bill continued the powers contained in section 43 (b) (2) of title III of the Agricultural Adjustment Act of 1933 (relating to certain monetary powers of the President, including the power to fix the weight of the gold and silver dollar, and to provide for the unlimited coinage of gold and silver) until June 30, 1941. The Senate amendment provides that the powers of the President with respect to the alteration of the weight of the dollar and subsidiary coins should expire on June 30, 1939, and his powers relating to the issuance of silver certificates and the coinage of silver dollars and subsidiary coins should expire on January 15, 1941, unless the President declares the existing emergency ended before that date.

The Senate amendment also provides for the coinage of silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to its jurisdiction. Upon delivery to any mint of such silver the Director of the Mint is to deduct 40 percent of the silver as seigniorage. Sixty percent of the silver so delivered is to be coined into standard silver dollars, and standard silver dollars equal to that amount are to be delivered to the owner. The 40 percent deducted is to be retained as bullion or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury. The Secretary of the Treasury is given power to prescribe regulations to carry out the purposes of the provision. Such regulations are to be substantially similar to the regulations issued under the Pittman Act with such changes as the Secretary may prescribe relating to how silver tendered to the mints shall be identified as domestically produced silver produced after July 1, 1939.

The conference agreement restores the provision of the House bill extending until June 30, 1941, the powers of the President under section 43 (b) (2) of the act approved May 12, 1933, as amended. The conference agreement also retains the provisions of the Senate amendment with respect to the delivery of domestically mined silver to the United States mints, and provides for a deduction by the Treasury of 45 percent of the silver delivered to the mints and for a payment of 55 percent of the silver so delivered to the owner or depositor of the silver. The provisions for regulations by the Secretary of the Treasury are the same as in the Senate amendment, and it is provided that the provisions of law relating to taxable transfers of silver shall not extend or apply in the case of the domestically mined silver delivered to the mints as provided in the bill.

On amendment No. 2: This amendment terminated the power and authority of the President and the Secretary of the Treasury with respect to the acquisition of foreign silver under the Silver Purchase Act of 1934. The Senate recedes.

ANDREW L. SOMERS,  
W. H. LARRABEE,  
JOHN J. COCHRAN,

*Managers on the part of the House.*

#### STATEMENT BY SENATOR THOMAS OF OKLAHOMA CALL FOR MONETARY CONFERENCE

The failure of the stabilization-devaluation bill to pass prior to July 1 seemingly makes necessary new monetary legislation. Immediately an effort will be made to reenact legislation giving President Roosevelt power to further devalue the gold dollar and to re-create a stabilization fund. Should the two provisions be reenacted no change or perceptible benefit will accrue to the people.

The power to further devalue the gold dollar is wanted to meet possible devaluation of monetary units by governments competing with the United States for world trade. The stabilization fund is wanted to insure the stability of the gold dollar in terms of gold and to assist in preventing major world currencies from being depreciated in terms of gold.

When any new monetary legislation comes up for consideration the status of silver must not be overlooked. The United States now owns a vast quantity of silver and some 10 Western States produce silver, so the value and stability of the value of silver is of major concern not only to the silver-producing States but also to our Government and to the other countries producing and using silver in their monetary systems. So, in addition to further gold devaluation and the recreation of a stabilization fund, the question of silver must be considered.

When the stabilization-devaluation bill was before the Senate a proposal was submitted in the form of a mandate to the money managers to raise the general price level and the discussion and vote on the proposal showed some 40 Senators in favor of issuing the mandate.

The agenda for any new monetary legislation must embrace a congressional mandate respecting the price level.

Inasmuch as the Constitution confers upon the Congress the exclusive responsibility "to coin money" and "to regulate the value thereof," and inasmuch as new monetary legislation must be enacted, I am taking the responsibility of calling a monetary conference to be held here in Washington commencing Thursday, July 6.

To this conference will be invited representatives of the silver States, the farm groups and organizations, as well as representatives of business and of labor. An informal committee will have charge of the arrangements for such conference. Those who believe that our economic troubles are largely monetary are invited to attend the conference and to cooperate in forming a program to be presented to the Congress.

Mr. NORRIS. Mr. President, I have no objection to the request, but I should like to suggest to the Senator from Kentucky [Mr. BARKLEY], taking into consideration the statement of the Senator from Vermont [Mr. AUSTIN], that I would object unless the same statement might be made in regard to those who favor the conference report the Senator from Vermont has made on behalf of those who are opposed to it. In other words, I do not want his statement to be the basis of a contention which I fear might follow—although I did not fully understand what he said—that is, that the unanimous-consent request is granted on the condition that at the present time the President has no authority, even though the law be enacted now or later, extending this authority.

In other words, I do not believe that a court passing on the matter would pay any attention to the difference of opinion which exists here—an honest difference—but I do not want to have the attorneys who may be called on to defend this action, if it ever gets into court, to be confronted with the contention that by reason of entering into the unanimous-consent agreement the Senate concedes absolutely the contention of the Senator from Vermont. I have no objection to the unanimous-consent request, with that exception.

Mr. BARKLEY. Mr. President, I will say that I do not regard any opinion expressed by any Senator here on the legality of this proposition as having any weight with any court that may be called to pass on it.

Mr. NORRIS. I agree with the Senator; but if one side is going to contend that by the unanimous consent here everybody in the Senate believes that the law is dead, I object to that.

Mr. BARKLEY. I do not understand that the Senator from Vermont made that suggestion.

Mr. NORRIS. Perhaps a proper construction of his statement will not bear that out, but I am not sure.

Mr. BARKLEY. He said he did not want the fact that he did not object to be interpreted in any way as waiving any rights or any opinions that they entertained upon that subject.

Mr. NORRIS. Of course, I do not want to deprive them of their right to assert that in court or any place else.

Mr. BARKLEY. No. The question as to whether Congress, by the adoption of the report, amends, continues, or revives the law under which power has been exercised, is a legal matter. It can only be determined in the courts. I think the Senator will agree to that. So that whatever our individual opinions here may be and whatever our expressions may be I do not regard them as having any real bearing upon what a court may decide, because courts frequently look to the intention of Congress in any enactment that it may bring about.

That intention, of course, is obtained from the law itself or from the debates pertaining to the law, if the debates shed any light on the subject. But the mere reservation of the right to entertain an opinion with respect to the legality of this action, it seems to me, would have no binding effect on the court.

Mr. NORRIS. I do not think it would. It ought not to; but if one opinion is to go in, I want the other opinion to go in also. In my judgment, all that has been said on that subject will have no weight whatever. There is a question of law involved, if we pass this measure now after 12 o'clock, the courts only can determine it, and it does not depend upon what I think or what the Senator from Kentucky thinks, or what the Senator from Vermont thinks, as I see it.

Mr. BARKLEY. I think that is correct; and I do not understand the Senator from Vermont as in any way trying to create a legal status that would be binding upon any court merely by the expression of his opinion in this regard.

Mr. NORRIS. I have no objection to the Senator expressing his opinion. It is entitled to great weight; that is all right; but we must not get a unanimous-consent agreement here that is going to bind anyone else.

Mr. BARKLEY. No, no; I do not think so. I certainly would not agree to that.

Mr. AUSTIN. Mr. President, often I think that when one tries to explain he confuses rather than clarifies his statement. The bill has not been passed, if ever it will be passed, and while it is still pending we want nothing done by us that will concede any of the ground that we have gained or waive any right we have to make still greater advances.

I do not know whether or not that explains my position.

Mr. BARKLEY. Mr. President, if the Senator would permit me to inject a statement there, I wish to say that this is not a lawsuit where the failure to take an exception to some testimony or ruling of the court would have any weight with the court above. I think the Senator would agree to that.

I ask that my request be put, Mr. President.

The PRESIDENT pro tempore. The request for agreement will be stated again.

Mr. BARKLEY. I ask unanimous consent, based on the proposal to adjourn now until Wednesday, which I shall move to do if the agreement is entered into, that when the Senate meets Wednesday, during the further consideration of the conference report, no Senator shall speak more than once nor longer than 30 minutes on the report, and that at an hour not later than 5 o'clock p. m., the Senate proceed to vote on the conference report.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. If the Senate should reject the conference report, would it be in order to recommit the matter to the conference committee?

The PRESIDENT pro tempore. No; it would not.

Mr. CONNALLY. Prior to the vote?

The PRESIDENT pro tempore. The House has discharged its conferees. There would have to be an entirely new conference.

Mr. CONNALLY. Certainly, but that would be a conference as well. But would it not be in order prior to the voting on the conference report to make a motion to recommit the matter to the conference with a request that the House appoint new conferees?

The PRESIDENT pro tempore. So far as the House is concerned the matter is dead, and there is therefore no conference committee. The Senate cannot recommit the measure to the conference committee, because there is no conference committee, the House having acted and discharged its committee.

Mr. CONNALLY. Mr. President, a further parliamentary inquiry: Could not the Senate request the House to appoint new conferees? Would not that be in order?

The PRESIDENT pro tempore. Yes; and to request a conference.

Mr. CONNALLY. I beg the Chair's pardon.

The PRESIDENT pro tempore. And to request a conference.

Mr. CONNALLY. That is what I am getting at. Prior to the final vote on the conference report, if the Senate so desires, it may request the House of Representatives to appoint new conferees, and may send the measure back to conference, and the conference committee could prepare a new conference report and bring it before the Senate. Is that not correct?

The PRESIDENT pro tempore. It is the opinion of the Chair that there is no action that the Senate may take in regard to the conference report except to adopt it, reject it, or indefinitely postpone it. If the Senate should reject the conference report, then the bill would not be dead, and on the bill itself the Senate could ask a new conference, but it would have to be after action was taken by the Senate on the conference report and only if it were rejected.



Mr. CONNALLY. That brings up the point the Senator from Texas has in mind. His other inquiry was predicated on the statement made by the Chair, that action could be taken if the conference report were rejected. Based on that reply, I propounded the inquiry as to whether it could be done before the conference report was voted on. I now understand the Chair to say that if the report should be rejected the Senate might then request the House to appoint new conferees and recommit the conference report to the conference.

The PRESIDENT pro tempore. That is the opinion of the Chair.

Mr. CONNALLY. I thank the Chair.

Mr. BARKLEY. Mr. President, inasmuch as the question of legality has been discussed here, and for the benefit of Senators who may be interested in it, I wish to state that the President of the United States requested a formal opinion from the Attorney General on this subject, and I ask that the clerk read the opinion in order that it may go into the RECORD for the consideration of Senators.

The PRESIDENT pro tempore. The clerk will read as requested.

The legislative clerk read as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C.

The President,

The White House.

MY DEAR MR. PRESIDENT: I have the honor to refer to your inquiry whether the provisions of H. R. 3325 will be sufficient to accomplish their purpose if enacted into law after midnight June 30, 1939. In particular, your question is whether under such circumstances the powers which are conferred upon you by the bill will be extended by it so that they will not expire until June 30, 1941, unless sooner terminated by declaration on your part in accordance with the terms of the bill.

It is my opinion that the bill, if enacted after midnight, June 30, 1939, will confer upon you the powers enumerated in it until June 30, 1941. As the circuit court of appeals for the eighth circuit said in *City of Beatrice v. Massich*:

"While there is some conflict of opinion on the subject, the decided weight of authority and the better opinion is that an amendatory statute is not invalid, though it purports to amend a statute which had previously \* \* \* for any reason been held invalid. This question is quite fully considered, and all the authorities cited in the recent opinion of the United States Circuit Court of Appeals for the Seventh Circuit in the case of *Wire Co. v. Boyce* (C. C. A.), 104 Fed. 172, to which we refer without citing the cases. Finding no error in the record, the judgment of the circuit court is affirmed."

In the *Columbia Wire* case, the court for the Seventh Circuit said:

"In *Jones v. Commissioner*, Judge Cooley, writing the opinion, in response to the argument that an amendatory act which refers to a repealed or nonexistent act must be invalid, said:

"This reasoning seems to us too refined for practical value. Under our Constitution the mode of amending a section of a statute is by enacting that the section in question 'shall read as follows.' The position of the section in the original statute is not changed, and there is no reason why subsequent amendments of the same section should not be made by reference to its number in the original statutes."

H. R. 3325, insofar as it relates to your question, extends certain powers granted the President by specified sections of prior acts of Congress to which specific reference is made. As the Supreme Court of Arkansas, in dealing with a similar question, said in *Fenolio v. Sebastian Bridge District* (200 S. W. 501), "The law itself is not dead, though the power conferred could no longer be exercised without further legislative action."

While there are some inconsistent decisions of State courts, I find no Federal decision to conflict with the view above expressed, and the great weight of authority fully supports that view. In *re Rahrer* (140 U. S. 545); *Baltimore & Ohio R. Co. v. Van Ness* (2 Fed. Cases 574); *Patton v. The People* (229 Ill. 512); *Attorney General v. Stryker* (141 Mich. 437); *Lawton Spinning Co. v. Commonwealth* (232 Mass. 28); *Crocker v. Crane* (21 Wend (N. Y.) 211); *Anderson v. Douglas* (Colo.) (186 Pac. 284); *People v. Board of County Canvassers* (N. Y.) (37 N. E. 649); *State v. Bailey* (42 Pac. 373; 59 C. J., p. 856); *Sutherland Statutory Construction* (vol. 1 (2d ed.), p. 435).

The Congress has accepted this view in the past. The Settlement of War Claims Act of 1928, approved March 10, 1928, originally required that application for payment of awards under the act be made within a period of 2 years after its enactment. The act has been amended five times since 1928 by merely striking out "2 years" and inserting in lieu thereof "4 years", "6 years", "8 years", "10 years", or "12 years". The last two times that this act has been amended in this respect (1936 and 1938) the extending act

has in each case extended the expiring provision after it had terminated.

Respectfully,

FRANK MURPHY,  
Attorney General.

Mr. BARKLEY. Mr. President, I ask that a very brief memorandum which I have prepared on the same subject, referring to an act of Congress which seems to me to be on all fours with the present situation, be also read, in order that it may go into the RECORD following the opinion of the Attorney General.

The PRESIDENT pro tempore. Without objection, the memorandum will be read.

The legislative clerk read as follows:

#### MEMORANDUM

The Rural Electrification Act of 1936, which was approved on May 20, 1936, contained the following provisions:

"Sec. 3. (a) The Reconstruction Finance Corporation is hereby authorized and directed to make loans to the Administrator, upon his request approved by the President, not exceeding in the aggregate amount \$50,000,000 for the fiscal year ending June 30, 1937. \* \* \*

"(e) \* \* \* And provided further, That no loans shall be made by the Reconstruction Finance Corporation to the Administrator after June 30, 1937."

The Rural Electrification Act of 1938, approved June 21, 1938, contained the following section:

"Sec. 401. The act entitled 'An act to provide for rural electrification, and for other purposes,' approved May 20, 1936 (49 Stat. 1363), is hereby amended as follows: (a) By inserting in subsection (a) of section 3 thereof immediately following the date 'June 30, 1937,' the phrase 'and \$100,000,000 for the fiscal year ending June 30, 1939,' and (b) by striking out the date 'June 30, 1937' appearing at the end of subsection (e) of such section 3 and inserting in lieu thereof the date 'June 30, 1939.'"

It will be noted that in the amendatory provision of June 21, 1938, which became effective a year after the authority of the Reconstruction Finance Corporation under section 3 of the Rural Electrification Act of 1936 had expired, there is no mention of the revival of the powers of the corporation to make loans to the Administrator. It must have been intended that such a revival of powers would be brought about merely by furnishing additional funds and by changing the original expiration date.

There is no indication that such action, which is all that section 401 of the Rural Electrification Act of 1938 provided, has been construed to be invalid or ineffective.

It is believed that the foregoing is analogous to the situation which would arise if H. R. 3325 became operative after June 30, 1939, and that the powers to which H. R. 3325 relates could be exercised from whatever date the bill became law.

Mr. AUSTIN. Mr. President, I would not be so hasty as to undertake to express the impression that I received from the reading by the clerk of these opinions. They come from good authority, and deserve careful thought and consideration. Even then I have found in my experience that it is often difficult to say what a case does hold.

My colleagues who are interested in the legal question presented will not decide that question. Probably they will decide only the great questions of principle which are involved, and the question of policy which has been so ably argued. However, in fairness to them I think I ought to make this claim, without limiting any of our claims—that is, without limiting them to this claim—that such powers as the conference report referred to are within an exception. I suppose everybody has noticed that. The existing law says they are continuing powers, "but"—in other words, "except"—

That such powers shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended.

So that by the law itself it became *functus officio*. It became dead at midnight yesterday.

I put in the RECORD, without undertaking to discuss it, a case, so that others may investigate it if they wish, which illuminates the word "expires," particularly as it bears upon our problem. I read from Bouvier's Law Dictionary, under the topic Expiration, at page 1161:

When a statute is limited as to time, it expires by mere lapse of time, and then it has no force whatever; and, if such a statute repealed or supplied a former statute, the first statute is, *ipso facto*, revived by the expiration of the repealing statute, *Collins v. Smith* (6 Whart. (Pa.) 294; 36 Am. Dec. 228); unless it appear that such was not the intention of the legislature (3 East 212; Bacon Abr. Statute (d)).

I leave the matter there.

Mr. TAFT. Mr. President, I should like to call attention to one other substantial difference, merely because I shall not have another opportunity to do so before next Wednesday.

In this case the section provided, as I read it, that the operation of the stabilization fund should be terminated. Therefore, as the Secretary of the Treasury stated, the \$2,000,000,000 reverts to the general fund. Whether or not his powers may be continued, I do not see how the \$2,000,000,000 can again get out of the Treasury and into any fund without affirmative legislation by this body. There is no question that the stabilization fund is now ended. At this moment it is not in existence; and it seems to me clear that that fact creates a situation which is very different from the situation referred to in the opinion of the Attorney General.

Mr. BARKLEY. Mr. President, I do not care to file a brief in rebuttal. We may have further opportunity on next Wednesday to discuss this matter. I am ready to move an adjournment at this time.

Mr. CLARK of Missouri. I was just about to suggest the absence of a quorum.

Mr. BARKLEY. The Senator will not have to do that.

#### ADJOURNMENT TO WEDNESDAY

Mr. BARKLEY. I move that the Senate now adjourn until 11 o'clock a. m. on Wednesday next.

The motion was agreed to; and (at 1 o'clock and 53 minutes a. m., Saturday, July 1) the Senate adjourned until Wednesday, July 5, 1939, at 11 o'clock a. m.

#### NOMINATIONS

##### *Executive nominations received by the Senate June 30, 1939*

##### DIPLOMATIC AND FOREIGN SERVICE

The following-named persons, now officers of the Foreign Commerce Service, to be Foreign Service officers of the United States of the classes herein indicated, effective July 1, 1939, without change in compensation. These nominations are submitted pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939, and of reorganization plan No. II, approved June 7, 1939:

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 1

Julean H. Arnold	Thomas L. Hughes
Henry M. Bankhead	Sam E. Woods
Alexander V. Dye	

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

William E. Dunn	Lynn W. Meekins
H. Coit MacLean	Lacey C. Zapf

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Ralph H. Ackerman	Thomas H. Lockett
H. Lawrence Groves	Daniel J. Reagan
George C. Howard	Ashley B. Sowell
Charles A. Livengood	Earl C. Squire

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Don C. Bliss, Jr.	Thormod O. Klath
Merwin L. Bohan	Clayton Lane
Clarence C. Brooks	Albert F. Nufer
Samuel H. Day	Karl L. Rankin
Charles E. Dickerson, Jr.	Gardner Richardson
Walter J. Donnelly	James T. Scott
Julian B. Foster	Jesse F. Van Wickel
Homer S. Fox	Frank S. Williams

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

A. Bland Calder	Oliver B. North
George R. Canty	Harold M. Randall
Archie W. Childs	J. Bartlett Pichards
Robert G. Glover	James Somerville, Jr.
Julian C. Greenup	Paul P. Steintorf
Malcolm P. Hooper	Robert M. Stephenson
Leigh W. Hunt	Howard H. Tewksbury
Edward B. Lawson	Osborn S. Watson

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 6

DuWayne G. Clark	John A. Embry
Basil D. Dahl	A. Viola Smith

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 7

Barry T. Benson	C. Grant Isaacs
Charles E. Brookhart	J. Winsor Ives
Carl E. Christopherson	Edward D. McLaughlin
Charles H. Ducote	Avery F. Peterson
Wilson C. Flake	Harold D. Robison
Leys A. France	Donald W. Smith
Paul S. Guinn	Jule B. Smith
R. Horton Henry	William P. Wright
Elisabeth Humes	

##### TO BE FOREIGN SERVICE OFFICERS OF CLASS 8

Fritz A. M. Alfsen	George E. Miller
Carl H. Boehringer	Paul H. Pearson
Frederick J. Cunningham	Archibald R. Randolph
B. Miles Hammond	Henry E. Stebbins
Coldwell S. Johnston	Joe D. Walstrom
George L. Jones, Jr.	Rolland Welch
Charles F. Knox, Jr.	

##### TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED

John L. Bankhead	Aldene B. Leslie
F. Lestrade Brown	Minedee McLean
Thomas S. Campen	Eugene A. Masuret
David M. Clark	Kathleen Molesworth
Edward A. Dow, Jr.	Jack B. Neathery
John L. Goshie	Katherine E. O'Connor
Theodore J. Hadraba	E. Edward Schefer
John P. Hoover	William L. Smyzer
Hungerford B. Howard	Earle C. Taylor
Frederick D. Hunt	Charles O. Thompson
Donald W. Lamm	William Witman, 2d

The following-named persons, now officers of the Foreign Agricultural Service, to be Foreign Service officers of the United States of the classes herein indicated, effective July 1, 1939, without change in compensation. These nominations are submitted pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939, and of reorganization plan No. II, approved June 7, 1939:

##### TO BE FOREIGN SERVICE OFFICER OF CLASS 3

Lloyd V. Steere

##### TO BE FOREIGN SERVICE OFFICER OF CLASS 4

Owen L. Dawson	Paul O. Nyhus
Erwin P. Keeler	Clifford C. Taylor
Paul G. Minneman	

##### TO BE FOREIGN SERVICE OFFICER OF CLASS 5

Charles L. Luedtke  
Lester D. Mallory

##### TO BE FOREIGN SERVICE OFFICER OF CLASS 7

Alton T. Murray

##### JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Armond W. Scott, of the District of Columbia, to be judge of the Municipal Court of the District of Columbia. Judge Scott is now serving in this post under an appointment which expired May 11, 1939.

##### UNITED STATES MARSHAL

Edward L. Burke, of Vermont, to be United States marshal for the district of Vermont. Mr. Burke is now serving in this office under an appointment which expired June 7, 1939.

##### UNITED STATES PUBLIC HEALTH SERVICE

The following-named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

Edward Charles Jenkins	Edward Pace Irons
James Koken Shafer	Russell Kenneth Taubert
Benno Karl Milmore	John Theron Wright
John Donaldson Porterfield	



## APPOINTMENTS IN THE REGULAR ARMY

## TO BE MAJOR GENERAL

Brig. Gen. George Catlett Marshall, Deputy Chief of Staff, from September 1, 1939, vice Maj. Gen. Malin Craig, Chief of Staff, to be retired August 31, 1939.

## TO BE BRIGADIER GENERAL

Col. Frank Maxwell Andrews, Air Corps, from July 1, 1939, vice Brig. Gen. Thomas E. Merrill, United States Army, to be retired June 30, 1939.

## APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

## TO QUARTERMASTER CORPS

Capt. Clifford Augustus Smith, Infantry, with rank from March 1, 1934.

## TO FIELD ARTILLERY

Capt. Samuel Roberts Browning, Corps of Engineers, with rank from June 9, 1938, effective October 1, 1939.

## APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Capt. John Lamont Davidson, Air Corps, to be major from June 28, 1939.

## APPOINTMENTS AND PROMOTIONS IN THE NAVY

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Frederick S. Conner, July 1, 1938.  
 Frederick A. Ruf, July 1, 1938.  
 John M. Sheehan, July 1, 1938.  
 Joseph B. Anderson, July 1, 1938.  
 Julian B. Noble, January 20, 1939.  
 David S. Crawford, February 13, 1939.  
 John G. Crawford, June 1, 1939.  
 James G. Atkins, June 1, 1939.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Marvin P. Kingsley, July 1, 1938.  
 Paul C. Treadwell, July 1, 1938.  
 William G. Fisher, July 1, 1938.  
 Daniel J. McCallum, February 13, 1939.  
 Steadman Teller, February 13, 1939.  
 Tillman T. Dantzler, February 13, 1939.  
 Robert O. Minter, February 13, 1939.  
 Bertrand D. Quinn, March 1, 1939.  
 Stephen R. Bedford, March 28, 1939.  
 John D. Hayes, April 1, 1939.  
 Max Schreiner, April 1, 1939.  
 Harold P. Smith, April 18, 1939.  
 Austen V. Magly, May 1, 1939.  
 Thomas C. Ragan, May 1, 1939.  
 Harold R. Demarest, June 1, 1939.  
 Elton C. Parker, June 1, 1939.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 4th day of June, 1939:

August F. Weinel	Dayton A. Sellar
Frederic A. Chenault	Albert B. Furer
Roy J. Krogh	William G. Holman
Jack R. Crutchfield	Henry C. Schwaner, Jr.
Robert E. Odensing	Robert "W" McElrath
William B. Thomas	Charles I. Raymond, Jr.
Robert A. Thacher	Thomas B. Dabney
Millard J. Smith	Delmer F. Quackenbush, Jr.
Francis A. Greenup	Bruce R. Ware, 3d
John Baumeister, Jr.	Robert C. Morton
Allen R. Faust	Norman C. Gillette, Jr.
David R. Connoles	Paul H. Bjarnason
Walter F. Schlech, Jr.	

Passed Asst. Paymaster Francis M. Hook to be a paymaster in the Navy with the rank of lieutenant commander, to rank from the 1st day of June 1939.

Chaplain Reuben W. Shrum to be a chaplain in the Navy with the rank of commander, to rank from the 23d day of June 1938.

The following-named naval constructors to be naval constructors in the Navy with the rank of commander, to rank from the 23d day of June 1938:

Charles H. Cushman  
 George T. Paine  
 Antonio S. Pitre

Lt. (Jr. Gr.) Walter A. Moore, Jr., to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), to rank from the 6th day of June 1938.

The following-named lieutenant commanders to be lieutenant commanders in the Navy, to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

James W. Smith, July 1, 1938.  
 Elmer E. Yeomans, July 1, 1938.  
 William G. Michelet, July 1, 1938.  
 Wallace M. Beakley, July 1, 1938.  
 Joseph H. Garvin, August 1, 1938.  
 Norman W. Ellis, August 1, 1938.  
 James R. Pahl, August 1, 1938.  
 William J. Longfellow, August 1, 1938.  
 George W. Patterson, Jr., August 1, 1938.  
 Joseph A. Callaghan, September 1, 1938.  
 Howard L. Collins, September 1, 1938.  
 James S. Laidlaw, September 1, 1938.  
 Adrian M. Hurst, September 1, 1938.  
 John W. C. Brand, September 8, 1938.  
 William V. Davis, Jr., September 8, 1938.  
 Marcel E. A. Gouin, October 1, 1938.  
 John M. Kennaday, October 1, 1938.  
 Thomas H. Templeton, October 1, 1938.  
 Edwin R. Wilkinson, November 1, 1938.  
 William D. Brown, November 2, 1938.  
 Warren D. Wilkin, November 24, 1938.  
 Wayne N. Gamet, December 1, 1938.  
 Everett W. Abdill, December 1, 1938.  
 Edward W. Young, January 1, 1939.  
 Thomas A. Turner, Jr., January 1, 1939.  
 Robert C. Sutliff, January 1, 1939.  
 Adolph H. Oswald, January 12, 1939.  
 Frederick R. Furth, January 20, 1939.  
 Robert L. Swart, January 26, 1939.  
 Frank C. Layne, February 1, 1939.  
 Eugene C. Burchett, February 1, 1939.  
 George W. Stott, February 1, 1939.  
 George A. Sinclair, February 1, 1939.

Paymaster Joseph E. Wolowsky to be a paymaster in the Navy, with the rank of lieutenant commander, to rank from the 1st day of August 1938, to correct the date of rank as previously nominated and confirmed.

## MARINE CORPS

The following-named meritorious noncommissioned officers to be second lieutenants in the Marine Corps from the 30th day of June, 1939:

Corporal Francis C. Clagett  
 Corporal Jino J. D'Alessandro  
 Corporal Richard T. McNown  
 Corporal Henry J. Revane

The following-named citizens to be second lieutenants in the Marine Corps from the 1st day of July, 1939:

Warren P. Baker, a citizen of Massachusetts.  
 Wendell H. Best, a citizen of Utah.  
 Clyde M. Buzard, a citizen of Pennsylvania.  
 Wayne M. Cargill, a citizen of Wyoming.  
 Raymond W. Dollins, a citizen of Virginia.  
 James G. Foley, a citizen of Massachusetts.  
 Frederic N. Hagan, Jr., a citizen of Massachusetts.  
 Melvin D. Henderson, a citizen of Pennsylvania.  
 Chester A. Henry, Jr., a citizen of Tennessee.  
 Homer E. Hire, a citizen of Indiana.  
 Frank Mandell, a citizen of Pennsylvania.  
 Alan S. Manning, a citizen of Massachusetts.  
 James B. Moore, a citizen of South Carolina.  
 William L. Ryan, a citizen of South Dakota.

# CONFIRMATIONS

*Executive nominations confirmed by the Senate June 30, 1939*

## POSTMASTERS

### FLORIDA

James D. Beggs, Orlando.

### MISSOURI

W. Rufus Jackson, St. Louis.

## HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 30, 1939

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Behold the eye of the Lord is upon them that fear Him; upon them that hope in His mercy, to deliver their soul from death and to keep them alive in famine. Our soul waiteth for the Lord; He is our help and shield. Let Thy mercy be upon us according as we hope in Thee. In this trust make us more and more to rejoice in life and its high privileges. Help us to go on our way with peace and gladness in our hearts; to worship Thee by honest work, by faithful service, by helpful deeds, and to find life good by doing good. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6205. An act to provide for additional clerk hire in the House of Representatives, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. BYRNES, Mr. ADAMS, Mr. OVERTON, Mr. TRUMAN, Mr. HALE, and Mr. BRIDGES to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6970) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following Departments and agencies:

1. Department of Agriculture.
2. Department of Commerce.
3. Department of the Interior.
4. Department of Labor.
5. Department of the Navy.
6. Post Office Department.
7. Department of State.
8. Department of the Treasury.
9. Farm Credit Administration.
10. United States District Court, Southern California.
11. Veterans' Administration.
12. The National Archives.

### THE LATE HONORABLE GEORGE BURNHAM

Mr. IZAC. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. IZAC. Mr. Speaker and my colleagues, it becomes my sad duty to announce to you the death yesterday in my city of San Diego of my predecessor in office, the Honorable George Burnham, Representative from the Twentieth District of California in the Seventy-third and Seventy-fourth Congresses.

Mr. Burnham was a very fine and distinguished gentleman and citizen of San Diego. Born in London, England, December 28, 1868, he came to America in 1881 and was educated in the public schools, and on coming of age became a naturalized citizen.

Mr. Burnham held many offices of distinction with great ability. He was past grand commander of the Grand Commandery of the Knights Templar of the State of California, past president of the San Diego Council, Boy Scouts of America; past president of the board of trustees of the San Diego Public Library; past president of the San Diego Chamber of Commerce; honorary commercial commissioner to China in 1910; and was one of the organizers and vice presidents of the Panama-California Exposition, and also of the California Pacific International Exposition held in San Diego in 1935 and 1936.

To those of you who served with him, I know the news of his untimely passing will cause deep sorrow. To all of us who knew him, the memory of George Burnham will ever be that of a kindly, Christian gentleman.

To his bereaved family and host of friends we offer our sincerest sympathy.

### THE RELIEF BILL, 1940

Mr. WOODRUM of Virginia. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Without objection, the statement will be read in lieu of the report.

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 17, 25, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 11, 14, 15, 16, 18, 19, 21, 22, 23, 24, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, and 131, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "recreational, production, and service projects, including training for domestic service"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive; and the Senate agree to the same.



Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment, and restore the matter stricken out by said amendment amended to read as follows: "In the aggregate the sum of \$50,000,000 during the fiscal year 1940, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$42,500,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding, \$500,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioner shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of \$1,200 per annum or more. For the purposes of this paragraph, the term 'State' shall include the Territories, possessions and the District of Columbia."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$143,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "On and after July 1, 1939, and until June 30, 1940, said Board shall be composed of three members to be appointed by the President from widely separated sections of the United States, by and with the advice and consent of the Senate." And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,755,600,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "10"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$52,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 15. (a) The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. After August 31, 1939, such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and (2) not exceed eight hours in any day and shall not exceed forty hours in any week.

"(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare and in the case of supervisory personnel employed on work projects."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "determined, as far as practicable, on the basis of relative needs and shall, where the relative needs are found to be the same, be"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment, and restore the matter stricken out by said amendment amended to read as follows:

"(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of thirty days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects. In the case of relief workers whose period of eighteen months of continuous employment ex-

pires before September 1, 1939, this section shall apply to require their removal not later than August 31, 1939, rather than on such expiration date."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "any compensation after September 30, 1939, to"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: Omit the matter inserted by said amendment and restore the matter stricken out by said amendment amended to read as follows:

"Sec. 25. None of the funds made available by this joint resolution shall be available—

"(a) After June 30, 1939, for the operation of any theater project, except that any person employed on any such project on June 30, 1939, may continue to be carried on the pay roll, with or without assignment of duty incidental to the closing down of such project, and paid his salary or wage (1) for the month of July 1939, if such person is an administrative, supervisory, or other non-certified worker, or (2) for a period ending not later than September 30, 1939, if such person is a certified relief worker; or

"(b) After August 31, 1939, for the operation of any project sponsored solely by the Work Projects Administration.

"This section shall not prohibit the payment of wages or salaries accrued, or of nonlabor obligations incurred, in connection with any such project if the wages or salaries accrued or the obligation was incurred prior to August 1, 1939, October 1, 1939, or September 1, 1939, as the case may be."

And the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "(other than those derived from the first processing of sweet potatoes)"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "This section shall not apply to municipal electric plants in communities not now adequately served at reasonable rates."; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In line 7 of the matter inserted by such amendment after the word "appropriations" insert the following: "(except persons now serving as such under other law)"; and the Senate agree to the same.

Amendment of the title: That the House recede from its disagreement to the amendment of the Senate amending the title of the joint resolution, and agree to the same.

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
W. P. LAMBERTSON,  
J. W. DITTER,

*Managers on the part of the House.*

ALVA B. ADAMS,  
KENNETH McKELLAR,  
CARL HAYDEN,  
JAMES F. BYRNES,  
FREDERICK HALE,  
J. G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) making appropriations for work relief, relief, and to increase employment by providing loans and grants for public-works projects, for the fiscal year ending June 30, 1940, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report:

On amendment No. 1: This Senate amendment strikes out the House short title of the bill "Work Relief and Public Works Appropriation Act of 1939" and substitutes "Emergency Relief Appropriation Act of 1939." The House recedes.

On amendments Nos. 2, 22, 27, 32, 43, 45, 49, 50, 51, 52, 53, 54, 60, 63, 64, 67, 71, 75, 76, 77, 78, 79, 81, 82, 83, 87, 88, 89, 93, 94, 97, 99, 102, 103, 106, 109, 110, 111, 114, 115, 116, 118, 122, 124, 125, 129, 130, and 131: These Senate amendments are clerical amendments made necessary by the Senate action in striking out title II, relating to the Public Works Administration and its action in combining titles I and III of the House bill. The House recedes.

On amendment No. 3: This Senate amendment strikes out the transfer of \$125,000,000 to the Public Works Administration. The House recedes.

On amendment No. 4: This Senate amendment authorizes funds to be used for projects for the eradication of plant and fungus pests. The House recedes.

On amendment No. 5: This Senate amendment confines projects for lime and marl production for fertilization to production in Wisconsin. The Senate recedes.

On amendment No. 6: This Senate amendment restores the provision of existing law relating to certain production and service projects. The House recedes with an amendment which carries out that intention.

On amendment No. 7: This amendment strikes out the House provision for apportionment of work projects on the basis of employment. The House recedes.

On amendments Nos. 8, 31, 62, 65, 69, 72, and 86: These amendments are clerical changes in section numbers and subsection letters. The House recedes.

On amendments Nos. 9, 15, 35, 37, 66, 91, and 92: These amendments eliminate the House provision for administration of the Work Projects Administration by a three-man board and provide for its administration by a single Commissioner of Work Projects. They also make the necessary clerical amendments to carry this out. The House recedes.

On amendment No. 10: This Senate amendment provides that funds appropriated for the Work Projects Administration shall not be used for the purchase of construction equipment or machinery in any case where it can be rented at reasonable prices. The House accepts the Senate amendment with a modification providing that the reasonableness of such prices should be determined by the Commissioner, and that his determinations made in conformity with rules and regulations prescribed by him, should be final and conclusive.

On amendment No. 11: This Senate amendment provides that on and after January 1, 1940, in administering Work Projects funds not to exceed three-fourths of the total cost of all non-Federal projects approved after that date to be undertaken within a State shall be borne by the United States and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions. A similar rule applies to the District of Columbia, the Territories, and possessions. The facts for this purpose are to be determined by the Commissioner and his determination made in accordance with his rules and regulations are to be final and conclusive. The House recedes.

On amendment No. 12: Under the House bill obligations for administrative expenses of the W. P. A. could not exceed, for the fiscal year 1940, \$45,000,000; salaries could not exceed \$40,000,000; communication service could not exceed \$600,000; travel could not exceed \$4,200,000; and printing and binding could not exceed \$500,000. The Senate amendment eliminates these provisions and provides that obligations for administrative expense cannot exceed 4 percent of the total amount made available to W. P. A. The conference agreement adopts the House provisions except for the total amount, which is fixed at \$50,000,000, and the amount for salaries, which is fixed at \$42,500,000.

On amendment No. 13: This Senate amendment requires that the name, address, position, and compensation of all W. P. A. employees whose compensation is at a rate of \$1,000 per annum shall be public records, available to any citizen of the United States on his request, and reported to the Secretary of the Senate and Clerk of the House on the 1st of each month. The House accepts the Senate amendment with modifications under which the Commissioner is to transmit a statement to Congress at the beginning of each session showing for each State the names, addresses, positions, and compensation of all such employees whose compensation is at the rate of \$1,200 or more. A similar statement is to be submitted for the Territories, possessions, and the District of Columbia.

On amendment No. 14: This is a technical amendment; and the House recedes.

On amendment No. 16: The House bill authorized the President to detail a commissioned officer of the Engineer Corps on the active list to perform the functions of Commissioner of Works Projects and to be a member of the Board. Such officer was to receive his pay, allowances, and travel expenses as commissioned officer, but no compensation or travel expenses from the W. P. A. appropriations. The Senate amendment authorizes the detail of such an officer to perform the functions of Commissioner. He is to receive, in addition to pay and allowances as officer, an amount sufficient to make his total compensation \$10,000 per annum while he is detailed as Commissioner. The House recedes.

On amendment No. 17: This Senate amendment increases the N. Y. A. appropriation from \$100,000,000 to \$123,000,000. The Senate recedes.

On amendment No. 18: This Senate amendment makes the unobligated balances available to the N. Y. A. available to it for fiscal year 1940. The House recedes.

On amendment No. 19: This is a technical amendment. The House recedes.

On amendment No. 20: This amendment increases the amount appropriated to the Department of Agriculture from \$123,000,000 to \$163,000,000. The conference agreement fixes this amount at \$143,000,000.

On amendments Nos. 21 and 23: Under the House bill the Secretary of Agriculture was authorized to accept from recipients of rural relief voluntary agreements for the performance of work.

These amendments provide that the Secretary shall require employable recipients of relief to perform work; and the House recedes.

On amendment No. 24: This is a technical amendment; and the House recedes.

On amendment No. 25: This amendment amends the Farm Tenant Act to permit refinancing of existing mortgages on farms owned and operated by the mortgagor if he cannot obtain Federal credit elsewhere. It also appropriates an additional \$10,000,000 for carrying out the Farm Tenant Act; and the Senate recedes.

On amendment No. 26: This amendment makes a necessary technical amendment to the appropriation for the Puerto Rico Reconstruction Administration to authorize projects described in the section which are other than projects for rural rehabilitation for needy persons in Puerto Rico. The House recedes.

On amendment No. 28: This Senate amendment increases the amount available for administrative expenses of the Public Health Service from \$300,000 to \$600,000. The Senate recedes.

On amendment No. 29: This Senate amendment provides that during the fiscal year 1940 the National Resources Planning Board shall consist of the Secretaries of Treasury, War, Interior, Agriculture, Commerce, and Labor, and the Federal Works Administrator, and three other members to be appointed by the President from widely separate sections of the United States. Senate confirmation is required of such appointed members. The President is to designate one of the appointed members of the Board as Chairman and another as Vice Chairman. The House accepts the Senate amendment with a modification under which the Board, for the fiscal year 1940, is to consist of three appointive members to be confirmed by the Senate.

On amendment No. 30: This Senate amendment increases the total of appropriations for relief from \$1,735,600,000 to \$1,808,900,000. The conference agreement results in a reduction of the amount to \$1,755,600,000.

On amendment No. 33: This is a technical amendment; and the House recedes.

On amendment No. 34: This Senate amendment provides that the funds made available shall be used only for work relief or relief of persons in need, except as otherwise specifically provided. The House recedes.

On amendment No. 36: This Senate amendment increases the authorization of allocations by the W. P. A. to Federal agencies for projects from \$50,000,000 to \$60,000,000. The House recedes.

On amendments Nos. 38, 39, 40, and 41: These are clerical amendments; and the House recedes.

On amendment No. 42: Under the House bill projects prosecuted under allocations to other Federal agencies were not permitted if the percentage of nonrelief persons employed exceeded 15 percent of the total. The Senate amendment reduces this percentage to 5 percent. The conference agreement fixes the percentage at 10 percent.

On amendment No. 44: This is a technical amendment which permits non-Federal nonsponsored projects in Puerto Rico; and the House recedes.

On amendment No. 46: Under the House bill none of the funds expended on the construction of a non-Federal building if the Federal part of the cost exceeded \$40,000. The Senate amendment increases this limitation to \$75,000. The conference agreement fixes the amount at \$52,000.

On amendments Nos. 47 and 48: The House bill excepted from the prohibition on use of funds for construction of buildings, buildings on which construction was in progress on June 14, 1939, or if the project has been approved by the President. The Senate amendment substitutes for the two exceptions a single exception of projects approved by the President on or before July 1, 1939; and the House recedes.

On amendment No. 55: Under the House bill the Board was to fix a monthly earning schedule and fix the hours of required work. Exemptions were authorized in emergencies and of supervisory personnel. The Senate amendment provides for prevailing rates of pay and not less than minimum rates established under the Fair Labor Standards Act. The Commissioner in fixing monthly earning schedules is to consider differentials according to the various classes of work only and is not to fix differentials between cities and counties on the basis of degree or urbanization or any other factor that will tend to discriminate against the less-urbanized areas. The provisions of the House bill are restored with modifications under which there are added to the exemptions from the limitations of monthly earnings and hours of work cases in which it was necessary to protect work already done on the project and to permit making up lost time. The conference agreement also provides that after August 31, 1939, the monthly earning schedule is not to be varied for workers of the same type in different geographical areas to any greater extent than may be justified in cost of living.

On amendment No. 56: This is a clerical amendment; and the House recedes.

On amendment No. 57: This Senate amendment eliminates the House provision under which preference in employment and retention was to be determined on the basis of relative need and other preferences were to apply only when relative needs were the same. The House provision is restored with a modification that such preferences are to be determined as far as practicable on the basis of relative need, and where the relative needs are found to be the same the preferences are to be given in the order prescribed in the House bill.



On amendment No. 58: This is a clerical amendment; and the House recedes.

On amendment No. 59: This amendment strikes out the House provision which required that relief workers employed continuously for more than 18 months should be removed from the rolls and be eligible to restoration only after 60 days and recertification. It also substitutes therefor a provision under which employable persons who have been certified for 3 months or more and not been given employment shall have preference over those who have been in active employment status on projects for 18 months or more. The provision is not to apply where it would result in undue hardship. The conference agreement restores the House provision with a change in the period relating to restoration to the rolls from 60 days to 30 days. The provision of the House bill that the subsection should not apply to heads of families aged 45 years and over is also eliminated.

On amendment No. 61: This amendment strikes out the House provision under which, after April 1, 1940, persons eligible for Social Security Act benefits when funds were available to grant such benefits were not to be given employment or retained in employment. The House recedes.

On amendment No. 68: Under the House bill any person who took private employment and lost it through no fault of his own, and who is still in need, is entitled to resumption of his W. P. A. employment status. This Senate amendment adds a provision that he must, prior to restoration, have drawn all the benefits of employment compensation accruing to him during his term of employment and available to him. The House recedes.

On amendment No. 70: This is a clerical amendment. The House recedes.

On amendments Nos. 73 and 74: These are clerical amendments. The House recedes on amendment No. 73 and accepts amendment No. 74 with a modification which makes it operative only after September 30, 1939.

On amendment No. 80: This amendment strikes out the House limitation of \$500 allowable to any agency for attendance at meetings. The House provision permitted such expense only when specifically authorized. Under the Senate amendment such expenses may be incurred when on official business. The House recedes.

On amendment No. 84: This amendment authorizes fixing of compensation of officers and employees without regard to the Classification Act of 1923. The House recedes.

On amendment No. 85: This amendment strikes out the House provision prohibiting certain increases in compensation; and the House recedes.

On amendment No. 90: This amendment strikes out the House provisions prohibiting theater projects and projects sponsored solely by the W. P. A., and substitutes therefor a limitation of three-fourths of 1 percent of the total funds available as the amount which might be available after October 31, 1939, for projects sponsored solely by the W. P. A.

The conference agreement restores the provisions of the House bill, with the modifications in the case of theater projects, under which none of the funds made available by the joint resolution shall be available after June 30, 1939, for the operation of any theater project. Exceptions are made, however, in the case of employees who may be carried on the pay rolls during the month of July in administrative or supervisory capacity, and for certified relief workers who may be paid up to October 1, 1939.

On amendments Nos. 95, 96, 100, 101, 107, 108, 112, and 113: These amendments are clerical amendments. The House recedes.

On amendment No. 98: This eliminates from the persons who may not solicit party contributions persons who may be entitled to employment under the joint resolution, but who have not yet received employment. The House recedes.

On amendment No. 104: This is a technical clarifying amendment; and the House recedes.

On amendment No. 105: This Senate amendment strikes out the provision of the House bill under which no recommendation of any person for employment given by any Senator or Representative (except as to the character or residence of the applicant) shall be received or considered in making appointments to be compensated out of funds appropriated under the resolution; and the House recedes.

On amendment No. 117: This amendment strikes out the short title of title 1 of the House resolution. The House recedes.

On amendments Nos. 118, 119, 120, 121, 122, and 123: These amendments strike out the House provisions for \$125,000,000 for Public Works Administration projects. The House recedes.

On amendment No. 126: This amendment prevents funds appropriated from being used for the relocation of mills, factories, etc., which would make for sale articles in competition with existing industries. The House recedes.

On amendment No. 127: The House bill contained a prohibition on the use of funds appropriated for the purchase, expansion, etc., of plants which would manufacture or produce for sale articles in competition with existing industries. This Senate amendment exempts the production of products derived from the first processing of agricultural products. The House accepts the Senate amendment with a limitation that it shall cover only the first processing of sweetpotatoes.

On amendment No. 128: This amendment exempts municipal electric plants from the provision of the House bill under which funds are not to be used for plants which would manufacture products for sale in competition with existing industries. The House accepts the Senate amendment with a modification that it

shall not apply except in communities which are not adequately served at reasonable rates.

On amendment No. 132: The Senate amendment provides for the appointment by the President by and with the advice and consent of the Senate of any administrator or other officer named to have general supervision at the seat of government over the work and program contemplated under the appropriations if the salary received under the appropriation is \$5,000 or more per annum, and for the appointment of any State or regional administrator receiving such a salary. Section 1761 of the Revised Statutes is not to apply to such an appointee. His salary may not be increased within a period of 6 months after confirmation. The House accepts the Senate amendment but exempts persons who are serving as State or regional administrators under existing law.

The House recedes from its disagreement to the amendment to the title.

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
W. P. LAMBERTSON,  
J. W. DITTER,

*Managers on the part of the House.*

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 20 minutes.

#### CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, this is a very important conference report and I think we should have a quorum. I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After a pause.] Evidently there is no quorum present.

Mr. WOODRUM of Virginia. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 111]

Andrews	Connery	Harrington	Rees, Kans.
Arnold	Curley	Jeffries	Smith, Conn.
Boehne	Dies	Kelly	Smith, Ill.
Burdick	Disney	Kerr	Smith, W. Va.
Byron	Eaton, Calif.	Lea	Summers, Tex.
Cannon, Fla.	Ellis	Luce	Vorys, Ohio
Cannon, Mo.	Engel	McGranery	Wheat
Cartwright	Fitzpatrick	McReynolds	Wood
Casey, Mass.	Folger	Mapes	

The SPEAKER. On this roll call 395 Members have answered to their names, a quorum. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

#### THE RELIEF BILL, 1940

The SPEAKER. The gentleman from Virginia is recognized for 20 minutes.

Mr. WOODRUM of Virginia. Mr. Speaker, this is the conference report on House Joint Resolution 326, familiarly referred to as the relief bill.

We bring a complete report, signed by all of the conferees, which, if approved by the House, will be complete action on the joint resolution as far as the House is concerned, if concurred in by the Senate.

This bill is forty or fifty million dollars less than the amount of the bill as it passed the Senate. The Senate added \$23,000,000 additional funds for the National Youth Administration, \$40,000,000 additional funds for the Farm Security Administration, \$10,000,000 additional funds for the farm tenancy, and some other smaller items. The conferees have reduced those amounts and, as I say, the bill is forty or fifty million dollars less than those amounts added by the Senate, and still well under the Budget estimates.

This bill provides every penny requested by the President for W. P. A. for the next fiscal year. No matter what our idea may be about relief, it is realized that certainly for a time the Federal Government will have to participate in a program for furnishing unemployment relief to needy American citizens. The W. P. A. program, as I have previously stated

upon this floor, was a lifesaver in a great emergency. It afforded emergency employment and relief to millions of our fellow citizens scattered all over the United States who, without its aid, would probably have had great suffering, great sorrow, and great distress.

In bringing in this bill we have tried to preserve the good features of that program. On the other hand, we have sought to seek out and remedy its imperfections and its shortcomings. Every restriction written into this bill by the Congress when it shall shortly become the law, will be a restriction that has for its purpose trying to make this a more workable program; trying to preserve its humanitarian purposes; trying to make it defensible; trying to spread the benefits of this Federal generosity equitably and decently among all sections of the country and among all groups of unemployed people.

It carries out more nearly than any bill that Congress has ever passed the fundamental purposes for which the work-relief program was originally created. That is, to afford unemployment relief to needy citizens. Congress for the first time has vigorously moved into this picture and asserted its legislative prerogatives. I think the provisions in this bill may fairly be interpreted by the country as an indication that Congress, so long as the Federal Government shall have to appropriate for these purposes, will insist upon the elimination of waste and inefficiency; will insist upon a decent and equitable spread of these benefits among people who are entitled to them. I think it may fairly be interpreted as an indication that the Congress is going to insist that this program clean its own house.

This bill is not going to suit some people. You know we are not so optimistic as to hope that we can please everybody. If we can please a large number of the people we are fortunate. This bill is not going to please those citizens who feel that the Federal Government should throw open its treasury and bid all who have the notion, walk in and load their pockets.

It is not going to suit those who believe that the Federal Government should carry all of this load of unemployment relief. It is not going to suit those groups of citizens who would like to mobilize and organize and exploit politically the unfortunate unemployed people of this country. It is not going to suit the emotionally inclined element of our citizenship who believe that there is an obligation on the Federal Government to subsidize and rejuvenate and rebuild the theatrical industry in America. It is not going to suit those communities and those officials of communities and States who have been engaged in a rather high-class intellectual sort of chiseling on the Federal Treasury, of passing on to the Federal Treasury the burdens which they should bear themselves. It is not going to suit some of the administrative people involved in this program who perhaps will not get the large increases in salaries that they usually get every time we pass a relief bill, nor will they get unlimited traveling and administrative expenses that they have been used to.

But this bill will please and it will be heartening to millions of American citizens who are willing to have their Government stretch forth a helping hand to the needy and unfortunate portion of our citizenship, but who want to see it done in a decent and clean way, and, if I may speak to my own side of the aisle for a moment and be pardoned, I hope I may not be unduly partisan: This bill will please hundreds of thousands of Democrats who have taken great pride in the accomplishment of their party, which stepped into a great emergency and helped the unfortunate people of this country. They can in the future look forward to its program, hold up their heads, and not find things of which to be ashamed. [Applause.]

The committee of this House charged with investigating the W. P. A. will continue to be interested in this program. It will continue to function with the sole purpose of trying to assist in curing the defects wherever they may be found to exist and in helping to make this a more workable and more defensible program. With this approach I shall go

through the bill very briefly and refer to the amendments and what was done with them in conference.

Senate amendment No. 3 struck out of the bill the \$125,000,000 which had been earmarked for the Public Works Administration. The Secretary of the Interior, so we were informed, went before the Senate committee and approved of that Senate amendment returning this fund to W. P. A. There was, therefore, little left to be done but for the House conferees to agree to strike out that \$125,000,000 earmarked for the Public Works Administration and permit it to go back into the funds of W. P. A., thereby giving to W. P. A. every penny which the President had asked for its operations.

The House conferees agreed to the Senate amendments striking out the formula for allocation of jobs. That formula, you will recall, was discussed in the House. It is Senate amendment No. 7. There was a great deal of doubt and a great deal of speculation as to just what it would mean. It provided an allocation of jobs to States on the basis of 45-percent population, 45-percent unemployment, which is an unknown quantity, and 10-percent discretion with the administration, thereby leaving 55 percent of the formula a speculative and unknown quantity. After much consultation the House conferees agreed to strike out the formula.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I would like to complete the statement, if the gentleman will permit; then I shall be pleased to yield.

The House conferees agreed to the Senate amendment which required a 25-percent local sponsorship of projects, known as the Byrnes amendment. Such an amendment would have been put in by the House committee except, as I stated in the House at the time, we hesitated to put in a 25-percent minimum for fear it would have the effect of making it a 25-percent maximum. This is pretty elastic, however, and it is believed that it will be a very great help in securing an adequate and proper participation by localities in this program.

The Senate conferees yielded on their amendments which struck out House limitations on administrative expenses. The House action stands except that we increased the total amount from \$45,000,000 to \$50,000,000. Administrative expenses of W. P. A. for the current fiscal year are \$72,000,000. Under this bill, therefore, their administrative expenses have been reduced to \$50,000,000. We did not take the money out of the bill, but we reduced the administrative expenses, thereby potentially increasing the amount that may be available for jobs for project workers by \$22,000,000.

The House conferees yielded on the amendment calling for a three-man board for W. P. A. We had much discussion with the Senate conferees and, of course, met a very insistent demand on the part of the Senate that the board be eliminated. May I say in passing that the House conferees felt very keenly on this subject? We felt that an institution which had handled \$1,500,000,000 of the taxpayers' money scattered in 48 States and the Territories, dealing with millions of citizens was a job just a little bit too big for one man; and the investigations and the facts coming before our committee showed that it was just humanly impossible for any one man to keep abreast of all of this, and we felt that if there should be additional assistants needed, that the assistants should come not in the form of some person selected by the Administrator to serve as his deputy, but some person selected by the President and approved by the Congress.

We have yielded on that, however, and we express the very high hope that under this new arrangement, a new Works Administrator coming over top of W. P. A., that there may be increased vigilance and increased attention to administrative details which will meet many of the objections which have been made heretofore to the program.

On the National Youth Administration, which was Senate amendment No. 17, the Senate receded, leaving the



amount at \$100,000,000, which was the amount agreed upon in the House, with the addition that we give them their unexpended balance, not exceeding \$1,500,000.

On amendment No. 20, which was the Farm Security Administration, the Senate added \$40,000,000 to the amount passed by the House, thereby increasing the Budget by \$40,000,000.

The House conferees very reluctantly yielded to half of that amount, thereby raising the amount to \$143,000,000. May I say that personally that was the hardest part of this report for me to yield on, so far as the House position was concerned.

Mr. McKEOUGH. Will the gentleman yield?

Mr. WOODRUM of Virginia. Briefly.

Mr. McKEOUGH. The gentleman yielded on the farm features but in connection with the other projects involved in the cities, the gentleman stood pat and did not yield at all?

Mr. WOODRUM of Virginia. The gentleman is not seeing very clearly.

Mr. McKEOUGH. Yes; I see all right.

Mr. WOODRUM of Virginia. Nor is he listening intently.

Mr. McKEOUGH. I have listened intently. The gentleman yielded on the farm feature.

Mr. WOODRUM of Virginia. We very reluctantly yielded on that, but we put back into the W. P. A., in which the gentleman is interested, no doubt, as I previously stated, \$125,000,000.

Mr. McKEOUGH. The gentleman added that the Secretary of the Interior at the hearing asked that that be done and indicated it was somewhat of a presumption on the part of your committee.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. With reference to the amount appropriated for farm security, the House figures are \$100,000,000 less than actually expended for farm security last year.

Mr. WOODRUM of Virginia. Not that much.

Mr. JOHNSON of Oklahoma. There was \$100,000,000 for relief, a total of \$140,000,000 last year.

Mr. TABER. If the gentleman will yield, it is only a difference of \$35,000,000.

Mr. WOODRUM of Virginia. There is only a difference of \$35,000,000. We gave them the Budget estimate, and we should not forget that the Congress has given to agricultural relief nearly a half-billion dollars more than the Budget estimates already. I am one of those who believe there should be some way, somehow, a limit to things of this sort.

The Senate receded on amendment No. 25, which undertook to amend the Bankhead-Jones Act in certain particulars to include \$10,000,000 for the purpose of farm tenancy. We retained the provision in the bill requiring these funds to be apportioned over a 12-month period. There was a definite commitment from the Works Progress Administration that the amount estimated by the President should carry the program along for the next fiscal-year period, of course, barring unforeseen calamities, tragedies, and emergencies.

We agreed to the Senate amendment increasing from \$50,000,000 to \$60,000,000 the amount which may be allocated for Federal projects; that is, authorized improvements at an Army base, Navy base, or a Government institution; in other words, where the Federal Government is the sponsor.

We agreed on a compromise amendment on non-Federal building construction limitations. The House provision was \$40,000 of Federal funds. The Senate figure was \$75,000 and the conferees agreed on \$52,000.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Were any other changes made except in the amount?

Mr. WOODRUM of Virginia. That is the only change that was made. Under this provision, on non-Federal building construction projects, there may be received of Federal funds not to exceed \$52,000. That is to say, if a community has a project, it can apply for a W. P. A. grant of not to exceed \$52,000. Of course, the community can put in whatever it wishes to put in, but it cannot go above \$52,000 of Federal funds.

Mr. RABAUT. Is that "project" or "building"?

Mr. WOODRUM of Virginia. Building construction.

Mr. POAGE. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Texas.

Mr. POAGE. Does this strike out the provision that the House put in exempting those construction projects upon which bonds had previously been issued?

Mr. WOODRUM of Virginia. No.

Mr. POAGE. Those are taken care of?

Mr. WOODRUM of Virginia. It does not change anything else. We retained the House provision in this bill that receipts of any kind coming from any of these W. P. A. activities shall be covered into the Federal Treasury and not used as a revolving fund over which the Congress would have no control.

The SPEAKER. The gentleman has consumed 20 minutes.

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 10 additional minutes.

Mr. CELLER. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from New York.

Mr. CELLER. I am curious about this report, because we in New York City are very anxious about the theatrical projects.

Mr. WOODRUM of Virginia. I am coming to that in a minute.

Mr. FERGUSON. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. Referring to amendment No. 29, the National Resources Board, it is stated that the House accepts the Senate amendment with the modification under which the Board is to consist of three appointive members. Is that three appointive members only or does that include secretaries?

Mr. WOODRUM of Virginia. Secretaries are not a part of the Board.

Mr. FERGUSON. It is to be a three-man board, the members to be confirmed by the Senate?

Mr. WOODRUM of Virginia. That is right.

Mr. FERGUSON. How does that change the existing situation?

Mr. WOODRUM of Virginia. There are five members under the existing situation, but it goes under reorganization. This will give them a three-man board, the members of which will be appointed by the President.

Mr. SABATH. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Illinois.

Mr. SABATH. I did not understand the gentleman's remarks relative to the amount for farm relief.

Did the gentleman state that over \$500,000,000 in addition to the Budget estimate is provided in this bill?

Mr. WOODRUM of Virginia. If I said that I did not mean to say it, I may say to the gentleman. As I recall, it is something over \$300,000,000 over and above the Budget estimates, which the Congress has approved.

Mr. SABATH. Three hundred million dollars, and that is the total of farm relief in this bill?

Mr. WOODRUM of Virginia. The total in this bill is \$123,000,000 for the Farm Security Administration, plus \$20,000,000 on which we agreed with the Senate. We split their increase half in two.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Michigan.

Mr. DONDERO. How much has this bill been increased over the amount as the bill left the House?

Mr. WOODRUM of Virginia. About \$22,000,000.

Mr. TABER. But it is still \$3,000,000 below the Budget.

Mr. WOODRUM of Virginia. It is still \$3,000,000 below the Budget, even with that increase.

Mr. MURRAY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Wisconsin.

Mr. MURRAY. What provision has been made to keep the Farm Security Administration from going into business in competition with other lines of business?

Mr. WOODRUM of Virginia. There is a very adequate provision in here covering that.

Mr. MURRAY. You left that in there?

Mr. WOODRUM of Virginia. Yes; it is in here.

Mr. FLANNAGAN. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Virginia.

Mr. FLANNAGAN. As I understand, grants can be made in the sum of \$52,000 on non-Federal projects?

Mr. WOODRUM of Virginia. Not to exceed \$52,000.

Mr. FLANNAGAN. What percentage does the community have to put up?

Mr. WOODRUM of Virginia. Twenty-five percent, under the Byrnes amendment.

Mr. O'NEAL. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Kentucky.

Mr. O'NEAL. I believe it was possibly not made clear by the gentleman, but that is on erection only.

Mr. WOODRUM of Virginia. It applies to all types of projects.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. That applies only after January 1, 1940, does it not?

Mr. WOODRUM of Virginia. No; there is no such date as that on that provision.

Mr. LEWIS of Colorado. No; I mean after the 25-percent contribution.

Mr. WOODRUM of Virginia. Yes; I believe that is right.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I am not quite clear on the preference or nonpreference given workers who apply for employment under W. P. A.

Mr. WOODRUM of Virginia. I have not gotten to that yet, I may say to the gentleman.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KELLER and Mr. FERGUSON rose.

Mr. WOODRUM of Virginia. Mr. Speaker, I shall yield now to the two gentlemen who have just risen, but after that I shall decline to yield until I have completed my statement.

Mr. KELLER. I do not want the gentleman to yield. I wish the gentleman would finish his statement, because I am getting something out of it. When the gentleman makes a statement, if he will go clear through with it we will get something out of it. I hope the gentleman will finish his statement without any interruption.

Mr. WOODRUM of Virginia. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. Since the National Resources Planning Board has been mentioned, does this provision for funds give the National Resources Planning Board legislative standing? Has Congress recognized it, or is it still an agency created by Executive order?

Mr. WOODRUM of Virginia. It is an agency created by Executive order, but recognized for 1 year because we appropriate for it for 1 year.

Mr. FERGUSON. This just gives it life for 1 year.

Mr. WOODRUM of Virginia. Now I should like to go ahead with my statement, and later I shall try to answer any questions that may be asked.

The House provision relating to rates of pay and the hours of work have been retained in the bill. This was a formula recommended by the Works Progress Administration and the President in lieu of the prevailing rate of wage and hours of work. This provides for the security wage, and in addition to that the House conferees agreed to a Senate amendment which would seek to prevent differentials as between different sections, the rates of pay to be equalized as far as may be possible between different sections of the country.

Mr. TARVER. Mr. Speaker, will the gentleman yield at that point?

Mr. WOODRUM of Virginia. I yield to the gentleman from Georgia.

Mr. TARVER. As I understand, the conference report incorporates in the bill substantially the same language as I offered by way of amendment in the House to prevent wage differentials on other bases than that of differences in cost of living.

Mr. WOODRUM of Virginia. That is correct.

Mr. TARVER. I wish to express my appreciation to the gentleman for that action.

Mr. WOODRUM of Virginia. The gentleman from Georgia has been very active and very persistent in trying to get such a provision into the law.

Amendment No. 57 related to preference for employment, and we retained the House provision requiring that in employing and in retaining for employment as far as practicable the relative need be considered, that veterans be given preference, and so forth. The difference between the amendment as it comes now in the report and as it passed the House is that under the amendment as it passed the House, if it were a question of employing a person on W. P. A. or dismissing a person, and on one hand you had a widow with five children and no means of support and on the other hand you had a single able-bodied veteran, the veteran got preference over the widow with five children. I do not believe any veteran or any veterans' organization would want that. We provide here that, all things being equal as to necessity and need, veterans be given a preference, and that is substantially, as I understand, the rule that has been carried in the law; and I believe such a rule would be approved by the veterans' organizations of the country.

We provide the usual section not permitting aliens to participate in the program.

We retain the House language which calls for a periodic investigation and purging of the rolls.

We retain the language in existing law which requires that a person must not refuse bona fide private employment.

We provide that all supervisory personnel, all people in administrative positions, be required to take the usual oath of office; that is, the oath of office that other employees of the Government take.

We retain the language inserted on the floor of the House which prohibits the payment of any compensation on and after September 30 to any person who advocates or who is a member of an organization that advocates the overthrow of the Government of the United States through force or violence.

We eliminated from the bill a provision inserted by the House against salary increases, and that was for this reason, and I wish to explain lest it be misunderstood. W. P. A. goes under reorganization tomorrow. The reorganization bill provides that there may be no increases in salaries during the next fiscal year. Therefore the language carried in this bill was unnecessary, but it was necessary to have some such language in the law because I wish to call the attention of the House to the fact that from the period October 1, 1938, to May 15, 1939, a period, you will recall, in which W. P. A. project workers were being laid off by the wholesale because of insufficiency of funds, during that period in the administrative office in Washington, 113 employees, whose salaries each were \$4,000 and over, received increases in



wages aggregating \$56,300. Of course, there were some demotions. There were 15 demotions aggregating \$8,200, but the net result was an increase in administrative pay in the set-up in Washington. During that critical period, when Congress was being called inhumane because it was withholding funds, they received salaries, the net result of which was \$48,000 over and above the pay roll of last October. Such a thing will be impossible under the present bill.

This bill retains the House language eliminating the Federal theaters with this exception. I hope I am not being unduly personal when I make the following statement, but notwithstanding the fact that the amendment coming from the committee eliminating the Federal theaters was from a unanimous committee, not a dissenting voice on the subcommittee or the whole committee, it seems that myself, the gentleman from Virginia, seems to be held up as the executioner of the Federal theater project. I am quite willing to take the blame or the credit, according to whatever your opinion of the subject may be, but I offered an amendment in conference, and I make it personal because of the fact that I have been referred to personally in it, which provides that the administrative personnel of the Federal theater project may be carried on the rolls for 30 days unless sooner assigned to other W. P. A. duties or engaged in private employment; that the actors and actresses and the technicians who have been certified from relief rolls may be carried for a period of 90 days unless sooner absorbed either in some sort of private employment or assigned to other projects by the Works Progress Administration.

Let me now make a statement. There has never been any thought in the minds of anyone that they were not willing for unemployed actors and actresses to participate in the Federal employment program. The objection has been, however, in the operation of the costly and questionable theatrical projects. Many of them have been splendid. In the States and in the small communities there have been many very fine plays and playlets and acts put on which were enjoyed by schools and colleges and C. C. C. camps, and what not. Some of the larger productions, because of unreasonable costs, and because of ridiculous length of time for rehearsals and because of the inexperience and amateurishness of the people involved in the productions, have been indefensible, to say nothing of the fact that many of them have been decidedly and emphatically subversive in their tendencies.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 10 additional minutes.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. CELLER. I have an affectionate regard for the gentleman and a high regard for his ability in the discharge of his duties, nevertheless we may disagree with him, and I may say that I notice that among the managers on the part of the House and the Senate there is no one who comes from New York City. The thespians congregate in New York and we have most of the difficulties, and we will have most of the penury and want and distress that will result from what the gentleman and his colleagues on the part of the House and Senate will do with reference to this bill.

Remember you wipe out all the W. P. A. arts projects. You end employment in New York City alone of over 7,000 actors, artists, musicians, writers, and archivists. Heretofore our city was furnishing about 20 percent of the total outlay for W. P. A. "white collar" projects like the writers project, the music project, and so forth. Our city was doing more than its share to help create jobs. Now you force the city to forego even that cooperation. The rule of the day will be mass lay-offs—with springboard jumps back to home relief. It is for us in New York most disheartening. It should have been and could have been quite different had you been just a bit sympathetic to our plea, had you been willing to learn—if you did not know—and to appreciate the worthwhileness, the artistic advantage to the Nation of the

arts projects. Remember this, the Federal theater has greatly helped American—native—dramatic art. It has produced over 100 new plays by American authors, many of whom were given their first opportunity by the project. The contrary statements constantly appearing, notwithstanding, especially by the ill-informed, less than 10 percent of the authors of this project were concerned primarily with social problems. It always sought to supplement rather than compete with the commercial theater. It emphasized such activities as the children's theater, dance theater, religious theater, marionette theater, and the celebration of civic, State, and national holidays.

You are now going to throw on home relief all those in these "white collar" projects, in the music, in the ballet, and in the theater and on the writers project. You are going to saddle New York City with a tremendous burden. We are trying to evolve all manner and kind of taxes in New York City to take care of those on home relief. We are finding it more and more difficult every day to supply the funds. I regretfully state that a grave mistake is being made by casting out particularly this theatrical project. I want to say this also, that several of the productions—I will say almost a dozen of the productions were not only self-supporting, but brought into W. P. A. over a million dollars, and you cannot disregard that. So you cannot say it was all loss.

Mr. WOODRUM of Virginia. Now will the gentleman yield to me a little? [Laughter.] The Federal Government has spent on the theater project \$41,000,000, and there has been a little over \$1,000,000 in cash receipts. That is the financial picture. We are renting many theaters that would otherwise be dark; money pouring into the pockets of theater owners that ought to be going for relief projects.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield to me?

Mr. WOODRUM of Virginia. Just briefly.

Mr. SIROVICH. You said that they spent \$41,000,000 on the theatrical projects of the W. P. A.

Mr. WOODRUM of Virginia. I said that; yes.

Mr. SIROVICH. In how many years?

Mr. WOODRUM of Virginia. Since the beginning of the program.

Mr. SIROVICH. How many years is that?

Mr. WOODRUM of Virginia. I would say 3 or 4 years.

Mr. SIROVICH. Does the gentleman realize that the American theater is the only institution in the world on which the United States makes the theater-going public pay taxes, while in every civilized nation of the world with the exception of China and India, and a few other small nations, they subsidize their theaters, and you collect \$11,000,000 a year in taxes upon the theaters? In 4 years you collected \$44,000,000 which you should give back to the theaters to help support the deserving and distinguished actors and actresses who are today unemployed, the victims of hunger, penury, and want, and that would pay for the maintenance of two Federal W. P. A. theaters in our country?

Mr. WOODRUM of Virginia. All right. Does the gentleman approve of the manner in which the personnel has been employed on the Federal theater project in New York? Is it not true that they have not employed destitute actors, but they have put on garment workers, fish peddlers, and so forth, amateurs and people who would be actors? Does not the gentleman know that is the fact, because he knows the situation in New York?

Mr. SIROVICH. But let me ask the gentleman a very pertinent question that would solve the Federal theater project—

Mr. WOODRUM of Virginia. But the gentleman does not answer.

Mr. SIROVICH. One minute. If the theatrical projects of the United States would be purged of the element that the gentleman talks of, would he be willing to support a bill to take care of the real unemployed actors and artists who have been entertaining the people of the United States, but who are now in penury, hunger, and want, and who could carry on the great traditions of our living spoken drama—

Mr. WOODRUM of Virginia. That is a different question.

Mr. SIROVICH. I want the gentleman's answer. Will you support a bill of mine now before a House committee creating a department of fine arts, including our American Federal theater project requiring us to provide work for the unemployed of the theatrical profession?

Mr. WOODRUM of Virginia. Now, just a moment. I do not yield further.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. WOODRUM of Virginia. I will yield to the gentleman in a minute.

Now, what the gentleman says about what may be done if it is cleaned up—when this bill was here in January I stood in the Well of this House and protested against one of the productions just being brought in, *Sing for Your Supper*. I pointed out that it was costing \$250,000 to produce it; that it was loaded with amateurs; that there was not anything in it commendable. Was that just the gentleman from Virginia, who is not, perhaps, as cultured and, perhaps, not as appreciative of the refining influences of the arts of sciences? Well, no; not altogether. Did you ever hear of Mr. Brooks Atkinson, one of the leading theatrical critics of America, the theatrical critic of the New York Times? He said:

*Sing for Your Supper* has officially concluded its rehearsal period. After a year and a half of preparation and a desperate drive within the last few weeks to get on some stage before the actors start drawing old-age pensions, it opened at the Adelphi last evening.

Mr. MARCANTONIO. Will the gentleman yield there?

Mr. WOODRUM of Virginia. In just a moment.

Mr. MARCANTONIO. Except this—

Mr. WOODRUM of Virginia. Well, I did not yield to the gentleman.

The regular order was demanded.

Mr. WOODRUM of Virginia. He says further:

It would be pleasant to say that the quality of this Federal theater revue justified the long months that have gone into it. But *Show Boat* would seem morose if it stayed indoors as long as that. And excepting a few numbers, notably, *Papa's Got a Job*, the Federal theater's musical jinx box turns out to be a mediocre show.

Now my friend talks about reforming it. W. P. A. would not reform it. You could not get the people in charge of the Federal theater project to admit that there was anything wrong with it, or to show the slightest effort or the slightest desire to put out of it this indefensible stuff.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman.

Mr. MARCANTONIO. Is it not a fact that in spite of that criticism, Mr. Brooks Atkinson sent you a telegram together with various others urging the continuance of the theater project?

Mr. WOODRUM of Virginia. Oh, of course. Certainly. Some of the actors and actresses want the theater subsidized by the Federal Government in spite of this kind of rotten stuff. I want the Federal Government to get out of the theater business, but I am willing to help the actors and actresses who cannot support themselves. [Applause.]

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly?

Mr. WOODRUM of Virginia. There are many other items to cover. I cannot yield further to the gentleman.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, the other arts projects are left on the basis of sponsorship. This is perhaps one of the blunders that the committee made. I hold in my hand a book, not written on the Federal writers project but written by members who are writers on the writers project on off time, and bearing in the front of it a foreword of approval by the Director, Mr. Henry G. Alsberg, National Director of the Federal writers project. I will not give you the name of the book because I do not wish to advertise it. On the flyleaf of the cover are advertised other books. One of them is *Moscow in 1937*; another is *Changing Man*, the Soviet Education System; another is the *Spirit and Struc-*

ture of the German Fascism; another is the Revolution in Mexico. Those are the books advertised, very properly, on the flyleaf of this book. If you had this book in your house you would hide it in your library lest one of your children read it. The leading article in it is by a Negro W. P. A. writer, who depicts his experiences as bellboy in a low hotel habituated by men and women of questionable character where he waited upon them in their rooms when they were unclad, and so forth. I might be expelled from this House if I read into the RECORD some of the trash and rot in that book. And it is approved by W. P. A.

Now, as to the arts project. Something has been said in the papers about pictures. Those books are locked in the vaults of the committee, and I hope they will never again see the light of day. They are not the nude pictures of artists' models; they are the nude pictures of relief workers in New York, people applying for relief in the city of New York who were sent to some photographer to have their bodies undraped and their pictures taken in order that they might be exhibited to artists.

Mr. COFFEE of Washington. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. Not now.

Mr. COFFEE of Washington. I want to answer the gentleman.

Mr. WOODRUM of Virginia. I do not yield.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

Mr. WOODRUM of Virginia. Mr. Speaker, I do not yield for a parliamentary inquiry.

Those pictures were the pictures of relief workers, not artists' models. That book was brought out in headquarters of W. P. A. art project so that the so-called artists, working in their studios, or their homes, might, whenever they should desire an artist's model, if you please, come in and thumb the pages of those books containing the undraped pictures of destitute people and select the so-called model. The so-called model was then sent to the artist's studio or workshop. I do not like to drag that stuff out and talk about it—it is not pleasant to me—but I want to say to you that your committee is determined, as well as the Congress, that that kind of stuff is going to be cleaned up. [Applause.]

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. VOORHIS of California. I want to ask the gentleman a question about the provision that people shall be dismissed after 18 months. As I understand it, the bill as it now stands requires absolutely and emphatically the dismissal of all people who have been on the rolls 18 months or more, no matter what their age, and that the exception the House put in the bill which would have excepted heads of families 45 years of age or over is now taken out of the bill, so that it applies also to them. Am I correct on that?

Mr. WOODRUM of Virginia. As I recollect, the 45-year age limitation did not apply to the 18 months' provision. I think that was in another part of the bill.

Mr. VOORHIS of California. I beg the gentleman's pardon.

Mr. WOODRUM of Virginia. I am corrected; my colleague on the committee tells me that the bill as it now stands requires that everyone who has been on the rolls for 18 months shall step down, but that after 30 days, if the certification agency finds they are still in need of relief, they are eligible for reemployment. This is for the purpose of permitting other people who have not had an opportunity to get the benefit of this program to be considered. In some of the communities of this country 44 percent of the people on W. P. A. have been there for 3 or 4 years. Why not give the other eligible people a chance?

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield myself 5 additional minutes.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield further?



Mr. WOODRUM of Virginia. Briefly.

Mr. VOORHIS of California. I am worried about the people who are being dropped. It seems to me the Senate provision is administratively impossible.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. RABAUT. An exemption to the automatic 60-day lay-off for heads of families—men and women—45 years and over with dependents was my amendment passed in the House by a teller vote; and now to realize that that humanitarian provision has been eliminated by the conferees comes as a distinct surprise to the membership of this body.

In my opinion, the W. P. A., by the very nature of its set-up, should be a secure place for those in need of its humanitarian provisions, especially those of the age referred to and heads of families. Everyone knows a man or woman with dependents can save nothing on W. P. A. wages. The dread of the automatic lay-off period will prove a continuous worry throughout the period of employment. Perhaps legislation to correct this injustice is the answer.

Mr. WOODRUM of Virginia. They will go off whether need is shown or not, but they may be reconsidered by the certifying agency in the community which certifies them and may be reemployed at the end of 30 days if eligibility is shown.

Mr. MAY. Mr. Speaker, will the gentleman from Virginia yield briefly?

Mr. WOODRUM of Virginia. I yield.

Mr. MAY. The gentleman's report is, of course, rather extensive and there are many amendments. I am just wondering if it would interfere with the statement he desires to make if I should call his attention to amendment No. 128, relating to competition with private industry.

Mr. WOODRUM of Virginia. I know what the gentleman has in mind.

Mr. MAY. I think there must be an error in the amendment as printed on page 5 of the report.

Mr. WOODRUM of Virginia. The amendment provides that you cannot compete with private industry. The gentleman is thinking of amendment 128, which provides that you cannot build electric plants in communities where there is now adequate service.

Mr. MAY. The amendment says where there is not now service.

Mr. WOODRUM of Virginia. The language is right, I may say to the gentleman.

Mr. COFFEE of Washington. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. May I ask the gentleman from Virginia a question? The gentleman referred to Rockwell Kent as being the spokesman for the artists of America. Did not Mr. Kent state that the photographs were taken by the committee investigator out of the files of the W. P. A. and that they were in fact professional models of the W. P. A. that were used by the artists?

Mr. WOODRUM of Virginia. If the gentleman will look at the pictures, he will see they are not professional artists' models, because I am sure his eye is keen enough to discern that.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this bill, while it is not truly a relief bill, represents the first step taken by the Congress toward promoting efficiency in relief administration. Most of the provisions adopted by the House designed to get rid of malingerers who were not entitled to relief, who have been drawing pay from the W. P. A., and most of the provisions designed to promote efficiency in the operation of the W. P. A. which the House adopted to start with, are retained. There are many more that ought to be adopted before it can be a real efficient program.

To bring about an efficient relief administration there must be these changes:

First. We must get rid of the incompetence and inefficiency of W. P. A. management and install someone in responsible position who has the character, integrity, and ability to give good administration.

Second. We must decentralize; we must get rid of so much overhead and incompetence in Washington, have less Federal discretion, and put more responsibility on the local community for the administration.

Third. By giving competent administration we must take better care of those in real need and still save money for the taxpayer.

Fourth. We must stop the costly printing of large picture books which are printed in violation of the law, and right now are being distributed by the W. P. A. in violation of the postal laws.

Fifth. We must stop the employment of 35,000 administrative employees and 35,000 supervisory employees of W. P. A.

Mr. MARCANTONIO. Will the gentleman yield for a parliamentary inquiry?

Mr. TABER. Not for a parliamentary inquiry; no.

Mr. Speaker, when the bill came back from the Senate it carried increases of \$73,000,000, none of which, in my opinion, were justified, and in the case of only one item of increase in dollars did the House yield. That was in connection with the Farm Security Administration, where we yielded \$20,000,000.

This bill goes to the administration with the adoption of the pending conference report. They have been given all the money asked for on behalf of the W. P. A. It is up to them to try and comply with the regulations that have been set up by law to bring about proper administration.

It is a good thing that the House has provided sufficient funds to permit the committee of Congress to follow them up and see that they do the right thing. This investigation should also give the Congress information upon which it can go further and provide other methods which will help solve this relief problem and get rid of the expenditure of money for other things than for relief purposes.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. TABER. I yield for a question.

Mr. MARCANTONIO. Does the gentleman, representing the Republican side, and the chairman of the committee on the Democratic side, think it is fair that only one viewpoint on this question may be presented today and that those who represent the other viewpoint cannot have a minute to discuss the question?

Mr. TABER. I decline to yield further.

Mr. Speaker, the chairman of the committee has yielded fully to those who had questions to ask and he has answered them completely and without equivocation. There are no questions remaining, in my opinion, which require discussion.

In view of the fact that the conference has resulted in retaining most of the good provisions that were placed in the bill by the House, the conference report should be agreed to.

Mr. STEFAN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Nebraska.

Mr. STEFAN. I would like to ask the gentleman about amendment No. 21, concerning farm security. On page 11, line 10, I notice the House yielded to the Senate in changing language where it requires a farmer who secures a grant to work for the money he receives.

Mr. TABER. That provision we felt was right. The Farm Security Administration should have the power to require anybody who receives a grant to work for it rather than to have it given to him, if there was anything the administration could give him to do.

Mr. STEFAN. I think my farmers would be willing to work for what they get. So far as my farmers are concerned, I repeat, they are willing to work for these grants, but I would like to know definitely whether this is going to be a uniform rule that all of them will be required to work where they receive a farm-security grant.

Mr. TABER. I can only say to the gentleman I hope so.

Mr. HINSHAW. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. HINSHAW. I notice that the \$125,000,000 P. W. A. item is taken out of the bill. Would the gentleman be willing to state how it is proposed to handle that matter?

Mr. TABER. The P. W. A. will cease to function on the 1st of July, tomorrow. There is no provision whatever in any legislation adopted by this Congress for the continuance of the P. W. A. For my own part, I believe it is a good thing, because the activities of that agency tended to get many communities in debt to a point where they could never work out. I do not believe it should be continued.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on agreeing to the conference report.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. If the previous question is voted down, Mr. Speaker, would the conference report then be open to amendment?

The SPEAKER. It would not be open to amendment.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 321, noes 23.

Mr. HOOK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

The conference report was agreed to, and a motion to reconsider was laid on the table.

#### DEFICIENCY APPROPRIATION BILL

Mr. WOODRUM of Virginia submitted the following conference report and statement on the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$390,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$294,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In the matter inserted by said amendment after the sum "\$35,000" insert the following: "payable from funds of the Work Projects Administration"; and the Senate agree to the same.

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
J. W. DITTER,

*Managers on the part of the House.*

ALVA B. ADAMS,  
CARTER GLASS,  
KENNETH MCKELLAR,  
CARL HAYDEN,  
JAMES F. BYRNES,  
FREDERICK HALE,  
JOHN G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Makes available to the Bureau of the Budget for the fiscal year 1940, as proposed by the Senate, the unexpended balance of the appropriation for such Bureau for the fiscal year 1939, and increases from \$5,000 to \$50,000 the amount which may be expended for temporary employment without reference to the customary statutes concerning such employment.

On amendment No. 2: Fixes the limitation for administrative expenses of the Electric Home and Farm Authority for the fiscal year 1940 at \$500,000, as proposed by the House, instead of \$400,000 as proposed by the Senate.

On amendment No. 3: Makes a technical correction.

On amendment No. 4: Restores the provision of the House bill, stricken out by the Senate, increasing the amount which may be used for administrative expenses of the Reconstruction Finance Corporation from \$9,250,000 to \$9,500,000.

On amendments Nos. 5 and 6: Appropriate \$390,000, instead of \$300,000 as proposed by the House and \$480,000 as proposed by the Senate, for the Temporary National Economic Committee, and makes available for allocation to other Federal agencies the sum of \$294,000, instead of \$204,000 as proposed by the House and \$384,000 as proposed by the Senate.

On amendment No. 7: Inserts the amendment, proposed by the Senate, making \$35,000 available under the Work Projects Administration for direct relief to citizens of the counties of Anoka and Hennepin, Minn., rendered destitute by a recent tornado, with a modification in the Senate language to require that the \$35,000 be taken from funds of the Work Projects Administration instead of a new direct appropriation to that agency.

On amendment No. 8: Inserts the language proposed by the Senate transferring \$216,560 of the funds of the Public Works Administration to the appropriation for the Office of the Secretary of the Interior for the fiscal year 1940.

On amendment No. 9: Inserts the appropriation of \$340,000, proposed by the Senate, to enable the Division of Territories and Island Possessions of the Department of the Interior to conduct an investigation and survey of the natural resources of the land and sea areas of the Antarctic regions.

On amendment No. 10: Inserts the language, proposed by the Senate, reappropriating and making available for the fiscal year 1940 the unexpended balances of certain appropriations under the Department of Justice for fees and expenses of conciliation commissioners of United States courts.

On amendment No. 11: Makes \$1,500,000, as proposed by the Senate, instead of \$1,600,000, as proposed by the House, available to the Post Office Department for pay of clerks at first- and second-class post offices.

On amendment No. 12: Inserts the language, proposed by the Senate, appropriating \$20,000, plus the unexpended balance, for the International Committee on Political Refugees under the Department of State.

On amendment No. 13: Inserts section 2, as proposed by the Senate, amending section 6 of the Treasury and Post Office Departments Appropriation Act for the fiscal year 1940. This act regulates the transmission through the mails free of postage of official mail matter. The Senate amendment clarifies and relaxes certain of the restrictions of section 6, generally and specifically exempts publications and reports offered for sale by the Federal Power Commission.

On amendment No. 14: Corrects a section number.

EDW. T. TAYLOR,  
C. A. WOODRUM,  
LOUIS LUDLOW,  
THOS. S. McMILLAN,  
J. BUELL SNYDER,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
J. W. DITTER,

*Managers on the part of the House.*

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 6970) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Virginia whether the opposition will have at least 30 seconds to present their case if we grant this request?



Mr. WOODRUM of Virginia. If they want any time to speak on the conference report.

Mr. SCHAFER of Wisconsin. I am making this request in all seriousness. On a bill of the magnitude of the W. P. A. bill the gentleman denied the opposition an opportunity to have even 1 minute to speak. I believe that is a pretty strong gag rule.

Mr. WOODRUM of Virginia. The gentleman from Wisconsin did not ask any time at all on the last conference report, so he has no kick coming.

Mr. SCHAFER of Wisconsin. I did not ask for time, but I know that other Members who wanted to talk on the question could not get 30 seconds. Unless those in the opposition are going to have a few minutes to speak, I am going to object.

Mr. WOODRUM of Virginia. If there is any opposition to this conference report, I do not know about it.

Mr. SCHAFER of Wisconsin. Then the gentleman will yield some time to the opposition?

Mr. WOODRUM of Virginia. If there is any opposition to it.

Mr. SCHAFER of Wisconsin. All right; then I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the conference report.

Mr. WOODRUM of Virginia. Mr. Speaker, these items are urgent deficiencies that must be taken care of during the day. I do not know of anything controversial in them. I am perfectly willing to explain them, but it would just consume unnecessary time. Therefore, Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### ELECTION TO A COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution and ask its immediate adoption.

The Clerk read the resolution, as follows:

#### House Resolution 336

*Resolved*, That LEWIS K. ROCKEFELLER, of New York, be, and he is hereby, elected to the Committee on the Library of the House of Representatives.

The resolution was agreed to.

#### EXTENSION OF REMARKS

Mr. TABER asked and was given permission to revise and extend his own remarks in the RECORD.

#### STABILIZATION FUND AND ALTERATION OF THE WEIGHT OF THE DOLLAR

Mr. SOMERS of New York. Mr. Speaker, I call up the conference report on the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the dollar may be exercised and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3. The second sentence added to paragraph (b) (2) of section 43, title III, of the Act approved May 12, 1933, by section 12 of

said Gold Reserve Act of 1934, as amended, is further amended to read as follows: 'The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended.'

"Sec. 4. (a) Each United States coinage mint shall receive for coinage into standard silver dollars any silver which such mint, subject to regulations prescribed by the Secretary of the Treasury, is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

"(b) The Director of such mint with the consent of the owner shall deduct and retain of such silver so received 45 per centum as seigniorage for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The balance of such silver so received, that is 55 per centum, shall be coined into standard silver dollars and the same or any equal number of other standard silver dollars shall be delivered to the owner or depositor of such silver, and no provisions of law taxing transfers of silver shall extend or apply to any delivery of silver to a United States mint under this section. The 45 per centum of such silver so deducted shall be retained as bullion by the Treasury or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury.

"(c) The Secretary of the Treasury is authorized to prescribe regulations to carry out the purposes of this section. Such regulations shall contain provisions substantially similar to the provisions contained in the regulations issued pursuant to the Act of Congress approved April 23, 1918 (40 Stat. L., p. 535), known as the Pittman Act, with such changes as he shall determine prescribing how silver tendered to such mints shall be identified as having been produced from natural deposits in the United States or any places subject to its jurisdiction subsequent to July 1, 1939."

And the Senate agree to the same.

ANDREW L. SOMERS,  
W. H. LARRABEE,  
JOHN J. COCHRAN,

*Managers on the part of the House.*

ROBERT F. WAGNER,  
ALEEN W. BARKLEY,  
JAMES F. BYRNES,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, submit the following statement in explanation of the effect of the action agreed to in conference and recommended in the accompanying conference report.

On amendment No. 1: The House bill continued the powers contained in section 43 (b) (2) of title III of the Agricultural Adjustment Act of 1933 (relating to certain monetary powers of the President, including the power to fix the weight of the gold and silver dollar, and to provide for the unlimited coinage of gold and silver) until June 30, 1941. The Senate amendment provides that the powers of the President with respect to the alteration of the weight of the dollar and subsidiary coins should expire on June 30, 1939, and his powers relating to the issuance of silver certificates and the coinage of silver dollars and subsidiary coins should expire on January 15, 1941, unless the President declares the existing emergency ended before that date.

The Senate amendment also provides for the coinage of silver mined subsequent to July 1, 1939, from natural deposits in the United States or any place subject to its jurisdiction. Upon delivery to any mint of such silver the Director of the Mint is to deduct 40 percent of the silver as seigniorage. Sixty percent of the silver so delivered is to be coined into standard silver dollars, and standard silver dollars equal to that amount are to be delivered to the owner. The 40 percent deducted is to be retained as bullion or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury. The Secretary of the Treasury is given power to prescribe regulations to carry out the purposes of the provision. Such regulations are to be substantially similar to the regulations issued under the Pittman Act, with such changes as the Secretary may prescribe relating to how silver tendered to the mints shall be identified as domestically produced silver produced after July 1, 1939.

The conference agreement restores the provision of the House bill extending until June 30, 1941, the powers of the President under section 43 (b) (2) of the act approved May 12, 1933, as amended. The conference agreement also retains the provisions of the Senate amendment with respect to the delivery of domestically mined silver to the United States mints, and provides for a deduction by the Treasury of 45 percent of the silver delivered to the mints and for a payment of 55 percent of the silver so delivered to the owner or depositor of the silver. The provisions

for regulations by the Secretary of the Treasury are the same as in the Senate amendment, and it is provided that the provisions of law relating to taxable transfers of silver shall not extend or apply in the case of the domestically mined silver delivered to the mints as provided in the bill.

On amendment No. 2: This amendment terminated the power and authority of the President and the Secretary of the Treasury with respect to the acquisition of foreign silver under the Silver Purchase Act of 1934. The Senate recedes.

ANDREW L. SOMERS,  
W. H. LARRABEE,  
JOHN J. COCHRAN,

*Managers on the part of the House.*

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifty-six members are present, a quorum.

Mr. THOMAS of New Jersey. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of New Jersey. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The gentleman from New Jersey makes the point of order there is not a quorum present. The Chair will count. [After counting.] One hundred and sixty-seven Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll when the following Members failed to answer to their names:

[Roll No. 112]

Andrews	Courtney	Kelly	Schiffler
Boehne	Curley	Kerr	Smith, Ill.
Byron	Dies	McDowell	Smith, W. Va.
Cannon, Mo.	Eaton, Calif.	McLedd	Stearns, N. H.
Carlson	Ellis	McReynolds	Summers, Tex.
Cartwright	Engel	Mapes	Wheat
Casey, Mass.	Fitzpatrick	Mitchell	Winter
Connery	Jeffries	Norton	Wood
Cooley	Jenks, N. H.	Robson, Ky.	

The SPEAKER. Three hundred and ninety-four Members have answered to their names. A quorum is present.

By unanimous consent further proceedings under the call were dispensed with.

Mr. SOMERS of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, this conference report, of course, is a compromise. Where there is disagreement between the two bodies, it is always necessary to compromise. I would not be honest if I did not say there were some parts in this conference report which do not entirely please me, but we had a delicate situation confronting us where it was necessary to yield to get an agreement.

This House, by a very substantial majority, passed this bill. When it went to the Senate the Senate eliminated that provision giving the President the power to devalue the dollar. At the same time the Senate added a provision with reference to the purchase of domestic silver, as well as repealed the act having to do with the purchase of foreign silver.

We met yesterday afternoon and for over 1 hour discussed the proposition and came to no agreement. Then in the evening, in order for us to get back the House bill—and a majority of your conferees felt it was our duty to get back the provisions of the House bill—we were forced to yield with reference to the purchase of domestic silver. The Senate, however, had provided a price of approximately 77 cents, which is an increase over the price of today. We did succeed in lowering that price to 70 cents. There were reasons why the Senate refused to yield upon that paragraph.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. COCHRAN. In just a moment. The necessity for this legislation is understood by all. Even though we were forced to yield on the provision added by the Senate, still under the circumstances, I feel that we were justified in doing so. Had we not done so, we could not have brought back a report.

Those who represent States that are affected by the Silver Purchase Act cannot under any consideration, either in this

body or in another body, decline to vote for this conference report, because if they do, at midnight tonight silver will be worth just about one-half of what they are getting right now.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. COCHRAN. In just a few moments.

Reading between the lines, you can see why it was necessary for your conferees to do something in regard to the new language added by the Senate. In my opinion we will agree to this report. We could do it without any provision affecting silver in the bill, but can that be done in another body? No. There were roll calls on this bill in the other body. Some of the Senators will be required to change their votes on this conference report, and they will change their votes.

Mr. MARTIN of Colorado. Will the gentleman yield, Mr. Chairman?

Mr. COCHRAN. I yield.

Mr. MARTIN of Colorado. Referring to the gentleman's statement that he did not see how any Member from any silver-producing State could vote against this conference report, I want to assure him that there will not be a single Democratic Member, west of the Missouri River, whether he has silver in his district or not, who will vote against this conference report. If any western Member, Democrat or Republican, votes against this report, he does not represent his State or its interests.

Mr. COCHRAN. I am very glad to hear the gentleman say that because, as I said, the necessity for the provisions of the original House bill are such that this conference report must be agreed to. [Applause.]

[Here the gavel fell.]

Mr. SOMERS of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Speaker, ladies and gentlemen of the House, as has been so ably stated by the chairman of the Committee on Coinage, Weights, and Measures, we will this afternoon have the opportunity to vote up or down this report of your conference committee. At the outset I wish to call to your attention the fact that this conference report is signed and comes to you as the result of an agreement of three out of five of the House conferees and three out of five of the Senate conferees. As the bill originally passed the House, it contained two provisions, one for the continuance of the stabilization fund and one for the continuance of the power of the President to devalue the dollar. That was the manner in which the bill passed the House and went to the Senate. The Senate adopted the provision continuing the stabilization fund and struck out the provision which related to the devaluation of the dollar by the President. It then added the silver sections, one raising the price of domestic silver and the other providing for the discontinuance of purchases of foreign silver.

As the law now exists, the producers of silver bring their product to the United States mint, where it is weighed and 50 percent thereof retained by the Government and the other 50 percent turned over to the producers in the form of silver coin. The Senate amendment would have changed the ratio from a 50-50 proposition to a 40-60 one; 40 percent for the Government and 60 percent for the producers. The conference committee changed this ratio to 45-55, under which the Government would retain 45 percent and the producers would receive 55 percent. The conferees then restored the devaluation clause and eliminated the provision which would have discontinued the purchases of foreign silver. If you vote for this conference report, you will be doing so with your eyes open and knowing that when you do so you are making a present to the producers of silver of 5 percent of the product brought by them to the mint for coinage. During the past year the output of domestic silver was 60,000,000 ounces. A vote for the conference report by my system of mathematics means that you desire to present to the producers of silver 3,000,000 additional ounces of silver per year.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?



Mr. REED of Illinois. I yield.

Mr. WHITE of Idaho. Would the gentleman be in favor of seeing that the gold producers got an advantage over the silver producers?

Mr. REED of Illinois. No; I do not think so.

Mr. WHITE of Idaho. When a man brings in his gold he gets value received for it, does he not?

Mr. REED of Illinois. He does not if he lives in the United States at the present time.

Mr. WHITE of Idaho. It is bought at \$35 an ounce, and that is the value of gold, is it not?

Mr. REED of Illinois. That is the price of newly mined gold.

Mr. WHITE of Idaho. That is right. Now, take the case of the man who brings in silver. The Government takes 45 percent of the silver brought in and makes a profit of almost 100 percent. Is not the Government the winner by that much?

Mr. REED of Illinois. However, if the gentleman recalls, the present market price of silver is around 38 cents. The Government is paying something like 68 cents an ounce for it, and under the operation of this bill will pay 71 cents.

Mr. WHITE of Idaho. But money is issued against that silver and is legal-tender money, is it not?

Mr. REED of Illinois. Yes; and the Government retains the bullion.

Mr. WHITE of Idaho. But the Government gets the lion's share of the money that it creates out of the silver.

Mr. REED of Illinois. Yes. But the money coined out of the silver is at a fictitious price, a price that is not consistent with the actual price of the silver on the open market. [Here the gavel fell.]

#### CALL OF THE HOUSE

Mr. SOMERS of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. MUNDT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and eighty-six Members are present, not a quorum.

Mr. SOMERS of New York. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 113]

Andrews	Connelly	Jacobsen	Shafer, Mich.
Ashbrook	Crowther	Johnson, Luther	Smith, Ill.
Bates, Ky.	Curlley	Kelly	Smith, Wash.
Bland	Dies	Kerr	Smith, W. Va.
Boehne	Dirksen	McLeod	Stearns, N. H.
Buck	Duncan	McReynolds	Sumners, Tex.
Burdick	Elliott	Mansfield	Sweeney
Byrne, N. Y.	Ellis	Mapes	Walter
Byron	Engel	Marshall	Warren
Cannon, Mo.	Fish	Mitchell	Wheat
Cartwright	Fitzpatrick	Norton	White, Ohio
Case, S. Dak.	Halleck	Osmer	Williams, Del.
Casey, Mass.	Hennings	Robertson	Wood
Celler	Izac	Sabath	

Mr. GILCHRIST. Mr. Speaker, can Members answer "present" from the Well?

The SPEAKER pro tempore (Mr. ZIMMERMAN). No business can be transacted until a quorum is established.

Mr. GILCHRIST. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GILCHRIST. Are Members to be allowed to vote from the Well in preference to those who stand in their places according to the rule and ask to be recorded?

Mr. RAYBURN. Mr. Speaker, I make the point of order that the parliamentary inquiry is not in order.

The SPEAKER pro tempore. The Chair sustains the point of order. Three hundred and seventy-four Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. SOMERS of New York. Mr. Speaker, I intend to put this House on notice that if, in my opinion, there is any

further attempt to filibuster, I am going to find it necessary to move the previous question.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. RAYBURN). The gentleman will state it.

Mr. HOFFMAN. Is that a threat?

Mr. SOMERS of New York. That is a definite statement of my intentions if there is a filibuster.

Mr. HOFFMAN. Is the gentleman going to do anything else to us?

Mr. SOMERS of New York. Anything I can under the circumstances. [Applause.]

Mr. HOFFMAN. The gentleman had better start right away then.

Mr. SOMERS of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, when this matter was before us yesterday the gentleman from Mississippi [Mr. RANKIN] charged in answer to my remarks that unless this were adopted substantially as it passed the House we would be turning the United States over to the Wall Street bankers. There has come to my attention since then certain information which I think the House should have with respect to the operation of the stabilization fund as it now exists. Of course, I assume you will draw your own conclusions as to whether the Wall Street bankers do or do not have anything to do with the operation of the exchange stabilization fund. I want to make three points; then, if I have the time, I shall attempt to prove the points by sworn testimony.

The first point is that the operations of the stabilization fund are handled by and through private banks and foreign-exchange brokers, who, by the very nature of the operation, are given valuable advantage in dealing with foreign exchanges.

The second point is that the gold price is not set in the Treasury Department at Washington but is set officially at London. It is communicated through these private banks and foreign-exchange brokers to the Treasury, which files its purchases and sales orders with these private bankers and brokers.

The third point is that the private banks deal in British pound sterling on the basis of the releases from the Treasury Department for the purchase of gold at London, England.

If there is any question about these points, may I read from the sworn testimony of a man whom I consider one of the outstanding authorities on foreign exchange in this country. I refer to Mr. Samuel D. Post, who is second vice president of the Guaranty Trust Co. of New York. Before 1929 he was with the National Bank of Commerce. He is in charge of the foreign exchange trading division of the foreign department of the Guaranty Trust Co.

He was asked this question:

Q. Do you handle operations for the stabilization fund?—A. I do.

Q. Do you personally supervise them?—A. I do.

Q. The information that you are receiving constantly, is it passed on to the United States Government?—A. Every change in the market is passed to them.

Q. And by what means?—A. Telephone; a direct tie line from my desk to them.

He went on further and testified with reference to an exhibit:

Yes; I think it does represent pretty accurately what actually takes place in a round-robin operation of the United States stabilization fund.

At 11 o'clock every morning in London the price of gold is

officially fixed. On the basis of the official price for gold it can be readily determined what price in terms of dollars a buyer in the United States can pay for gold in order to ship it to this side.

Q. What time does that mean that you get that information?—A. Well, when the market is really active we get it immediately, at 6 o'clock in the morning.

Q. And if it is anything important, how does it get to you?—A. By cable to our cable department which operates 24 hours a day; or if it is more important, I get it by telephone from London.

Q. Is it communicated to you personally?—A. To me personally.

Q. Will you proceed with the account?—A. After we have determined a price that can be paid for sterling in order to buy that

gold we would go into the market and purchase sterling, obtain the gold, pack it, and ship it to the United States where we would deliver it to the assay office.

Q. Now, that is on the assumption that gold is purchased?—  
A. That is the ordinary gold operation. Now, obviously, after the London market has closed there is no further gold available over there, and in that case the American stabilization fund would probably receive from the British equalization fund a firm price at which they could obtain gold the next morning. This, of course, is all based on my assumption, and is not actually what they do inside, because nobody knows the exact details.

[Here the gavel fell.]

Mr. SOMERS of New York. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. WOLCOTT. Continuing the quotation:

Then on the basis of that gold price the United States Stabilization Fund decides what price they could pay for sterling in order to keep the market on a stable level. When they want to buy sterling as the market is declining they might call me or call some other banks who presently operate for them, and say for us to buy up to a certain amount of sterling, a quarter of a million pounds, at such-and-such a price. We go through foreign exchange brokers because interbank dealings are not done direct. The foreign exchange broker communicates with various banks who might be a seller, and that sterling is taken by me, and I in turn report to the Federal Reserve bank that I have bought so much sterling. That same night I will first instruct the bank who has sold the sterling to me to pay it to my London office for my account. The same night I will send a cable to my London office to pay tomorrow morning so many pounds to the Bank of England by order of the Federal Reserve bank, and simultaneously with the payment of sterling abroad I receive a dollar payment from the Federal Reserve to reimburse me for the dollars expended.

[Here the gavel fell.]

Mr. SOMERS of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Speaker, I should like to inquire of the gentleman from New York whether it is in order for me to speak?

Mr. SOMERS of New York. I cannot say whether the gentleman is in order to speak or not. I am sure I do not know what is coursing through his mind. Were I to express any opinion whatever, it would be after the receptability of his speech.

Mr. SMITH of Ohio. Mr. Speaker, we are about to perpetrate one of the most shameful deeds that any legislative body ever foisted upon any people. After this House had failed to take away the powers of the President over the stabilization fund and to further debase our currency, the Senate did curtail his powers largely by refusing to extend the time limit for still further reducing the content of the gold dollar. The Senate did make some concessions to the domestic silver producers by allowing them 77.40 cents per ounce for silver instead of the price of 64.64 cents being paid now. The Senate bill also provided for the discontinuance of the purchase by the Treasury of foreign silver.

Now comes the conference report telling us the Senate has receded and agreed to leave to the President the powers he now has over our money for another 2 years and that the price of domestic silver is to be 70.95 cents per ounce.

One of the House conferees who signed this report and is urging its passage tells us it is a compromise and involves a great sacrifice by the House.

The Senate bill provided for an increase in the subsidy for domestic silver producers. It provided the price of 77.40 cents per ounce. Mr. Speaker, I want all of the Members to listen to me carefully because the Congress or somebody is about to make a great sacrifice. The Senate wanted a price of 77.40 cents but the conferees agreed upon a price of 70.95 cents. At the present world price of silver, 38 cents an ounce, the price fixed by the Senate would have provided a subsidy to silver producers of 39.40 cents an ounce, or more than 100 percent. The conferees agreed upon a subsidy of 32.98 cents, or 86 percent. If the Senate bill had prevailed the silver producers in this country would have received 12.76 cents more per ounce for their silver than they are now receiving, whereas if this report prevails they will receive 6.31 cents per ounce. Do you get that? 12.76—6.31—not quite 50-50. This is a difference of about 7/100 of a cent per ounce in the amount of subsidy the

Government will pay the domestic silver producers if the conference report is accepted. This is the great sacrifice. We are about to sacrifice 7/100 of a cent profit for the silver producers. [Applause.]

Mind you, the bill the House passed did not provide for any increase in subsidy to the domestic silver producers.

This goes into the RECORD. You may vote for this sort of proposal but when the Congress barter away the economy and welfare of our people as is being done here to satisfy the selfish interests of a few silver producers, we are doing something this country will long remember. Make no mistake about that.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman permit a question right there?

Mr. SMITH of Ohio. Not now. We do not have the time, of course, to go into the other phases of this problem. This should be enough. I simply ask this candid and fair question: What is there that should cause the American Congress to pass a law requiring the Treasury to buy all domestic silver produced and pay the producers the enormous subsidy of 86 percent? I ask, what justifies a deed of that kind?

[Here the gavel fell.]

Mr. SOMERS of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, the Washington Post on June 28, in an Associated Press report, states that President Roosevelt made the following statement:

President Roosevelt told Congress today it would undermine the national defense and return control of money to Wall Street and international bankers if it refused to continue his power to devalue the dollar.

That is a rather remarkable statement.

I hold in my hand a photostatic copy of page 31 of the New York Times of September 14, 1922, in which appears an advertisement of a new issue of 600,000,000 German marks, floated by United European Investors, Ltd., Franklin D. Roosevelt, president.

I have here a photostatic copy of page 1480 of Poor's Register of Directors, 1929, wherein Franklin Delano Roosevelt is shown as a director of the International Germanic Trust Co.

I have here a photostatic copy of a page from the Martindale-Hubbell Law Directory, January 1933, volume 1, page 754, showing a legal advertisement of Franklin Delano Roosevelt, an investment banker.

I have here a copy of the prospectus and photostats of other records of the Federal International Banking Corporation, indicating that Franklin D. Roosevelt wrote the foreword of the prospectus for this international banking outfit and was hooked up in it with Robert Rowland Appleby, president of the British Empire Chamber of Commerce in the United States. This international banking corporation, according to its prospectus, was organized for the selling of foreign securities and bonds to the American people.

Mr. Speaker, in view of President Roosevelt's international banking record, it is rather astounding for him to tell the Congress that it would "return control of money to Wall Street and international bankers if it refused to continue his power to devalue the dollar."

Our New Deal President, Franklin Delano Roosevelt, is an ex-international banker of wide experience and a former attorney for international bankers. Under his gold and silver policies the international bankers, foreign owners of, and speculators in gold, waxed fat when Mr. Roosevelt forced Americans to turn in their gold for \$20.67 an ounce or go to jail for 5 years and then imported more than \$10,000,000,000 worth of foreign gold at \$35 an ounce. Mr. Speaker, President Roosevelt did not drive the money changers from the temple of our Government. He drove them into the temple, with the help of his Secretary of the Treasury, Mr. Morgenthau, the son of Morgenthau, the international banker, who married the favorite niece of Lehman



Brothers, who are among the most powerful international bankers in America. [Applause.]

[Here the gavel fell.]

Mr. SOMERS of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, confining myself entirely to the President's power to devalue the dollar, I have read a great many statements as to the reason why depression continues. I can recall none of these statements that does not include as one of the obstacles in the way of recovery the President's power to devalue further the dollar. In his own circle this is contested, but outside of that circle everybody everywhere says this is one of the obstacles in the way of recovery. Why under the sun he demands the continuance of that power when he himself is quoted as saying that he does not think there is 1 chance in 10 of using it, I cannot understand.

The only explanation given, the only tangible explanation, the only time he gets down to brass tacks, is in the matter of competition between currencies in different countries. One gathers his belief is that, if another country, Patagonia or any other place on the globe, depreciates its money, we shall lose by the fall of exchange. Exchange is too complicated a subject to discuss here and now, but, let it be understood, he wants this power, apparently, only in case some other country depreciates its currency. In that event there will be temporarily a brief loss on the part of those who are caught with money owed to them for foreign transactions, but there will be speedy readjustment of prices when the cables can send out the word. Trouble lasts only a few hours. After those few hours exchange rates very quickly are adjusted to the new situation. Why he should say, "Give me this power to protect us against some depreciation of currency elsewhere," and not balance against that the suffering of the whole American people while he delays recovery, again I say I cannot understand.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, the gentleman from Massachusetts [Mr. LUCE] seems to overlook the fact that the reduction of the gold content of the dollar is not involved in this conference report. Gentlemen who have preceded me and argued against this conference report simply seem to have a banker's complex. Not one of them has reached down and attempted to discuss the effect this measure will have upon the prosperity of the masses of the American people.

This proposition of the purchase of domestic silver is one that was adjusted by compromise. We are not all interested directly in the purchase of domestic silver, but by this silver policy involved in this conference report there is opened up the brightest ray of hope the farmers of this country have seen for a long time.

If this policy goes into effect and is fully carried out, it means not fiat money, as some gentlemen have contended, with reference to our demand for currency expansion; it does not mean printing-press money; it means silver dollars, silver money, the first money that was ever used on this earth, so far as recorded history shows. It will permit that gradual expansion necessary to raise the prices of farm commodities, stimulate business throughout the country, and restore prosperity to the American people, and not to a few bankers or a few manipulators of foreign currency or a few Wall Street financiers, as some men in the House seem to think. It will affect the prosperity of all the American people.

There are two things necessary to ever produce reasonable commodity prices. One of them is a sufficient volume of a nation's currency, and the other is a sufficient velocity of its circulation. As the velocity slows down, the volume must be increased. Whenever you do that you stimulate the prices of farm commodities. You men from the Wheat Belt, you men from the Corn Belt, you men from the Cattle Belt, you men from the Cotton Belt who vote against this conference report, just remember this is the one thing that has been done in this Congress that will help to raise farm prices.

You men from the industrial sections, remember that the reason your people are on relief, the reason your bread lines were stretched down the streets of your cities was because the farmers of this Nation were without buying power.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from New York.

Mr. MARCANTONIO. What good did we do for the people on relief today? What good have we done to those people today if more and more of them are going to be on the streets?

Mr. RANKIN. This will help to take them off relief by restoring prosperity and providing profitable employment.

I hope this conference report will be adopted. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 11 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I am pleased to have the opportunity of following my good friend from Mississippi, who always makes an intelligent speech to the membership of this House. I thoroughly concur in what he has said with reference to domestic silver. I am for the domestic silver miners, as I am for the American farmers, American laboring man, and American businessman. [Applause.]

I am opposed to foreign manipulations by international bankers with respect to our monetary system or our economic structure.

Speaking about reaching a compromise on the price of silver, there was no compromise. The conferees met for 3 minutes and took their orders as to what they could pay you men from the silver-mining States, and the order was that no more than six pieces of silver in addition to what you now receive. That figure of 70.95 cents was included in the bill. Six pieces of silver, not 30 pieces of silver, have been offered to you. It is up to you whether or not you are going to take those six pieces of silver in order to sell one-eighth of the total silver purchases of the United States Treasury and give the other seven-eighths to foreign silver speculators in other parts of the world.

Many crimes have been committed in the name of the farmer and the laboring man in order to secure passage of legislation through Congress, and this is one time when the farmers and laboring men are again being used to get through a policy which is absolutely detrimental to them.

This policy has been in effect for the last 4 years and the results have been continued unemployment. More than 12,000,000 people are unemployed and another 22,500,000 are on public relief with the relief load growing daily and the economic condition becoming much more distressed. I think it is time for us to do something for the American people, rather than to provide additional means out of our Public Treasury for people engaged in speculation in other countries of the world. That is what this bill does, because devaluation can only benefit the foreign gold and silver speculators and miners in other countries of the world, not in the United States, except newly-mined gold.

If you have a \$20 gold piece which contains about 1 ounce of gold and you take it to your local bank, your banker will pay you \$20 in currency for it. If you take that same \$20 gold piece over to Canada and have it come into the United States through Canada, you will get \$34.50 for it. You must be a foreigner in order to get the bounty from the United States Treasury, because you, as an American citizen, if you are not an operator of a gold mine, cannot get 1 penny more than you got under the old price. The subsidy goes to foreign speculators, both for silver and for gold.

We are agreeing in this conference report to pay the domestic silver miners about 71 cents an ounce for silver. I am thoroughly in accord with that because they are American citizens and I want to keep the miners employed in the mines. But what is the sense of continuing a program that has brought to us in the last 4 years nearly 2,000,000,000 ounces of silver from the foreign silver speculators and the foreign silver miners, which has piled up here a mountain of

silver that is without value to the American people. It will soon destroy and bury this country at a tune of more than \$1,000,000,000 paid by the American people.

That is the policy which is being advocated in this conference report, and the American people are called upon to pay the bill. We sell our bonds and we print money to pay these foreigners for this foreign silver that is being purchased by the United States Treasury.

There was great rejoicing this morning in the foreign silver markets. I called up the Treasury to find out how the situation was in London with reference to silver, and to my amazement, but not so much to my surprise, they told me that the market for silver in London had strengthened because of the 3-minute action taken on the part of our conferees last night to continue the buying of foreign silver. So the market strengthened.

What has been the effect of this silver program upon the world in general? Yes; we have purchased silver from Mexico. In fact, we are purchasing 5,000,000 ounces every month. What are they doing because of the bounty they are receiving at the hands of the American people, through the United States Treasury? They sell us silver and they steal our American property, our oil wells, our mines, everything that the American people have invested in down there. That is the good-neighbor policy which we are now being asked to continue in this conference report. If we are going to benefit anybody, let us benefit the American workingman, the American miner, the American farmer, rather than giving away our money to people who are only interested in getting what they can out of the United States Treasury and other help from our people. [Applause.]

This foreign-silver purchasing is the biggest fiasco that has ever been put over on the American people. What will happen when we stop buying foreign silver? Well, it will be just too bad. The other day when the Senate passed the amendment discontinuing the purchase of foreign silver the Treasury reduced the price of foreign silver from 43 cents an ounce to 38 cents an ounce, and the bottom fell out of silver in Mexico and some of the other countries, which means that their monetary system is dependent upon the United States fixing and maintaining the price for silver and gold. There is about as much sense for us to fix the price of silver—well, there is just no sense to it. We would be far better off if we would fix the price of wheat, corn, and some of the other commodities that the American people and the people of the world could eat, because they cannot eat silver, which must lie here useless from now until eternity.

What will happen when we get most of the world's silver and gold? We now have practically 75 percent of the world's supply of gold, the amount being more than \$16,000,000,000 worth.

They talk about helping the American farmer to get rid of his farm commodities. No; it does not help him to get rid of his farm commodities. We have made an outright gift to the foreign gold speculators during the past 4½ years of \$3,600,000,000. That was an outright gift from America.

Those people, instead of using their silver and gold money from the United States Treasury, to buy wheat from Oregon, cotton from the South, they put their money in our banks here in the Federal Reserve System, and have bank deposits and American securities to the tune of more than \$7,000,000,000. They can bring about a complete collapse of our economic system in the United States any day they want to. They talk about piling up huge reserves. The huge reserves that are being piled up, are causing a serious inflation threat to the people of this country.

I know that the Secretary of the Treasury has no desire to purchase any more foreign silver. He did not say so directly, but when asked in our committee whether or not that policy should be continued, he said, "I am just the agent of Congress, carrying out the mandate of Congress"; but when it came to devaluation, he maintained that that power should be continued in the President.

Now, I have tried to point out just who is to be the beneficiary of these continued powers. The American people

cannot benefit in any way by a continuation of the devaluation power of the President. These powers have not benefited American citizens during the past 4½ years or since this policy became effective, and they cannot benefit them in the future, because the foreigners refuse to buy American farm and manufactured products with the premium and the money with which we pay them for their gold and silver.

Oh, you will say, we have sold them some manufactured products. We have sold Japan \$500,000,000 worth of war machinery and supplies. We have paid Japan a premium during the last 2 years on the gold it sent into this country of \$200,000,000. The administration's monetary policy is responsible for helping to finance Japan, to provide them with war materials in order to destroy our friends in China. That is the policy which is now in effect, benefiting only foreign citizens and not doing anything for the American people, except leaving us to pay the bill.

#### OBJECTIVES OF DEVALUATION

In 1934 when New Deal monetary experts secured the passage of the present monetary policy, they urged that if this country would pay a premium to foreigners for their gold and silver, the prices on farm commodities and manufactured goods would materially increase and prosperity would be restored in the United States. After 4 years of experimentation with this theory, we find that it has worked in the opposite direction from the original idea. Instead of higher prices and increased demand for farm and manufactured products, this country has lost its world market and prices are generally depressed.

Cotton farmers were to be the big beneficiaries of the new monetary policy, and what is the situation today as compared with 1933? In 1933, this country exported 8,400,000 bales of cotton. In 1939, the exports from this country will be a little more than 3,000,000 bales.

Despite the fact that the American people have made an outright gift to foreign gold speculators of \$3,600,000,000 and an additional gift to silver speculators of more than \$500,000,000, these speculators have refused to buy our cotton and other farm commodities. Continued stagnation of business in the United States, increased unemployment, the piling up of huge agricultural surpluses, plainly indicate that the New Deal's monetary program has been a complete failure as far as American citizens are concerned.

#### THE ANDRESEN AMENDMENT TO MAKE THE MONETARY POLICY WORK FOR AMERICANS

When this bill was up for consideration in the House in April I offered an amendment to make the gold and silver policy of the New Deal work out in actual practice for the citizens of the United States. My amendment was rejected by New Deal leaders. I proposed that we should earmark the premium paid to foreign sellers of gold and silver purchased by the Treasury, so that they would be required to spend at least a part of the money received from this country in the purchase of farm and manufactured products produced in the United States. If they did not do so, they would not receive the premium of \$14.33 an ounce on gold. As heretofore stated, we have paid foreign gold and silver speculators a premium, gift, or bounty of more than \$4,000,000,000 during the past 4½ years. Had this policy been in effect from the beginning of the New Deal's experiment with money, we would have sold all of our surplus cotton, wheat, corn, pork, and other farm products at decent prices, and our domestic production would have continued in a normal manner. I am sad to report that the New Deal bitterly rejected my proposal to help American agriculture, labor, and industry.

Are we blind in this country to what is being done to us? The New Deal's monetary and foreign-trade policy provides work for foreign citizens and a market in this country for cheaply produced foreign gold, silver, farm, and manufactured products. Our foreign market is being destroyed, domestic price levels depressed, and it will not be long before we will be driven out of the markets of the world by New Deal stupidity. It is high time for us to take stock of what is



going on, and I am therefore urging my colleagues in the House to defeat this conference report and right a wrong against our own people.

#### WHAT IT MEANS TO CONTINUE PRESIDENTIAL POWERS

If this conference report is approved and existing monetary powers are continued in the President, I predict the following disastrous results for the American people:

First. Continued domination of our economic structure by foreign speculators and international bankers, at the expense of the people of the United States.

Second. That we will be providing work for millions of foreign citizens when we now have more than 12,000,000 people unemployed and twenty-two and one-half millions of our citizens on public relief.

Third. The piling up of huge foreign bank deposits in this country, which may bring inflation or a total collapse of our financial and economic structure.

Fourth. Additional losses of our foreign markets for American products to cheap foreign producers.

Fifth. New Deal price-fixing and maintenance for foreign gold and silver, which program is now being denied to our American farmers.

Sixth. World-wide collapse and panic when the United States Treasury stops buying gold and silver at a fixed price. This will take place when the Treasury can no longer sell the American people its bonds so as to raise money to pay the gift to foreign speculators. I predict that when we stop buying gold and silver the world price on silver will be 15 cents an ounce, and gold will drop below the old price of \$20.67.

Seventh. The seriousness of the situation confronting the American people with reference to the monetary program is of such magnitude that we should here and now seek to undo the wrong that has been done to our people, and to prevent future disaster. The whole program is a fallacy, and its continuance will rob the American people to pay for the New Deal's role of Santa Claus to foreign speculators and international bankers.

Shall the House of Representatives sell out for six pieces of silver, or will a majority of our Members forget orders and vote for American citizens by discontinuing these detrimental policies, and restoring to our people the things that belong to them? Your vote today should be for American citizens, and I therefore urge all of you to do your duty as real representatives of the American people by voting against this conference report. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. SOMERS of New York. I yield 2 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Speaker and Members of the House, there is no subject that comes before the House for consideration about which so many facts are unknown, or overlooked, than the money question; there is no issue more important to the American people and the welfare of our Nation than the money issue; there is no function of Government about which there is so much misrepresentation and false propaganda as the money function.

The fundamental principle of money is simple, controlling, and absolute. A nation to have a monetary unit stable in value must provide a currency system that increases in volume evenly with the growth of population and the expansion of business. By using the precious metal, gold and silver, for money, which is produced in increasing volume on the average of 3 percent annually, by admitting both of these metals to the mint as fast as produced at the ratio quantity of their production; our Government automatically secures the increased volume of currency required to meet the demand for money, and provide a stable monetary unit—the dollar.

By discarding silver, and basing the Nation's currency system on gold alone, the rate of increase in the volume of new money was reduced with the result that the demand for money increased the value of monetary unit—the dollar—causing a corresponding decline in price levels which resulted

in the depression of business. The financial history of this country since silver was demonetized in 1873 verifies this fact. In an endeavor to remedy this situation and relieve business of reoccurring depressions, one legislative expedient after another has been devised and tried in an effort to find a substitute for the remonetization of silver which would have restored the volume of new money flowing into circulation to keep pace with the growth of population and the expansion of business, and automatically stabilize the value of our monetary unit—the dollar.

In 1878 we substituted the purchase of silver under the Bland-Allison Act for remonetization, and later increased the amount of silver purchased from 4,000,000 ounces to 4,500,000 ounces per month by the Sherman Act of 1890 which was repealed in 1893. For a short period between 1896 and 1906, the increased production of gold as a result of the invention of the cyanide process and the discovery of gold in the Klondike and South Africa, doubled the world gold supply from five and a half billion dollars to twelve billion dollars which met the demand for new money and stabilized the value of our currency.

When the demand for money again out-ran the supply, a new substitute for the remonetization of silver was devised and put into use; Federal Reserve bank currency, which was the beginning of the shift from the automatically controlled currency system based on the coinage of the precious metals, to a managed currency composed of interest-yielding bank notes secured by a gold reserve.

When this substitute failed to meet the Nation's money requirements another substitute for the remonetization of silver was devised and put into operation, the lendings of the Reconstruction Finance Corporation; and when this failed another expedient was tried, devaluing the dollar by reducing the quantity of gold in our monetary unit, when it could so easily be seen that the remonetization of silver would have provided the necessary increase in the volume of money to relieve the strain on gold and automatically devalued the dollar and stabilized prices.

The shortage of gold, due to the extra demands placed on the metal for use as money as the result of the World War, has upset the monetary equilibrium of the nations and stability of world currencies with disastrous results to business and the depreciation of property and securities.

The need for additional monetary metal was recognized in 1930 by France's Finance Minister Caillaux, when he said:

There is only one remedy. It is not that there should be any redistribution of gold, as is being childishly suggested. Gold has its own law which it obeys. What must be done is that another monetary metal should be joined to it. Platinum has been suggested. I would prefer that silver, which was stupidly demonetized, should be rehabilitated.

But the several governments dominated by the influence of the bankers and financiers were deaf to the advice that a broader metallic base was absolutely necessary to support national credit and currency. The men in control of governments tenaciously clung to their system of interest-yielding currency, and tried every conceivable scheme to bolster an inadequate, unworkable money system that has resulted in bringing business and financial conditions in this country; that has resulted in plunging our Government \$40,000,000,000 in debt; and that has resulted in saddling the American people with an interest load of over a billion dollars a year. Can anyone compute the loss that has been sustained throughout the world by the failure to take the advice of Finance Minister Caillaux to remonetize silver and carry out the declared policy of the United States as to bimetallicism set out in section 311 of the United States Code:

It is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallicism as will maintain at all times the equal power of every dollar

coined or issued by the United States, in the markets and in the payment of debts.

From the flood of publicity in opposition to the administration's silver-purchase program it is apparent that there is something wrong with the use of silver as money in the eyes of our brokers and financiers—and there is. In the first place it replaces interest-yielding bank notes. There is in circulation today, according to the Treasury statement, \$1,697,860,434 in silver certificates supported by and redeemable in silver, purchased and stored in the Treasury; these notes have been issued into circulation by the Treasury in paying Government expense, and circulate interest free by replacing the equivalent in Federal Reserve bank notes supported by interest-bearing eligible paper (business obligations).

The banks are losing in interest alone \$50,935,812.93 calculated at 3 percent—\$50,000,000 lost to bank in interest on the \$1,700,000,000 in silver certificates that have replaced Federal Reserve notes; it is easy to understand the banks' opposition to the silver-purchase program, but let our opponents be fair and tell the truth about this useless (?) silver that is a burden on the Treasury which has been taken in exchange for our securities and surplus commodities. What is wrong about that kind of trading? Do not we want to sell our securities and find a market for our surplus products, and do not our people eagerly accept every dollar of this silver money put in circulation in the form of silver certificates which is providing the currency to finance our business?

Let us agree to the conference report, and continue the stabilization fund to protect our international exchange—and continue the authority of the President to devalue the dollar as a means of protecting our foreign trade from the money machinations of our competitors. Let us continue the Treasury's silver-purchase program which will stabilize the price of silver and commodity price level by the purchase and use of silver in our monetary system.

#### CALL OF THE HOUSE

Mr. MOTT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. COOPER). The Chair will count. [After counting.] One hundred and eighty-seven Members are present, not a quorum.

Mr. SOMERS of New York. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 114]

Andrews	Culkin	Kelly	Sabath
Ashbrook	Curley	Kerr	Smith, Maine
Barton	Dies	McLeod	Smith, Va.
Bland	Eaton, Calif.	McReynolds	Smith, W. Va.
Boehne	Ellis	Mapes	Summers, Tex.
Byron	Engel	Martin, Ill.	Vorys, Ohio
Cannon, Mo.	Fitzpatrick	Norton	Warren
Cartwright	Gross	O'Brien	Wheat
Casey, Mass.	Hennings	Osmer	Wood
Connery	Keller	Plumley	

The SPEAKER. On this roll call 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from New York [Mr. SOMERS] is recognized.

Mr. HOFFMAN and Mr. MARTIN of Massachusetts rose.

Mr. SOMERS of New York. Mr. Speaker, I move the previous question.

Mr. HOFFMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. I rise to a point of personal privilege because of certain remarks contained in the CONGRESSIONAL RECORD and ask to be allowed to state my question.

The SPEAKER. The gentleman from New York has been recognized. The Chair cannot recognize the gentleman from Michigan for that purpose unless the gentleman from New York yields.

Mr. SOMERS of New York. Mr. Speaker, I do not yield for that purpose.

Mr. MARTIN of Massachusetts. Mr. Speaker—

The SPEAKER. The Chair will at the proper time under the rules recognize the gentleman. The Chair has recognized the gentleman from New York. The gentleman from New York has moved the previous question on the conference report.

The question is, Shall the previous question be ordered?

Mr. MARTIN of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 158, not voting 30, as follows:

#### [Roll No. 115]

##### YEAS—242

Allen, La.	Drewry	Kleberg	Randolph
Allen, Pa.	Duncan	Kocalkowski	Rankin
Anderson, Mo.	Dunn	Kramer	Rayburn
Arnold	Durham	Lanham	Richards
Barden	Eberhart	Larrabee	Robertson
Barnes	Edmiston	Lea	Robinson, Utah
Barry	Elliott	Leavy	Rogers, Okla.
Bates, Ky.	Evans	Lemke	Romjue
Beam	Faddis	Lesinski	Ryan
Beckworth	Fay	Lewis, Colo.	Sabath
Bell	Ferguson	Ludlow	Sacks
Bland	Fernandez	McAndrews	Sasscer
Bloom	Flaherty	McArdle	Satterfield
Boland	Flannagan	McCormack	Schaefer, Ill.
Boren	Flannery	McGehee	Schuetz
Boykin	Folger	McGranery	Schulte
Bradley, Pa.	Ford, Miss.	McKeough	Schwert
Brooks	Ford, Thomas F.	McLaughlin	Scrugham
Brown, Ga.	Fries	McMillan, John L.	Secrest
Bryson	Fulmer	McMillan, Thos. S.	Shanley
Buck	Garrett	Maciejewski	Shannon
Buckler, Minn.	Gathings	Magnuson	Sheppard
Buckley, N. Y.	Gavagan	Mahon	Sirovich
Bulwinkle	Gehrmann	Maloney	Smith, Conn.
Burch	Geyer, Calif.	Mansfield	Smith, Ill.
Burdick	Gibbs	Marcantonio	Smith, Va.
Burgin	Gore	Martin, Colo.	Smith, Wash.
Byrne, N. Y.	Gossett	Massingale	Snyder
Byrns, Tenn.	Grant, Ala.	May	Somers, N. Y.
Caldwell	Green	Merritt	South
Cannon, Fla.	Gregory	Mills, Ark.	Sparkman
Celler	Griffith	Mills, La.	Spence
Chandler	Hare	Mitchell	Starnes, Ala.
Chapman	Harrington	Monroney	Steagall
Clark	Hart	Moser	Sullivan
Claypool	Harter, Ohio	Mouton	Sutphin
Cochran	Havener	Murdock, Ariz.	Sweeney
Coffee, Wash.	Healey	Murdock, Utah	Tarver
Cole, Md.	Hendricks	Myers	Taylor, Colo.
Collins	Hill	Nelson	Tenerowicz
Colmer	Hobbs	Nichols	Terry
Cooley	Hook	Norrell	Thomas, Tex.
Cooper	Houston	O'Connor	Thomason
Costello	Hull	O'Day	Tolan
Courtney	Hunter	O'Leary	Vincent, Ky.
Cox	Izac	O'Neal	Vinson, Ga.
Creal	Jarman	O'Toole	Voorhis, Calif.
Crosser	Johnson, Luther A.	Pace	Wallgren
Crowe	Johnson, Lyndon	Parsons	Walter
Cullen	Johnson, Okla.	Patman	Ward
Cummings	Johnson, W. Va.	Patrick	Weaver
D'Alesandro	Jones, Tex.	Patton	Welch
Darden	Kee	Pearson	West
Delaney	Keller	Peterson, Fla.	Whelchel
Dempsey	Kennedy, Martin	Peterson, Ga.	White, Idaho
DeRouen	Kennedy, Md.	Pfelfer	Whittington
Dickstein	Kennedy, Michael	Pierce, Oreg.	Williams, Mo.
Dingell	Keogh	Poage	Woodrum, Va.
Disney	Kilday	Polk	Zimmerman
Doughton	Kirwan	Rabaut	
Doxey	Kitchens	Ramspeck	

##### NAYS—158

Alexander	Carter	Dworshak	Gwynne
Allen, Ill.	Case, S. Dak.	Eaton, N. J.	Hall
Andersen, H. Carl	Chipfield	Elston	Halleck
Anderson, Calif.	Church	Englebright	Hancock
Andersen, A. H.	Clason	Fenton	Harness
Angell	Clevenger	Fish	Harter, N. Y.
Arends	Cluett	Ford, Leland M.	Hartley
Austin	Coffee, Nebr.	Gamble	Hawks
Ball	Cole, N. Y.	Gartner	Heinke
Barton	Corbett	Gearhart	Hess
Bates, Mass.	Crawford	Gerlach	Hinshaw
Bender	Crowther	Gifford	Hoffman
Blackney	Curtis	Gilchrist	Holmes
Bolles	Darrow	Gillie	Hope
Bolton	Dirksen	Graham	Horton
Bradley, Mich.	Ditter	Grant, Ind.	Jarrett
Brewster	Dondero	Griswold	Jeffries
Brown, Ohio	Douglas	Gross	Jenkins, Ohio
Carlson	Dowell	Guyer, Kans.	Jenks, N. H.



Jensen  
Johns  
Johnson, Ill.  
Johnson, Ind.  
Jones, Ohio  
Kean  
Keefe  
Kinzer  
Knutson  
Kunkel  
Lambertson  
Landis  
LeCompte  
Lewis, Ohio  
Luce  
McDowell  
McLean  
Maas  
Marshall  
Martin, Iowa  
Martin, Mass.

Mason  
Michener  
Miller  
Monkiewicz  
Mott  
Mundt  
Murray  
O'Brien  
Osmer  
Pierce, N. Y.  
Pittenger  
Powers  
Reece, Tenn.  
Reed, Ill.  
Reed, N. Y.  
Rees, Kans.  
Rich  
Risk  
Robison, Ky.  
Rockefeller

Rodgers, Pa.  
Rogers, Mass.  
Routzohn  
Rutherford  
Sandager  
Schafer, Wis.  
Schiffler  
Secombe  
Seger  
Shafer, Mich.  
Short  
Simpson  
Smith, Maine  
Smith, Ohio  
Springer  
Stearns, N. H.  
Stefan  
Sumner, Ill.  
Taber  
Talle  
Taylor, Tenn.

Thill  
Thomas, N. J.  
Thorkelson  
Tibbott  
Tinkham  
Treadway  
Van Zandt  
Vorys, Ohio  
Vreeland  
Wadsworth  
White, Ohio  
Wigglesworth  
Williams, Del.  
Winter  
Wolcott  
Woffenden, Pa.  
Wolverton, N. J.  
Woodruff, Mich.  
Youngdahl

## NOT VOTING—30

Andrews  
Ashbrook  
Boehne  
Byron  
Cannon, Mo.  
Cartwright  
Casey, Mass.  
Connery

Culkin  
Curley  
Dies  
Eaton, Calif.  
Ellis  
Engel  
Fitzpatrick  
Hennings

Jacobsen  
Kelly  
Kerr  
McLeod  
McReynolds  
Mapes  
Martin, Ill.  
Norton

Plumley  
Smith, W. Va.  
Summers, Tex.  
Warren  
Wheat  
Wood

So the previous question was ordered.  
The Clerk announced the following pairs:  
On this vote:

Mr. Warren (for) with Mr. Andrews (against).  
Mr. Kerr (for) with Mr. Wheat (against).  
Mr. Smith of West Virginia (for) with Mr. McLeod (against).  
Mr. Ellis (for) with Mr. Eaton of California (against).  
Mr. Cartwright (for) with Mr. Plumley (against).  
Mr. Wood (for) with Mr. Engel (against).

## General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
Mr. Martin of Illinois with Mr. Culkin.  
Mr. Boehne with Mr. Dies.  
Mr. Summers of Texas with Mr. Fitzpatrick.  
Mr. Ashbrook with Mr. Kelly.  
Mrs. Norton with Mr. Connery.  
Mr. McReynolds with Mr. Curley.  
Mr. Jacobsen with Mr. Hennings.  
Mr. Byron with Mr. Casey of Massachusetts.

The result of the vote was announced as above recorded.

## QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN. Mr. Speaker, I desire to state a matter of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WOODRUM of Virginia. Will the gentleman yield, without yielding the floor, for a unanimous-consent request?

Mr. HOFFMAN. If I may do so.

## PETROLEUM CONSERVATION COMMISSION

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 345.

The Clerk read the title of the resolution.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Does that cause me to lose the floor?

The SPEAKER. The gentleman's rights will be preserved. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. TABER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia to explain this resolution a little bit so that the House will know about it.

Mr. WOODRUM of Virginia. Mr. Speaker, on yesterday the President signed an act of Congress extending the life of the Petroleum Conservation Commission, otherwise known as the Hot Oil Commission. Under the existing law, that Commission would have expired at midnight tonight. Of course, it had no appropriation. Congress passed a law extending the life of that Commission for a year, which act was signed by the President yesterday. This resolution would give them \$20,000, 1 month's appropriation, until the deficiency subcommittee of the Appropriations Committee can go into the matter.

Mr. KNUTSON. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Did I understand the gentleman to say the bill was signed yesterday?

Mr. WOODRUM of Virginia. Yes.

Mr. KNUTSON. Was it signed here or at Hyde Park?

Mr. WOODRUM of Virginia. Wherever the President was at the time.

Mr. HOFFMAN. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The time the gentleman has used is not being taken out of my time, is it?

Mr. WOODRUM of Virginia. No.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. COFFEE of Washington. Mr. Speaker, I object.

## QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] will state his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, on the 27th day of March 1939, when the matter of confirmation of the former Governor of Michigan was before the Senate for consideration, I made a few remarks on the floor of the House in which I attempted to indicate that the former Governor, Mr. Murphy, would not make a good Attorney General. A reason I mentioned, among others, being that while he was Governor of Michigan, after he had taken an oath of office to support the Constitution and enforce the laws of the State, he not only failed to do that but he used some 3,700 State troops—

Mr. NICHOLS. Mr. Speaker, I make the point of order that the gentleman is not stating a question of personal privilege.

The SPEAKER. The Chair will allow the gentleman some latitude in stating his question, but the gentleman must state a question of privilege.

Mr. DINGELL. I insist that the gentleman be allowed only a small amount of latitude.

Mr. HOFFMAN. Mr. Speaker, I did not hear the remarks made by the gentleman from Michigan [Mr. DINGELL].

The SPEAKER. The Chair is interested in hearing the gentleman state his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, I am interested in the right of free speech, and when the gentleman interrupts to make a remark I am entitled to hear it.

The regular order was demanded.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, I ask that I be not interrupted further by Members who have not properly secured the floor.

At the time the interruption occurred I was referring to the fact that in this talk which was made before the 27th day of March 1939 I attempted to show that the former Governor of Michigan, the former High Commissioner of the Philippine Islands, was not a man properly qualified either by training or natural ability to hold that office. During the course of those remarks I stated, in addition to what I said before, that the Governor had deliberately failed to enforce the laws of the State. In addition to that, he had used the troops of the State—

Mr. NICHOLS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. I make the point of order, Mr. Speaker, that the gentleman is not stating a question of personal privilege.

Mr. HOFFMAN. I do not yield for that, Mr. Speaker.

Mr. NICHOLS. In order to state a question of privilege the gentleman must state something that somebody said about him. The gentleman is quoting statements he himself made.

Mr. HOFFMAN. Mr. Speaker, have I the floor or not?

The SPEAKER. The gentleman has the floor, but unless the gentleman proceeds to state his point of privilege he will not occupy the floor very much longer.

Mr. HOFFMAN. Mr. Speaker, I am endeavoring to state the point as concisely as I may, and I trust that the Speaker will bear with me in my ignorance and my inexperience and let me state it.

What I was attempting to show on the floor was that Governor Murphy was not a fit man to be Attorney General of these great United States. In the Senate on the 17th day of January 1939, as reported at page 417 of the CONGRESSIONAL RECORD, the Senator from Missouri among other things said this, and I quote from that page, the fifth paragraph in the left-hand column:

Mr. CLARK of Missouri. Mr. President, Representative HOFFMAN has the undoubted right to be heard in the House of Representatives, the body of which he is a Member. He was heard in that body at very great length the other day, and his observations were published in full in the CONGRESSIONAL RECORD to the extent of several pages. It does not seem to me to be proper again to inflict upon the CONGRESSIONAL RECORD the remarks of Representative HOFFMAN made in the House of Representatives.

Mr. Speaker, may I be free from such interruptions as occurred then when a Member of the House [Mr. Hook] said, "I agree"? Otherwise, I will have to demand that the words be taken down.

Mr. RANKIN. Mr. Speaker, a point of order.

Mr. HOFFMAN. I do not yield for a point of order, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi will state his point of order.

Mr. RANKIN. Mr. Speaker, I make the point of order that the statement that the gentleman from Michigan is making does not in any way constitute a question of high constitutional privilege. In the first place, the gentleman is stating something that is supposed to have happened in the Senate in January before he made his speech in the House 2 months later; but even at the very best the statement made in the Senate was months and months ago. It has been in the CONGRESSIONAL RECORD all this time, and the gentleman from Michigan knew it. Now he is guilty of what is called laches in our courts. He is not entitled to rise to a question of high constitutional privilege at this time in order to use it to filibuster against the bill before the House. I make the point of order that the gentleman is not entitled to rise to a question of high constitutional privilege.

Mr. HOFFMAN. Mr. Speaker, it is a strange situation when I cannot state a question of personal privilege without interruption.

The SPEAKER. The gentleman from Mississippi had a perfect right to make the point of order. The Chair is entitled to hear the point of order made by the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is ready to rule on the point of order.

The Chair is of the opinion that although the gentleman from Michigan may have been guilty of very great delay in undertaking to present this matter to the floor, inasmuch as it occurred last January, the Chair does not know of any statute of limitations, so to speak, which would apply to this situation.

The gentleman will proceed to state the precise language of which he complains and upon which he bases his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, may I be permitted in answer to the gentleman from Mississippi to state that on page 3364 of the CONGRESSIONAL RECORD he will find that at the request of the Speaker I withheld the point of order, and in my judgment, now is the proper time to present it; It would seem, the relief bill not having been sent to the Senate, a most opportune time.

Now, continuing to read:

Mr. CLARK of Missouri. Mr. President, certainly I have no disposition to insist on any course which would seem in any degree to preclude the printing of the whole record in this case. My motion was based upon the fact that the House of Representatives is the sole judge of its own record and the Senate of the United States is the sole judge of its own record. But an intemperate, vituperative, libelous attack having been printed once in the RECORD of the proceedings of the House of Representatives seems to me to be no justification for repeating that same sort of an intemperate libelous attack in the RECORD of the Senate.

The SPEAKER. The Chair is prepared to rule.

Mr. HOFFMAN. I have not stated it all.

The SPEAKER. The Chair is prepared to rule.

The Chair recognizes the gentleman on his question of personal privilege.

Mr. HOFFMAN. Mr. Speaker, I am sorry to impose, in a way, upon the membership of the House, and I shall try to be as brief as possible.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. If I may—for what purpose?

The SPEAKER. The gentleman can yield, but it will be taken out of the gentleman's time.

Mr. WOODRUM of Virginia. It will only take a minute, and the gentleman will have 55 minutes left.

Mr. HOFFMAN. If I can yield without being taken off the floor, and the time is not more than 5 minutes, I yield.

PETROLEUM CONSERVATION DIVISION, DEPARTMENT OF THE INTERIOR

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 345), providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior. The gentleman who raised an objection before has withdrawn his objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, will we be able to discuss the joint resolution under the 5-minute rule if the request is granted?

Mr. WOODRUM of Virginia. No; because there is no controversy about it.

Mr. SCHAFER of Wisconsin. Under the rules, if a bill comes before the House, it must be open to amendment and discussion.

Mr. WOODRUM of Virginia. I will try to yield to my friend a lot of time the next time I have up a bill.

Mr. MARCANTONIO. Mr. Speaker, reserving the right to object, is this agreeable to the gentleman from Washington?

Mr. WOODRUM of Virginia. The gentleman from Washington has withdrawn his objection.

I appreciate the gentleman's courtesy in permitting public business to proceed.

Mr. MARCANTONIO. I thought it also our duty to protect the rights of the gentleman from Washington.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

#### House Joint Resolution 345

*Resolved, etc.*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 for the month of July 1939 for administering and enforcing the provisions of the act approved February 22, 1935 (49 Stat. 30), entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," as amended, and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed \$500 for necessary expenses of attendance at meetings and conferences concerned with the work of petroleum conservation when authorized by the Secretary of the Interior, not to exceed \$2,500 for printing and binding, not to exceed \$100 for books and periodicals, and for the hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6970) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes."

## STABILIZATION FUND AND ALTERATION OF THE WEIGHT OF THE DOLLAR

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and on a division (demanded by Mr. MARTIN of Massachusetts), there were—ayes 145, noes 91.

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 160, not voting 41, as follows:

## [Roll No. 116]

## YEAS—229

Allen, La.	Doxey	Kirwan	Ramspeck
Allen, Pa.	Drewry	Kitchens	Randolph
Anderson, Mo.	Duncan	Kocalkowski	Rankin
Arnold	Dunn	Kramer	Rayburn
Barden	Dworshak	Larrabee	Richards
Barnes	Eberharter	Lea	Robinson, Utah
Barry	Edmiston	Leavy	Rogers, Okla.
Bates, Ky.	Elliott	Lesinski	Romjue
Beam	Evans	Lewis, Colo.	Ryan
Beckworth	Faddis	Ludlow	Sabath
Bell	Fay	McAndrews	Sacks
Bland	Ferguson	McArdle	Sasser
Bloom	Fernandez	McCormack	Satterfield
Boland	Flaherty	McGehee	Schaefer, Ill.
Boren	Flannagan	McGranery	Schuetz
Boykin	Flannery	McKeough	Schulte
Bradley, Pa.	Ford, Miss.	McLaughlin	Schwert
Brooks	Ford, Thomas F.	McMillan, John L.	Scruggam
Brown, Ga.	Fries	McMillan, Thos. S.	Shanley
Bryson	Fulmer	Maclejewski	Shannon
Buck	Garrett	Magnuson	Sheppard
Buckler, Minn.	Gathings	Mahon	Sirovich
Buckley, N. Y.	Gavagan	Maloney	Smith, Conn.
Bulwinkle	Gehrman	Marcantonio	Smith, Ill.
Burch	Geyer, Calif.	Martin, Colo.	Smith, Va.
Burgin	Gibbs	Martin, Ill.	Smith, Wash.
Byrne, N. Y.	Gore	Massingale	Snyder
Byrns, Tenn.	Gossett	May	Somers, N. Y.
Caldwell	Grant, Ala.	Merritt	South
Cannon, Fla.	Green	Mills, Ark.	Sparkman
Case, S. Dak.	Gregory	Mills, La.	Spence
Celler	Griffith	Mitchell	Starnes, Ala.
Chandler	Hare	Monroney	Steagall
Chapman	Harrington	Mouton	Sullivan
Clark	Hart	Murdock, Ariz.	Sutphin
Claypool	Harter, Ohio	Murdock, Utah	Sweeney
Cochran	Havener	Myers	Tarver
Coffee, Wash.	Healey	Nelson	Taylor, Colo.
Cole, Md.	Hendricks	Nichols	Tenerowicz
Collins	Hill	Norrell	Terry
Colmer	Hobbs	O'Connor	Thomason
Cooley	Hook	O'Day	Tolan
Cooper	Houston	O'Leary	Vincent, Ky.
Costello	Hull	O'Neal	Vinson, Ga.
Courtney	Hunter	O'Toole	Voorhis, Calif.
Cox	Izac	Pace	Wallgren
Creal	Jarman	Parsons	Walter
Crosser	Johnson, Luther A.	Patman	Ward
Crowe	Johnson, Lyndon	Patrick	Weaver
Cullen	Johnson, Okla.	Patton	Welch
Cummings	Johnson, W. Va.	Pearson	Whelchel
D'Alesandro	Jones, Tex.	Peterson, Fla.	White, Idaho
Delaney	Kee	Peterson, Ga.	Whittington
Dempsey	Keller	Pfeifer	Williams, Mo.
DeRouen	Kennedy, Martin	Pierce, Oreg.	Zimmerman
Dickstein	Kennedy, Md.	Poage	
Dingell	Kennedy, Michael	Polk	
Doughton	Keogh	Rabaut	

## NAYS—160

Alexander	Blackney	Cluett	Dondero
Allen, Ill.	Bolton	Coffee, Nebr.	Douglas
Andersen, H. Carl	Bradley, Mich.	Cole, N. Y.	Dowell
Anderson, Calif.	Brewster	Corbett	Eaton, N. J.
Andresen, A. H.	Brown, Ohio	Crawford	Elston
Angell	Carlson	Crowther	Englebright
Arends	Carter	Culkin	Fenton
Austin	Chipperfield	Curtis	Fish
Ball	Church	Darrow	Ford, Leland M.
Barton	Clason	Dirksen	Gamble
Bates, Mass.	Clevenger	Ditter	Gartner

Gearhart	Johns	Mundt	Smith, Maine
Gerlach	Johnson, Ill.	Murray	Smith, Ohio
Gilchrist	Johnson, Ind.	O'Brien	Springer
Gillie	Jones, Ohio	Oliver	Stearns, N. H.
Graham	Kean	Osmer	Stefan
Grant, Ind.	Keefe	Pierce, N. Y.	Sumner, Ill.
Griswold	Kilday	Pittenger	Taber
Gross	Kinzer	Powers	Talle
Guyer, Kans.	Kleberg	Reece, Tenn.	Taylor, Tenn.
Gwynne	Kunkel	Reed, Ill.	Thill
Hall	Lambertson	Reed, N. Y.	Thomas, N. J.
Halleck	Landis	Rees, Kans.	Thorkelson
Hancock	Lanham	Rich	Tibbott
Harness	LeCompte	Risk	Tinkham
Harter, N. Y.	Lemke	Robertson	Treadway
Hartley	Lewis, Ohio	Robison, Ky.	Van Zandt
Hawks	Luce	Rockefeller	Vorys, Ohio
Heinke	McDowell	Rodgers, Pa.	Vreeland
Hess	McLean	Rogers, Mass.	Wadsworth
Hinshaw	Maas	Routzohn	West
Hoffman	Marshall	Rutherford	White, Ohio
Holmes	Martin, Iowa	Sandager	Wigglesworth
Hope	Martin, Mass.	Schafer, Wis.	Williams, Del.
Horton	Mason	Schaffer	Winter
Jarrett	Michener	Secombe	Wolcott
Jeffries	Miller	Seger	Wolfenden, Pa.
Jenkins, Ohio	Monkiewicz	Shafer, Mich.	Wolverton, N. J.
Jenks, N. H.	Moser	Short	Woodruff, Mich.
Jensen	Mott	Simpson	Youngdahl

## NOT VOTING—41

Andrews	Curley	Hennings	Secrest
Ashbrook	Darden	Jacobsen	Smith, W. Va.
Bender	Dies	Kelly	Summers, Tex.
Boehne	Disney	Kerr	Thomas, Tex.
Bolles	Durham	Knutson	Warren
Burdick	Eaton, Calif.	McLeod	Wheat
Byron	Ellis	McReynolds	Wood
Cannon, Mo.	Engel	Mansfield	Woodrum, Va.
Cartwright	Fitzpatrick	Mapes	
Casey, Mass.	Folger	Norton	
Connery	Gifford	Plumley	

So the conference report was agreed to.

The Clerk announced the following pairs:  
On the vote:

Mr. Warren (for) with Mr. Andrews (against).  
Mr. Kerr (for) with Mr. Wheat (against).  
Mr. Smith of West Virginia (for) with Mr. McLeod (against).  
Mr. Ellis (for) with Mr. Eaton of California (against).  
Mr. Cartwright (for) with Mr. Plumley (against).  
Mr. Wood (for) with Mr. Engel (against).  
Mr. Burdick (for) with Mr. Bender (against).  
Mr. Mansfield (for) with Mr. Bolles (against).  
Mr. Drummond of Virginia (for) with Mr. Gifford (against).

## General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
Mr. Boehne with Mr. Dies.  
Mr. Thomas of Texas with Mr. Knutson.  
Mr. Summers of Texas with Mr. Fitzpatrick.  
Mr. Ashbrook with Mr. Kelly.  
Mrs. Norton with Mr. Connery.  
Mr. McReynolds with Mr. Curley.  
Mr. Byron with Mr. Casey of Massachusetts.  
Mr. Hennings with Mr. Jacobsen.  
Mr. Disney with Mr. Secrest.  
Mr. Folger with Mr. Darden.

The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD on the conference report just agreed to by the House.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KITCHENS. Mr. Speaker, I regret the filibustering tactics today of the opposition in leaving this House every few minutes to break a quorum. After having consumed practically all and more than their full fair share of time in debate against the stabilization fund and against an extension of the President's authority to devalue 9 percent the gold content of the dollar, the RECORD shows roll call after roll call was demanded and other tactics employed in an effort to defeat necessary approval of the conference report before the time expires at midnight this date. The parliamentary situation demanded that the previous question be ordered to counteract those dilatory tactics, hence my remarks will have to appear at this point in the RECORD.

Mr. Speaker, the Republican National Committee and certain Members of the Congress recently celebrated what they were pleased to call National Debt Week. A coalition of cer-

tain Members of both parties in the Congress have been engaged in an effort to destroy some of the most constructive acts of this administration, and by their acts increase the national debt, unemployment, relief problem, and the national burden by restoring to private interests monetary functions and powers now in part recovered and possessed by the people and so essential to their welfare.

During the so-called National Debt Week not one single constructive suggestion, plan, proposal, or worthy contribution of any kind to remedy the condition which brought about the debt was suggested. They did suggest withdrawal of the limited power granted the President to devalue as much as 9 percent the dollar and restore the value existing at the time this administration came into office and repeal authority for the stabilization fund.

For 3 or 4 days now there has been ringing in the Halls of this Capitol and in the committee rooms denunciation of the existent power of the President to devalue the dollar 9 percent of its value as of March 4, 1933. In staccato tones they have filled the air with platitudes and generalities about hard and soft money, inflation and deflation, cheap, make-believe money, making the welkin ring with unjustified criticism of the President as an agent of Congress to regulate in part the value of the dollar. They have become, as usual, hypercritical, being obsessed with the fault-finding attitude of one of Shakespeare's characters, who said:

Oh, gentle lady, do not put me to it,  
For I am nothing if not critical.

Mr. Speaker, the President on yesterday, in reference to the action of another body said that the Senate action Tuesday in voting to repeal and not extend the President's power to devalue the dollar, heretofore authorized and limited by Congress, "in effect would be an open invitation to international foreign exchange speculators to manipulate the dollar with resultant injury to United States foreign trade," and that "the national defense and national economy would be weakened." There never was a more opportune or truthful saying but it will not impress the opposition very favorably.

The chaotic economic condition and utter financial collapse of the country prior to March 4, 1933, and the excessive value of the dollar at that time, were and are the direct cause of the present debt, financial and unemployment troubles of this Nation. This was brought about by the failures, futile acts, fallacies, and policies in great part, of those who now declaim against the President, our debt and dollar. The power to devalue the dollar has not been abused. In fact, the devaluation of the dollar, in view of the former excessive gold value of the dollar, was not only appropriate but necessary. The only real criticism that can be offered to the act or power of devaluation, if any, may be that the full power at the beginning should have been exercised. The dollar and its value has something to do with the national debt and its creation, and, as the President says, has something to do very materially with our national economy and defense.

The present debt has not been incurred willingly or willfully, but of necessity. We know that in the creation of the present debt, previous Republican policies, and later their votes during this administration, have contributed their full share. The labored efforts now at criticism of the debt and devaluation of the dollar would be more appreciated by the public if first an humble admission should be made of their original responsibility for it.

In connection with the present proposal to extend the powers of the President to further devalue slightly the dollar, I shall remark on the debt and the relation of that debt and power to present value of the dollar. Any further devaluation is strictly limited by Congress to 9 percent and is in pursuance of section 8, article 1, of the Constitution to regulate the value of our dollar and of foreign coin.

The Republican National Committee, Republican Members of the Congress, and some members of my own party, are not more concerned about our national debt, the value stability of our dollar, and the prerogatives and constitutional powers of

Congress than are leaders of this administration. Not for a moment would I minimize the seriousness and importance of the stability of the dollar nor of what the Nation owes, but these critics, by the logic of their argument, do minimize the debt and justify the limited power heretofore granted to the President. The opposition denounces the size of our debt. It criticizes the present American dollar as being a cheap and dishonest dollar with which to pay the debt. They seek a dearer dollar. They draw unjust conclusions of the effect of the devaluation of the dollar on the American people. They flirt back and forth on all horns of the dilemma.

The American people believe in a sound and honest dollar. They demand such a dollar, but really never have had one until now. We have today one of the soundest and most universally desired dollars in existence. The opposition, however, rants and raves that this administration, through the present dollar, due to devaluation of former dollar, has robbed the widow of her insurance, the citizen of his home and property, the laborer of his wage, the bondholder of his bond and interest, the thrifty of their savings, and has been engaged in the confiscation of property in general. Therefore, they argue that present power to the President to further devalue the dollar 9 percent should not be extended, although the President has had the power for the last 5 years.

To summarize the opinion of the opposition I quote from a statement appearing in the Appendix of the CONGRESSIONAL RECORD, page 2334, which easily expresses the sentiments of those now opposing the powers granted to the President and this administration, as follows:

Never before in all history has there been such a savage, persistent, and hypocritical attack on property as in this country over recent years. Nothing that Hitler has done, or that Hitler can do, equals in sheer audacity and future catastrophe this camouflaged and sugar-coated confiscation that the New Deal has engineered under the guise of humanitarianism.

Accordingly, internal banditry merely parallels an internal banditry, and the dishonesty of one nation differs from the dishonesty of another nation only in method.

It is believed the above language expresses as clearly and strongly the opinion of these confirmed critics as the most vicious would care to employ. The statement, as usual, avoids details of the dishonesty, confiscation, or banditry. No specifications are ever given. The charges are general, but in this regard true to form. These generous critics base their argument on what they are pleased to call debasement of an honest dollar, the dollar of the previous administration.

Mr. Speaker, when an ounce of gold in 1930, 1931, 1932, and 1933 was worth \$35 on the markets of the world these critics insisted, and still insist, it was and should remain at \$20.67 an ounce in the United States. The amount of actual money in circulation has not been increased. The amount necessarily would have to be increased to bring inflation and some can see no difference in injury caused by inflation or deflation. There has been no issuance of more dollars either in coin or currency by reason of devaluation. No capitalization of the seigniorage or profits has been made. Yet they call our present dollar a 59-cent dollar. The truth is it is a 130-cent dollar, according to the commodity price index, and too valuable almost to loan or use at that value. If our dollar be worth only 59 cents, then our real debt, reduced to what the opposition would designate as an honest dollar, amounts to only 59 percent of \$40,000,000,000, or \$23,600,000,000. The national debt inherited by this administration and admitted by Republican leaders was \$22,000,000,000. See CONGRESSIONAL RECORD of June 2, 1939, p. 6542.

Mr. Speaker, we have today over \$12,000,000,000 more gold than we had in March 1933. That money is ours, and if credited on our national debt will reduce the present debt in burdensomeness to less than the debt due March 4, 1933. We have \$3,000,000,000 more silver than we had March 4, 1933, and an additional credit should be made. The bonus, a debt due the veterans of \$2,000,000,000, has been paid by this administration. If that debt had not been paid, the interest charged the veteran on the money due him



would have destroyed the debt, and the veteran would have received practically nothing. The opposition, with few exceptions, opposed the payment of that debt and favored the continued payment by the veterans of interest on what was owed them by the Government.

We have 11,500,000 bales of cotton on hand, many million bushels of corn, many million bushels of wheat, many million pounds of butter, which also should be credited on the present debt.

We have thousands upon thousands of new public buildings such as auditoriums, stadiums, dormitories, recreation halls, school buildings, college buildings, courthouses, decent prisons, and post-office buildings. We have thousands upon thousands of new lakes, swimming pools, parks, parkways, railroad overpasses and underpasses, bridges, levees, reservoirs for flood control, and other beneficial projects. Then again, many millions are due from banks for money borrowed to replace shrunken capital stock, which shrinkage took place during the prior Republican regime.

This administration has cared for over 2,000,000 young men in C. C. C. camps, and for hundreds of thousands of boys and girls in school through National Youth Administration, and has kept them from the alleys, highways, criminal resorts, and prisons. It has created a belt in the West of many millions of trees to combat and prevent sand and wind storms and destruction of American homes and valuable lands. Our soil, water, and forests have been given extra attention and protection. Farmers, heretofore neglected at all times, have been given substantial benefit payments. Rural electric service has been and is being brought to the homes of rural people.

The interest on Federal land bank and other loans has been reduced and this administration took care of the difference. Many millions of dollars have been used in slum clearance and in the housing of our people, and in large loans to business.

Then, again, Mr. Speaker, we have spent a few billion dollars extra in creation of one of the finest navies in the world in defense of our homeland. Likewise, we have enlarged our Army, Air Corps, and further manned and perfected our coast defense, and today have this country adequately defended from all possible enemies.

For the first time in American history, the present administration established the principle of, and is paying old-age pensions, giving help to the crippled, the blind, and unemployed. The people will not forget that \$6,600,000,000 of the present debt has been used to feed, clothe, and house millions of fine Americans, destitute and unemployed as a result of the policies of rugged individualism of the previous administration.

The income of the American people today is at the rate of \$68,000,000,000 per year. This is thirty billions annually more than the national income during any of the 3 years preceding this administration. In fact, the increase of the national income in 2 years under this administration would liquidate the present national debt and leave a surplus of twenty billions to the people. The critics of our dollar and of our debt, while denouncing same, shrewdly and wisely elect to remain significantly silent about their dollar, the dollar of 1930, 1931, and 1932.

March 4, 1933, and for 3 years prior thereto, based on the commodity-price index, a fair basis, it took 167 cents' worth and even more of corn, wheat, cotton, meat, other property, or labor to get a dollar. The opposition must think that the people have forgotten. Their anathemas and jeremiahs now on dishonesty, confiscation, and "internal banditry," are clearly misdirected, but echo and reecho to us the cries of many in the gethsemane of those dreadful days, weeks, months, and years, and previous money panics prior to this administration.

It cannot be denied, and is admitted, that the dollar in those days was worth 167 cents or more of labor, farm products, or other property. Let us measure the debt of March 4, 1933, as we are justified, in those 167-cent dollars. We readily compute that the real debt March 4, 1933, in those

167-cent dollars, in reality, was 167 percent of \$22,000,000,000, or thirty-six billion, seven hundred forty million good, sound, honest, present-day dollars. The regret is that at that time there was nothing but a financially wrecked country to be credited on that debt.

A little common sense and arithmetic show that the burden of the debt upon the American people March 4, 1933, was much more severe and heavy than the present debt. The interest rate on the debt March 4, 1933, was a third to one-half higher than the interest on the present debt; and this minimizes, much, the debt today. In fact, our Government can borrow, and is borrowing, money today at the lowest rate in its history. This is not pleasant, apparently, to the opposition. They prefer higher interest rates.

No sophistry, no ridicule, no denunciation, no oratorical flourishes, no blind partisan charges, no manipulation of figures, no political motives, no subversion of facts or conditions can change the glaring difference in the burdensome values on the American people of the two debts.

March 4, 1933, Mr. Speaker, and for some years prior thereto, a grower of corn, to obtain just \$1, such as some desire to be restored and put in circulation today by the opposition to this administration, would be compelled, as he was then, to turn over 5 bushels of good, sound, honest corn. At the present time that same corn grower can obtain a sound and honest dollar, acceptable and desirable everywhere in the world, for only 2 bushels. This would leave him 3 bushels in the crib for his pigs, cows, and family. The good, sound, hard dollar in 1930, 1931, and 1932, and until March 4, 1933, so loved and worshipped now by the opposition, took all the farmer's 5 bushels of corn and left nothing in the crib for the pigs, cows, or family.

The problem immediately presented to this administration was whether or not the pigs and cows should be permitted to starve, suffer slow starvation, or be mercifully put away in the soil, a genuine sacrifice upon the altar of the excessive value and ruthlessness of the dollar at that time. That 167-cent dollar, that mighty and powerful Republican dollar, caused more misery, more losses, havoc, and confiscation of everything of value than any one thing in human history. That dollar put banditry to shame. It unmercifully wrecked the savings, homes, and families not only of this Nation but of other nations. Shylock, in his balmy days, was never so cruel, nor have the bandits and pirates of history caused so much human misery and suffering as did that dishonest dollar which the President has brought down from its unholy throne of destruction. The opposition want that dollar reenthroned.

Mr. Speaker, the American wheat grower in order to obtain a dollar March 4, 1933, and prior thereto, had to deliver four bushels of his wheat. In the parlance of crime, that probably would be called highjacking. Today he can obtain a good, sound, honest dollar for one and a half bushels. The owners of cattle, growers of cotton, and other commodities were likewise gypped and highjacked, and required to deliver two to three times as much of their products as an honest dollar should have required. If the dollar that exacts five bushels of corn or four bushels of wheat be an honest dollar, then honesty has lost all its virtue and significance to honest men, and the opposition should have its way.

If we could pay the national debt today in corn, wheat, rye, cotton, tobacco, meat, stocks, cattle, lands, or other property, we could wipe it out for less than half required March 4, 1933. It would take less than half the amount of corn or wheat to liquidate the national debt today than it would have taken March 4, 1933; and, mind you, there has been no inflation of the American dollar.

If the corn, cotton, wheat, or meat grower, or property owner, owed a debt incurred prior to 1930, then that grower or owner under law was wrongfully compelled to pay in 1930, and until March 4, 1933, and even later, from two to five times the amount of the debt as measured in the value of the corn, cotton, wheat, or property received by the debtor when he created the debt. Is that a stable or honest dollar? Likewise, the interest on his debt was dishonestly increased

from two to five times, measured in the corn, cotton, wheat, or labor necessary to pay it. This unjust and cruel operation and fluctuation of the dollar at that time, which was so easily susceptible to manipulation in value, appeals powerfully to our stand-pat Republican and a few Democratic gold hard money worshipping friends. They denounce the present dollar in the interest of a selfish few and for political purposes, and to vent their spleen on the President, and they feel the people have short memories, and are now ready, fit, and gullible subjects for another victimization.

The opposition speaks loudly and scornfully of coin clipping. Did you ever hear one of these lovers of humanity, these honest-money fellows, sympathize or say anything about how heretofore their dollar clipped the laborer's wage, farmer's corn, wheat, cotton, and income? No; all are as silent as the tomb when it comes to clipping 3 bushels of corn from the corn grower,  $2\frac{1}{2}$  bushels of wheat from the wheat grower, 4 pounds of meat from the meat grower, 10 pounds of cotton from the cotton grower, doubling the debt and interest rate on the debtor, forcing the laborer to give 167 cents of services, when he needs, seeks, and has to have one of their precious dollars.

I am unable to fathom the mentality of men who criticize the action of the President, and desire a return to a dollar so fluctuating in value as to force the laboring man to give 167 cents or more of his labor to obtain a dollar; force a corn grower to give 5 bushels of his corn rather than 2; a wheat grower to give 4 bushels of wheat rather than  $1\frac{1}{2}$ . The opposition seeks a speculative dollar, a dollar capable of value manipulation in the market place, one that may double in burden every debt and the interest rate on every debtor in America, and one that will destroy half the value of all the property in America at the will of financial racketeers. Does the opposition tell us they will prevent, in any way, those certain recurring evils of their dollar? Not at all. Do they ever even refer to them? No, they evade them most discreetly.

I appreciate that the so-called nonconfiscatory, honest, humane, free-from-banditry dollar of March 4, 1933, was a great boon to bondholders. The purchasing value of every hundred-dollar bond in America on and for 3 years prior to March 4, 1933, called for \$167 of labor, farm products, or other property. Think of that unearned increment and dishonest enhancement in value. Yet we are told that kind of a dollar is an honest dollar. The interest on all bonds, notes, and mortgages was almost doubled in purchasing power by the 167-cent so-called honest dollar. The bondholders, gold and money hoarders, money speculators, financial racketeers, and international exchange dealers were in their glory, but were unjustly and greatly enriched at the expense of the many. Only a few benefited, and then only at the great sacrifice, misery, and suffering of millions.

The opposition dollar was so unstable and fluctuating in value that it could be easily manipulated and controlled by the money powers in such a way that banditry, as I see it, could be and was perpetrated upon the American people under the then unregulated dollar and sanction of law.

The opposition to this administration, in discussing the national debt and the welfare of the people, proclaim the urgent necessity of returning to their so-called dollar or standard in order for us to have an honest dollar and consequent prosperity. If we have ever been on the gold standard in the United States, we are on the gold standard now. The only difference is our Government has the gold now and control it, while gamblers in gold and currency, national and international racketeers and banking buccaneers, are no longer able to control it so as to manipulate, increase or decrease its value, and obtain thereby 167 or more cents' worth of labor, farm products, property, interest, or debt, when entitled to only 100 cents' worth. They are not able so easily to increase the value of bonds nor interest on bonds. They are not able so easily to cheapen or enhance the value of currencies of other nations to our injury, nor manipulate money exchange necessary in our business with other nations. I am sure the American people have a better, longer memory, and more intelligence today than some care to give them credit.

The opposition desire really an unstable dollar, a dollar fluctuating in value, not only for national but for international purposes. Speculation in the dollar and on the exchange by insiders is now in part at least under control by this administration. This is a crime, and dishonest, according to the opposition. Some of the men responsible for that speculation even now are languishing in durance vile for their practices. Because of a correction and further prevention of those evils the opposition howls dishonesty, confiscation, and internal banditry, and the exercise of too much power for evil in the President.

Mr. Speaker, the President and a majority of the Congress ruined the lucrative business of gold and currency gamblers, and did a little internal banditry work by putting some bandits out of business. I presume the prevention of some of these vicious practices in some of our large financial institutions and in some of our exchanges, and the curbing of unscrupulous international parasites, in the opinion of the opposition, is dishonest, a confiscation of rights, and internal banditry. Mere charges, generalities, and platitudes, are not going to deceive the American people any longer.

I am amazed at the desperate and determined efforts of the opposition. I am disturbed at the political coalition of certain elements to destroy the present dollar, the currency stabilization fund established by the Congress, and upset the equilibrium of world currencies, but this is in line with the argument and efforts of the opposition to obtain what they call an honest dollar.

That stabilization fund has been denounced vigorously and vociferously. That fund was authorized by Congress after the best thought and opinion possible was given to the subject. It has been used by Secretary of the Treasury and his advisers under the safe guidance of the President and his advisers to control, as much as possible the stability of our dollar, speculation in our currency, and foreign currencies, and exchange needed by legitimate business in this country. That fund last year earned a profit for the people, for the United States Treasury, of \$14,000,000. If the opposition have their way, such profits will go hereafter, as formerly, into the private pockets of international exchange and money dealers.

They contend that this fund of \$2,000,000,000 should have been applied to our national debt so as to save interest. I wonder at the possible innocence of such a suggestion. The truth is the money speculators, and dealers in exchange and currency of the nations, have been deprived of that \$14,000,000 profit. They have been deprived and prevented from further preying upon and exploiting the American people to the extent probably of hundreds of millions of dollars because of their inability to manipulate the value of money. Formerly, they used gold as a weapon, but they cannot any more. They formerly sold and beat down currency values of one nation through the use of gold, and then enhanced the value of currency in another nation, in terms of the dollar and gold, played one currency against another, the people being helpless, and thereby wrongfully earned millions and billions in the deals. They fixed prices really upon the farmers' products. They manipulated the French franc, English pound, Italian lira, Dutch guilder, Spanish peseta, Chinese and Mexican peso, and American dollar, and made them cheap or dear, as suited their selfish purposes. They continuously reaped large and bountiful harvests at the expense of the American people.

The wresting of this immense source of revenue and financial power from these dollar humanitarians and pretended lovers of an honest dollar, and prevention of that kind of business by the stabilization fund, is part and parcel of the matters denounced as dishonest, confiscatory, and banditry by the opposition.

Mr. Speaker, we have today a little more than \$16,000,000,000 of gold safely placed and guarded by American soldiers in the hills of Kentucky and elsewhere. Every dollar of it is under the control of the American people. That power and control was formerly in other hands. That gold is perfectly safe, and, to be sure, is as safe as if in the vaults of international money changers. It certainly is as safe as it would be if in the vaults of Wall Street, Threadneedle



Street in London, or buried in the ground under the streets of Paris, France.

Our great President, in one of his inaugural speeches, in effect said he was going to purge the money changers, clean the Augean stables of finance, and bring the Government back to Washington. He has been doing a very good job of it, judging from the anger aroused in the opposition. We know that those who control the money of the nation control the prosperity and destiny of that people and nation.

This administration is not afraid of any foreign country with its navy or army coming over and getting that gold. It is afraid of the opposition. No weeping, wailing, hostile criticism, bitter denunciation, or ingenious device of those seeking the release of that gold, restoration of the former dollar value, and destruction of stabilization fund will ever induce the American people freely or willingly to surrender their power and grip to those who formerly manipulated and used it to crucify about every 7 years not only the people of this country but the people of other nations.

We know that on March 4, 1933, there was not enough gold in the United States Treasury by several billions to redeem the currency and obligations then outstanding payable in gold. People at that time were rushing wildly to the United States Treasury, its subsidiaries, the mints, Reserve and other banks by the thousands seeking redemption in gold. The gold dollars and gold bars were being drawn out, trucked away, and there was almost an empty Treasury. Economic chaos was rampant.

Thousands upon thousands of banks were failing, and savings of millions of our people were being destroyed. A terrible economic disaster, almost a revolution, if not worse conditions were in the offing. At that time there were less than \$4,000,000,000 in gold with which to redeem over \$5,000,000,000 in currency, twenty-two billions of United States bonds, not to mention billions of private bonds and obligations payable in gold. Thousands upon thousands of our citizens were lined up before more than 10,000 banks of our country demanding cash for their deposits when there was insufficient cash.

There was a demand upon those banks for withdrawal of more than ten billions of the \$40,000,000,000 and more on deposit in those banks when only \$5,000,000,000 in coin and currency were in existence. The banks were not able to pay in gold or anything else. The dollar was so valuable and increasing in value owing to demand, it could not be borrowed. It was in a heyday of glory at the time. It was almighty and in power to command and destroy, and really did wreck this Nation financially from turret to foundation stone, and as was never before experienced. It caused a total loss to American people of over \$100,000,000,000, not to mention the destruction of the morale and confidence of the people, and the last is more difficult to restore than the money lost.

Today there are over \$51,000,000,000 on deposit in all of our banks. This is more money in the banks than ever before in the history of the Nation. Every dollar of it is sound, safe, and honest as was ever placed in a bank. A depositor can get his money when he desires. Reserves in our banks for loans today are the largest in history. In my opinion, we have a stable dollar today, no fear justified, and the foundation for permanent happiness, progress, and the continued prosperity of the American people is being safely and soundly constructed. It has been no easy task to lift this great country upon its feet, rehabilitate the people, restore morale, confidence in our money, banks, Government, and institutions. However, this has been done despite the bitter, hostile political antagonism and fusillades of the opposition.

We know that March 4, 1933, an ounce of gold on the world market was worth \$34.50. We know that the farmer's cotton, corn, and wheat, and laborer's wage, then measured by an ounce of gold, the money unit or standard of measure, brought him \$20.67. This tape measure, gold standard, yardstick, or unit of value, as it is called, was applied to the

farmer's corn, cotton, wheat, other commodities, as well as services, debts, and property. The cotton, corn, or wheat farmer, by that yardstick, was receiving only \$20.67, when he should have received the actual world market price of \$34.50. As it was, the difference of about \$14 was unjustly taken from the farmers and others. That right by a few to use a short, dishonest weight or measure so as to exploit and cheat farmers, laborers, and others has been greatly curtailed by this administration; hence the opposition charge of dishonesty, confiscation, and internal banditry. Is it dishonesty, confiscation, or banditry to deprive money gamblers and others of the right to give 100 cents and take 167 cents? Is it honest to use a 3-foot yardstick for one and a 5-foot yardstick for another? Is it banditry to oppose bandits and prevent banditry? If so, then this administration is guilty of the charges—yea; thrice guilty.

It took \$4 of the East Indian or Chinaman's silver money to get an American dollar prior to March 4, 1933. Two ordinarily were sufficient to obtain one. It took four Mexican dollars to obtain one in those days, and the same thing applied to many of the other currencies of the world. Our exports and foreign trade were greatly curtailed necessarily. We saw the English pound driven down to where it would bring only \$3.48 of American money. Then we saw the English pound driven up so as to bring over \$5 of our money. Such world instability of value of gold, the measuring rod, such instability of value of our dollar and of other currencies, deliberately, willfully, and selfishly brought about is injurious to the best interest of the people. This is being corrected, and the opposition objects.

Mr. Speaker, this country, prior to March 4, 1933, suffered a financial depression every 7 years. They came with the same regularity as did the devastating visits of locusts and plagues of ancient Egypt. Revert no further than to 1866, when there was a money panic. Then in 1873, 1880, 1886 to 1887, 1892 to 1893, 1900, 1907, 1914, 1920 to 1921, and 1929.

Everyone of those panics was due to gold manipulation, money contraction, and destruction of credit money by those having control of gold. They were brought about by manipulation of money, control of gold, resulting in a contraction of currency, stoppage of credit, and the raising and lowering of discount and interest rates at opportune times. The people were powerless. This administration seeks to protect the people against similar monetary catastrophes. It has taken unexampled vision, great political courage and wisdom, to cope with the powers so long accustomed to control our gold and money system, so ably assisted by shrewd men; but today we are on the way in the process of correction. There is every reason to believe panics will be a thing of the past unless the opposition succeeds.

Referring again to the stabilization fund, Hon. Henry Morgenthau recently said that with that fund and gold in our control we have "a weapon in reserve which is needed for protection of American interests. In the monetary field it is as important as a powerful navy in the field of defense against armed attack." Today he warned in an interview that the American people will have cause to worry about their dollar if they surrender their present money powers.

Yet the opposition is determined and willing, regardless of all consequences, to take from Congress and the President and turn back to unholy hands the power over our dollar and the stability of our currency, so that our people may again be subject to panics, depressions, and money manipulation as experienced in the past. The President under our Constitution is Commander in Chief of our Army and Navy; why not curtail his authority and turn over our Army and Navy to the same powers? For my part, if we surrender our money power, we might as well turn over the Army and Navy.

The Constitution says the Congress shall coin and regulate the value of money and of foreign coin. We are honestly trying to do this with the help of the President. But the opposition, step by step, bitterly and doggedly oppose and are determined to even nullify all that has been done by

this administration to correct so many serious evils. They would turn back and surrender to private interests invaluable powers whereby to regulate the value of our money, a function of the Congress under our Constitution.

Mr. Speaker, I am pleased that the House conferees succeeded in the conference with the committee of the Senate in bringing back to us the stabilization fund and preserving the right of Congress to regulate the value of the dollar and foreign coin, through the President or otherwise.

**SUPPLEMENTARY MILITARY ESTABLISHMENT APPROPRIATION BILL, 1940**

Mr. SNYDER submitted the following conference report and statement on the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes:

**CONFERENCE REPORT**

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

J. BUELL SNYDER,  
DAVID D. TERRY,  
D. LANE POWERS,

*Managers on the part of the House.*

ELMER THOMAS,  
CARL HAYDEN,  
JOHN H. OVERTON,  
RICHARD B. RUSSELL,  
JOHN G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

**STATEMENT**

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Appropriates \$64,862,500 for construction at military posts, as proposed by the Senate, instead of \$63,662,500, as proposed by the House.

On amendment No. 2: Strikes out the provision inserted by the Senate making \$5,000,000 of the appropriations contained in the bill available for topographic surveys and mapping.

On amendments Nos. 3 and 4: Strikes out the legislation inserted by the Senate relating to the provision of facilities and equipment at the expense of the Government in the plants of contractors for supplying military or naval equipment, etc.

J. BUELL SNYDER,  
DAVID D. TERRY,  
D. LANE POWERS,

*Managers on the part of the House.*

Mr. SNYDER. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (H. R. 6791) making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

**EVELYN GURLEY-KANE**

Mr. GAVAGAN. Mr. Speaker, by direction of the Committee on War Claims, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5722) for the relief of Evelyn Gurley-Kane, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 10, after "War", insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in and a motion to reconsider was laid on the table.

**GENERAL MALIN CRAIG**

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER. Mr. Speaker, despite the many matters which we must dispose of today, it seems fitting that we should pause sufficiently long to pay a word of tribute to the head of our Army, the Chief of Staff, Gen. Malin Craig, who, today, is relinquishing that high office preliminary to going on the retired list a few weeks hence.

General Craig's long service is replete with accomplishments matching the best traditions of the service. His superior qualities have been repeatedly manifested during his incumbency of the office he is today vacating.

The Army, under his regime, has been molded into a state of efficiency and preparedness never before approached in time of peace. He has done a really great job in a really great way, and the Nation owes him a debt of gratitude.

I know I am joined by every Member of this body in extending to this great man the earnest wish that he may enjoy many years of health and happiness, which he has so richly earned. [Applause.]

**DISTRICT OF COLUMBIA REVENUE BILL**

Mr. NICHOLS. Mr. Speaker, I call up the conference report on the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, strike out all after line 4, and pages 2 to 97, inclusive, and insert:

**"TITLE I—FEDERAL CONTRIBUTION**

"SECTION 1. For the fiscal year ending June 30, 1940, and for each fiscal year thereafter, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, an amount which bears the same ratio of the total general fund appropriations for defraying the expenses of the government of the District of Columbia for such fiscal year as the land owned by the United States in the District of Columbia on the 1st day of August of the preceding fiscal year bears to the entire land area of the District of Columbia; but in calculating such land ratio for any fiscal year, a fraction of 1 percent shall be disregarded, except that a fraction of more than one-half of 1 percent shall be counted as 1 percent.

"SEC. 2. As used in this title—

"(a) The term 'entire land area of the District of Columbia' means the total number of acres of land within said District (44,317 acres), less the amount of such land which is permanently covered by water (5,044 acres), or 39,273 acres in all.

"(b) Except as provided in section 3 of this title, the term 'land owned by the United States in the District of Columbia' means the total number of acres of land owned by the United States within said District as of the 1st day of August of each year, beginning with the calendar year 1939, exclusive of the following: (1) Any of such land embraced within the boundaries of streets, avenues, roads, and alleys; (2) 56 percent of any of such land which is embraced within the park areas of said District; and (3) any of such land used exclusively by the government of the District of Columbia.

"SEC. 3. It is hereby declared that for the purposes of this title the land owned by the United States in the District of Columbia as of the 1st day of August 1938 consists of 7,840 acres, determined as follows: By deducting from the 11,441 acres of land owned by



the United States (exclusive of such land devoted to highway purposes), the 3,353 acres comprising 56 percent of such land embraced within park areas, and the 248 acres of such land used exclusively by the government of the District of Columbia.

#### "TITLE II—ADVANCEMENT OF MONEY BY TREASURY

"Until and including June 30, 1940, the Secretary of the Treasury, notwithstanding the provisions of the District of Columbia Appropriation Act, approved June 29, 1922, is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time during said fiscal year to meet the general expenses of said District as authorized by Congress, and such amounts so advanced shall be reimbursed by the said Commissioners to the Treasury out of taxes and revenue collected for the support of the government of the said District of Columbia.

#### "TITLE III—AMENDMENTS TO PRIOR ACTS

##### "TAXABLE STATUS OF MOTOR VEHICLES AS TANGIBLE PERSONAL PROPERTY

"SECTION 1. Notwithstanding any other provision of law, the tangible personal-property tax on motor vehicles, except when consisting of stock in trade of merchants, shall be prorated according to the number of months such property has a situs within the District; and all such motor vehicles shall be assessed at their value as of April 1 each year: *Provided, however,* That where a motor vehicle shall be registered in the District of Columbia for the first time on a date between April 1 of one year and April 1 of the succeeding year, such motor vehicle shall be assessed, for taxation for the period ending with the succeeding April 1, at its value as of date of application for such first registration.

##### "TAX APPEALS

"SEC. 2. (a) The first sentence of the second paragraph of section 2 of title IX of the District of Columbia Revenue Act of 1937, as amended by the act approved May 16, 1938, is amended to read as follows: "The salary of such person so appointed shall be \$8,000 per annum." This amendment shall be effective on and after July 1, 1939.

"(b) Section (3) of the title IX of the District of Columbia Revenue Act of 1937, as amended, is amended as follows:

"SEC. 3. Any person aggrieved by any assessment by the District against him of any personal-property, inheritance, estate, business-privilege, gross-receipts, gross-earnings, insurance-premiums, or motor-vehicle-fuel tax or taxes, or penalties thereon, may, within 90 days after notice of such assessment, appeal from such assessment to the Board, provided such person shall first pay such tax, together with penalties and interest due thereon, to the collector of taxes of the District of Columbia under protest in writing. The mailing to the taxpayer of a statement of taxes due shall be considered notice of assessment with respect of such taxes. The Board shall hear and determine all questions arising on said appeal and shall make separate findings of fact and conclusions of law, and shall render its decision thereon in writing. The Board may affirm, cancel, reduce, or increase such assessment."

"(b) Subsections (a), (b), and (c) of section 5 of title IX of the District of Columbia Revenue Act of 1937, as amended, are amended to read as follows:

"(a) The assessor and deputy assessor of the District and the board of all of the assistant assessors, with the assessor as chairman, shall compose a Board of Equalization and Review, and as such Board of Equalization and Review they shall convene in a room to be provided for them by the Commissioners, on the first Monday of January of each year, and shall remain in session until the first Monday in April of each year, after which date no complaint as to valuation as herein provided shall be received or considered by such Board of Equalization and Review. Public notice of the time and place of such session shall be given by publication for 2 successive days in two daily newspapers in the District not more than 2 weeks or less than 10 days before the beginning of said session. It shall be the duty of said Board of Equalization and Review to fairly and impartially equalize the value of real property made by the board of assistant assessors as the basis for assessment. Any five of said Board of Equalization and Review shall constitute a quorum for business, and, in the absence of the assessor, a temporary chairman may be selected. They shall immediately proceed to equalize the valuations made by the board of assistant assessors so that each lot and tract and improvements thereon shall be entered upon the tax list at their value in money; and for this purpose they shall hear such complaints as may be made in respect of said assessments, and in determining them they may raise the valuation of such tracts or lots as in their opinion may have been returned below their value and reduce the valuation of such as they may believe to have been returned above their value to such sum as in their opinion may be the value thereof. The valuation of the real property made and equalized as aforesaid shall be completed not later than the first Monday of May annually. The valuation of said real property made and equalized as aforesaid shall be approved by the Commissioners not later than July 1 annually, and when approved by the Commissioners shall constitute the basis of taxation for the next succeeding year and until another valuation is made according to law, except as hereinafter provided. Any person aggrieved by any assessment, equalization, or valuation made, may, within 90 days after October 1 of the year in which such assessment, equalization, or valuation is made, appeal from such assessment, equalization, or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such per-

son shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided.

"(b) Annually, on or prior to July 1 of each year, the board of assistant assessors shall make a list of all real estate which shall have become subject to taxation and which is not then on the tax list, and affix a value thereon, according to the rules prescribed by law for assessing real estate; shall make return of all new structures erected or roofed, and additions to or improvements of old structures which shall not have been theretofore assessed, specifying the tract or lot of land on which each of such structures has been erected, and the value of such structure, and they shall add such valuation to the assessment made on such tract or lot. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause, the said board of assistant assessors shall reduce the assessment on said property to the extent of such damage: *Provided,* That the Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments between September 1 and September 30 and determine the same not later than October 15 of the same year. Any person aggrieved by any assessment or valuation made in pursuance of this paragraph may, within 90 days after October 15 of the year in which said valuation or assessment is made, appeal from such assessment or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided.

"(c) In addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to January 1 of each year, in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessment for the second half of the then current year payable in the month of March. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause prior to January 1 of each year the said board of assistant assessors shall reduce the assessment on said property to the extent of said damage for the second half of the then current year payable in the month of March. The Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments for the second half of said year between March 1 and March 31 and determine said complaints not later than April 15 of the same year. Any person aggrieved by any assessment made in pursuance of this paragraph may, within 90 days after April 15 of the year in which such assessment is made, appeal from such assessment in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided."

"(d) Title IX of the District of Columbia Revenue Act of 1937, as amended, is amended by adding thereto a new section reading as follows:

"SEC. 13. In any matter affecting taxation, the determination of which is by law left to the discretion of the Commissioners, the Commissioners may, if they so elect, refer such matter to the Board to make findings of fact and submit recommendations, such findings of fact and recommendations, if any, to be advisory only and not binding on the Commissioners, and shall be without prejudice to the Commissioners to make such further and other inquiry and investigation concerning such matter as they in their discretion shall consider necessary or advisable."

#### "TANGIBLE PERSONAL PROPERTY STORED IN TRANSIT

"SEC. 3. Nothing in this act contained, nor shall any prior act of Congress relating to the District of Columbia be deemed to impose upon any person, firm, association, company, or corporation a tax based upon tangible personal property owned and stored by such person in a public warehouse in the District of Columbia for a period of time no longer than is necessary for the convenience or exigencies of reshipment and transportation to its destination without the District of Columbia.

#### "TITLE IV—TAX ON CERTAIN UTILITIES

"SECTION 1. Paragraph 5 of section 6 of the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902, is hereby amended to read as follows:

"PAR. 5. Each national bank as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal-tax appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings or gross receipts, as the case may be, for the preceding year ending the 30th day of June, and each national bank and all other incorporated banks and trust companies respectively shall pay to the collector of taxes of the District of Columbia per annum 6 percent on such gross earnings and each gas company, electric-lighting company, and telephone company shall pay to the collector of taxes of the District of Columbia per annum 4 percent on such gross receipts, except from the sale of equipment and appliances and parts thereof in the ordinary course of business, as to which the tax on the privilege of doing business imposed by title VI of this act shall be applicable. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone company in the

District of Columbia shall be taxed as other real estate in said District: *Provided*, That street-railroad companies shall pay 3 percent per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 2 percent on premium receipts as provided by existing law. That so much of the act approved October 1, 1890, entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia" as is inconsistent with the provisions of this section is hereby repealed."

"Sec. 2. This title shall not apply to gross earnings or gross receipts for any fiscal year ending the 30th day of June prior to the fiscal year ending June 30, 1940. Taxes shall be levied and collected for the fiscal years preceding the fiscal year ending June 30, 1940, under said paragraph 5 of section 6 of said act of July 1, 1902, as if this title had not been enacted."

#### "TITLE V—INHERITANCE AND ESTATE TAXES

"Title V of the District of Columbia Revenue Act of 1937, as amended by an act entitled 'An act to amend the District of Columbia Revenue Act of 1937, and for other purposes,' approved May 16, 1938, is amended to read as follows:

"Taxes shall be imposed in relation to estates of decedents, the shares of beneficiaries of such estates, and gifts as hereinafter provided:

#### "ARTICLE I—INHERITANCE TAX

"SECTION 1. (a) All real property and tangible and intangible personal property, or any interest therein, having its taxable situs in the District of Columbia, transferred from any person who may die seized or possessed thereof, either by will or by law, or by right of survivorship, and all such property, or interest therein, transferred by deed, grant, bargain, gift, or sale (except in cases of a bona fide purchase for full consideration in money or money's worth), made or intended to take effect in possession or enjoyment after the death of the decedent, or made in contemplation of death, to or for the use of, in trust or otherwise (including property of which the decedent has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from such property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom), to the father, mother, husband, wife, children by blood or legally adopted children, or any other lineal descendants or lineal ancestors of the decedent, shall be subject to a tax as follows: 1 percent of so much of said property as is in excess of \$5,000 and not in excess of \$50,000; 2 percent of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 3 percent of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 4 percent of so much of said property as is in excess of \$500,000 and not in excess of \$1,000,000; 5 percent of so much of said property as is in excess of \$1,000,000.

"(b) So much of said property so transferred to each of the brothers and sisters of the whole or half blood of the decedent shall be subject to a tax as follows: 3 percent of so much of said property as is in excess of \$2,000 and not in excess of \$25,000; 4 percent of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 6 percent of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 8 percent of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 10 percent of so much of said property as is in excess of \$500,000.

"(c) So much of said property so transferred to any person other than those included in paragraphs (a) and (b) of this section and all firms, institutions, associations, and corporations shall be subject to a tax as follows: 5 percent of so much of said property as is in excess of \$1,000 and not in excess of \$25,000; 7 percent of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 9 percent of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 12 percent of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 15 percent of so much of said property as is in excess of \$500,000.

"(d) Executors, administrators, trustees, and other persons making distribution shall only be discharged from liability for the amount of such tax, with the payment of which they are charged, by paying the same as hereinafter described.

"(e) Property transferred exclusively for public or municipal purposes, to the United States or the District of Columbia, or exclusively for charitable, educational, or religious purposes within the District of Columbia, shall be exempt from any and all taxation under the provisions of this section.

"(f) Where any beneficiary has died or may hereafter die within 6 months after the death of the decedent and before coming into the possession and enjoyment of any property passing to him, and before selling, assigning, transferring, or in any manner contracting with respect to his interest in such property, such property shall be taxed only once, and if the tax on the property so passing to said beneficiary has not been paid, then the tax shall be assessed on the property received from such share by each beneficiary thereof, finally entitled to the possession and enjoyment thereof, as if he had been the original beneficiary, and the exemptions and rates of taxation shall be governed by the respective relationship of each of the ultimate beneficiaries to the first decedent.

"(g) The provisions of article I of this title shall apply to property in the estate of every person who shall die after this title becomes effective.

"(h) The transfer of any property, or interest therein, within 2 years prior to death, shall, unless shown to the contrary, be deemed to have been made in contemplation of death.

"(i) All property and interest therein which shall pass from a decedent to the same beneficiary by one or more of the methods specified in this section, and all beneficial interests which shall accrue in the manner herein provided to such beneficiary on account of the death of such decedent, shall be united and treated as a single interest for the purpose of determining the tax hereunder.

"(j) Whenever any person shall exercise a general power of appointment derived from any disposition of property, made either before or after the passage of this title, such appointment, when made, shall be deemed a transfer taxable, under the provisions of this title, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power; and whenever any person possessing such power of appointment so derived shall omit or fail to exercise the same, within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this title shall be deemed to take place to the extent of such omissions or failure in the same manner as though the person or persons thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by the will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

"(k) The doctrine of equitable conversion shall not be invoked in the assessment of taxes under this article.

"Sec. 2. The tax provided in section 1 shall be paid on the market value of the property or interest therein at the time of the death of the decedent as appraised by the assessor, or, in the discretion of the assessor, upon the value as appraised by the probate court of the District. The taxable portion of real or personal property held jointly or by the entireties shall be determined by dividing the value of the entire property by the number of persons in whose joint names it was held.

"Sec. 3. The appraisal thus made shall be deemed and taken to be the true value of the said property or interest therein upon which the said tax shall be paid, and the amount of said tax and the tax imposed by article II of this title shall be a lien on said property or interest therein for the period of 10 years from the date of death of the decedent: *Provided, however*, That such lien shall not attach to any personal property sold or disposed of for value by an administrator, executor, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia or by a trustee appointed under a will filed with the register of wills for the District or by order of said court, or his successor approved by said court, but a lien for said taxes shall attach on all property acquired in substitution therefor for a period of 10 years after the acquisition of such substituted property: *And provided further*, That such lien upon such substituted property shall, upon sale by such personal representatives, be extinguished and shall reattach in the manner as provided with respect of such original property.

"Sec. 4. The personal representative of every decedent, the gross value of whose estate is in excess of \$1,000, shall, within 15 months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose, an itemized schedule of all the property (real, personal, and mixed) of the decedent, the market value thereof at the time of the death of the decedent, the name or names of the persons to receive the same, and the actual value of the property that each will receive, the relationship of such persons to the decedent, and the age of any persons who receive a life interest in the property, and any other information which the assessor may require. Said personal representative shall, within 18 months of the date of the death of the decedent and before distribution of the estate, pay to the collector of taxes the taxes imposed by section 1 upon the distributive shares and legacies in his hands and the tax imposed by section 1 hereof against each distributive share or legacy shall be charged against such distributive share or legacy unless the will shall otherwise direct.

"Sec. 5. The personal representative of the decedent shall collect from each beneficiary entitled to a distributive share or legacy the tax imposed upon such distributive share or legacy in section 1 hereof, and if the said beneficiary shall neglect or fail to pay the same within 15 months after the date of the death of the decedent such personal representative shall, upon the order of the District Court of the United States for the District of Columbia, sell for cash so much of said distributive share or legacy as may be necessary to pay said tax and all the expenses of said sale.

"Sec. 6. Every person entitled to receive property taxable under section 1 hereof, which property is not under the control of a personal representative, and is over \$1,000 in value, shall, within 6 months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose, an itemized schedule of all property (real, personal, and mixed) received or to be received by such person; the market value of the same at the time of the death of the decedent and the relationship of such person to the decedent; and any other information which the assessor may require. The tax on the transfer of any such property shall be paid by such person to the collector of taxes within 9 months after the date of the death of the decedent: *Provided, however*, That with respect to real estate passing by will or inheritance such report shall be made within 15 months after the death of the decedent, and the tax on the transfer thereof shall be paid within 18 months after the date of the death of the decedent.



"SEC. 7. In the case of any grant, deed, devise, descent, or bequest of a life interest or term of years, the donee for life or years shall pay a tax only on the value of his interest, determined in a manner as the Commissioners by regulation may prescribe, and the donee of the future interest shall pay a tax only on his interest as based upon the value thereof at the time of the death of the decedent creating such interest. The value of any future interest shall be determined by deducting from the market value of such property at the time of the death of such decedent the value of the precedent life interest or term of years. Where the future interest is vested the donee thereof shall pay the tax within the time in which the tax upon the precedent life interest or term of years is required to be paid under the provisions of sections 4 and 6 of this article, as the case may be. Where the future interest is contingent the personal representative of such decedent or the persons interested in such contingent future estate shall have the option of (1) paying, within the time herein provided for the payment of taxes due upon vested future interests, a tax equal to the mean between the highest possible tax and the lowest possible tax which could be imposed under any contingency or condition whereby such contingent future interest might be wholly or in part created, defeated, extended, or abridged; or (2) paying the tax upon such transfer at the time when such future interest shall become vested at rates and with exemptions in force at the time of the death of the decedent: *Provided*, That the personal representative or trustee of the estate of the decedent or the persons interested in the future contingent interest shall deposit with the assessor a bond in the penal sum of an amount equal to twice the tax payable under option (1) hereof. Such bonds shall be payable to the District and shall be conditioned for the payment of such tax when and as the same shall become due and payable. The tax upon the transfer of future interests or remainders shall be a lien upon the property or interest transferred from the date of the death of the decedent creating the interests and shall remain in force and effect until 10 years after the date when such remainder or future interest shall become vested in the donee thereof. If the tax upon the transfer of a contingent future interest is paid before the same shall become vested, such tax shall be paid by the personal representative out of the corpus of the estate of the decedent, otherwise by the person or persons entitled to receive the same."

#### "ARTICLE II—ESTATE TAXES

"SECTION 1. In addition to the taxes imposed by article I, there is hereby imposed upon the transfer of the estate of every decedent who, after this title becomes effective, shall die a resident of the District, a tax equal to 80 percent of the Federal estate tax imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted.

"SEC. 2. There shall be credited against and applied in reduction of the tax imposed by section 1 of this article the amount of any estate, inheritance, legacy, or succession tax lawfully imposed by any State or Territory of the United States, in respect of any property included in the gross estate for Federal estate-tax purposes as prescribed in title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted: *Provided, however*, That only such taxes as are actually paid and credit therefor claimed and allowed against the Federal estate tax may be applied as a credit against and in reduction of the tax imposed by section 1.

"SEC. 3. In no event shall the tax imposed by section 1 of this article exceed the difference between the maximum credit which might be allowed against the Federal estate tax imposed by title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, and the aggregate amount of the taxes described in section 2 of this article (but not including the tax imposed by sec. 1) allowable as a credit against the Federal estate tax.

"SEC. 4. The purpose of section 1 of this article is to secure for the District the benefit of the credit allowed under the provisions of section 301 (c) of title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, to the extent that the District may be entitled by the provisions of said revenue act, by imposing additional taxes, and the same shall be liberally construed to effect such purpose: *Provided*, That the amount of the tax imposed by section 1 of this article shall not be decreased by any failure to secure the allowance of credit against the Federal estate tax.

"SEC. 5. A tax is hereby imposed upon the transfer of real property or tangible personal property in the District of every person who at the time of death was a resident of the United States but not a resident of the District, and upon the transfer of all property, both real and personal, within the District of every person who at the time of death was not a resident of the United States, the amount of which shall be a sum equal to such proportion of the amount by which the credit allowable under the applicable Federal revenue act for estate, inheritance, legacy, and succession taxes actually paid to the several States exceeds the amount actually so paid for such taxes, exclusive of estate taxes based upon the difference between such credit and other estate taxes and inheritance, legacy, and succession taxes, as the value of the property in the District bears to the value of the entire estate, subject to estate tax under the applicable Federal revenue act.

"SEC. 6. Every executor or administrator of the estate of a decedent dying a resident of the District or of a nonresident decedent owning real estate or tangible personal property situated in the District, or of an alien decedent owning any real estate, tangible or intangible personal property situated in the District, or,

if there is no executor or administrator appointed, qualified, and acting, then any person in actual or constructive possession of any property forming a part of an estate subject to estate tax under this title shall, within 16 months after the death of the decedent file with the assessor a copy of the return required by section 304 of the Revenue Act of 1926, verified by the affidavit of the person filing said return with the assessor, and shall, within 30 days after the date of any communication from the Commissioner of Internal Revenue, confirming, increasing, or diminishing the tax shown to be due, file a copy of such communication with the assessor. With the copy of the Federal estate-tax return there shall be filed an affidavit as to the several amounts paid or expected to be paid as taxes within the purview of section 2 of this article: *Provided, however*, That in any case where the time for the filing of such return as required by section 304 of the Revenue Act of 1926 is extended without penalty by the Bureau of Internal Revenue, then the copy thereof verified as aforesaid may be filed with the assessor within 30 days after the expiration of said extended period.

"SEC. 7. The assessor shall, upon receipt of the return and accompanying affidavit, assess such amount as he may determine, from the basis of the return, to be due the District. Upon receipt of a copy of any communication from the Commissioner of Internal Revenue, herein required to be filed, the assessor shall make such additional assessment or shall make such abatement of the assessment as may appear proper.

"SEC. 8. The estate taxes imposed by this article shall be paid to the collector of taxes within 17 months after the death of the decedent: *Provided, however*, That in any case where the time for the payment of taxes imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, is extended by the Bureau of Internal Revenue, then the tax imposed by this article shall be paid within 60 days after the expiration of such extended period, together with interest as provided in section 4 of article IV of this title: *Provided further*, That any additional assessment found to be due under section 7 of this article shall be paid to the collector of taxes within 30 days after the determination of such additional assessment by the assessor.

#### "ARTICLE III—GENERAL

"SECTION 1. The bond of the personal representative of the decedent shall be liable for all taxes and penalties assessed under this title, except inheritance taxes and penalties imposed in relation to the transfer of property not under the control of such personal representative: *Provided*, That in no case shall the bond of the personal representative be liable for a greater sum than is actually received by him.

"SEC. 2. The register of wills of the District shall report to the assessor on forms provided for the purpose every qualification in the District upon the estate of a decedent. Such report shall be filed with the assessor at least once every month, and shall contain the name of the decedent, the date of his death, the name and address of the personal representative, and the value of the estate, as shown by the petition for administration or probate.

"SEC. 3. The Commissioners shall have supervision of the enforcement of this title and shall have the power to make such rules and regulations, consistent with its provisions, as may be necessary for its enforcement and efficient administration and to provide for the granting of extension of time within which to perform the duties imposed by this title. The assessor shall determine all taxes assessable under this title and immediately upon the determination of same, shall forward a statement of the taxes determined to the person or persons chargeable with the payment thereof and shall give advice thereof to the collector of taxes. The assessor is hereby authorized and empowered to summon any person before him to give testimony on oath or affirmation or to produce all books, records, papers, documents, or other legal evidence as to any matter relating to this title, and the assessor is authorized to administer oaths and to take testimony for the purposes of the administration of this title. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then and in that event the assessor may report that fact to the District Court of the United States for the District of Columbia or one of the justices thereof, and said court or any justice thereof hereby is empowered to compel obedience to said summons to the same extent as witnesses may be compelled to obey the subpoenas of that court.

"SEC. 4. If the taxes imposed by this title are not paid when due, 1 percent interest for each month or portion of a month from the date when the same were due until paid shall be added to the amount of said taxes and collected as a part of the same, and said taxes shall be collected by the collector of taxes in the manner provided by the law for the collection of taxes due the District on personal property in force at the time of such collection: *Provided, however*, That where the time for payment of the tax imposed by this title is extended by the assessor or where the payment of the tax is lawfully suspended under the regulations for the administration of this title, interest shall be paid at the rate of 6 percent per annum from the date on which the tax would otherwise be payable.

"SEC. 5. If any person shall fail to perform any duty imposed upon him by the provisions of this title or the regulations made hereunder the Commissioners may proceed by petition for mandamus to compel performance and upon the granting of such writ

the court shall adjudge all costs of such proceeding against the delinquent.

"Sec. 6. Any person required by this title to file a return who fails to file such return within the time prescribed by this title, or within such additional time as may be granted under regulations promulgated by the Commissioners, shall become liable in his own person and estate to the District in an amount equal to 10 percent of the tax found to be due. In case any person required by this title to file a return knowingly files a false or fraudulent return, he shall become liable in his own person and estate to the said District in an amount equal to 50 percent of the tax found to be due. Such amounts shall be collected in the same manner as is herein provided for the collection of the taxes levied under this title.

"Sec. 7. Any person required by this title to pay a tax or required by law or regulation made under authority thereof to make a return or keep any records or supply any information for the purposes of computation, assessment, or collection of any tax imposed by this title, who willfully fails to pay such tax, make any such return, or supply any such information at the time or times required by law or regulation shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

"Sec. 8. When the assessor is satisfied that the tax liability imposed by this title has been fully discharged or provided for, he may, under regulations prescribed by the Commissioners, issue his certificate, releasing any or all property from the lien herein imposed.

"Sec. 9. No person holding, within the District, tangible or intangible assets of any resident or nonresident decedent, of the value of \$300 or more, shall deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, unless notice of the date and place of such intended transfer be served upon the assessor of the District of Columbia at least 10 days prior to such delivery or transfer, nor shall any person holding, within the District of Columbia, any assets of a resident or nonresident decedent, of the value of \$300 or more, deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by said district court without retaining a sufficient portion or amount thereof to pay any tax which may be assessed on account of the transfer of such assets under the provisions of articles I and II without an order from the assessor of the District of Columbia authorizing such transfer. It shall be lawful for the assessor of the District, personally, or by his representatives, to examine said assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain as herein required a sufficient portion or amount to pay the taxes imposed by this title shall render such person liable to the payment of such taxes. The assessor of the District may issue a certificate authorizing the transfer of any such assets whenever it appears to the satisfaction of said assessor that no tax is due thereon: *Provided, however*, That any corporation, foreign or domestic to the District, having outstanding stock or other securities registered in the sole name of a decedent whose estate or any part thereof is taxable under this title, may transfer the same, without notice to the assessor and without liability for any tax imposed thereon under this title, upon the order of an administrator, executor, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, or by a trustee appointed under a will filed with the register of wills of the District, or appointed by said court, or his successor approved by said court: *Provided further*, That the lessor of a safe-deposit box standing in the joint names of a decedent and a survivor or survivors may deliver the entire contents of such safe-deposit box to the survivor or survivors, after examination of such contents by the assessor or his representative, without any liability on the part of the said lessor for the payment of such tax.

"Sec. 10. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed under this title or relative to any person whose estate is subject to the provisions of this title.

"Sec. 11. If any return required by this title is not filed with the assessor when due, the assessor shall have the right to determine and assess the tax or taxes from such information as he may possess or obtain.

"Sec. 12. The assessor is authorized to enter into an agreement with any person liable for a tax on a transfer under article I of this title, in which remainders or expectant estates are of such nature or so disposed and circumscribed that the value of the interest is not ascertainable under the provisions of this title, and to compound and settle such tax upon such terms as the assessor may deem equitable and expedient.

"Sec. 13. In the interpretation of this title, unless the context indicates a different meaning, the term "tax" means the tax or taxes mentioned in this title.

"(a) The term "District" means the District of Columbia.

"(b) The term "Commissioners" means the Commissioners of the District of Columbia, or their duly authorized representative or representatives.

"(c) The term "assessor" means the assessor of the District of Columbia or his duly authorized representative or representatives.

"(d) The term "collector of taxes" means the collector of taxes for the District of Columbia, or his duly authorized representative or representatives.

"(e) The term "Metropolitan Police Department" means the Metropolitan Police Department of the District of Columbia.

"(f) The term "include" when used in a definition contained in this title, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"(g) The term "resident" means domiciled and the term "residence" means domicile.

"Sec. 14. The provisions of this title shall become effective at 12:01 a. m., the day immediately following its approval."

#### "TITLE VI—TAX ON PRIVILEGE OF DOING BUSINESS

"SECTION 1. Title VI of the District of Columbia Revenue Act of 1937, as amended by an act entitled 'An act to amend the District of Columbia Revenue Act of 1937, and for other purposes', approved May 16, 1938, is amended to read as follows:

"Sec. 1. Where used in this title—

"(a) The term "person" includes any individual, firm, partnership, joint adventure, association, corporation (domestic or foreign), trust, estate, receiver, or any other group or combination, acting as a unit; and all bus lines, truck lines, radio-communication lines or networks, telegraph lines, telephone lines, or any instrumentality of commerce, but shall not include railroads, railroad-express companies, steamship companies, and air-transportation lines.

"(b) The term "District" means the District of Columbia.

"(c) The term "taxpayer" means any person liable for any tax hereunder.

"(d) The term "Commissioners" means the Commissioners of the District or their duly authorized representative or representatives.

"(e) The term "business" shall include the carrying on or exercising for gain or economic benefit, either direct or indirect, any trade, business, profession, vocation, or commercial activity, including the renting or leasing of real or personal property, in any commerce whatsoever in the District, in or on privately owned property and in or on property owned by the United States Government, or by the District, not including, however, labor or services rendered by any individual as an employee for wages, salary, or commission.

"The term "business" shall not include the usual activities of boards of trade, chambers of commerce, trade associations or unions, or other associations performing the services usually performed by trade associations and unions, community chest funds or foundations, corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or club or fraternal organizations operated exclusively for social, literary, educational, or fraternal purposes, where no part of the net earnings or income or receipts from such units, groups, or associations inure to any private shareholder or individual, and no substantial part of the activities of which is carried on for propaganda or attempt to influence legislation: *Provided, however*, That if any such units, groups, or associations shall engage in activities other than the activities in which such units, groups, or associations usually engage, such activities shall be included in the term "business": *Provided further*, That activities conducted for gain or profit by any educational institution, hospital, or any other institution mentioned in this subparagraph, are included in the term "business." Nor shall the term "business" include the usual activities of farmers' cooperative associations, as that term is defined in the Farm Credit Act of 1933, nor the members of such associations.

"(f) The term "gross receipts" means the gross receipts received from any business in the District, including cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials, labor, or services, or other costs, interest or discount paid, or any expense whatsoever: *Provided, however*, That any credits included by a taxpayer in a prior return of gross receipts which shall not have been collected during the period since the filing of the return in which the credit was included may be deducted from the gross receipts covered by the subsequent return: *Provided further*, That if such credit shall be collected during a succeeding taxable period, such items shall be included in the return of gross receipts for such succeeding taxable period: *Provided further*, That the term "gross receipts" when used in connection with or in respect to financial transactions involving the sale of notes, stocks, bonds, and other securities, or the loan, collection, or advance of money, or the discounting of notes, bills, or other evidences of debt, shall be deemed to mean the gross interest, discount, or commission, or other gross income earned by means of or resulting from said financial transactions: *Provided further*, That in connection with commission merchants, attorneys, or other agents, the term "gross receipts" shall be deemed to mean the gross amount of such commissions or gross fees received by them, and as to stock and bond brokers, the term "gross receipts" shall be deemed to mean gross amount of commissions or gross fees received, the gross trading profit on securities bought and sold, and the gross interest income on marginal accounts from business done or arising in the District: *Provided further*, That with respect to contractors the term "gross receipts" shall mean their total receipts, less money paid by them to subcontractors for work and labor performed, and material furnished by such subcontractors in connection with such work and labor.



"(g) The term "fiscal year" means the year beginning on the 1st day of July and ending on the 30th day of June following.

"(h) The term "original license" shall mean the first license issued to any person for any single place of business and the term "renewal license" shall mean any subsequent license issued to the same person for the same place of business.

"(i) The terms "include" and "including" when used in this title in connection with a class or group, or in a definition contained in this title, shall not be deemed to exclude other persons or things otherwise within such class or group, or within the meaning of the term defined, as the case may be.

"Sec. 2. (a) No person shall engage in or carry on any business in the District without having a license required by this title so to do from the Commissioners, except that no license shall be required of any person selling newspapers, magazines, and periodicals, whose sales are not made from a fixed location and which sales do not exceed the annual sum of \$2,000, nor of any person conducting a display or exhibit of merchandise as a part of or in connection with any convention of merchants or manufacturers held within the District and negotiating or procuring orders for merchandise displayed thereat: *Provided, however*, That such person shall not be relieved from the requirement of reporting and paying the tax computed on the gross receipts derived from business carried on by such person within the District.

"(b) All licenses issued under this title shall be in effect for the duration of the fiscal year in which issued, unless revoked as herein provided, and shall expire at midnight of the 30th day of June of each year. No license may be transferred to any other person.

"(c) All licenses granted under this title must be conspicuously posted on the premises of the licensee and said license shall be accessible at all times for inspection by the police or other officers duly authorized to make such inspection. Licensees having no located place of business shall exhibit their licenses when requested to do so by any of the officers above named.

"(d) Licenses shall be good only for the location designated thereon; except in the case of licenses issued hereunder for businesses which in their nature are carried on at large and not at a fixed place of business. No license shall be issued for more than one place of business without a payment of a separate fee for each except where a taxpayer is engaged in the business of renting real estate.

"(e) Any person not having an office or place of business in the District but who does or transacts business in the District by or through an employee or agent, shall procure the license provided by this title. Said license shall be carried and exhibited by said employee or agent: *Provided, however*, That where said person does or transacts business in the District by or through two or more employees or agents, each such employee or agent shall carry either the license or a certificate from the Commissioners that the license has been obtained. Such certificates shall be in such form as the Commissioners shall determine and shall be furnished without charge by the Commissioners upon request. No employee or agent of a person not having an office or place of business within the District shall engage in or carry on any business in the District for or on behalf of such person unless such person shall have first obtained a license as provided by this title.

"(f) The Commissioners may, after hearing, revoke any license issued hereunder for failure of the licensee to file a return or corrected return within the time required by this title as originally enacted or amended or to pay any installment of tax when due thereunder.

"(g) Licenses shall be renewed for the ensuing fiscal year upon application as provided in section 3 of this title: *Provided, however*, That no license shall be issued if the taxpayer has failed or refused to pay any tax or installment thereof or penalties thereon imposed by this title as originally enacted or as amended: *Provided further*, That the Commissioners in their discretion for cause shown may, on such terms and conditions as they may determine or prescribe, waive the provisions of this paragraph.

"Sec. 3. (a) Applications for license shall be upon a form prescribed and furnished by the Commissioners, and each application shall be accompanied by a fee of \$10: *Provided, however*, That no fee for the renewal of any license previously issued shall be required of any person if he shall certify under oath (1) that his gross receipts during the year immediately preceding his application, if he was engaged in business during all of such period of time, or (2) that his gross receipts as computed in section 5 of this title, if he was engaged in business for less than 1 year immediately preceding his application, were not more than \$2,000. Application for an original license may be made at any time. Application for a renewal of license shall be made during the month of May immediately preceding the fiscal year for which it is desired that the license be renewed: *Provided further*, That where an original license is issued to any person after the 1st day of May of any year, application for a renewal of such license for the ensuing fiscal year may be made at any time prior to the expiration of the fiscal year in which such original license was issued.

"(b) In the event of the failure of a licensee to apply for renewal of a license or licenses within the time prescribed herein, such licensee shall be required to pay for the renewal of each license the sum of \$5 in addition to the fees prescribed herein, and the license fee in no event shall be less than \$5 for each such renewal license.

"Sec. 4. (a) Every person subject to the provisions of this title, whose annual gross receipts during the preceding calendar year

exceed \$2,000, shall, during the month of July of each year, furnish to the assessor, on a form prescribed by the Commissioners, a statement under oath showing the gross receipts of the taxpayer during the preceding calendar year, which return shall contain such other information as the Commissioners may deem necessary for the proper administration of this title. The burden of proof shall be upon the person claiming exemption from the requirement of filing a return to show that his gross annual receipts are not in excess of \$2,000.

"(b) The Commissioners, for the purpose of ascertaining the correctness of any return filed hereunder, or for the purpose of making a return where none has been made, are authorized to examine any books, papers, records, or memoranda of any person bearing upon the matters required to be included in the return, and may summon any person to appear and produce books, records, papers, or memoranda bearing upon the matters required to be included in the return, and to give testimony or answer interrogatories under oath respecting the same, and the Commissioners shall have power to administer oaths to such person or persons. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then, and in that event, the Commissioners may report that fact to the District Court of the United States for the District of Columbia, or one of the justices thereof, and said court or any justice thereof hereby is empowered to compel obedience to such summons to the same extent as witnesses may be compelled to obey the subpoenas of that court.

"(c) The Commissioners are authorized and empowered to extend for cause shown the time for filing a return for a period not exceeding 30 days.

"Sec. 5. (a) For the privilege of engaging in business in the District during any fiscal year after June 30, 1939, each person so engaged shall pay to the collector of taxes a tax measured upon gross receipts in excess of \$2,000 derived from such business for the calendar year immediately preceding, as follows:

"1. Dealers in goods, wares, and merchandise, the owners of rental, real, and personal property, persons who supply transportation for hire, and all other persons engaged in a business in which capital is the primary material factor in the production of gross receipts shall pay a tax equal to four-tenths of 1 percent of such excess gross receipts derived by them respectively from such businesses: *Provided, however*, That with respect to dealers in goods, wares, and merchandise, where the spread or difference between the cost of goods sold and the sale price does not exceed 5 percent of the cost of the goods sold, one-tenth of 1 percent of such dealers' excess gross receipts; where such spread or difference exceeds 5 but does not exceed 10 percent, two-tenths of 1 percent of such dealers' excess gross receipts; and where such spread or difference exceeds 10 percent but does not exceed 15 percent, three-tenths of 1 percent of such dealers' excess gross receipts; and where such spread or difference exceeds 15 percent, four-tenths of 1 percent of such dealers' excess gross receipts. The cost of such goods, wares, and merchandise sold shall be determined after considering the inventories both at the beginning and at the end of the period covered by the return and purchases made during such period, and such inventories shall be valued at cost or market, whichever is lower, and shall be in agreement with the inventories as reflected by the books of such dealers. The cost of goods, wares, and merchandise shall be the actual purchase price, including the prevailing freight rate to the dealer's place of business in the District. The burden of proving under which classification the taxpayer shall be taxed shall be upon the taxpayer, and, unless the taxpayer shall by proof satisfactory to the assessor show to the contrary, the spread or difference between the cost of goods, wares, and merchandise sold by the taxpayer and the selling price of such goods, wares, and merchandise shall be presumed to be in excess of 15 percent of the cost of the goods, wares, and merchandise sold, and the taxpayer shall be taxed accordingly.

"2. Attorneys at law, physicians, surgeons, dentists, oculists, nurses, accountants, commission merchants, factors, musicians, artists, brokers, agents, engineers, architects, interior decorators, osteopathic physicians, surveyors, Christian Science practitioners, clairvoyants, phrenologists, and all other persons engaged in a business in which personal services are the primary material factor in the production of gross receipts shall pay a tax equal to 1 percent of such excess gross receipts derived by them respectively from such businesses. With respect to any corporation which shall conduct, carry on, or transact any business described in this subparagraph, such corporation shall be subject to the provisions of this subparagraph to the same extent as if such business had been conducted, transacted, or carried on by an individual or individuals.

"3. All persons other than those mentioned in subparagraphs (1) and (2) of this paragraph shall pay a tax equal to 1 percent of the gross receipts derived by such persons from such business. The burden of proving that the taxpayer should be classified under subparagraph (1) of this paragraph shall be upon the taxpayer, and, unless the taxpayer shall by proof satisfactory to the assessor show to the contrary, the taxpayer shall be classified under subparagraph (2) of this paragraph.

"(b) If a taxpayer shall not have been engaged in business during the entire calendar year upon the gross receipts of which the tax imposed by this title is measured, he shall pay the tax imposed by this title measured by his gross receipts during the period of 1 year from the date when he became so engaged; and if such taxpayer shall not have been so engaged for an entire year prior to the beginning of the fiscal year for which the tax is imposed, then the tax imposed shall be measured by his gross

receipts during the period in which he was so engaged, multiplied by a fraction, the numerator of which shall be 365 and the denominator of which shall be the number of days in which he was so engaged.

"(c) If a person liable for the tax during any year or portion of a year for which the tax is computed acquires the assets or franchises of or merges or consolidates his business with the business of any other person or persons, such person liable for the tax shall report, as his gross receipts by which the tax is to be measured, the gross receipts for such year of such other person or persons, together with his own gross receipts during such year.

"Sec. 6. National banks and all other incorporated banks and trust companies, street railroad, gas, electric lighting, and telephone companies, companies incorporated or otherwise, which guarantee the fidelity of any individual or individuals, such as bonding companies, companies which furnish abstracts of title, savings banks, and building and loan associations which pay taxes under existing laws of the District upon gross receipts or gross earnings and insurance companies which pay a tax upon premiums shall be exempt from the provisions of this title.

"Sec. 7. (a) The taxes imposed hereby shall be due on the 1st day of July of the fiscal year for which such taxes are assessed and may be paid, without penalty, to the collector of taxes of the District in equal semiannual installments in the months of October and April following. If either of said installments shall not be paid within the month when the same is due, said installment shall thereupon be in arrears and delinquent and there shall be added, and collected, to said tax a penalty of 1 percent per month upon the amount thereof for the period of such delinquency, and said installment with the penalties thereon shall constitute a delinquent tax.

"(b) Any tax on tangible personal property (other than motor vehicle) levied against and paid by the taxpayer to the District, shall be allowed as a credit against the tax due by such taxpayer under this title for the taxable year for which such tax on tangible personal property is assessed.

"Sec. 8. If a return required by this title is not filed, or if a return when filed is incorrect or insufficient and the maker fails to file a corrected or sufficient return within 20 days after the same is required by notice from the assessor, the assessor shall determine the amount of tax due from such information as he may be able to obtain, and if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, stock on hand, and other factors. The assessor shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax, subject, however, to appeal as provided in sections 3 and 4 of title IX of this act.

"Sec. 9. Any person failing to file a return or corrected return within the time required by this title shall be subject to a penalty of 10 percent of the tax imposed by this title for the first month of delay plus 1 percent of such tax for each additional month of delay or fraction thereof: *Provided, however,* That if such failure shall be due to willful neglect or disregard of the provisions of this title or regulations prescribed for its enforcement such penalty shall be 10 percent of the tax imposed by this title for the first month of delay plus 5 percent of such tax for each additional month of delay or fraction thereof. Such penalty shall be computed upon and added to the tax imposed by this title before any allowance or credit for tangible personal property tax paid by the taxpayer is allowed, as provided in section 7 (b) hereof.

"Sec. 10. Any notice authorized or required under the provisions of this title may be given by mailing the same to the person for whom it is intended, addressed to such person at the address given in the return filed by him pursuant to the provisions of this title, or if no return has been filed, then to his last-known address. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which must be determined under the provisions of this title by the giving of notice shall commence to run from the date of mailing such notice.

"Sec. 11. The taxes levied hereunder and penalties may be assessed by the assessor and collected by the collector of taxes of the District in the manner provided by law for the assessment and collection of taxes due to the District on personal property in force at the time of such assessment and collection.

"Sec. 12. Any person engaging in or carrying on business without having a license so to do, or failing or refusing to file a sworn report as required herein, or to comply with any rule or regulation of the Commissioners for the administration and enforcement of the provisions of this title shall, upon conviction thereof, be fined not more than \$300 for each and every failure, refusal, or violation, and each and every day that such failure, refusal, or violation continues shall constitute a separate and distinct offense. All prosecutions under this title shall be brought in the police court of the District on information by the corporation counsel or his assistant in the name of the District.

"Sec. 13. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed under this title.

"Sec. 14. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioners or any person having an administrative duty under this title to divulge or make known in any manner the receipts

or any other information relating to the business of a taxpayer contained in any return required under this title. The persons charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the United States or the District, or on behalf of any party to any action or proceeding under the provisions of this title, when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence so much of such returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer, or his duly authorized representative, of a certified copy of any return filed in connection with his tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the corporation counsel of the District or any of his assistants of the return of any taxpayer who shall bring action to set aside or review the tax based thereon or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for 3 years and thereafter until the Commissioners order them to be destroyed. Any violation of the provisions of this section shall be subject to the punishment provided by section 12 of this title.

"Sec. 15. This title shall not be deemed to repeal or in any way affect any existing act or regulation under which taxes are now levied or any license or license fees are now required.

"Sec. 16. Appropriations are hereby authorized for such additional personnel and expenses as may be necessary to carry out the provisions of this act.

"Sec. 17. The proper apportionment and allocation of gross receipts with respect to sources within and without the District may be determined by processes or formulas of general apportionment under rules and regulations prescribed by the Commissioners."

"Sec. 2. The amendments made by this title shall not affect the taxes imposed and the licenses required by the provisions of title VI of the District of Columbia Revenue Act of 1937, as originally enacted, or as amended by the act entitled 'An act to amend the District of Columbia Revenue Act of 1937, and for other purposes,' approved May 16, 1938. The provisions of title VI of the District of Columbia Revenue Act of 1937, as amended by an act entitled 'An act to amend the District of Columbia Revenue Act of 1937, and for other purposes,' approved May 16, 1938, shall remain effective to and including June 30, 1939; and the amendments made by this title shall be effective July 1, 1939.

#### "TITLE VII—FEES AND FINES

"On and after July 1, 1939, there shall be credited to the District of Columbia that proportion of the fees and fines collected by the District Court of the United States for the District of Columbia, including fees and fines collected by the offices of the clerk of that court and of the United States marshal for the District of Columbia, as the amount paid by the District of Columbia toward salaries and expenses of such court and of the offices of the United States district attorney for the District of Columbia and of the United States marshal for the District of Columbia bears to the total amount of such salaries and expenses; and such proportion of the fees and fines, if any, collected by the United States Court of Appeals for the District of Columbia, including fees and fines, if any, collected by the office of the clerk of that court, as the amount paid by the District of Columbia toward the salaries and expenses of such court bears to the total amount of such salaries and expenses.

#### "TITLE VIII—GENERAL PROVISIONS

##### "SEPARABILITY CLAUSE

"SECTION 1. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

##### "RULES AND REGULATIONS

"Sec. 2. The Commissioners shall prescribe and publish all needful rules and regulations for the enforcement of this act."

Mr. NICHOLS. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and request a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. RANDOLPH. Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H. R. 6577, the District of Columbia revenue bill, be instructed to agree to a sum not to exceed \$6,000,000 as the Federal contribution to the District of Columbia for the fiscal year 1940.

Mr. RANDOLPH. Mr. Speaker, I shall take only a few minutes in explanation of my position, a position which is supported by one other member of the House conferees. Personally I want to make it clear that I am not in favor of the so-called formula sponsored by Senator OVERTON, of Louisiana,



a gentleman for whom I have a high regard, representing the Senate conferees on the District of Columbia tax bill, a formula which would bring the sum of the Federal contribution to approximately \$7,750,000 or \$8,000,000 annually. I do feel, however, that I want as an individual to ask this House to express itself this afternoon on a vote authorizing the \$6,000,000 instead of the \$5,000,000 figure.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. May I call the attention of the gentleman to the fact that the House expressed itself on this matter the other night when it supported the position of the conferees on the District of Columbia appropriation bill. This House, by a vote of 216 to 12, supported the conferees on the appropriation bill and instructed them to stand by the particular item that called for appropriating not more than \$5,000,000 to the District budget.

Mr. RANDOLPH. I may say in answer to the observation of the gentleman from South Dakota, that the statement he makes is correct as to the recent vote. However, that was the position of the House in connection with the District of Columbia appropriation bill, while this is in connection with the 1939 revenue measure for the District of Columbia, a measure which is in conference and on which House and Senate conferees cannot agree, and on an item in disagreement in which I am attempting an honest compromise.

May I say further that I do not believe in the \$8,000,000 asked by the Senate under the Overton formula. I believe the \$5,000,000 limitation written into the tax measure for the District of Columbia, and supported by this House inferentially by the vote on the appropriation bill, is an amount that is too low. I feel that a higher amount is right and justified for the District to receive from the Federal Government.

I say, however, that it is my feeling always that when a bill goes to conference, the desire of that conference is to bring out a legislative proposal that can be passed and become law. I have never, as an individual, been adamant in holding out in a conference because I feel there is a time for compromise. There must be a give and take.

In past years many, many times this House has agreed with the Senate on a Federal contribution far in excess of \$6,000,000 toward the running expenses of the District of Columbia. I feel that this afternoon, if this House—and I doubt if the House will do it—will express itself in favor of the \$6,000,000 the Senate conferees would agree and we might bring out even before the end of this fiscal year a revenue measure for the District of Columbia.

As Members of this Congress we are faced with the responsibility of legislating for the District of Columbia. We cannot escape this responsibility, and as long as we have the present system of government here and you and I are responsible for a tax bill for the District of Columbia and all other measures affecting the voteless citizens of this community—we tell them how to spend their money and we appropriate the money for them—I say there is a real responsibility, one which we cannot shirk, of attempting as far as possible to compromise our differences between the House and the Senate and bring out in the closing hours of this day a compromise to which I hope the Members of the House will agree.

I have nothing further to say. I want the gentleman from Oklahoma [Mr. NICHOLS] to be given, of course, some time, because he is in disagreement with the position I take, and I want just a few moments for the gentleman from Maryland [Mr. KENNEDY], who agrees with me in this position. Perhaps the gentleman from Illinois [Mr. DIRKSEN] and the gentleman from Massachusetts [Mr. BATES], the conferees on the minority side, will desire to speak, as they disagree with me on this compromise proposal.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. DOWELL. Can the gentleman explain to the House the difference between the tax bill limitation and that of the ap-

propriation bill? The gentleman just stated we fixed \$5,000,000 in the tax bill.

Mr. RANDOLPH. That was by the vote a few days ago when the gentleman from Mississippi [Mr. COLLINS] brought in the District of Columbia appropriation bill, and there was a vote on it in this House.

Mr. DOWELL. But that had the gentleman's approval, as I understand it, in the tax bill. What is the difference between the tax bill and the appropriation bill?

Mr. RANDOLPH. No; I did not say it had my approval. I said that I feel the \$5,000,000 sum is too low; I also feel the sum of \$8,000,000 is too high; and I am trying here this afternoon to effect a compromise of not to exceed \$6,000,000 as the Federal contribution to the running expenses of the District of Columbia government for the coming year.

Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I just want to take a minute on this. I hardly think it is necessary, because I certainly hope the House will not agree to the amendment offered by my colleague from West Virginia.

If the Senate conferees had agreed that they would accept \$6,000,000 as the Federal contribution, there might be a little reason for considering it. That proposition was made to the Senate conferees yesterday during the conference and they refused to accept \$6,000,000 as a compromise settlement. Further propositions were made to them on a percentage basis. It so happens that the so-called Overton formula is 20 percent of the present budget of the District of Columbia. It was suggested by way of compromise that we of the House conferees would be willing to come back and submit to the House a proposition of 14 percent, which would make \$5,600,000, instead of the 20 percent proposed by the Senate. The Senate conferees refused to accept that as a compromise.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. KENNEDY of Maryland. Is it not true that the committee, headed by the gentleman from Mississippi [Mr. COLLINS], has received an offer from the Senate committee to agree to \$6,400,000?

Mr. NICHOLS. Oh, I do not know. I will say to the gentleman from Maryland that on yesterday the Senate conferees said to our conferees on this committee that they would agree to 16 percent instead of 20 percent, which would raise \$6,400,000.

Mr. EDMISTON. What amount are the Senate conferees holding out for?

Mr. NICHOLS. The Senate conferees are holding out for the Overton formula, which will raise approximately \$8,000,000.

I know that the House is anxious to get away, and I am too, but at the risk of taking an additional minute of your time, I want to point out a thing or two about the Overton formula which the Senate is insisting upon. The gentlemen who sponsor the Overton formula have figured out that Government property in the District occupies 20 percent of the area of the District of Columbia, after you have taken out streets, alleys, and highways, and 40 percent of the park area. The amount left, then, is 20 percent of the entire area of the District of Columbia, which is owned by the Federal Government. Of course, that is real estate. The Overton formula, however, proposes to make the Federal Government pay by way of contribution 20 percent of the entire budget for the District of Columbia. Now, since it is only real estate that the Federal Government owns in the District of Columbia, there might be some reason to the Overton formula if it provided that the Federal Government pay by way of contribution 20 percent of the taxes paid on real estate in the District of Columbia, but let me point out to you what is included in the forty-odd-million-dollar budget that the Overton plan would have the Federal Government contribute to the District of Columbia for the support of its local government. It not only taxes the real

and personal property but it includes taxes on intangible personal property, which is money in the bank, stocks, and bonds, and so on.

It also includes a tax on the public utilities, personal tax on motor vehicles, and so on down the line. I might point out that it forces the Federal Government to pay 20 percent of the tax that is paid for dog licenses in the District of Columbia. It goes further than that. It would have the Federal Government pay 20 percent of the \$5,000,000 that the Federal Government has already contributed in this present fiscal year toward the support of the District Government. Of course, the thing cannot be feasible at all.

Taxes raised from real estate in the District of Columbia in the last fiscal year amounted to \$18,663,949.62. Let us say the Government owns personal property and let us have them pay 20 percent on the personal property. That is \$1,331,023.04. The total of those two figures is \$19,994,972.66. Twenty percent of that amount is approximately \$4,000,000—not yet as much as we now contribute to the Federal Government in the \$5,000,000 lump sum.

Certainly there is no justification and no equity in the demand of anyone who would ask the Federal Government to contribute more than \$5,000,000 for the support of the local government of the District of Columbia. [Applause.]

I hope the gentleman's amendment will be voted down.

Mr. RANDOLPH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, there are two committees of the House that function in the interest of the District of Columbia. One is the legislative committee, known as the Committee on the District of Columbia, which handles all legislation. The other is the subcommittee of the Committee on Appropriations, which prepares the appropriation bill for the District of Columbia.

On last Wednesday, late, a conference report on the appropriation bill was before you and by a vote of 216 to 12 this House very emphatically put itself on record as against any lump-sum appropriation or formula or appropriation in excess of \$5,000,000. Now, the tax bill that was prepared after months of labor on this side has finally gone to conference. The Senate has done many things to it, many major things; has made many major changes. One of the major changes was to change the lump-sum formula and adopt a formula named after Senator OVERTON, by which the amount of money to be appropriated to the District of Columbia would be resolved on the basis of the ratio of real estate owned by the United States to real estate in the District of Columbia, with certain exceptions. That formula would produce \$7,750,000. I for one believe that \$5,000,000 is ample to contribute out of the Federal Treasury to the District of Columbia for the services that we received. The conference report that was adopted a moment ago was brought back here in disagreement, and it is necessary once more for us to sit down with the Senators, but we cannot very well shape this tax bill and determine what to do unless the House once more expresses itself.

I hope here and now that you will very emphatically say to us, the conferees and to the conferees of the Senate, that in your good judgment and wisdom \$5,000,000 is enough. We do not want to temporize or compromise with the idea. So when the time comes for the vote, may you say to us and say to the Senate, if it represents your convictions, that \$5,000,000 is ample. If we do that, we are consistent and quite in line with the action taken on the conference report on the appropriation bill which was brought back here late on Wednesday night. [Applause.]

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. KENNEDY].

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in support of the motion of the gentleman from West Virginia [Mr. RANDOLPH], the distinguished chairman of the Committee on the District of Columbia. Let me say that I, too, am opposed to the so-called Overton formula, the method of taxation that has been described by my friend the gen-

tleman from Oklahoma [Mr. NICHOLS], an active member of the committee and chairman of the Subcommittee on Taxation, but I honestly believe, as the oldest member in point of service on the Committee on the District of Columbia, that if the membership of this House would give adequate attention to the affairs of the District of Columbia, they would better legislate and carry out their duties as legislators for the people of the District of Columbia.

At no time have I heard anyone say that \$5,000,000 is the proper amount for the Federal Government to contribute to the government of the District of Columbia. This amount, as far as I can ascertain, is arbitrarily arrived at and could well be either a larger or smaller amount.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. Will the gentleman tell why \$6,000,000 is the proper amount?

Mr. KENNEDY of Maryland. I will be glad to give my reason for believing \$6,000,000 is more like the proper amount than is \$5,000,000.

Mr. DIRKSEN. Will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Illinois.

Mr. DIRKSEN. It is a fact that three of the conferees are opposed to the increase, and two are in favor of some modification?

Mr. KENNEDY of Maryland. That is true. I might say I talked to one of the three conferees reported as being opposed to the \$5,000,000, and he stated that if another form of taxation is agreed upon he will be agreeable to \$6,000,000.

I think the Congress owes a duty to the people of Washington because, after all, they retain solely to themselves the right to legislate on this and other matters dealing purely with the local affairs of the people of the District. Let me make you acquainted with some of the history of this tax legislation as it applies to the District of Columbia. At one time the Congress appropriated on a 50-50 basis. Later this was changed to a 60-40 basis and the 60-40 basis continued until just a year or two ago when for some reason that has not been explained so far as I know up until this moment \$5,000,000 was fixed as the proper amount for the Federal Government to contribute toward the expenses of the government of the District of Columbia. I ask any member of this committee or of the House to explain to me now how the figure of \$5,000,000 was arrived at as the proper Federal contribution to the expenses of the government of the District of Columbia.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield.

Mr. BATES of Massachusetts. I ask the gentleman to tell the House how \$6,000,000 was arrived at as the proper amount? I might say further that if the Federal Government pays taxes at the rate of \$1.75 on its land holdings in the District of Columbia that the amount would still be less than the present contribution.

Mr. KENNEDY of Maryland. That is not a fact, and I can give the gentleman the exact figures. The gentleman is misinformed, but the gentleman from Massachusetts [Mr. BATES] is a very able and energetic member of the District of Columbia Committee. I understand that he now makes the statement that the application of the \$1.75 rate against the approximate assessable value of the property owned by the Federal Government in the District of Columbia—

Mr. BATES of Massachusetts. On the land owned by the Federal Government, that it would be the equivalent of \$6,000,000.

Mr. KENNEDY of Maryland. It would be more than that.

Mr. BATES of Massachusetts. It would be less than that.

Mr. KENNEDY of Maryland. Let me quote the figures. The valuation of the property owned by the Government in the District of Columbia during the year 1934 was \$550,000,000.



Mr. BATES of Massachusetts. How much of that was land?

Mr. KENNEDY of Maryland. I do not have the division.

Mr. BATES of Massachusetts. The land valuation amounts to \$340,000,000. That multiplied by \$1.75 a hundred is a figure of \$5,900,000.

Mr. KENNEDY of Maryland. The assessors office in 1934 showed that in that year the total exempt property in Washington was slightly less than 40 percent of the total of taxable and exempt property, whereas similar exemptions in other cities averaged less than 20 percent of that total. United States property exempt—\$550,000,000—was found in 1934 to be about 50 percent of the taxable real estate—\$1,130,000,000—in Washington.

If the assessed \$550,000,000 of Federal-owned real estate in the District were imagined to be taxed like privately owned property, at the \$1.50 rate, which then prevailed, that item alone would suggest in equity a lump sum of \$8,250,000.

#### NEW ESTIMATES COMPLETE

The District assessor, for the year 1937, completed new estimates of the amount of tax-exempt Federal property holdings in the District and of the total value of taxable property. These figures show that between 1934 and 1936-37 the property owned by the United States and tax exempt increased from approximately \$550,000,000 to \$649,728,158, while the total of taxable property decreased from \$1,168,252,220 to \$1,144,457,153, a reduction of about \$24,000,000. Substituting the figures of 1936-37 for those of 1934, the equitable lump-sum payments in lieu of taxation would obviously approximate \$9,750,000, or if the prevailing \$1.75 rate be applied, such imagined tax on Federal holdings would be about \$11,375,000.

Meanwhile the taxable area within the city limits is steadily and in some years largely decreased by condemnation or purchase of privately owned land and improvements for public tax-exempt purposes. When a steadily decreasing fraction of a city's area must bear the burden of a steadily increasing tax, largely to meet the fast-mounting expenses of a great and growing modern capital, and excessive tax burden is inevitable.

The District contributed in the fiscal year ending June 30, 1936, to the national taxes from which the national contribution to upbuilding of the District is derived, more than any one of over half of the States, more than 9 States combined and less per capita than only 11 of the States. According to the 1935-36 internal-revenue report, the District in that year not only contributed more than any one of the 25 of the States to the maintenance and upbuilding of the National Capital but paid more than one-half of the States to national expenditures in the States, including salaries of Representatives, Senators, and President. Washington's heavy burden, exceeding that of one-half of the States, is coupled with denial to Washington of participation in fixing the amount of these taxes and in collecting and spending them.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I yield 1 additional minute to the gentleman from Maryland.

Mr. KENNEDY of Maryland. It must be remembered that the services rendered by the District of Columbia to the Federal Government are far more than the services rendered by the Federal Government to the District government. The Jacobs report estimated that if they were put on a cash basis, the Federal Government would owe the District government \$2,000,000 for the extra services rendered by the District government for purely Federal functions in the District of Columbia. You realize, of course, that the District government must supply the water, health service, education, and all the other activities in which the Federal Government participates. Further than that, the District government is required to pay for the upkeep of the streets which cost much more than it does in other cities of comparable size because the streets of Washington are much wider and they are much more expensive to maintain.

I honestly feel that the Federal contribution should be greater. I think the contribution should be at least \$6,000,000.

The SPEAKER. The question is on the motion of the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 20, noes 223.

So the motion was rejected.

The SPEAKER. The Chair appoints the following conferees: Messrs. NICHOLS, RANDOLPH, KENNEDY of Maryland, DIRKSEN, and BATES of Massachusetts.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on the bill (S. 2065) to provide for the regulation of the sale of certain securities in interstate and foreign commerce and through the mails, and the regulation of the trust indentures under which the same are issued, and for other purposes, and that they may have until midnight tonight to file a report on House Joint Resolution 329, consenting to an interstate oil compact to conserve oil and gas.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what are the bills?

Mr. COLE of Maryland. One is a bill having to do with an interstate oil compact, and the other has to do with the regulation of certain securities.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. COLE]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at the point where I was given time on the stabilization bill this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

Mr. SMITH of Ohio and Mr. REES of Kansas asked and were given permission to extend their own remarks in the RECORD.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. CARLSON]?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by the senior Senator from the State of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. MAGNUSON]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein the Townsend creed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement of Fred S. Galloway of Indianapolis, Ind.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts taken from hearings had before the United States Senate Committee on Banking and Currency.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. MARTIN]?

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. MILLER]?

There was no objection.

#### NEUTRALITY ACT OF 1939

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, the Neutrality Act of 1939.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 306, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

SEC. 6. The foregoing provisions of this joint resolution shall not apply to any American republic.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 7, line 13, strike out the period, insert a colon and the following: "Provided, That the American republic is not cooperating with a non-American state or states in war."

#### INVITES WAR TO OUR DOORSTEPS

Mr. CASE of South Dakota. Mr. Chairman, section 6 is the most neglected, but may easily be the most important, section in this bill. Time should be taken for its consideration. I recall how the Spanish arms-embargo bill was passed. It was at the first session of which I was a Member, the second day of the Seventy-fifth Congress. The eloquent chairman of the Foreign Affairs Committee painted for us the picture of a ship, poised in New York Harbor, being loaded with \$4,000,000 worth of rifles, ready to run for Spain. We were told that unless we passed the bill that afternoon the boat would be beyond the authority of the United States to stop. The Senate had passed the bill, and the President was waiting to sign it. We did, and one lone man opposed the arms embargo, the then gentleman from Minnesota, Mr. Bernard. How surprised he would be were he here today to see who, 2 years later, are working to repeal the arms-embargo portions of the present neutrality legislation and to repeal all reference to civil conflicts.

Then one man stood out against embargoing arms to the forces in Spain. Today look who have become his comrades. I spare you—I shall not call the roll. But I suggest, if I may borrow a phrase from our distinguished Speaker, that some should take counsel of their prudence lest they go one step too far, for the roll will be called and each man here will answer for his position on this bill.

There is plenty of time to discuss and consider this bill well. No ship is poised in the harbor, as it was when the Spanish embargo bill was passed. The President is not in New Orleans or some other southern port, as he was when the conference report on the Neutrality Act of 1937 was whipped through this House on the plea that it had to be rushed to him, so he could sign it before one midnight, lest the country be adrift in the world without a neutrality act or law.

Now, we have a Neutrality Act, and that act provides for an effective embargo on activities that would involve us in war—if enforced. And that act embraces another section which is so decidedly modified by the bill before us that I am taking this time to call it to your sober attention. I refer to section 6. It corresponds to section 4 in the present act, but there is a very notable difference.

Section 4 of the law now on the books says—

This act shall not apply to an American republic or republics engaged in war against a non-American state or states: *Provided*, the American republic is not cooperating with a non-American state or states in such war.

The corresponding section is section 6 in the pending bill and reads as follows:

The embargo provisions of this joint resolution shall not apply to any American republic.

And, stops right there. It drops the proviso which makes the exception inoperative if an American republic is cooperating with a non-American state in a war.

Why this change? Why drop the proviso—that an American republic must not be cooperating with a non-American state in such war? Bear in mind that this proposed section 6 says "The foregoing provisions shall not apply to any American republic"—without any qualifications whatsoever.

This exempts American republics from the arms embargo amendment that has been tentatively adopted by the House.

This exempts the ships of American republics from the prohibition against travel on vessels of belligerent nations.

This exempts the cash and title provisions of the bill before us from applying, if the sale be made to or through an American republic, regardless of whether that republic is cooperating with a non-American state in a war or not.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

Mr. LUTHER A. JOHNSON. Mr. Chairman, reserving the right to object, and I shall not object if we can have unanimous consent that debate on this section close in 7 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, reserving the right to object, I would like to have 5 minutes.

Mr. LUTHER A. JOHNSON. Let us get past this section.

Mr. ROBSION of Kentucky. I have been trying to get time and first thing you know we will be past all the sections.

Mr. LUTHER A. JOHNSON. The gentleman will get time. Would he rather have it now or later?

Mr. ROBSION of Kentucky. Later.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. LUTHER A. JOHNSON]?

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, in other words, this section 6, as proposed, clearly nullifies all the positive provisions of the act, if the foreign powers but work through some American republic.

In other words, it invites foreign powers to start bidding for the cooperation of some American republic in their wars. If they were to do it openly in a military way, it would mean, of course, a violation of the Monroe Doctrine and would immediately involve us in war. Yet, this bill is proposed as a peace measure.

Today, we have an economic infiltration in South America. Generally, the United States regrets that; then why is it proposed by legislation to invite it? Even, if only one side should initially employ agents—or rely on planted immigrants in Latin American countries—and thereby escape from the positive provisions of this act, the other side would be forced either to do likewise, or to call upon us to assert the Monroe Doctrine, which would mean our involvement in war.

Section 6, as proposed, nullifies the entire act in this manner. It directly invites any nation at war to use Mexico to evade every positive provision and carry their war to our doorstep. Either it should be stricken from the bill entirely or the proviso should be restored that exists in the present act, which exempts American republics: "Provided,



That American republic is not cooperating with a non-American state or states in such a war." [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. ROSSION] for 5 minutes.

Mr. ROSSION of Kentucky. Mr. Chairman, ladies, and gentlemen, I am against this Bloom so-called neutrality bill. Its major purpose is to repeal the present law that contains an embargo against the shipment of arms, ammunitions, and munitions of war to nations engaged in war. This Bloom bill will permit the shipment of these arms, ammunitions, and war materials from this country to warring nations. This action will involve us in another World War just as it did in 1917. This bill is unneutral and President Roosevelt who is charged with the carrying out of this law is not neutral. The acts permitted under this bill are not neutral. It, therefore, is not a neutrality bill to promote peace but it is rather a bill to promote another World War and involve us in that war. I predict the Senate will never pass this war-breeding bill.

#### WAR CLOUDS GATHER

June 28, 1939, was the twenty-fifth anniversary of the assassination by a Serbian youth of Archduke Ferdinand and his wife of Austria. The Serbian youth committed that murder because Archduke Ferdinand had led an Austro-Hungarian army and overrun little Serbia and placed the Serbian people under the Austro-Hungarian yoke. That assassination over territory was the spark that started the World War.

June 28 was the twentieth anniversary of the signing of the Versailles Treaty that closed nearly 5 years of World War. On this same twentieth anniversary Premier Daladier of France stated, "The situation in Europe and the world today is the gravest in 20 years." The armies and fleets of Great Britain and France have been made ready for any possible emergency. We had hoped that war would not come, but I am now convinced that we are nearer to another World War than we have been at any time in 20 years. The American people in every walk of life, except the munition makers and two or three small groups, want peace. They are violently opposed to our country becoming involved in another World War. Many veterans of the World War in the House have also spoken against this bill. Labor unions, A. F. of L. and others have urged its defeat.

#### TERRITORY AND TRADE ARE THE ISSUES

We hear it asserted every day that the impending war is a conflict between democracies and autocracies. This is not true. The real matter at issue is not forms of government. It is not democracy against autocracy. The issues are territory, lands, colonies, trade, and power—the identical issues that brought on the World War. Premier Daladier, of France, declared he expected Germany to march on Danzig. Danzig was a German city on the Baltic Sea. It was taken away from Germany by the Allies in the World War and placed under the control of Poland. Ninety-five percent of the people of Danzig are Germans. They want to be reunited with Germany, but Poland insists on keeping Danzig. England and France have entered into an alliance with Poland, Turkey, Greece, Rumania, and perhaps Russia, against Germany and Italy. Premier Daladier said that if the Germans marched on Danzig, then France would march on Germany, and, of course, England, Russia, and these other countries would also march on Germany. Italy will come to the aid of Germany. These nations are prepared to help Poland to hold the city of Danzig against the will of the people of that city and prevent their return to Germany. The next war may begin at Danzig.

It is not a question of the form of government. Russia, Poland, Turkey, Greece, and Rumania, all allied with England and France, are dictatorships. Russia is perhaps the worst in the world. It is a fight for territory, for trade, and power. Germany's colonies were taken from her by the Allies in the World War and given to France and England and other countries. Germany is demanding the return of those colonies. England and France and these other countries desire to hold these colonies. Italy seeks Tunisia and

other territory in Africa belonging to France. There is now a war on between Russia and Japan over territory, and Japan is plundering China.

We asked nothing and received nothing of the spoils of the World War. The great new threat now of another world war is over the spoils of the last World War. The nations that received them desire to hold them; those who lost territories desire to regain them. Our allies of the World War are anxious to have us help them to hold the loot and spoils they received out of the World War. We know now that the World War was not a fight to make the world safe for democracy; it was a fight for territory, lands, trade, and power. It is not now a fight between democracy and autocracy.

I was opposed to the League of Nations, as were many others, because I felt it was impracticable and unworkable. No league has ever been conceived, not even the Holy Alliance, that was able to hold in check any European or Asiatic nation when its own interests conflicted with its obligations to the League or Alliance. Ever since the League of Nations was adopted two or more nations and members of the League have been engaged in war with each other. The Treaty of Versailles in 20 years has been torn to tatters, and the League of Nations is as dead as the dodo bird.

We can see how futile the efforts to write a neutrality act are; we need but to review the record. The Bloom bill before us repeals the neutrality acts passed by Congress August 1935, February 1936, January 1937, and May 1937. I voted against those bills. I am one of the 13 who voted against the act of May 1, 1937. Many of those who are now earnestly and eloquently urging us to adopt the Bloom neutrality bill to keep us out of war argued just as earnestly for the so-called neutrality acts that this measure before us now proposes to repeal. We were told then that it was necessary to pass those acts to keep us out of war; but a very short time after the act of May 1, 1937, was forced through by the administration, the administration and the country generally began to denounce it as being opposed to peace, as being unneutral, and would get us into war. Now the administration in this bill insists that we must repeal that act. The administration has turned about face on the so-called four neutrality acts. There is as much difference between the Bloom bill now backed by the administration and the four neutrality acts heretofore passed as there is between night and day. What caused the change?

#### HEART OF BLOOM BILL

The act of May 1, 1937, provides that—

Whenever the President finds there exists a state of war between or among two or more nations, the President shall proclaim such fact, and it shall thereafter be unlawful to export or attempt to export or cause to be exported arms, ammunition, or implements of war to any such nations.

That and the other so-called neutrality acts placed an embargo on the shipment of arms and ammunition to any and all warring nations. The Bloom bill before us, backed by the administration, proposes to remove this embargo and take the brake off and furnish without limit arms, ammunition, and implements of war to warring nations. Under this bill the President, through a munitions board that he appoints, will have the power to say who may export these war materials and to what countries they may be shipped.

This bill has a cash and carry provision. These warring nations will come to our seaports and get these war supplies. England and France and their allies with their superior combined fleets will control the Atlantic Ocean. We know that England and France and their allies will receive from us these war supplies.

The President has said in substance time and again that we could not stay out of the next world war. We know that he is not neutral. We know he will favor England, France, and their allies, and I honestly believe that the Bloom bill repealing the embargo on the exportation of arms and munitions, is being forced through in order that we may furnish England and France and their allies these war materials to fight Germany and Italy. The State Department

revealed to the Foreign Affairs Committee of the House that the Bloom bill was necessary because Germany had taken over certain munitions factories and works from Czechoslovakia, and England, France, and their allies would need these war supplies.

While the visit of King George and Queen Elizabeth was a gracious act and we were glad to have them visit our great country, yet no one is so foolish as not to know the main purpose of their visit. They desired to further cement the cordial relations between the United States and England, France, and their allies. They desired to create the impression in Italy and Germany—and that impression was created—that the United States was lined up with England, France, and their allies. Millions of Englishmen, Frenchmen, and Poles believe and likewise do millions of Germans and Italians believe that we are in alliance with England, France, and their allies.

The purpose behind this bill is to help France and England and their allies.

#### PROSPERITY FISHED FROM BLOOD AND TEARS

There are those in this country who would not be unhappy if we had another world war. Some of them say frankly that it would bring prosperity to this country. From 1914 to 1917 we went gleefully about sending war supplies to the Allies and rejoiced in our great prosperity and the piling up of huge profits. Those profits seemed attractive at the time, but they were fished out of rivers of blood and lakes of tears across the seas. England, France, and Italy cut off the markets from Germany and her allies. We sent our war supplies to France and England. Germany and her allies became enraged at our lack of neutrality. A ruthless submarine policy was put in force. Some of our ships were sunk, the American people became stirred up, and the next thing we were furnishing billions of credits to England and France and their allies; and then we called 5,000,000 American boys to the colors. We sent our ships and more than 2,000,000 of these to France. Our Treasury was raided. A huge national debt was put upon the backs of our people. Hundreds of thousands of the finest of the young manhood of America were killed in action or lost their lives by disease and exposure. Hundreds of thousands of widows and orphans were made, and before we are through that war will have cost this country over a hundred billion dollars. Yes; in the end we furnished precious blood and scalding tears. Our Nation paid dearly for the profits that we received from 1914 to 1917.

Some leading statesmen of Great Britain after the war in books and articles pointed out how they had led this great democracy into the World War under the guise of making the world safe for democracy. We are now being led into another world war with greater rapidity than in 1914 to 1917, and it will be a more frightful war than the World War. Many great statesmen have expressed the belief that it will mean the end—it will wreck civilization itself—and if we get into it our Nation will emerge with an unbearable debt, with our freedom gone, and our Nation ruled over by a Fascist or Communist dictatorship.

We must avoid another world war. We must not enter another world war to hold Danzig for Poland, or to hold African territory for France, or to hold German islands for France and England, or to settle the territorial controversy between Russia and Japan.

If we remove the embargo and ship war supplies to England, France, and their allies and even though these are delivered f. o. b. at American ports, it will be considered an unneutral act by the other group and it will be an unneutral act, and the injured nations, as they did in 1914 to 1917, will find some way to retaliate against our people. What is there to keep the airplanes of Germany and Italy from bombing our seaports and cities where these munitions and implements of war are stored? Will not their submarines infest our shores and our harbors and bring the war to our very door? After some of these acts of violence, the emotions of the American people will be stirred up and we will

find our boys on their way again to fight and die on foreign seas and in foreign lands and we will again see our people burdened with taxes and debts.

And for what? Not for democracy and freedom, but to hold Danzig, the German islands, and territory in Africa.

#### HISTORIC FOREIGN POLICY

Switzerland was surrounded by warring nations during the World War. Norway, Sweden, Holland, and Denmark were in the war zone. All but Switzerland are maritime nations. Their ships sailed the seven seas, yet none of these nations were involved in the World War. They were neutral. They did not take sides. If these small nations in the war zone were able to keep out of the World War, is there any excuse for this rich and powerful Nation, more than 3,000 miles away from the warring nations, to be involved in one? If we are neutral no nation will assail us and cause us to enter the conflict against it or its allies. We can and we must be honestly and faithfully neutral.

The Father of his Country, followed by Jefferson and other great American Presidents, insisted that our foreign policy should be "Friendship for all the nations and entangling alliances with none." We kept out of European and Asiatic wars and entanglements until 1914 to 1917, when we violated our historic foreign policy and got into the World War. [Applause.]

Mr. KNUSTON and Mr. TINKHAM arose.

Mr. ROBSION of Kentucky. I do not have time to yield. My very honorable and distinguished friends have spoken a number of times on this bill. I have greatly enjoyed their eloquent addresses and agree with them that this is a dangerous bill and ought to be defeated.

The House last night in the Committee of the Whole, by a vote of 159 to 157, adopted the Vorys amendment placing in the Bloom bill an embargo on the shipment of arms, ammunition, and other implements of war to warring nations. The administration that is trying to take the embargo on arms out of the law insists that this amendment destroys the very heart of this so-called Bloom neutrality bill. The administration has the majority in the House and they claim that when the matter comes up for a final vote they will be able to cut out the Vorys amendment. The embargo is the only thing in the bill that tends toward neutrality. The bill in many other respects gives to the President extraordinary and unusual powers. I opposed the League of Nations because it tied the hands of our country and placed its destinies into the hands of foreign countries. This neutrality bill places the destinies of peace or war into the hands of one man—the President of the United States. I want Congress to control the matter of whether or not we shall be involved in another world war. The present law is less dangerous to this country than the Bloom bill, and I shall vote to recommit this bill.

As heretofore pointed out by me, the President himself is unneutral, and with an unneutral law to be enforced by an unneutral President, how can we hope for this country to be neutral and keep out of war?

Notwithstanding the embargo in the act of May 1, 1937, and the terrible destruction of property and human life, helpless women and children in China in one of the cruelest wars that has ever been waged, the President failed to invoke the embargo to enforce the plain provisions of the act and permitted this Nation to furnish to Japan 54 percent of her war supplies and bring about the destruction of billions of dollars and the loss of more than a million lives. It is now generally agreed if the President had enforced the embargo law against Japan and we had not furnished these war supplies, Japan could not have overrun China, killed this million of almost defenseless and helpless citizens and destroyed that country.

With all the President has said and this taken in connection with his acts, I for one am unwilling to place into his hands the destinies of our country on the question of peace or war. I want to help write a real neutrality bill that will keep our country from furnishing arms and ammunition and gather gold from the blood of the men, women, and



children across the seas. I know that the munitions workers will be disappointed if we keep the arms embargo in the law and some groups here that desire us to become involved in a world war will likewise be displeased, but our duty is to follow the historic American policy of friendship for all nations and entangling alliances with none. Let us be neutral and thereby help to lead the world into the paths of peace and righteousness. This Nation has given enough blood, has shed enough tears, and provided enough treasure in vain attempts to settle the issues of territory, trade, and power of the countries of Europe and Asia.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. LUTHER A. JOHNSON] for 5 minutes.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I have enjoyed and appreciated, as I always do, the speech made by the distinguished gentleman from Kentucky [Mr. ROBSON], with whom I had the honor to serve upon a committee when I first came to the House, a committee of which my friend from Minnesota [Mr. KNUTSON] was the chairman. However, I believe the gentleman is unduly excited about this bill and the effect that it is going to have. I believe the effect of this bill will be exactly opposite to what he believes it will be. I am not concerned with what different nations are going to do to each other but I am concerned with what the American people are going to do if a war breaks out. This bill is not to help anybody, it is not to be unneutral but to be neutral, it is to regulate the conduct of our citizens so that if war breaks out we will not become involved. The purpose of this bill is to keep us out of war.

On the question of profits, as I said in my remarks under the rule, if this arms embargo is repealed I shall favor and I believe Congress will pass a law that will entirely take the profits out of dealing in munitions and arms.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. No; I do not have time. I must go on to the amendment offered by the gentleman from South Dakota [Mr. CASE].

I wish to say in reply to the gentleman from South Dakota and with reference to his amendment that the language contained in the bill as reported by the committee differs from the existing law to which he referred. The gentleman from South Dakota spoke to me earlier in the afternoon and stated that he would offer the amendment, and he asked if I could not get the committee to agree to it. I may say to the gentleman that since he talked to me I have made an investigation, as he requested, and I am told by the State Department that in view of treaties that our Government has with the South American republics the language which he proposes in his amendment to add to the bill would be in contravention of the treaties we have entered into with those 21 countries. For that reason, in the passage of this law we should not nullify or impair the treaties we have entered into with those 21 American republics of South America. The treaties will take care of the situation he seeks to cover, so I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was rejected.

The Clerk read as follows:

SEC. 7. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States fuel, men, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a belligerent state, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 edition, title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any part of the cargo, to any warship, tender, or supply ship of a belligerent state.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously cleared from a port of the United States during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent state, he may prohibit the departure of such vessel during the duration of the war.

Mr. VORYS of Ohio. Mr. Chairman I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio: On page 7, line 22, after the word "state" insert "in violation of the laws, treaties, or obligations of the United States under the law of nations."

Mr. VORYS of Ohio. Mr. Chairman, I earnestly urge every Member to read section 7 as it is before you. It is either amazingly subtle or amazingly stupid.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield there so we can have the amendment read again?

Mr. VORYS of Ohio. The amendment contains the words, which I may state are taken from the law, title XVIII, section 31, and reads—

in violation of the laws, treaties, or obligations of the United States under the law of nations.

These are the words taken from the statute which is referred to at the bottom of page 7.

Mr. SHANLEY. Will the gentleman accept an amendment to the amendment of the words "and the supreme law of the land"?

Mr. VORYS of Ohio. I would be willing to accept the amendment, but I suggest it would be well to make this language conform with the other section to which it refers, and that was my reason for choosing the exact language from an existing statute.

Mr. SHANLEY. The amendment itself does not interfere with that confirmation, and the supreme law of the United States is not only our own law, but the constitutional law.

Mr. VORYS of Ohio. I think the language would be improper in a statute.

Mr. SHANLEY. The chairman authorizes me to say that he will agree to the amendment if you will put in the words "and the supreme law of the land" which follows article VI of our Constitution.

Mr. VORYS of Ohio. I am perfectly willing to concede an amendment to my amendment although I think it adds nothing to it and is not proper language in a statute.

The CHAIRMAN. Does the gentleman from Ohio ask unanimous consent to modify his amendment as indicated?

Mr. VORYS of Ohio. I will not object if unanimous consent is requested, although I shall not take the responsibility myself of putting those words in the statute.

Mr. SHANLEY. I will accept that responsibility.

Mr. BLOOM. We offer that as an amendment to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the amendment offered by Mr. Vorys of Ohio, after the word "nations", "and the supreme law of the land."

The CHAIRMAN. Without objection, the Clerk will read the amendment as amended.

The Clerk read as follows:

Page 7, line 22, after the word "state", insert "in violation of the laws, treaties, or obligations of the United States under the law of nations and the supreme law of the land."

Mr. BLOOM. I believe that is acceptable.

Mr. VORYS of Ohio. I have no objection, and I believe unanimous consent has been asked that it be incorporated.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

#### SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed

on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

With the following committee amendment:

Page 8, line 23, after the word "use" insert "by the submarines or armed merchant vessels of a foreign state."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 9, line 1, after the word "States" strike out the remainder of line 1 and "vessels of a foreign state" in line 2.

The committee amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "Territorial" in line 24, on page 8.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts: On page 8, line 21, strike out all of section 8.

Mrs. ROGERS of Massachusetts. I sincerely hope that the Committee will accept this amendment. The Committee has already moved to strike out section 3, which would prevent the President from deciding where the combat areas of operations are located. This is in reverse of section 3 and supersedes international law, and would permit the President to decide that one armed submarine or an armed merchantman of a foreign state, but not necessarily a belligerent, could enter our waters, and not another one, when the United States is neutral. It seems to me, clearly, that this is section 3 in reverse, and I trust the chairman of the committee will accept my amendment to strike out this section and stand by international law. This is likely to get us into trouble. Under international law a submarine or armed merchantman may be in our port for 24 hours to refuel, and then go out.

Under this the President may decide in effect that a foreign ship is unneutral and unfriendly to us, and therefore this country would be deciding the aggressor nation.

Will the gentleman accept that amendment?

Mr. BLOOM. No. The committee cannot accept that amendment.

Mrs. ROGERS of Massachusetts. Will the gentleman state why he is not willing to accept it?

Mr. BLOOM. I will later.

Mrs. ROGERS of Massachusetts. I earnestly hope that the Members will vote for this, because, as I said, it seems to me it is section 3 in reverse, and the Committee struck out section 3. The Committee decided it was not neutral to allow the President to decide the combat area and dangerous. Certainly if the United States was neutral, it would be unneutral to decide that an armed merchantman or submarine of one country could not enter our waters, and still allow the submarine or armed merchantman of another country to come in.

I earnestly hope that the amendment will be adopted. It is far reaching. Section 9 if adopted may well lead us into trouble.

Mr. CRAWFORD. Mr. Chairman, will the gentlewoman yield for a question?

Mrs. ROGERS of Massachusetts. I shall be glad to.

Mr. CRAWFORD. I notice in the latter part of section 8 on page 9 it states:

Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist.

And so forth. When the President issues a proclamation, as set forth in section 1, will he, at the time the proclamation is issued, set forth the conditions, so that when subparagraph (b) of section 1, and the latter part of the section now under consideration operate, the people will know that the conditions which brought about the proclamation have ceased to exist. In other words, what is our yardstick unless the proclamation carries the conditions?

Mrs. ROGERS of Massachusetts. I suppose there would be no yardstick, but I would strike out the whole section.

Mr. CRAWFORD. I agree with the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. It is an extremely unneutral dangerous section. It brings war into our own territorial waters. We have a very upset condition in our own country at the present time and with the intense feeling that may be aroused by such an unneutral action we may have race riots, international riots right in our own country.

Mr. CRAWFORD. May I ask the gentlewoman if in her opinion section 1 (a) will require the President to state the conditions which cause him to issue the proclamation? In other words, if the conditions are not stated, how do the people of the United States know that they have ceased to exist when the President decides to change his mind and revoke the proclamation?

Mrs. ROGERS of Massachusetts. They will not have any information unless he tells them.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that all debate on this section close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Chairman, this section is in the identical language of the present law on that subject, and has been the law since 1937. I think it is a good provision of law to protect our ports from becoming infested with submarines or armed merchant vessels of foreign states in the event of war. I can readily understand how, if the war became very grave and on a large scale, belligerent nations might seek to use our harbors or our territorial waters to send in their submarines or their armed merchant vessels to escape attack by an enemy. I think the President ought to have the authority, if he thinks, as this section provides, that it will serve to maintain our peace or protect the commercial interests of our citizens, or to promote the security of the United States, to issue regulations forbidding our ports and territorial waters being so used by belligerent nations.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mrs. ROGERS of Massachusetts. Would the gentleman be willing to amend it to include all foreign nations?

Mr. LUTHER A. JOHNSON. I think that is the intention of the act.

Mrs. ROGERS of Massachusetts. Will not the gentleman put in a committee amendment to cover that? It does not say so.

Mr. LUTHER A. JOHNSON. When we were in committee we considered this section very carefully. There were some suggested amendments. I think the language as worked out is best to follow existing law. I cannot see any reason for an amendment, because I think the meaning is clear that it is to be the intention of our Government to protect our country by issuing these regulations if necessity arises for so doing.

Mr. DARDEN. Is there any particular advantage in barring the submarines or armed merchantmen of all powers? Would we not be in a better position if we barred submarines and armed merchantmen of those powers which were at war? In this provision you are closing our ports to all.

Mr. LUTHER A. JOHNSON. It is only against such boats of those countries that are engaged in war. A careful reading of the provision, I think, will disclose it to the gentleman.

Mr. DARDEN. I do not so interpret the language. If that is the intent I am in accord with it.



Mr. LUTHER A. JOHNSON. I call the attention of the gentleman to the language appearing in line 21:

Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use by the submarines or armed merchant vessels of a foreign state.

It is a war in which the United States is a neutral.

Mr. DARDEN. But the language is so broad that it includes every State; it does not bar only the submarines and armed merchantmen of those States which are at war, which I think would probably be desirable.

Mr. LUTHER A. JOHNSON. We might say of a belligerent, or foreign belligerent state. I would have no objection to such an amendment.

Mr. DARDEN. That would be fine. I would be agreeable to the language so clarified, that is, if it applied only to submarines or armed merchant vessels of a belligerent state.

[Here the gavel fell.]

Mr. DARDEN. Mr. Chairman, I desire to offer an amendment on page 8, line 24, to strike out the word "foreign" and substitute therefor "belligerent"; and on page 9, line 3, strike out the word "foreign" and substitute therefor "belligerent."

The Clerk read as follows:

Amendment offered by Mr. DARDEN: On page 8, line 24, strike out the word "foreign" and insert in lieu thereof the word "belligerent"; and on page 9, line 3, strike out the word "foreign" and insert in lieu thereof the word "belligerent."

Mr. BLOOM. The committee accepts that amendment. Mr. Chairman, there is no objection to that.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I have no time; I am sorry.

Mr. TINKHAM. Mr. Chairman, will the honorable Representative from Texas answer a question?

Mr. LUTHER A. JOHNSON. Unfortunately the gentleman from Texas has no time. I would like to if I had time.

The CHAIRMAN. Does the gentleman from Virginia desire recognition on his amendment?

Mr. DARDEN. No; it has been accepted by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent to address the Committee for 3 minutes.

The CHAIRMAN. Time for debate on this section and all amendments thereto has expired.

The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 9, line 15, insert:

"ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED"

"Sec. 9. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

Mr. KEE. Mr. Chairman, I desire to be heard in opposition to the amendment.

The CHAIRMAN. Does any member of the committee desire to be heard in support of the amendment?

Mr. LUTHER A. JOHNSON. Mr. Chairman, I might say that the situation is this, that the majority members of the committee are opposed to the amendment. I think the gentleman from Massachusetts [Mr. TINKHAM] should be recognized first in support of the amendment, and let the gentleman from West Virginia [Mr. KEE] answer him.

The CHAIRMAN. Without objection, the gentleman from Massachusetts [Mr. TINKHAM] will be recognized for 5 minutes.

There was no objection.

Mr. TINKHAM. Mr. Chairman, the essence of this amendment is to forbid the carrying of arms by American vessels. If you will read the last few words you will find that they state:

For any American vessel engaged in commerce with any belligerent state named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

In other words, this section does exactly what a number of amendments yesterday proposed to do, it provides that if Americans travel on American boats they will be safe, inasmuch as the boats may not carry munitions, as I understand, after a very extensive investigation by a munitions committee in the Senate, the conclusion was reached that the carrying of arms by American vessels was one of the principal reasons for our being involved in the World War.

I also understand that the Secretary of State was quoted here a day or two ago as saying that the one thing he feared most was our involvement in war because of American vessels carrying arms. It seems to me reasonable to suppose that that is the thing which would be most likely to involve us in war, if a war occurred, as now seems probable.

Therefore, I believe that this section should be kept in the bill. It is in the present law. In other words, we are simply restating the present law. Furthermore, it was written into the bill by the Committee on Foreign Affairs itself, and is in the bill now before you.

I am appealing to you to retain it in the bill. I do not think that babies and bullets should travel together on American ships and if you take this section out of the bill, babies and bullets may travel on the same ship. It does not seem possible, with this language in the present law and with it in the present bill by action of the committee, that you will now eliminate it from the bill.

Mr. COOLEY. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from North Carolina.

Mr. COOLEY. Does the gentleman, as a member of the committee, know any good reason why the majority members of the committee now are attempting to repudiate this very important section which was reported in the bill?

Mr. TINKHAM. I do not know any reason. I believe the honorable Representative should ask them the reason and that they should plainly explain it to the Committee.

Mr. COOLEY. May I ask the gentleman this further question: Was this provision thoroughly understood by the Democratic members, the majority members, of the committee before the vote was taken in committee?

Mr. TINKHAM. I cannot say whether they understood it or not, but it is in the present law, it was read and offered to the committee, and it was adopted by a roll-call vote. However, I cannot enter into their minds.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Massachusetts.

Mrs. ROGERS of Massachusetts. When this amendment was put in it was an amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] and apparently was accepted with great pleasure and willingness by the majority Members?

Mr. TINKHAM. I offered the amendment to the committee and it was adopted upon a roll-call vote.

Mrs. ROGERS of Massachusetts. Does that not prove that the whole bill should be recommitted to the committee for further study?

Mr. TINKHAM. Certainly. If this section is removed from the bill, the bill should certainly be recommitted to the committee and I think it should be recommitted to the committee for other reasons as well.

Mr. RICHARDS. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from South Carolina.

Mr. RICHARDS. If the committee will agree to accept this paragraph as it is, would the gentleman be willing to cut out line 21?

Mr. TINKHAM. Why, that would nullify the entire section. It would permit American boats to carry arms and ammunition, which, in my opinion, would be a very tragic thing.

Mr. RICHARDS. But the main purpose of the amendment was different from that, was it not? The main purpose of the section when it was adopted was entirely different from the meaning carried in line 21, was it not?

Mr. TINKHAM. I offered the amendment exactly as it is written in the bill, and it was in that way that it was accepted by the committee upon a roll-call vote.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. SCHAFER of Wisconsin. How many votes were cast against the amendment?

Mr. TINKHAM. I think it was carried by one vote.

Mr. COOLEY. Is it not a fact that the bill was reported unanimously with that provision in it?

Mr. TINKHAM. No. It was reported by the majority, and the minority wrote a dissenting opinion.

Mr. ALLEN of Pennsylvania. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. ALLEN of Pennsylvania. I think the gentleman was a little smarter than the other members of the committee that morning and pulled a fast one.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Pennsylvania.

Mr. VAN ZANDT. By the statement of the gentleman from Pennsylvania, the gentleman from Massachusetts [Mr. TINKHAM] has proven himself to be a statesman.

Mr. TINKHAM. I thank the honorable Representative from Pennsylvania.

[Here the gavel fell.]

Mr. KEE. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, in opposing this amendment I am speaking for the majority members of the Committee on Foreign Affairs. This amendment, section 9, was offered in committee by the distinguished gentleman from Massachusetts [Mr. TINKHAM]. At the time of offering the amendment he did not have it prepared, but stated verbally he desired to offer an amendment, if I remember correctly, to prohibit American merchant vessels from being armed; not from carrying arms or munitions as cargo, but inhibiting them from being armed for their own protection.

Mr. CORBETT. Will the gentleman yield?

Mr. KEE. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Is it not true that every member of the committee at that time had a copy of the existing law before him and that the gentleman from Massachusetts [Mr. TINKHAM] urged the committee to adopt section 10 of the old law as a new section of this bill?

Mr. KEE. No; it is not true that every member of the committee had a copy of the existing law before him. Copies of the law were lying around on the table everywhere. The gentleman from Massachusetts [Mr. TINKHAM], as I remember, stated to the committee that he desired to offer an amendment that would prevent American vessels from being armed. The matter was discussed for a few moments and, if I recall correctly, he tore out a page or two from the existing law and passed it up. We took a vote then upon the question whether or not we would incorporate in this act

a provision against the arming of American merchant vessels, and I do not think I violate any confidences when I say that one of the members sitting at the table here in this chamber cast the deciding vote. The amendment was agreed to as a measure providing that American merchant vessels would be prohibited from being armed. This page from the old law was passed up to the clerk of the committee and he was directed to perfect the amendment.

The next we saw of it, it appeared in this print in the same form as it appeared in the old law. If you will notice section 9, as it appears in print, it not only inhibits the arming of American merchant vessels, but it prohibits them from carrying any armament, arms, ammunition, or implements of war. To permit that phrase to remain in the bill would be for us to go back and adopt the amendment which was offered on yesterday by the gentleman from Missouri [Mr. BELL], which this Committee defeated. If it is the sense of this Committee to inhibit and restrain American vessels from being armed, then it would be necessary for section 9 to be amended by striking out, on page 9, line 20, after the word "armed", the words "or to"; to strike out all of line 21; strike out the word "war", in line 22; and, after the word "except", in line 22, insert "with." This would make the section read:

It shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed, except with small arms and ammunition therefor which the President may deem necessary.

That was the amendment the gentleman from Massachusetts stated he was offering to the Committee and which the Committee understood at the time it was adopting. Of course, we oppose that amendment today as we opposed and defeated the amendment offered by the gentleman from Missouri on yesterday. However, if it is the sense of the Committee that American vessels should not be armed, then the amendment should be made to the committee amendment, as I have suggested.

[Here the gavel fell.]

Mr. CHIPERFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is my earnest hope that section 9 will be retained in this bill. As I said on Tuesday, this section does two things. First, it prohibits arming of American merchant vessels; and, second, it prohibits United States vessels from carrying arms, ammunition, and implements of war to belligerents. The important part of this section is not whether American merchant vessels should be armed or unarmed but the fact that this section also makes it unlawful for our ships to carry contraband to belligerents.

With the Vorys amendment placing into this bill a limited arms embargo, it is entirely consistent to retain section 9, which prohibits American vessels from carrying such articles to belligerents. If, on the other hand, before final passage the Vorys amendment should be defeated, and with section 3, creating combat areas, already deleted, it is all the more important that we retain section 9 because it would then be the only provision in the entire bill that would prevent our vessels from carrying on this dangerous trade with belligerents.

By this proposed amendment, to strike section 9, we are now being asked to permit our vessels to carry arms, and so forth, to belligerents. If we do so, I know of no surer way to get us into war.

We are told that, under international law, to carry arms and ammunition is to carry contraband. The vessels carrying such contraband, according to international law, do so at their own peril and risk. It is, therefore, claimed that this country would not be involved by the sinking or seizure of such vessels.

The statement that such cargoes are contraband and the vessels must travel at their own risk is true. But the conclusion reached that there is no danger to our country by the sinking of these vessels is absolutely false.



Can we close our eyes to history? If any one thing could be singled out that caused our entry into the World War it would be the sinking of American vessels carrying contraband.

International law has never prevented this trade in the past and international law will not prevent it in the future. International law does not prohibit the citizens of any nation from carrying contraband. All it does is say if you do so it is at your own peril.

If such shipping is not protected under international law then all the more reason for making it unlawful for our ships to carry on such a trade.

Until you make it unlawful, foolhardy American citizens are going to take such dangerous risks on the chance of making huge profits which I would term as blood money.

If it was only their necks that were being risked, I would not care. But they are willing not only to risk their lives and cargoes but risk the peace of our country.

Are you willing to risk the public indignation the sinking of American vessels would arouse?

The hue and cry would be to punish those countries that sank our ships and the fact that they traveled at their own risk would be lost sight of and forgotten.

Let me again repeat what I said last Tuesday. No matter whether you favor the arms embargo amendment or not, the least we can do is to prevent our own vessels from transporting arms, and so forth, to belligerents. If we do adopt such a policy we cannot be accused of being pro-German or Italian or pro-British or French, but just being pro-American.

Section 9 was accepted by the committee on June 19. What has happened in the last 10 days that made the majority members of this committee change their mind? [Applause.]

Mr. BLOOM. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I regret very much that we should have this controversy at this time over this amendment. I sent to the committee room as soon as this controversy started to see if we had the records to show just what really happened. I now hand to the gentleman from Massachusetts [Mr. TINKHAM] what I believe he cut out and handed to the committee.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. While the gentleman from Massachusetts is examining the document, the exhibit which was introduced in evidence, there is no question about this, is there, that the gentleman from Massachusetts offered section 10 of the existing law, striking out the reference to civil strife with a pencil so there was no question in anybody's mind as to what was being offered?

Mr. BLOOM. I will answer the gentleman.

Mr. TINKHAM. Yes; that was the text of it. It is what I offered, undoubtedly.

Mr. BLOOM. This is what happened in the committee. The gentleman offered this amendment in whole. This is section 10 of the present law. At that time the clerk was instructed to strike out certain parts of this bill.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I refuse to yield. I am going to make my statement, and then if I have time I shall be pleased to yield.

When the clerk was instructed to strike out certain parts of this section he did so in red pencil, striking out only "or any state where any civil strife exists." He forgot to strike out, and we did not notice it until after it was printed, the other part reading "or to carry any armament, arms, ammunition, or implements of war."

We all try to be fair and honest in this matter. I can assure the members of this committee, as well as the gentleman from Massachusetts, that there is no intent on the part of the committee to do anything that is wrong. At that time we still had to find out what section this would

be. It is marked on this piece of paper I have here, "Section 10 (a)", because this originally was section 10. We did not know what section it was going to be, and no member of the committee knew what section it was going to be, until practically after the bill was written.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I cannot yield.

It was understood at that time that the committee would amend this section in the way we stated today. I believe this shows that we were honest and that if a mistake was made it was an honest mistake. However, the original thought and intention was to amend it just as we have it here, and that is the original paper and here is the amendment here. I have it before me.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Connecticut.

Mr. SHANLEY. Is it not a fact that there are two issues involved here? One of them has been already spoken about and the other is the right to arm American merchant vessels.

Mr. BLOOM. The gentleman is correct.

Mr. SHANLEY. Unless there is a war, no American merchant vessel has the right to arm, so you are only authorizing them to do something they cannot do until a war arises anyway.

Mr. BLOOM. That is right.

Mr. SHANLEY. There is absolutely no necessity for a law or a self-denying ordinance now.

Mr. BLOOM. We regret very much that this has occurred, but the committee has done everything to correct this. I did not know it until just now. I asked Mr. Barnes, the clerk of the committee, if he had the papers, and he brought this here.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman.

Mr. CORBETT. I have a very vivid recollection of the action taken at this time and I recall that the gentleman from Massachusetts [Mr. TINKHAM] started to read the section and he was silenced by the statement "We will accept that."

Mr. BLOOM. With an amendment.

Mr. CORBETT. Oh, no.

Mr. BLOOM. There was an amendment and here it is.

Mr. CORBETT. In both cases, I will submit to the gentleman we are relying on our memory.

Mr. BLOOM. No; I have the facts here. If it was not to be amended this would have to go into section 9, the same as section 10 was, and section 9 is not the same as section 10, so it must have been amended.

Mr. CORBETT. The gentleman may recall that at that time he was a little puzzled over the fact I did not vote on this section. I had a copy of the present law before me at the time and when the vote was taken I did not vote either for or against.

Mr. BLOOM. Let me ask the gentleman this question. It was all done in a great hurry, was it not? We were just about to adjourn and that explains the whole thing and that is how the mistake happened, but I can assure the gentleman that it was left to the clerk to make the amendment to this section 10, as was spoken of in Committee. Now, that is the fact.

[Here the gavel fell.]

Mr. CORBETT. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for 1 more minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BLOOM. I would be pleased to stay here and answer any questions that I can.

Mr. CORBETT. The gentleman made a statement which I think is very significant and very interesting and very honestly made, and I think it correctly portrays what happened. We were considering this bill with such speed that this acci-

dent occurred, just the same as a great many other accidents occur, and that is one of the reasons I am going to be very much in favor of recommitting this bill for more careful consideration.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute to answer the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. I think the remarks of the gentleman are entirely uncalled for. As the gentleman will recall, we had practically finished the consideration of this bill. If I recall correctly, we were just about to adjourn, and the gentleman from Massachusetts [Mr. TINKHAM] was standing near the chairman's seat, and at the last moment, the last thing the Committee did was to take this action, and then the matter was left to the chairman.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. No; I refuse to yield to the gentleman further, because I think his remarks were entirely uncalled for. I am trying to state the case according to the facts as revealed by the documents I have here, and I do not believe the gentleman should take my remarks and twist them around and endeavor to have this Committee believe that all of our work was done in a hurried fashion, because I may state to the gentleman that he could stay here many years and if he always received the same courteous attention that he has received from the Committee on Foreign Affairs, his life in this Congress will be a bed of roses.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman.

Mr. COOLEY. How long did the committee consider this bill before bringing it before the House?

Mr. BLOOM. About a month.

Mr. MOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. BLOOM. Yes; I will be pleased to yield to the gentleman.

Mr. MOTT. I understand it is the intention of the committee this evening to offer a substitute bill.

[Here the gavel fell.]

Mr. TINKHAM. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, for the first time in 25 years I have heard a deliberate false statement—and I use no harsher words—made by the chairman of an important committee of this House. I have no reason to make a statement that in any way diverges from the truth, even in the smallest degree. When this part of the bill was reached in the deliberations of the committee, I made a motion at the proper point that section 10 of the present law be adopted by the committee.

I made no suggestion and there was no suggestion made of any amendment to that section at that time. If there were any marks on the piece of paper that the honorable Representative from New York [Mr. Bloom] has in his possession, they were not made before section 10 was offered as an amendment, and it is the first time that I have seen that paper or those marks.

It was a clear proposition. I offered as an amendment section 10 of the present law, which became section 9 in the pending bill, and the amendment was adopted by the committee. There was practically no discussion. We were talking about the text. We had reached the exact point in the bill where it was proper to insert this language, and then there was a roll call and it was adopted by one vote. I want to assure the House of the absolute truth of these statements.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for a brief question?

Mr. TINKHAM. I yield to the honorable Representative from Wisconsin.

Mr. SCHAFER of Wisconsin. After your amendment was incorporated in the bill, did not the entire majority membership vote for the bill with your amendment in it?

Mr. TINKHAM. They reported the bill out with this amendment in it.

Mr. SCHAFER of Wisconsin. With your amendment in it?

Mr. TINKHAM. With my amendment in it.

Mr. SCHAFER of Wisconsin. And perhaps after that action was taken they received some pressure from the bureaucrats and are reversing their position.

Mr. TINKHAM. They have not yet stated to this House why they believe American boats should carry arms and ammunition or why they desire so keenly to eliminate this section.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from North Carolina.

Mr. COOLEY. The point I was trying to make a moment ago was that after this amendment was agreed to the Democratic members of the committee voted unanimously to report the bill.

Mr. TINKHAM. They did; absolutely. It is here by their unanimous report.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Mississippi.

Mr. FORD of Mississippi. Did not the gentleman from Massachusetts and all of the other minority members vote against the bill after his own amendment had been adopted?

Mr. TINKHAM. Oh, I dissented from the bill, of course. I am not in favor of it. I was not in favor of it then and I am not in favor of it today. By eliminating the arms embargo and the language connected with it, the President is given authority which he should not have. In my opinion, this is a very serious matter.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Michigan.

Mr. CRAWFORD. In reading this committee print I notice a marginal reference to the effect that section 9 as set forth in the bill is essentially the same as section 10 of the present law?

Mr. TINKHAM. It is exactly the same, word for word, paragraph for paragraph, comma, and period.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from California.

Mr. THOMAS F. FORD. If the embargo were placed, would it not be an advantage to the Nazi and Fascist nations, under those circumstances?

Mr. TINKHAM. I consider that this bill should contain no provisions except on the basis of what is best for the United States and its peace. I do not believe we should consider whom it may benefit or whom it may hurt. We should consider only the peace of the United States, and the carrying of arms and ammunition on American ships cannot promote that peace.

[Here the gavel fell.]

Mr. RICHARDS. Mr. Chairman, I move to strike out the last word.

Mr. BLOOM. Mr. Chairman, may I try to get an agreement on the time for debate on this section?

Mr. HINSHAW. I have an amendment to the committee amendment at the desk, and I would like to discuss that.

Mr. BLOOM. Just to get some agreement on time. It does not make any difference.

Mr. COOLEY. I want 5 minutes.

Mr. BARDEN. I want 5 minutes.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.



Mr. COOLEY. Reserving the right to object, Mr. Chairman, does the gentleman include me for 5 minutes?

Mr. BLOOM. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York?

The motion was agreed to.

Mr. MUNDT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. MUNDT. Mr. Chairman, I withdraw the point of order.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that 5 additional minutes may be added to the time previously fixed for debate on this section.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina [Mr. RICHARDS] is recognized for 5 minutes.

Mr. RICHARDS. Mr. Chairman, some controversy has arisen about section 9, particularly as to the committee's intention. I might say that at the time this amendment came up in the committee the amendment offered by the gentleman from Massachusetts, I was inclined to favor it, because it was my understanding that it provided that these ships could not be armed except with small arms and ammunition for the purpose of maintaining discipline.

I have not time now to go fully into my reasons for so understanding, but such was my understanding when the amendment was offered. I do not know where the error was made nor who was the cause of this error in printing. Certainly I would be the last one to accuse my friend the gentleman from Massachusetts of attempting to put anything in here that originally he did not intend to, and I do not make that accusation now. I am just trying to clarify my position, because when his amendment was offered I voted to adopt it. The other Democrats on the committee voted against it. Mine was the deciding vote.

Had I understood that the amendment was to be worded as it finally was I would certainly not have voted for it; and my friend from Massachusetts will tell you that, as soon as I found out the wording of the amendment, I went to him and told him that I could not support it unless he would accept an amendment striking out the last two words on line 20, all of line 21, and inserting after the word "with" the word "except" in line 22. My friend refused to agree to this, and I think he was fully within his rights in so doing, because he understood that the section was to be worded as it now is. It was purely a misunderstanding, and I am here to assure the Democratic Members of the House, particularly, that the Democrats of the committee are all in favor of striking out section 9. I am sorry this misunderstanding occurred, and I want to say that the chairman of the committee, Mr. BLOOM, was entirely correct in the statement he made to the Committee of the Whole.

Mr. TINKHAM. Mr. Chairman, will the honorable Representative from South Carolina answer this question?

Mr. RICHARDS. I will.

Mr. TINKHAM. Why does he think it is good policy, and why does he want American vessels in time of war to carry arms and ammunition?

Mr. RICHARDS. That matter has been discussed and will be discussed further at the proper time. The question before us now is whether we can clear up the misunderstanding relative to the wording of this particular section. It is all clearly a misunderstanding and I do not think there is a single Member on the Democratic side of the committee who did not, when it was offered, interpret this amendment in the same way I did.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield.

Mr. KNUTSON. The gentleman is a very intelligent and valuable Member of the House.

Mr. RICHARDS. I thank the gentleman.

Mr. KNUTSON. I am sure the gentleman does not want the House to believe that he did not know what he was voting for.

Mr. RICHARDS. Oh, no. I knew perfectly what I was voting for.

[Here the gavel fell.]

Mr. TINKHAM. With unanimous consent, Mr. Chairman, I desire to ask the honorable Representative a question.

The CHAIRMAN. The Chair regrets to inform the gentleman from Massachusetts that time for debate on this section and all amendments thereto has been fixed.

The gentleman from Pennsylvania [Mr. CORBETT] is recognized for 5 minutes.

Mr. CORBETT. Mr. Chairman, there has been quite a little controversy regarding how this section happened to be in this bill at this point. I rather think it would be best simply to forget why it happened to be there. Let us consider it an accident; let us consider it a slip, an error, or whatever you please. I submit, however, that, regardless of how the section got into this bill, it is very fortunate that it is included. Let me submit further that in this new section 9, which was a committee amendment, we have written into this bill the "carry-it-yourself" idea, and that is the most safe and sane feature of all the neutrality legislation that has ever been put on our books. [Applause.]

Let me point out in this connection that if we were to allow our merchantmen to carry arms, ammunition, and implements of war to belligerent powers or to neutral powers for transshipment, we would face a highly dangerous situation. In fact, we create a war-provoking situation. Let me point out further that during the next war it will not be simply submarines that will attack our merchantmen, but bombers as well. If we are in the position of delivering lethal weapons to combatants, our vessels are going to be sunk; and if they are sunk with the resulting loss of American lives, the passions of the people of the United States will reach the breaking point and their anger will be impossible to restrain.

I call your attention to an editorial that appeared in the Washington Post of Wednesday last, and read from it the following:

It is hoped that the House leadership will give most serious consideration to the full implications of abandonment of the carry-it-yourself principle before surrendering completely this issue.

Mr. Chairman and members of the Committee, I urge you by all means to retain this section in the bill in order to help retain the peace of the United States.

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield.

Mr. JARMAN. Did that article in the Washington Post refer to section 3 or to section 9?

Mr. CORBETT. The quotation read applies to the whole carry-it-yourself principle. The entire editorial urged that the combat-area provision be retained in order to preserve the carry-it-yourself principle which is retained in section 9.

Mr. JARMAN. The gentleman is very much opposed to section 3.

Mr. CORBETT. Section 3, however, arrives at the same thing from a different angle. Section 3 involves the setting up of embargoes and economic sanctions. This section prevents our boats from leaving our shores loaded with lethal weapons.

Mr. WADSWORTH. Will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from New York.

Mr. WADSWORTH. Does not the Vorys amendment already adopted cover the same thing?

Mr. CORBETT. If retained, yes.

Mr. WADSWORTH. Does the gentleman want it in twice or just once?

Mr. CORBETT. The Vorys amendment would prohibit any vessels from leaving our ports during time of war which were carrying arms and ammunition. Section 9 would place such prohibition only on American vessels, and therefore would reserve the carry-it-yourself idea.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. CORBETT. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not true that time and time again yesterday afternoon the gentleman from Texas [Mr. JOHNSON], one of the ranking Democratic members of the Committee on Foreign Affairs, said that it was not the sale of arms that would get us into trouble; it was the carrying of arms. The gentleman from Texas [Mr. JOHNSON] made that statement time and time again.

Mr. CORBETT. He went further than that. He said one of the most dangerous things we could do was to carry arms in time of war. He was never more correct. If the elimination of the arms embargo, and the elimination of the carry-it-yourself idea, and the elimination of the provision preventing travel by American nationals on belligerent ships results in our being involved in war by interventionists and gamblers in the game of power politics, I will be thankful that the blood of the innocent victims is not on my hands. Let us in all this haste and confusion, in all this rush to go on a vacation, at least pause long enough to consider this vital section. Its preservation may be synonymous to the preservation of neutrality and peace.

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to proceed for 1 minute, this time not to be taken out of the time already fixed, so that I may ask the chairman of the committee or a member of the Committee on Foreign Affairs a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

Mr. RICHARDS. Mr. Chairman, reserving the right to object, what is the agreement now with reference to time?

The CHAIRMAN. The time was fixed at 25 minutes.

Mr. RICHARDS. The gentleman asks for 1 minute?

The CHAIRMAN. The gentleman asked for 1 minute, not to be taken out of the 25 minutes.

Mr. RICHARDS. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

Mr. TINKHAM. Mr. Chairman, I desire to ask the chairman of the Committee on Foreign Affairs why he believes that American boats in time of war should carry arms and ammunition to warring nations?

Mr. BLOOM. We have been over that so much I do not care to get into a controversy with the gentleman from Massachusetts on anything other than the section we are on now.

Mr. TINKHAM. In other words, the honorable Representative, acting chairman of the committee, declines to answer. [Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I have an amendment to the committee amendment which I offer.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HINSHAW: Page 9, line 19, after the word "vessel", insert "carrying passengers while", and at the end of line 24 insert "any non-passenger-carrying vessel may proceed at the risk of its owner."

Mr. HINSHAW. Mr. Chairman, I do not know whether the language I have written in this amendment to the committee amendment is really very good language or not, but I think it carries out some of the ideas that the majority side has as well as the minority side. My amendment provides that it shall be unlawful "for any American vessel carrying passengers while engaged in commerce with any belligerent state—to be armed or to carry any armament, arms, ammunition, or implements of war"—and at the end of the section it would insert these words: "Any non-passenger-carrying vessel may proceed at the risk of its owner."

Although the language may not be perfect, I think it covers the subject. I believe this bill would be most sordid, indeed, without a provision such as section 9 in it. It requires an amendment in order to make it acceptable to both sides, and my amendment should be, therefore, accepted.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, Mr. DARDEN.

Mr. DARDEN. Mr. Chairman, the feature of this section to which I wish to address my remarks is that part which pro-

hibits our merchantmen from arming. The development of the submarine, which was a formidable weapon in the last war, has been rather extraordinary in the past 20 years. What we will do if this amendment is written into law is to send those ships to sea with no possible means of defending themselves. In the recent Spanish War alone England lost 150 ships. Some of them were sunk without trace of submarines. Our ships are going to encounter the same difficulty if and when war breaks out between two or more great powers. It is not going to make any difference, when they are destroyed, whether they are armed or not, so far as popular reaction in the United States is concerned. We can make up our minds to this fact: When we prohibit them from arming, we are subjecting them to ruthless attack and destruction, without even giving them the slightest chance. If the lesson of the last war means anything, and if the lessons of the wars that are now raging in several parts of the world mean anything, it is that we should not subject these vessels to the chance of being destroyed without the opportunity of defending themselves. This particular inhibition will contribute nothing to the preservation of peace in the United States. It will serve only to sacrifice those who should be protected.

Mr. COOLEY. Will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. Does the gentleman think an American ship is more likely to be attacked upon the high seas if it is carrying arms and munitions of war than if it is not carrying such articles?

Mr. DARDEN. I am not discussing at all the transportation of the arms. I am discussing the right of merchantmen to arm themselves.

Mr. COOLEY. But this amendment deals with both the right to arm and the right to carry arms.

Mr. DARDEN. That is the reason, I think, that this particular amendment should be rejected and an opportunity given for the consideration of these matters separately.

Mr. COOLEY. Does the gentleman believe it would be proper to send our vessels to sea carrying in their bottoms munitions of war without giving them the right to arm?

Mr. WADSWORTH. Supposing they did not carry ammunition, they are still forbidden to arm.

Mr. DARDEN. They are forbidden to arm with a cargo of wheat or a cargo of cotton.

Mr. COOLEY. No; under this amendment—

Mr. DARDEN. Yes, they are; in this bill, with a cargo of wheat or a cargo of cotton or a cargo of anything, they are refused the right to arm for their own defense against even the most ruthless and brutal attack.

Mr. COOLEY. If they are destined for belligerent ports.

Mr. DARDEN. Yes; and that is their right under international law and has been for 150 years. They have a cargo of food. Why should they not have a right to protect themselves?

Mr. COOLEY. But if the belligerent state knows that that ship is not carrying munitions or armament and implements of war, the ship is not likely to be attacked.

Mr. DARDEN. I differ with the gentleman. I do not believe it will make a particle of difference.

Mr. COOLEY. The gentleman does not only differ with me, he differs with the majority of the committee.

Mr. DARDEN. That may be true; it is simply my own opinion, I may say to the gentleman.

Mr. COOLEY. They frankly confess to the House that they wanted to bring in a provision which would prevent the arming of our merchant ships.

Mr. DARDEN. No; I do not so understand that to be their position.

Mr. COOLEY. Oh, yes.

Mr. DARDEN. I understood that the gentleman from Massachusetts had that in mind, but I did not gather that to be the view of the committee at this time.

Mr. COOLEY. And the committee agreed and still agree that they did agree to approve that amendment.

Mr. DARDEN. That is not my understanding of it.



Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Under existing law, are merchant ships permitted to arm?

Mr. DARDEN. No. I believe an act of Congress would be necessary to permit them to arm in time of war. They cannot arm in time of peace.

Mr. VAN ZANDT. Does the gentleman recall that prior to our entry into the World War President Wilson asked Congress for authority to arm merchant ships and a filibuster was conducted on the other side of the Capitol, and then the President found there was in existing law authority to arm merchant ships without the permission of Congress?

Mr. DARDEN. With that I am not familiar, but if this is put into law the authority would not exist, there is no question about that.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY] for 4 minutes.

Mr. COOLEY. Mr. Chairman and ladies and gentlemen of the Committee, this is an unfortunate controversy. It is more unfortunate because it arises among the membership of our very important Committee on Foreign Affairs. Of all the committees of the House which should bring to the House for its consideration a bill which represents the considered judgment of that important committee, it is the Committee on Foreign Affairs. Instead of bringing to us a bill which represents the considered judgment of the committee, we have before us a measure which is badly bungled and which is actually a crazy quilt, patched up here and there with committee amendments, some of which the majority of the committee approve and some of which apparently a majority of the committee disapprove. Who can tell by the actions and speeches of the members of the committee just what the judgment of the committee is? The members of the committee cannot even now agree as to what transpired in the committee room or upon the action taken by the committee before reporting the bill. A very important committee amendment has been offered and, although it has been stated on the floor of this House many times during the course of the debate on this measure that the majority members of the committee voted unanimously for a favorable report of the measure we are now considering, we now see majority members of the committee repudiating and disowning the important committee amendment which has been offered.

Some of the members of the committee say that certain things happened before the bill was reported, and other members of the committee say that those things didn't happen. Statements made during the course of the debate on this amendment indicate clearly that the controversy involves either trickery, fraud, and perhaps moral turpitude on the part of one of the very honorable and distinguished members of the committee, or if we take the other side of the argument it clearly involves careless indifference on the part of other very distinguished and honorable members of this very important committee. I do not believe that any member of the committee, all members of which are honorable, upright, honest, and sincere men, could be guilty of trickery, fraud, or moral turpitude, and in my desire to be charitable I prefer to believe that the controversy has arisen on account of carelessness on the part of some of the members of the committee. As I understand, it is suggested here that the distinguished gentleman from Massachusetts put something over on the Democrats on the committee. If he did that he must have been actuated by some bad motive of fraud or smartness on his part, or he did it while the majority members of the committee were asleep on the job and did not understand and did not know what was actually taking place.

In time of war if a soldier goes to sleep on the job, he is taken before a firing squad and shot. We are here considering a measure pertaining to peace, war, or neutrality, no one

seems to know just what it is; but certainly no one would suggest inflicting punishment upon any of the distinguished and honorable members of the committee. The only punishment which may be inflicted will be the righteous indignation and wrath of the American people for bringing in and reporting to this House such a hodgepodge and crazy quilt and calling it a neutrality bill. [Applause.]

The committee stands before us in a hopeless and helpless position. The important committee amendment which is now the subject of much controversy is not the only provision in this bill which the committee has not carefully considered. The chairman of the committee made the statement that the committee had considered the bill for 30 days before reporting it to the House, yet in the very second section of the bill the committee has offered important amendments. When the resolution was reported by the committee section 2 made it unlawful for an American citizen to travel upon vessels of belligerent states.

But after reporting the bill and embarking upon the debate the committee sought to change and did change this very important provision, and when I offered an almost similar provision as that which they reported, seeking to make it unlawful for citizens of the United States to travel as passengers upon American or other neutral vessels carrying cargoes of arms, armaments, ammunitions, and implements of war, they seemed to think that the amendment was outrageously silly, and vigorously opposed, and finally defeated the amendment I offered. At the time they defeated the amendment they knew, and, of course, the Members of the House knew, that there was no provision in the resolution with regard to citizens of the United States traveling upon American or other neutral vessels carrying cargoes of armaments and munitions of war to belligerent states.

Further, the committee opposed, turned upon, and struck out completely section 3 of the bill, which they had, of course, so carefully considered before reporting the resolution to the House. All of this was done without giving any very good or sound reason why the section should be eliminated. Now the committee disowns, turns upon, and seeks to strike out section 9, which likewise no doubt they carefully considered before reporting the resolution. In seeking to strike out section 9, which is a very, very important section, the committee is unable to give any very good or sound reason why the section should be deleted. The first thing we know, the committee will be offering an entirely new bill as a substitute for this great "Tragedy of Errors."

I hope that all of our time will not be taken up with the controversy which seems to have arisen over what transpired in the committee room, and not have time to consider the merits of the committee amendment, which is, of course, section 9.

The Members of the House should be little concerned over the controversy but greatly and deeply concerned over the merits of the amendment we are now considering. I therefore hope that our attention will not be completely diverted and that we may not overlook the fact that the defeat of this amendment will result in a policy and in a program of mixing bullets and babies on the same ships. Everyone knows that when we go to war we will not go to war over property rights, the loss of commerce, or the loss of war profits, but over the loss of human lives. If we return to the day when cargoes of war materials destined for belligerent ports are decorated and covered with human cargoes of innocent men, women, and children solely for the purpose of enabling men to fight and manufacturers of munitions and international bankers to make profits, we may expect to be drawn into the vortex of war. I appeal to you to vote for this committee amendment and contribute at least that much to our own domestic peace and tranquillity. [Applause.]

[Here the gavel fell.]

Mr. FISH rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FISH. Mr. Chairman, I rise to speak on the amendment in place of the gentleman from Massachusetts [Mr. TINKHAM].

The CHAIRMAN. The gentleman from New York is recognized for 4 minutes.

Mr. FISH. Mr. Chairman, I had not purposed to speak on this amendment at all. I appear here in a neutral capacity, but not in a neuter one. [Laughter.] I say "neutral" because I was not at the committee meeting when all this controversy and war was raging and have no responsibility for it.

I do agree with what was said by the last speaker that this shows that the committee put an amendment in the bill and reported it out and now wants to take out the amendment, and that is one very good reason, and there are many others, why this bill should be recommitted.

Furthermore, this provision in section 9 makes it unlawful for an American ship to carry arms or to arm itself, for that matter, but I am now talking about arming itself. This was one of the greatest controversies that raged before we entered the last war. The controversy arose over the Maclemore resolution. Under international law, of course, merchant ships cannot arm. There are lots of people here, including the gentleman from New York [Mr. WADSWORTH] and others, who have advocated going back to international law. In that respect it is a very good and wholesome law that merchant ships should not be permitted to arm. Of course, as soon as a merchant ship arms it becomes a warship. If you put a 3-inch or a 6-inch gun, one or more of them, on any ship of any size, it becomes automatically a warship. That is why I would like to see this provision remain in the bill as it is.

I want to keep out of war. I know if we go arming our ships we will be attacked automatically by submarines, because no submarine can come up and search an armed ship. Therefore, if this is repealed, it would deny all international law, because you have heard the gentleman from Connecticut [Mr. SHANLEY] speak at length on the right of search and seizure by an enemy ship, but a submarine cannot search and seize an armed vessel. Therefore I think in all logic this should remain as it is if you want to keep out of war; and as we sit around here day after day discussing this question of neutrality, this world of ours is on the verge of war. All the great statesmen of Europe are trembling at this very moment that war may break out within 2 weeks or a month. All of them have said so. Therefore, if we want to keep out of war and do something to keep us out of war we ought to leave this amendment in here and abide by international law in that respect and in that way keep out of war.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. VAN ZANDT. The gentleman referred a moment ago to manning ships with either 6-inch or 3-inch guns. Would the gentleman tell the committee who will man those guns?

Mr. FISH. Well, they will be a part of our armed forces. It will be the Navy or the Marine Corps, or someone in our armed forces, and that just strengthens our argument that these ships will become warships.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield for just one question?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. If we do not retain section 9, should we not change the title of this bill from the Bloom neutrality bill to the Bloom war-promotion bill?

Mr. FISH. That is what it is, anyhow.

[Here the gavel fell.]

Mr. MUNDT. Mr. Chairman, I want to start off these remarks by endorsing, first, wholeheartedly the splendid, courageous, and patriotic statement made by the gentleman from North Carolina [Mr. COOLEY] in pointing out the lack of wisdom in playing around with something which may jeopardize the peace of the world. With a committee report which is so badly bungled that the committee members themselves are in complete disagreement about what happened in the hurly-burly of the proceedings of that committee.

I submit that this legislation today may be the most important piece of legislation passing this Congress since the declaration of the last war, and unless we settle down to steady business and clear thinking and honest talking this legislation we are about to pass may well become tantamount to the declaration of the next war.

Here we are, on the eve of a holiday, with a few people in the House, with the committee members scattered all over the place, the chairman not in evidence, discussing what happened during the committee hearings instead of talking about what is actually the basic part of this bill.

If I can find the acting chairman of the committee any place I want to send to him by page three questions which I believe the country is worried about and asking that answers be made to before we vote on this important legislation. Is Mr. BLOOM in the place? I think it is unfortunate we are compelled to discuss a bill of this kind when the one man who should be in position to meet these questions with the answers for which the country is yearning is not even in his place at the time the bill is being considered. [Applause.] I repeat so the record may be clear, is Mr. BLOOM in the House?

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. MUNDT. I will not yield until I find Mr. BLOOM. [Laughter.]

Mr. LUTHER A. JOHNSON. The gentleman will not find him unless he walks down to the restaurant where the gentleman is eating dinner.

Mr. MUNDT. I would like to ask the gentleman from Texas, who is genial and kindly, to whom then may I submit these questions to which the people of this country are trying to obtain an answer?

First, how will it contribute to peace or neutrality to permit American citizens to ride on munition-bearing ships—and Mr. BLOOM, since I see you have reentered the Chamber, I am directing these questions to you—can you tell me and, more important by far, can you tell the peace-loving citizens of this entire country how, mixing bullets and babies, men and munitions, women and war implements, all on the same ship at the same time and sailing for a belligerent port?

Second, will it contribute to peace or neutrality to permit American industrialists to sell for short-term credits which inevitably become long-term credits in wartime? Is it conducive to peace to again permit warring nations to buy on credit in America?

The amendment which would have prevented this was driven into defeat by the administration whip last night.

Third, how will it contribute to peace or neutrality to defeat the arms embargo amendment to this bill which I understand is the purpose of your committee today?

Let me suggest that if those three answers cannot be given, this becomes, then, the Bloom "internal-revenue act" instead of the Bloom "international neutrality act," because it is written for war profiteers. It is written to make bigger profits in war and not to protect the lives of a single man, woman, or child in America.

I am going to submit these questions to you in writing, Mr. BLOOM, and I wish you would tell the country and the Congress the answers to those questions, because it is pretty serious business. The administrative whip and the administration floor leader have pleaded on at least two occasions to prevent these important passages being deleted from the bill. I am interested and I think the people of America are interested in a neutrality act and not an act which is likely to be determined as a declaration of war against any group of nations or an alliance with any other group at this time. [Applause.]

I would like to know who is behind this witches' brew that is brought to us by a group of gentlemen who say, "We do not know what happened back in the kitchen where we were concocting the thing in the first place."

Mr. JARMAN. Mr. Chairman, will the gentleman yield?

Mr. MUNDT. I yield.



Mr. JARMAN. The gentleman has referred to the unfortunate situation which confronts us in legislating at this late hour on such an important subject. I want the RECORD to show that it was not the Democratic side which was responsible for that fact. We did not conduct this filibuster this afternoon.

Mr. MUNDT. Will you also please write into the RECORD why this bill has to pass today instead of next week, or some time when we have had an adequate opportunity to consider it?

I would also like to know just what hidden influence is behind this persistent drive on the part of the majority to defeat every move which is made to take the profits out of war and to restrict the traffic in the merchandising of the means of wholesale murder.

Here we are asked to accept this so-called neutrality bill with its authors and its sponsors fighting every amendment and every suggestion which would make it a war-preventive measure. True, my colleagues, the label on the bottle is marked "neutrality," but the contents of the bottle was concocted from equal parts of the ingredients of greed and avarice by the same chemists who make poison gases and death-dealing explosives.

I submit, Mr. Speaker, that unless this bill is amended so that satisfactory answers can be given to the questions which I have herein propounded and sent to the desk of the acting chairman, Mr. BLOOM, in writing that this House in passing such a subterfuge for neutrality would be convicting itself of trapping the dove of peace in a cage barred with the outlines of the American dollar sign. Then, indeed, would the munitions makers of this country gratefully look forward to again reaping unrestricted profits in wartime while the mothers of America may well shudder at the likely prospect of again spending their sons across the sea to die in the attempt to collect the debts owed these war lords and to seek vengeance for the destruction of ships plying their bloody trade with nations using our products of war to conduct the wholesale murder of human beings. The responsibility for such disservice to America must rest with the majority party of this House and theirs is the duty to give this country assuring and satisfactory answers to my triumvirate of questions before foisting upon us a bill to protect the profits of war makers under the guise of misusing the sacred name of neutrality.

In conclusion, let me say just a word to my Democratic friends who are having the merciless lash of the whip from the other end of Pennsylvania Avenue applied to you to rubber-stamp this Bloom bill without amendments. Last night I walked back to the office with one of you after our midnight adjournment. You, who I shall not embarrass by calling here by name, said to me, "We'll certainly get the heat turned on us plenty tomorrow." You referred to the fine group of patriotic Democrats who joined what was practically a solid Republican bloc to insert the arms embargo amendment—let me urge you on the roll call which will come in a last effort to strike this provision from the bill not to forsake the fine patriotic convictions which you displayed here in this Hall last night for the uncertain rewards and the hollow praises of political cupidity. As I drove down to work this morning I was rejoicing to myself that as a Republican I could vote my individual and sincere convictions on neutrality today with no administrative whip over me and no party pressure prodding me to make one decision or another. As I was reflecting upon this in contrast with the confession made to me last night by my Democratic friend, I devised a little quatrain which I shall use in concluding these remarks.

It is no poetic gem, I assure you, but I wrote it down as it came to me as I believe it does express the facts in the situation as they apply to the Democrats in this House and I feel that the pertinency of its substance far exceeds the poetical quality of its sequence. I give it to you with the sincere hope that each of you on the majority side may vote your own convictions in this important matter and not per-

mit party loyalty or partisan obedience to blind you to your duties to the peace-loving voters of your communities:

Who is this man beholden to  
Who would impose his will on you?  
For each of you must answer to  
The people who elected you!

Good friends, if we will all vote the wishes of the people electing us to this high office, the Bloom bill will be amended to make it a war-preventive measure or it will be defeated as it should be in the interests of peace throughout the world.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California to the committee amendment.

Mr. FISH. Mr. Chairman, I ask unanimous consent that the amendment to the committee amendment may again be reported.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk again reported the amendment offered by Mr. HINSHAW to the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment.

The question was taken; and on a division (demanded by Mr. LUTHER A. JOHNSON) there were—ayes 49, noes 89.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 9, after line 14, add a new paragraph and a new section, as follows:

"CITIZENS OF THE UNITED STATES TO BE NOTIFIED OF THE PRESENCE OF ARMS, AMMUNITION, OR IMPLEMENTS OF WAR ON AMERICAN VESSELS UPON WHICH THEY ARE ABOUT TO TRAVEL

"SEC. 8. Whenever the President shall have issued a proclamation under the authority of section 1 (a), and until such proclamation has been revoked, the President or any person thereunto authorized by him, shall cause notice to be given to any citizen of the United States who may apply for transportation as a passenger upon any American vessel which is about to carry out of any port of the United States, arms, ammunition, or implements of war to a port, warship, tender, or supply ship of a belligerent state, that said ship has in its cargo arms, ammunition, or implements of war destined for a port, warship, tender, or supply ship of a belligerent state."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make a point of order against the amendment on the ground that substantially the same amendment was voted upon last night; that this is the reintroduction of matter which the Committee has already voted down.

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard on the point of order?

Mr. COOLEY. I do, Mr. Chairman.

The CHAIRMAN. The Chair will be pleased to hear the gentleman on the point of order.

Mr. COOLEY. Mr. Chairman, the amendment I offered last night when the bill was being considered provided that citizens of the United States seeking passage on American or other neutral vessels leaving any American port which carried cargoes of arms, ammunition, munitions, or implements of war should be put on notice of that fact, and in addition thereto should be prohibited from traveling as passengers upon such vessels.

The CHAIRMAN. Will the gentleman from North Carolina kindly point out to the Chair exactly the difference between the language of the pending amendment and the amendment offered last night?

Mr. COOLEY. As I was just saying the amendment offered last night dealt with two things: The first was notice to citizens who were about to embark upon American or neutral vessels of the presence of arms and implements of war in the cargo. It went further than that and provided also that no American citizen should be permitted to travel

as a passenger upon any such American or other neutral vessel which was carrying in its bottom arms, ammunition, munitions, and implements of war.

The amendment I now offer provides only that upon the issuance of the proclamation contemplated in the authority of section 1 (a) and until such proclamation has been revoked, the President of the United States or some person thereunto authorized by him shall give notice to all citizens of the United States applying for transportation upon an American ship that the ship is carrying a cargo of arms and implements of war, if it does carry such cargo. The pending amendment deals only with notice to passengers who apply for transportation upon such ships, and does not in any way attempt to prohibit their traveling upon the ships after receiving said notice.

The CHAIRMAN. Has the gentleman concluded?

Mr. COOLEY. Yes; I have, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule. The Chair has rather hurriedly, but the Chair feels sufficiently, compared the language of the pending amendment with the language of the amendment offered by the gentleman last night mentioned by the gentleman from Texas [Mr. LUTHER A. JOHNSON] in stating the grounds of his point of order.

The Chair is of opinion that there is a difference in the provisions of the two amendments and, therefore, overrules the point of order.

Mr. LUTHER A. JOHNSON. Mr. Chairman, before the gentleman proceeds I would like to reach an agreement as to time.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close, in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina [Mr. COOLEY] is recognized for 5 minutes in support of his amendment.

Mr. COOLEY. Mr. Chairman, now that the House by the action just taken seems to have gone on record as favoring the policy of carrying bullets and babies, if I may again use that expression, upon the same ships, I am now asking the House in the name of humanity to insert a provision in this bill which will require the President of the United States, or some person by him designated, to put American citizens on notice of the presence of deadly weapons in the bottoms of American vessels before permitting them to ride upon such vessels.

I think no one will deny the fact that destruction of the lives of American citizens will be the one cause, and the only cause, which will carry this Nation into war. Last night I sought approval of a provision which would have prohibited American citizens traveling upon arsenals. I now ask this House how in the name of humanity can you be willing to permit innocent men, women, and children to walk upon a floating arsenal which is headed for a belligerent port, knowing that they have no way of ascertaining the nature of the cargo being carried in the bottom of the ship; knowing at the same time that in modern warfare the chances are that ships carrying arms, munitions, and implements of war headed for a belligerent port will be blown to pieces upon the high seas?

Yesterday the gentleman from New York suggested that such a requirement would involve a large personnel and tremendous cost. Every man in this body knows that no boat sails from an American port unless some American official is familiar with the kind of cargo it is carrying.

The customs officials or some other officials of the Federal Government must know when arms and ammunition are leaving the ports of this Nation. Having this information, I say it is nothing but rank brutality to withhold it from innocent people who walk on such a boat, carrying above its mast the American flag, which should be some guaranty of protection. All I am asking the Committee to do—and I address myself

to the consciences of the Members of the House, their hearts, and their humanity—is to put this provision into the law and let our citizens who seek transportation upon our vessels know when they go upon those vessels that in the cargo there are deadly weapons of war, and that they might be blown to pieces as they sleep on their way across the sea.

I think the amendment is perfectly plain. I do not think any Member of the House or the Committee can go home tonight and say he did not understand the purpose of my amendment. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

Mr. Chairman, the amendment the gentleman has offered, while it is not the same as the amendment offered last night, is so closely akin that it can hardly be distinguished except by very careful comparison. The gentleman, by the amendment seeks to impose another burden upon the President of the United States. I think we can all agree that the President has enough to do and, as a matter of fact, there has been a good deal of criticism about putting additional authority and discretion in the President, under this bill. The gentleman, by his amendment, proposes to have the President notify everybody who is going to travel upon a foreign vessel whenever there is ammunition upon that vessel, although they may have notice that it is dangerous to travel on that vessel.

Mr. COOLEY. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from North Carolina.

Mr. COOLEY. Does not the gentleman understand this amendment provides that the President shall give notice or any person designated by the President? Does not the gentleman know that customs officials know the nature of the cargoes leaving our ports and it would be a very small thing for the President to designate the customs officials to notify the passengers?

Mr. LUTHER A. JOHNSON. It reads:

The President or some person thereunto authorized by him.

It would mean that we are going to have a new agency set up in the form of a notification bureau.

Mr. COOLEY. I hope the gentleman understands the amendment.

Mr. LUTHER A. JOHNSON. I think I do. The amendment as it is framed does not contemplate what the gentleman says. It does not say that you shall have a customs official tell the passengers. It says: "The President or someone." Who is going to be the one? It says: "The President or someone thereunto authorized by him" shall give notice to people who are going to travel upon the vessels that those vessels are loaded with arms, ammunition, or implements of war that might cause trouble.

Mr. COOLEY. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I do not yield.

Mr. Chairman, this subject having been exhaustively discussed when the gentleman offered his amendment last night—and I think he offered two amendments—it is not necessary to say anything further.

Some other amendments have been offered by the gentleman from Oklahoma [Mr. JOHNSON] and others. This subject was gone over very thoroughly last night.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I regret I cannot yield.

Mr. JOHNSON of Oklahoma. I have not castigated the committee.

Mr. LUTHER A. JOHNSON. I hope when the time comes to vote on this amendment, even those who have not always voted with me on amendments of this bill, even those who sit on the opposite side of the aisle, will vote with me in turning down this amendment.

[Here the gavel fell.]



The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 59, noes 86.

So the amendment was rejected.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: Page 9, line 14, insert:

**"ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED"**

"SEC. 9. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, named in such proclamation, to be armed, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I call the attention of the Chair to the fact that debate has expired on section 9 by unanimous consent.

The CHAIRMAN. The Chair invites the attention of the gentleman to the fact that section 9 has been eliminated. This is a new section.

Mr. LUTHER A. JOHNSON. I thought the motion applied to all sections. In the interest of time I ask unanimous consent that all debate on this amendment—the new section, or the old section 9, or anything else that pertains to that subject—be limited.

Mr. CORBETT. Mr. Chairman, reserving the right to object, the majority members of the committee are not opposed to the prohibition against arming merchantmen as they are to having a prohibition on the carrying of arms?

Mr. LUTHER A. JOHNSON. I am opposed to both features.

Mr. CORBETT. Maybe the gentleman will change his mind.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that all debate close in 7 minutes.

The CHAIRMAN. Will the gentleman state his request?

Mr. LUTHER A. JOHNSON. I ask unanimous consent that all debate on this amendment and all amendments pertaining to the arming of vessels be limited to 7 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. LUTHER A. JOHNSON]?

There was no objection.

Mr. VAN ZANDT. Mr. Chairman, my amendment is nothing more than section 9 with the arms embargo deleted from it. If this amendment is adopted, arming of American merchant vessels will be prohibited should there develop another general war in any part of the world.

Let me take you back to the period prior to our entry into the World War. You will recall German submarines were sinking American merchantmen carrying contraband of war as well as our citizens. President Wilson asked the Congress of the United States for authority to arm American merchantmen. On the other side of the Capitol the measure was filibustered. During that filibuster the President found he already possessed the authority to arm American merchantmen under existing law, and therefore gave permission to American merchantmen to arm themselves.

I can recall my introduction to an American armed merchantman prior to April 6, 1917, with an American flag painted on its side amidships as one form of protection. On its fore-castle, or the bow of the ship, it had mounted a 5-inch gun, with a similar one mounted on its stern. That ship and others so armed went to sea from New York to encounter German submarines and raiders. Many of you recall the *S. S. Mongolia*, the first American ship to engage a German submarine with exchange of shell fire. You will recall further in this engagement the first American, a member of the United States Navy gun crew manning the guns on the ship, was the first American to lose his life in the World War, even though at that time we had not yet entered the war.

Mr. Chairman, if American merchantmen are permitted to arm themselves, and should a war develop in central Europe

as it may in the next few days or weeks, you can expect American armed merchantmen to be one of the contributing factors to drive our country into that war. This amendment simply gives to the American people another war preventive in the form of a real neutrality measure, and for that reason I ask the Committee to accept the amendment. [Applause.] [Here the gavel fell.]

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. KEE. Mr. Chairman, the amendment offered by the gentleman from Pennsylvania has been discussed for the past three-quarters of an hour. For that length of time we have discussed section 9, which contains the very provision the gentleman is asking us to adopt now. That provision was stricken out by a vote of this Committee. This amendment is only one of numerous amendments being offered to this bill which, if adopted, would have the result of continuing to shackle American ships and American seamen and deprive American sailors and citizens of the rights they have under the law. This amendment is not satisfactory to the Committee and I do not believe it would be satisfactory to the American people. We ask that it be voted down.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. KEE. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Did not the gentleman stand here in the Well of the House and make the statement that if the words I have deleted were deleted from that section it would be acceptable to the Committee?

Mr. KEE. Oh, no. I said if it was the will of the Committee to make that change, it could be made in the manner I suggested, and they would thus accomplish the purpose the gentleman from Massachusetts [Mr. TINKHAM] had in mind when he offered the original amendment. I have been opposed to the amendment consistently and all the time.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT].

The question was taken; and on a division (demanded by Mr. VAN ZANDT), there were—ayes 52, noes 78.

So the amendment was rejected.

The Clerk read as follows:

**NATIONAL MUNITIONS CONTROL BOARD**

SEC. 9. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this joint resolution, or by other law, the administration of this joint resolution is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this joint resolution, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$100.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, without first having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 edition, title 50, sec. 72), are hereby repealed as of December 31, 1937.

(i) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder: *Provided*, That if the President shall have issued a proclamation under the authority of section 1 (a), the Board shall thereupon make public an immediate report containing all the information herein provided, and shall make public a similar report each 90 days thereafter so long as such proclamation shall be in force.

(j) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

With the following committee amendment:

Page 10, line 2, strike out "9" and insert "10."

The CHAIRMAN. Without objection, the committee amendment will be rejected because section 9 has been stricken from the bill.

There was no objection.

The Clerk read as follows:

Committee amendment: Page 11, line 19, after the word "therefor" insert "In the application for license the applicant shall set forth a description of such exports, together with the terms of sale as to credit or payment."

Mr. COSTELLO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO to the committee amendment: On page 11, line 20, after the words "such exports" insert "or imports."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the point of order that the amendment is not germane to the section. It has nothing whatever to do with the exportation of arms. We do not import arms. The National Munitions Control Board has nothing whatever to do with the importation of arms. The amendment, therefore, is not germane.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. COSTELLO. I would like to be heard on the point of order, Mr. Chairman.

Paragraph (d) refers to exportation, and in the second part it states "or to import, or attempt to import to the United States." This is line 15 of section (d) on page 11.

Mr. LUTHER A. JOHNSON. I withdraw the point of order, Mr. Chairman. If the amendment is germane, I believe it is all right.

Mr. COSTELLO. The purpose of offering the amendment was merely to clarify the committee amendment so that it would include both exports and imports.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 13, line 4, after the word "hereunder" insert a colon and the following proviso: "*Provided*, That, if the President shall have issued a proclamation under the authority of section 1 (a), the Board shall thereupon make public an immediate report containing all the information herein provided, and shall make public a similar report each 90 days thereafter so long as such proclamation shall be in force."

The committee amendment was agreed to.

The Clerk read as follows:

#### REGULATIONS

SEC. 10. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

With the following committee amendment:

Page 13, line 15, strike out "10" and insert "11."

The committee amendment was rejected.

The Clerk read as follows:

#### GENERAL PENALTY PROVISION

SEC. 11. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

With the following committee amendment:

Page 13, line 23, strike out "11" and insert "12."

The committee amendment was rejected.

The Clerk read as follows:

#### DEFINITIONS

SEC. 12. For the purposes of this joint resolution—

(a) The term "United States," when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

(d) The term "state" shall include nation, government, and country.

With the following committee amendment:

Page 14, line 5, strike out "12" and insert "13."

The committee amendment was rejected.

The Clerk read as follows:

#### SEPARABILITY OF PROVISIONS

SEC. 13. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

With the following committee amendment:

Page 14, line 20, strike out "13" and insert "14."

The committee amendment was rejected.

The Clerk read as follows:

#### APPROPRIATIONS

SEC. 14. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

With the following committee amendment:

Page 15, line 2, strike out "14" and insert "15."

The committee amendment was rejected.

The Clerk read as follows:

#### REPEAL OF ACTS OF 1935, 1936, 1937

SEC. 15. The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed.

With the following committee amendment:

Page 15, line 8, strike out "15" and insert "16."

The committee amendment was rejected.



The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 15, after line 14, insert: "Provided, That such repeal shall not affect the validity of the Proclamation No. 2237 of May 1, 1937 (50 Stat. 1834), defining the term 'arms, ammunition, and implements of war' or of certificates of registration or licenses issued pursuant to the provisions of section 5 of the act of May 1, 1937."

The committee amendment was agreed to.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I offer a substitute amendment, which is on the Clerk's desk.

The Clerk read as follows:

#### House Joint Resolution 306

##### NEUTRALITY ACT OF 1939

Substitute offered by Mr. LUTHER A. JOHNSON: Strike out all after the enacting clause and insert the following:

##### "PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

"SECTION 1. (a) That whenever the President shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

"(b) Whenever the conditions which have caused the President to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same.

##### "TRAVEL ON VESSELS OF BELLIGERENT STATES

"SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), no citizen of the United States shall travel, except at his own risk, on any vessel of the state or states named in such proclamation, unless in accordance with such rules and regulations as the President shall prescribe.

"(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

##### "FINANCIAL TRANSACTIONS AND TRANSFER OF TITLE

"SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, or person.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"(c) Whoever shall violate the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"(d) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful, except in accordance with such rules and regulations as the President shall prescribe, to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States directly or indirectly to any state named in the proclamation, any articles or materials until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in citizens of the United States no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated from time to time by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials. Insurance written by underwriters on such articles or materials shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, and no loss incurred thereunder, shall be made the basis of any claim put forward by the Government of the United States. The provisions of this subsection shall not apply to trade on or over lands, lakes, rivers, and inland waters bordering on the United States.

"(e) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

##### "SOLICITATION AND COLLECTION OF FUNDS

"SEC. 4. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in the proclamation, or of any association, organization, or person acting for or on behalf of such government. Nothing in this section shall be construed to prohibit the solicitation or collection of contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf or in aid of any such government, but all such solicitations and collections of contributions shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.

"(b) Whenever the President shall have revoked any proclamation issued under the authority of section 1 (a), the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply with respect to the states named in such proclamation, except with respect to offenses committed prior to such revocation.

##### "AMERICAN REPUBLICS

"SEC. 5. The foregoing provisions of this joint resolution shall not apply to any American republic.

##### "USE OF AMERICAN PORTS AS BASE OF SUPPLY

"SEC. 6. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States, fuel, men, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a belligerent state, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 ed., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any part of the cargo, to any warship, tender, or supply ship of a belligerent state.

"(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously cleared from a port of the United States during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent state, he may prohibit the departure of such vessel during the duration of the war.

##### "SUBMARINES AND ARMED MERCHANT VESSELS

"SEC. 7. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use by the submarines or armed merchant vessels of a foreign state of the ports and territorial waters of the United States will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States, and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

##### "NATIONAL MUNITIONS CONTROL BOARD

"SEC. 8. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the 'Board'). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this joint resolution, or by other law, the administration of this joint resolution is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this joint resolution, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the

original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of \$100.

"(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war referred to in this joint resolution, without first having obtained a license therefor. In the application for license the applicant shall set forth a description of such exports together with the terms of sale as to credit or payment.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

"(f) Licenses shall be issued to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

"(h) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., 1934 ed., title 50, sec. 72), are hereby repealed as of December 31, 1937.

"(i) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder: *Provided*, That, if the President shall have issued a proclamation under the authority of section 1 (a), the Board shall thereupon make public an immediate report containing all the information herein provided, and shall make public a similar report each 90 days thereafter so long as such proclamation shall be in force.

"(j) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

#### "REGULATIONS

"Sec. 9. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

#### "GENERAL PENALTY PROVISION

"Sec. 10. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$1,000 or imprisoned not more than 5 years, or both.

#### "DEFINITIONS

"Sec. 11. For the purposes of this joint resolution—

"(a) The term 'United States,' when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

"(b) The term 'person' includes a partnership, company, association, or corporation, as well as a natural person.

"(c) The term 'vessel' means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

"(d) The term 'state' shall include nation, government, and country.

#### "SEPARABILITY OF PROVISIONS

"Sec. 12. If any of the provisions of this joint resolution, or the application thereof to any person or circumstance, is held invalid, the remainder of the joint resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 13. All rules, regulations, proclamations, and orders made in pursuance of this act shall be in accordance with the principles and precedents of international law and the supreme law of the land.

#### "APPROPRIATIONS

"Sec. 14. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

#### "REPEAL OF ACTS OF 1935, 1936, 1937

"Sec. 15. The act of August 31, 1935 (Public Res. No. 67, 74th Cong.), as amended by the act of February 29, 1936 (Public Res. No. 74, 74th Cong.), and the act of May 1, 1937 (Public Res. No. 27, 75th Cong.), and the act of January 8, 1937 (Public Res. No. 1, 75th Cong.), are hereby repealed: *Provided*, That such repeal shall not affect the validity of the Proclamation No. 2237 of May 1, 1937 (50 Stat. 1834), defining the term 'arms, ammunition, and implements of war' or of certificates of registration or licenses issued pursuant to the provisions of section 5 of the act of May 1, 1937."

Mr. LUTHER A. JOHNSON. Mr. Chairman, I wonder if I may explain what the substitute amendment contains and save the reading of the amendment.

Mr. FISH. I have no objection, but, of course, I shall reserve all points of order.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that the substitute may be considered as read and be printed in the Record.

Mr. FISH. Mr. Chairman, reserving the right to object, I wish to reserve all points of order against the amendment.

The CHAIRMAN. The gentleman will have that right.

Mr. RABAUT. Mr. Chairman, I reserve the right to object for the purpose of asking the gentleman a question for information. Is this a substitute for the entire bill?

Mr. LUTHER A. JOHNSON. Yes; I will explain the substitute. This request is made simply to save the manual reading of the amendment by the Clerk.

Mr. FISH. Perhaps I should make the point of order now and get it out of the way.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. LUTHER A. JOHNSON]?

There was no objection.

The CHAIRMAN. Does the gentleman from New York [Mr. FISH] desire to make a point of order?

Mr. FISH. I desire to make a point of order, Mr. Chairman.

The gentleman from Texas [Mr. JOHNSON] has offered as a substitute to the bill an entirely new bill which no one has seen or discussed. No member of the minority has even had the advantage of knowing what is in it. It is an entirely new bill. It takes out the Vorys arms-embargo amendment put in by the Committee itself. In my opinion, Mr. Chairman, it violates the fundamental principles of representative government, that form of government which is now so under attack throughout the world today.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I do.

Mr. LUTHER A. JOHNSON. The gentleman stated that the matter is something which the committee has not considered and discussed. Everything in it has been discussed during general debate and under the rule. There is nothing added to it. There are subtractions rather than additions. So it has been discussed.

Mr. FISH. Of course, but we are not mind readers. No one on the minority side has even seen the new bill.

Mr. LUTHER A. JOHNSON. It might be best for me to state what the substitute is.

Mr. FISH. The gentleman will have that opportunity in a moment, as soon as I have made my point of order.

The CHAIRMAN. The gentleman will state the grounds for his point of order.

Mr. FISH. I state, Mr. Chairman, that the gentleman from Texas [Mr. JOHNSON] has offered an entirely new bill after the conclusion of the consideration of the bill before the committee and that this practice undoes everything the committee has already done. We have been discussing this bill for 20 hours on the floor and for months in the Foreign Affairs Committee. I submit, irrespective of any previous rulings and precedents, that this action literally destroys representative government. [Applause.] No one can deny that, Mr. Chairman, because the committee has acted upon this bill. It has put in certain amendments after due consideration. Those amendments are taken out, as I understand the parliamentary situation, by the substitute or the entirely new bill offered now by the gentleman from Texas.



Before the Chair rules I want to make a plea for the preservation of representative government because I understand the rules and I understand the precedents that he may be guided by, but, Mr. Chairman, is there not something that is bigger than precedents when the issue may be the perpetuation of popular government and our free institutions?

Mr. LUTHER A. JOHNSON. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order, but he has gotten rather far afield. I think his argument probably might not be germane and would not be relevant if he knew what the substitute was.

The CHAIRMAN. The Chair will be pleased to hear the gentleman on the point of order.

Mr. FISH. I am asking a little latitude, I admit, Mr. Chairman. I waived the reading of the substitute bill, which would probably have occupied half an hour, in order to save time and expedite a vote on the bill.

Mr. Chairman, I understand the embarrassment of the Chair. The Chair may feel that he must be guided by certain precedents that have been rarely used in the House of Representatives, but, after all, this may be the last representative body in the world. We may be Members of the last Congress in any republic in the world, and if we are to undermine representative government, such as the ruling of the Chair may well do, it will support everything that has been said by Hitler, Mussolini, and Stalin, that democracy has failed, and that representative government has failed in America and all over the world.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I think the gentleman is not discussing the point of order. He is getting pretty far afield when he gets into Germany, Italy, and Russia. I respectfully request that the gentleman discuss the point of order.

Mr. FISH. That is just where you are taking us, into Germany, Italy, and Russia.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MAY. I have not seen the substitute. I have not read it. I know, as a matter of fact, practically nothing about the original bill, but I think if the gentleman has a point of order it would be upon the idea that this substitute eliminates amendments which have been adopted in the committee.

Mr. FISH. That is right.

Mr. MAY. And the only way by which those amendments can be gotten rid of, under the rules of the House, is by a vote when we go back into the House?

Mr. FISH. Yes. Mr. Chairman, this is a very unusual procedure. It is one of the most unprecedented procedures that the House of Representatives has dealt with in many years. I think in the 20 years I have been here it has been invoked once or twice only, but not on such a vital issue as this—war or peace—affecting the lives of millions of Americans. If the Chair rules in accordance with the precedents which I am afraid he will be forced to do, it will mean that the Vorys amendment, put in by the will of the Committee, will be taken out of this bill, without the possibility of a vote by the members themselves in the Committee. Now, if the Committee wants that done I have no complaint. If that is the will of the majority, I have no complaint, but I think it is hardly fair to force the Chair to abide by some old precedents and thereby deprive the members of the Committee from voting on the Vorys amendment which you yourselves have adopted.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. TAYLOR of Tennessee. Is this not just an ingenious way of avoiding a record vote on the Vorys amendment?

Mr. FISH. The majority side is afraid of a direct vote on the Vorys amendment, and this is a device to avoid it.

Mr. TAYLOR of Tennessee. That is exactly what I meant.

The CHAIRMAN. This is all within the discretion of the Chair. The Chair regrets to have to invite the gentleman's attention to the fact that he is not helping the Chair in the consideration of the point of order.

Mr. FISH. I will conclude in just 1 minute, Mr. Chairman. Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RAYBURN. Does the gentleman from New York contend that under the rule and under the precedents a substitute offered after the reading of the bill is not in order?

Mr. FISH. I do not.

Mr. RAYBURN. The gentleman does not contend that.

Mr. FISH. I do not.

The CHAIRMAN. Then does the gentleman withdraw his point of order?

Mr. FISH. I do not. Mr. Chairman. Let me say this, I know of no fairer presiding officer than the gentleman himself. [Applause.] The gentleman has been absolutely fair in the consideration of the bill before us in the last 20 hours. He has been one of the best presiding officers I have ever known, because he has actually leaned over backward to be fair, and I regret that the gentleman is forced on this momentous occasion to comply with the precedents of the House and literally permit, through a most unusual and unfair device, the disfranchising of Members of Congress who voted for the Vorys arms embargo. This deplorable procedure will strike out the Vorys amendment without any vote being permitted on it.

Mr. DOWELL. Mr. Chairman, may I be heard on the point of order?

Mr. McCORMACK rose.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. McCORMACK. I do, Mr. Chairman.

The CHAIRMAN. The Chair will first hear the gentleman from Iowa on the point of order and then will be pleased to hear the gentleman from Massachusetts.

Mr. DOWELL. Mr. Chairman, under the rules of the House when an amendment is adopted, a motion to strike out that amendment is not in order. That is the general rule. Several amendments have been adopted to this bill by the Committee. Aside from these amendments, as I understand, this substitute is identical with the bill that has been before the House; consequently, the only effect of this substitute is to strike out the amendments, something which cannot be done directly. This substitute inserting every word of the other part of the bill strikes out the amendments that have already been adopted.

It seems to me that the principles of our parliamentary procedure is so fixed and so certain that this substitute cannot strike out the amendments that have already been adopted.

I think the substitute is not in order and that the point of order should be sustained.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, I want at the outset to call the attention of the Chair discussing the point of order to the fact that the substitute amendment that has been offered is not the same as the bill as adopted by the Committee of the Whole up to the present time. I invite the Chair's attention to one change on page 4 of the pending bill, Section 4, the proviso starting in line 8 and ending in line 18 is eliminated in the substitute amendment, that is the language of the present bill which relates to the 90-day credit. There are other changes.

We have heard the gentleman from New York talk about "the destruction of representative government" because of this particular motion being made. Nobody takes any stock in that statement because it is pure propaganda; but if it were otherwise it started with pretty good authority on the Republican side of the House. From Cannon's Precedents, volume 8, paragraph 2904, I read the following:

Substitutes for an entire bill may be offered following the reading of the first paragraph or at the conclusion of the reading of the entire bill.

A substitute offered after the reading of a bill has been concluded is in order regardless of whether it includes language

stricken from the bill or inserted in the bill when read for amendment.

What are the facts? Destruction of American Government on a point of order.

On June 28, 1922, the Committee of the Whole House on the state of the Union was considering the bill (S. 3425) to continue certain land offices.

During the reading of the bill for amendment various modifications were agreed to, some striking out language and others inserting provisions as new paragraphs.

The reading of the bill having been concluded, Mr. James R. Mann, of Illinois—

Republican leader at that time and a great parliamentarian—

offered a substitute for the entire bill which in effect proposed the original bill with modifications changing amendments previously agreed to.

Mr. Louis C. Cramton, of Michigan, made the point of order that the substitute was in contravention of action already taken by the committee.

The chairman, Horace M. Towner, of Iowa, and certainly he was not a Democrat, an outstanding parliamentarian also, held:

There are two methods by which substitutes for the entire bill may be offered. The first is to offer, after the first paragraph has been read, a substitute for the entire bill, with the notice that with regard to the succeeding sections of the bill, as they are read, a motion will be made to strike them out. That method has been used in a good many instances. In that case gentlemen will notice that, of course, there is no opportunity for amending any subsequent section of the bill, provided the substitute is agreed to.

The other method is to offer the substitute for the entire bill at the conclusion of the reading of the entire bill, as was done in this instance by the gentleman from Illinois. Of course, in that case all of the amendments that have been adopted by the committee, whatever they may be, are stricken out if the substitute is adopted. If the substitute contains, in effect or in actual language, some of the amendments that are already agreed to, that does not deprive the mover of the substitute of the consideration of his substitute. That applies practically to the case that we have before us, in the opinion of the Chair. No matter what the effect of this substitute may be, it is the right of the Committee to vote down or to support the motion of the gentleman from Illinois. The point of order is therefore overruled.

A more recent authority in my own time—I remember in my early years here a census bill—is found in paragraph 2905 of volume 8 of Cannon's Precedents, and the decision in that case occurred within the time of service of the gentleman from New York. Nobody on the Democratic side charged at that time that the motion made by the Republicans would result in the destruction of representative government. I read:

On June 6, 1929, the House in Committee of the Whole House on the state of the Union was considering the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

At the close of the reading of section 22 of the bill, and after two amendments to the section had been adopted, Mr. John Q. Tilson, of Connecticut—

Republican floor leader at that time—

offered as a substitute for section 22 an amendment practically identical with the original section, with minor modifications, but omitting the two amendments just agreed to.

The chairman in that case was the gentleman from Illinois, Mr. Chindblom, who happened to visit the House this afternoon. Mr. Chindblom was an outstanding parliamentarian.

Chairman Chindblom, on June 6, 1929, considering this case, cited the authority of the Towner ruling of June 28, 1922, overruled the point of order and sustained the motion.

Mr. Chairman, the precedents are absolutely in support of this substitute being in order. The hysterical argument about violation of representative government has no place in the point of order, and has no place in this matter at all. I do not contend when those motions were made in the past by distinguished Republicans of bygone days that they were employing any other than proper parliamentary tactics, and I did not charge that they were endeavoring to destroy representative government. No such charge can properly be advanced on this occasion. The precedents are clearly in support of the substitute amendment offered, and I respectively contend that the point of order should be overruled.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from Texas offered a substitute to strike out all after the enacting clause of the pending resolution and insert a new provision.

The gentleman from New York made a point of order against the substitute.

The Chair has been pleased to hear the argument presented in support of the point of order by the gentleman from New York and the argument advanced in opposition to the point of order by the gentleman from Massachusetts. While the Chair has been interested in the observations made by the gentleman from New York with respect to parliamentary procedure in popular government, and so forth, the Chair has not been convinced by that type of argument and certainly it is not in line with the decisions rendered by most eminent chairmen of the Committee of the Whole House on the state of the Union and Speakers of the House as shown by the precedents.

The Chair has examined the decisions referred to by the gentleman from Massachusetts [Mr. McCORMACK] and is of the opinion that these decisions are directly in point with the situation now presented by the point of order made by the gentleman from New York [Mr. FISH]. The present occupant of the Chair happens to have been a Member at the time the second point of order referred to by the gentleman from Massachusetts was made on June 6, 1929, and has a personal recollection of the situation existing at that time. That situation, as well as the one contained in the first decision cited by the gentleman from Massachusetts, are both directly in point with the situation now presented on the point of order made by the gentleman from New York.

The Chair feels, of course, that he is bound by the precedents of the House of Representatives and the decisions heretofore rendered, and upon the ground included in the decision cited by the gentleman from Massachusetts, the Chair is definitely of the opinion that the amendment offered here, if germane to the pending resolution, is clearly in order. No question has been raised with reference to the germaneness of the amendment. The Chair is therefore of the opinion that the amendment is in order and overrules the point of order made by the gentleman from New York.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. As the matter now stands, as I understand it, the substitute is subject to amendments so long as you do not violate the third-degree amendment principle? That is, the resolution or substitute as it now stands might be amended twice?

The CHAIRMAN. The gentleman is correct. It is subject to all amendments provided and authorized by rule XIX of the House.

Mr. RABAUT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RABAUT. The substitute that has been placed here has been brought before us with surprise. Is it in printed form? Is it numbered so that it may be amended? What form is the substitute in?

The CHAIRMAN. The amendment is at the Clerk's desk, and, of course, may be examined by any Member interested who desires to do so.

Mr. RABAUT. Is it going to be read?

The CHAIRMAN. By unanimous consent, the reading of it has been dispensed with.

Mr. RAYBURN. Mr. Chairman, I wonder if it would be possible now to agree on some time for debate on this substitute?

Mr. FISH. Yes; I am ready to agree on time.

Mr. RAYBURN. I am wondering if 30 minutes would be satisfactory?

Mr. FISH. That would be ample. I am going to ask, however, that the time be equally divided by the Chair, although I rely on the Chair to divide it.

Mr. RAYBURN. We can leave it to the Chair, I am sure.

Mr. Chairman, I ask unanimous consent that all debate on this substitute and all amendments thereto close in 30



minutes, the time to be allotted in the discretion of the Chair.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on this substitute and all amendments thereto close in not to exceed 30 minutes. Is there objection?

Mr. SCHAFER of Wisconsin. I object, Mr. Chairman.

Mr. RAYBURN. Mr. Chairman, I move that all debate on this substitute and all amendments thereto close in 40 minutes.

The motion was agreed to.

Mr. MUNDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MUNDT. May I inquire whether there is any way in which we can have this bill in its amended form read to the Members of the Committee so that we may understand clearly what we are expected to vote on?

The CHAIRMAN. By unanimous consent, the reading of the substitute was dispensed with.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. We are asked after 30 minutes of discussion to pass the neutrality bill and throw the so-called Bloom bill out of the window. Where can we obtain a copy of the new so-called neutrality bill?

The CHAIRMAN. There is a copy of the pending amendment at the Clerk's desk, where it may be examined by any Member interested and desiring to examine it.

Under the limitation of time heretofore fixed by the Committee, there will be 20 minutes of debate on each side.

The Chair recognizes the gentleman from Ohio [Mr. VORYS], a member of the committee for 3 minutes.

Mr. VORYS of Ohio. Mr. Chairman, when I was in the Ohio Legislature we had an institution called the duck pond, where members could duck when they did not want to take the rap. That is what you have got here in this substitute—a duck pond where you think you can duck without taking the rap on standing up and being counted when your name is called on whether you want to send means of murder overseas. [Applause.]

Before I came here I read of how your great leader sent a bill down here and had it read at the desk and nobody saw it, and gave you orders to put it through.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I refuse to yield.

And a lot of those people who rubber-stamped messages sent down Pennsylvania Avenue, are not here any more.

Do not forget, though, you are going to get a chance to stand up and vote on whether you want to help one side or the other or to stay neutral; to vote whether you want to go back on this American principle that you voted for, of not sending means of murder to those who are murdering each other, or whether you want to stand by what you voted for only yesterday before they turned the heat on. Think of this and remember when you vote on this question that you are voting on just one thing.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I refuse to yield.

The rest of this is simply camouflage. You are voting on a polite way to get around the question of an arms embargo. An arms embargo does not tie any President's hands. It ties the hands of munitions makers in this country. There is nothing in the arms embargo about the President. It simply imposes limitations that experience has shown, experience that you men know about, gets us into war.

If you want to stay out of war vote down this last-minute substitute. If you want to give the President the chance to take that desperate gamble of throwing our weight into the balance of power in Europe, then vote for this pending amendment. [Applause.]

The CHAIRMAN (Mr. DEMPSEY). The gentleman from South Dakota [Mr. MUNDT] is recognized for 3 minutes.

Mr. MUNDT. Mr. Chairman, I take this time simply to reiterate the questions which I asked the chairman of the

neutrality committee some 45 minutes ago, three definite questions which are just as significant to the American public under this substitute bill as they were under the former bill.

First, how do you expect to contribute to the peace or the neutrality of the world without an arms embargo which limits the United States from selling the implements of war to foreign countries?

This is a fair question and it seems to me is entitled to an honest answer, not to me, but to the mothers of America whose sons' lives depend upon our judgment in making this decision tonight.

The second question is, How do you expect to contribute to the peace or the neutrality of the world unless we restrict American citizens from sailing on ships which are carrying munitions; unless we restrict the ships themselves from carrying those munitions and also passengers on the same boats?

The third question is, How do you expect to contribute to the peace of the world or to neutrality, if we permit American industry to sell arms, ammunition, and implements of war to the belligerents of the world, unless this is to go down in history, I repeat, as the Bloom Internal Revenue Act for War Profiteers? If it is to become, in all sincerity, the Bloom International Neutrality Act, we must rewrite it so as to permit honest and hopeful answers to the direct and determined questions which I have two times asked, and which have two times been answered only by an eloquent and expressive silence.

From the gentleman from New York [Mr. BLOOM] the country awaits honest answers to these questions. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Maine [Mr. BREWSTER] for 5 minutes.

Mr. BREWSTER. Mr. Chairman, it is rather gratifying to come from this side of the House and advocate something which does not belong to the Dark Ages. We were charged some time ago with belonging to the "horse and buggy" age. Now, we come here with a proposition which has received the overwhelming sanction of this Congress within recent years and of most of the membership except the 75 Members who did not return from the last Congress. Not one of those Members was defeated because of the stand he took upon this measure—I think I can vouch for that from what I saw on the hustings—a measure which has been designed to keep us out of war, which has been sold to the country upon that basis. I challenge anyone to read out of any of the debates during the 5 years this measure has been here to show that that has not been the major motive animating those who have sponsored this legislation, until the last time only one Member dissented in our vote for an arms embargo, and that was the gentleman from Minnesota, Mr. Bernard, who has not returned here this year.

Now we are suddenly told by some mysterious influence that this new idea is all wrong; that we should go back to international law. International law did not keep us out of the last war. There is no reason to think it will keep us out of the next one. The gentleman from Texas [Mr. JOHNSON] has repeatedly asked how are we led down the road to war under international law. He has repeatedly said that no one has shown any way in which that has come to pass. We all know the past. We all know how the munition makers pour out hundreds of millions of dollars of munitions for which the people of Europe cannot possibly pay. We know how our country is transformed to a war economy. This does not prevent the shipment of food. This does not prevent the shipment of raw materials. It simply says we shall not become the munitions makers of the world.

It still gives to any Nation who can come to our shores all the food and clothing they may desire, or for which they can pay, but it does mean when war is over we are not dislocated from our peace economy, and can more quickly recover the things that we desire.

Meanwhile, there always around the corner lurks the insidious influence of those who profit out of war. They seek fool's gold. Let us place in the balance the youth of the

United States. They are not privileged to be heard here tonight, and yet their lives may be the forfeit if we make a mistake.

An invisible army watches us tonight—the mothers of America. They gave 50,000 boys on the altar of the last war. Let us ponder well that we shall take no step calculated to send 50,000 more American boys down the path to the grave that opened to receive their brothers 20 years ago.

Let us sell food and clothing. Let us embargo arms. Against such there is no law. No international law requires us to sell munitions to the nations overseas. So certainly as we take that course, so certainly we shall be opening wide the door that once before led America into the holocaust of war. Let everyone, as he casts his vote, have the mothers of America ever present in his mind. [Applause.]

Mr. FISH. Mr. Chairman, may I ask the Chairman to now recognize some speakers on the other side?

The CHAIRMAN. The gentleman from Texas [Mr. LUTHER A. JOHNSON] is recognized for 4 minutes.

Mr. LUTHER A. JOHNSON. Mr. Chairman, for 4 days we have been considering and debating this resolution, fraught with interest to the American people, and the passage or defeat of which may affect the peace of the world, and now, within 30 minutes, we shall be called to vote upon it.

So important do I regard it, and so anxious am I to secure its passage that I have, with the concurrence and approval of the Democratic members of the Foreign Affairs Committee, offered the substitute now pending and which will be first voted upon.

The substitute does not differ materially from the resolution as reported to the House, except in one or two minor particulars, and these changes have been made to meet the objections of some of those who have opposed it, in the hope that by so doing the resolution may have their support.

Republican Members, instead of being appeased, seem to have become angered that the substitute has been offered. Their action is in keeping with the bitter political opposition they have waged against this measure, both before it was reported by the Foreign Affairs Committee and during its consideration in the House.

It is unthinkable that partisan politics should be injected into an issue like this, and I am glad that two of the Republican members of our committee, the gentleman from New York [Mr. BARTON] and the gentleman from New Hampshire [Mr. STEARNS], have risen above party politics, and have cooperated with the Democratic members on this resolution, designed to keep our country out of war and to discourage the outbreak of another world war.

The pending substitute offered by me, instead of making the opponents of the resolution mad, should palliate some of the so-called conscientious scruples upon which they have claimed their opposition was based, but the bitterness of their opposition is such that they will not even concede this.

The gentleman from Ohio [Mr. VOYTS] who is my friend, even if we do belong to different political parties, when he spoke a few moments ago, was so enraged, or was playing the role of being so angered that he refused to yield to me or anyone else. He should be pleased by that provision of the substitute which limits the power of the President with reference to credits. The substitute eliminates that portion of section 4, giving the President power to grant short-time loans or credits. It does not, however, affect the remainder of section 3, by which credit is denied to warring nations, and by which governments at war are forbidden from selling their bonds either to our Government or to our nationals, and my substitute still leaves an inhibition against our country or our people extending loans or credits or financing in any way foreign wars.

With the exception of section 9, which is eliminated, all other provisions of the resolution are not changed from the resolution as reported.

The substitute retains the provision prohibiting American citizens from traveling upon vessels of belligerent nations,

except at their own risk; also requires a transfer of title of all goods shipped from this country to foreign consignees before the same leave our shores, and also makes it unlawful for collections or contributions to be solicited from American citizens in behalf of either belligerent nation at war. These features are all designed to prevent the happening of incidents which might involve us in a foreign war. Our involvement in such controversies is more likely to arise from the destruction of American lives or the destruction and confiscation of American property upon the high seas, and these provisions will make less likely the happening of such events and thereby minimize the chance of our involvement in wars between other countries.

With reference to the arms embargo, I think my position on that has been made clear in the several speeches which I have made during the debate upon this resolution. I am in favor of the repeal of the arms embargo for five distinct reasons:

First, because the testimony before our committee disclosed that it has been most difficult to enforce it, even in two minor wars of Albania and the Spanish civil war. It would be exceedingly more difficult to enforce in a conflict between major powers.

Second, because the arms embargo does not prevent or tend to prevent our involvement in foreign wars. In all the debate on this resolution no one has pointed out wherein this statement is not correct.

Third, because arms embargo, under conditions as they now exist, is in violation of international law and is therefore an unneutral act. I think before war breaks out we should conform to international law with reference to such an embargo, so that it cannot be claimed that our law is unneutral.

Fourth, because I can conceive of a situation after war breaks out where the American people may want the arms embargo repealed, and if we are going to repeal it afterward, or if there is any likelihood of it, let us repeal it before war breaks out. I am in favor of it for the fifth and last reason, and that is the principal reason that appeals to me. I believe that the repeal of the arms embargo now will have a tendency to help prevent the outbreak of war in Europe. The best insurance for peace in America is peace in Europe. Repeal of the arms embargo is the one effective contribution that we can make at this time to insure world peace.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. ALLEN of Pennsylvania. Is this not significant, that each member of this committee should bear in mind that William R. Castle, Assistant Secretary of State under three Republican administrations, Henry L. Stimson, and now Cordell Hull, our own Secretary of State, have all declared that if this arms embargo remains in the act, it is an inducement for the aggressor nations to continue their aggressions and thereby provoke war?

Mr. LUTHER A. JOHNSON. The gentleman is exactly right. Three Secretaries of State have so held, and I have a letter here from the Secretary of the Navy, which I will not have time to read, but which states that after consideration by the Navy Department, that Department feels that an arms embargo is undesirable, and is calculated to get us into war.

Many witnesses, both Government officials, our diplomatic representatives and others all testified before our committee that the repeal of the arms embargo at this time would be the most constructive and helpful thing that could be done to prevent the outbreak of war.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. SIROVICH. Will the gentleman kindly tell me why we should have an arms embargo in time of a war in which we are not involved that would prevent neutrals that love their freedom, nations like Norway, Sweden, Finland, Denmark, Belgium, and Holland from coming over here to get arms, ammunition, and implements of war to protect their own independence?



Mr. LUTHER A. JOHNSON. That is right. The smaller democracies would be at the mercy of the aggressor nations. I trust that once again we shall go back to the time-honored principle we have followed since the days of George Washington.

As our able Secretary of State, Hon. Cordell Hull, than whom there is no one more anxious to preserve peace, stated in his letter of May 27, if embargoes are to be invoked at all, they should be upon all commodities. Let me quote from that portion of his letter and other portions of his letter upon this subject.

If we go in for embargoes on exports, for the purpose of keeping ourselves out of war, the logical thing to do would be to make our embargo all-inclusive. Modern warfare is no longer warfare between armed forces only, it is warfare between nations in every phase of their national life. Lists of contraband are no longer limited to arms and ammunition and closely related commodities. They include not only those items which contribute toward making warfare possible, but almost every item useful in the life of the enemy nation. A nation at war is no less anxious to keep cotton or petroleum, or, indeed, any useful product, from reaching an enemy nation than it is to keep guns and airplanes from reaching the enemy's armed forces. I doubt whether we can help ourselves to keep out of war by an attempt on our part to distinguish between categories of exports. Yet a complete embargo upon all exports would obviously be ruinous to our economic life. It therefore seems clear that we should have no general and automatic embargo inflexibly and rigidly imposed on any class or group of exports.

Our conclusion that embargo on export of arms is undesirable is not new, and experience has confirmed our belief.

On August 31, 1935, on the occasion of his signing the Neutrality Act of 1935, the President made the following statement:

"The latter section (providing for an embargo of export of arms) terminates at the end of February 1936. This section requires further and more complete consideration between now and that date. Here again the objective is wholly good. It is the policy of this Government to avoid being drawn into wars between other nations, but it is a fact that no Congress and no Executive can foresee all possible future situations. History is filled with unforeseeable situations that call for some flexibility of action. It is conceivable that situations may arise in which the wholly inflexible provisions of section I of this act might have exactly the opposite effect from that which was intended. In other words, the inflexible provisions might drag us into war instead of keeping us out. The policy of the Government is definitely committed to the maintenance of peace and the avoidance of any entanglements which would lead us into conflict. At the same time it is the policy of the Government by every peaceful means and without entanglement to cooperate with other similarly minded governments to promote peace."

On November 6, 1935, I made the following statement with respect to neutrality legislation:

"Any discussion of the avoidance of war, or of the observance of neutrality in the event of war, would be wholly incomplete if too much stress were laid on the part played in the one or the other by the shipment, or the embargoing of the shipment, of arms, ammunition, and implements of war. \* \* \* To assume that by placing an embargo on arms we are making ourselves secure from dangers of conflict with belligerent countries is to close our eyes to manifold dangers in other directions. \* \* \* We cannot assume that when provision has been made to stop the shipment of arms, which as absolute contraband have always been regarded as subject to seizure by a belligerent, we may complacently sit back with the feeling that we are secure from all danger."

Our involvement in controversies is more likely to arise from destruction of American lives. In this regard we can effectively diminish our risks by keeping our nationals and ships out of areas in which there is special danger. The rights of our nations under international law may properly be restricted by our own legislation along certain lines for the purpose of avoiding incidents which might involve us in a conflict. In indicating certain restrictions upon the exercise of our rights as a neutral I do not wish to be considered as advocating the abandonment of these, or indeed, of any, neutral rights; but there is reasonable ground for restricting at this time the exercise of these rights.

For the reasons heretofore stated, it is my firm conviction that the arms-embargo provision of the existing law should be eliminated. I furthermore believe that the most effective legislative contribution at this time toward keeping this country out of war, if war occurs, would be made by enacting or reenacting provisions on lines as follows:

To prohibit American ships, irrespective of what they may be carrying, from entering combat areas;

To restrict travel by American citizens in combat areas;

To provide that the export of goods destined for belligerents shall be preceded by transfer of title to the foreign purchaser;

To continue the existing legislation respecting loans and credits to nations at war;

To regulate the solicitation and collection in this country of funds for belligerents;

To continue the National Munitions Control Board and the system of arms export and import licenses.

Provisions on the suggested lines would, I think, help to keep this country out of war and facilitate our adherence to a position of neutrality. They would make easier our twofold task of keeping this country at peace and avoiding imposition of unnecessary and abnormal burdens upon our citizens.

Sincerely yours,

CORDELL HULL.

The pending substitute substantially meets the suggestions of Secretary Hull, including the repeal of the arms embargo.

Let no one contend that repeal of the arms embargo will inure to the advantage of the munition makers in this country, for, if the repeal is effected, I have assurance from a high source that such a heavy tax will be placed on the profits of munition makers that there would be no profiteering and no advantage from the sale thereof.

Failure to repeal the arms embargo will cause rejoicing in the capitals of the dictator nations and will encourage the dictators to commit further acts of aggression upon the democratic nations, and may mean the outbreak of another world war.

There is no one who hates war more than I, and I would not knowingly vote for any legislation that would in the slightest degree tend to encourage or cause our involvement in war, but, speaking from the depths of my heart, after having given long and serious consideration to this most important matter at this critical hour, I believe with all my heart that the passage of this resolution at this time is the most constructive effort toward world peace, and certainly the most effective means of preventing our involvement in any foreign war. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. MILLER] for 5 minutes.

Mr. MILLER. Mr. Chairman, we have reached the point in our deliberations where we have separated the babies from the bullets, we have not called out the firing squad, and we are right down to the one important issue of whether we are going to continue to furnish arms and munitions of war to murder innocent people with whom we are at peace. That is the sole remaining issue.

Throughout this debate no Member of this House has come on this floor and said that the selling of arms and munitions of war between 1914 and 1917 was not an important factor in our becoming involved in the World War.

Yesterday I listened to my colleague, the gentleman from New York [Mr. BARTON], describe what would happen in case of another war. He said that the war would be brought into the homes of every American that had a radio. I could almost hear the steeples of the cathedrals of Europe crashing. He described the screams of women and children, and said the American people would demand the lifting of any embargo. Perhaps they would, but let them decide that when the occasion arises. The thing that concerns me today is that as the American people listen to the screams of the women and children who are being bombed from the air, the radio may not announce that these bombs were made in America. [Applause.]

It has been claimed, and undoubtedly rightly so, that we manufacture in the United States the most poisonous gas manufactured in the world. It would surely be considered a munition of war and without an arms embargo would be shipped from the United States. I had occasion to be in a hospital not far from the front during the first battle of the Argonne and I saw American men, some of them brothers, some of them now possibly Members of this House, coming in, their eyelids burned, their bodies burned from what was then the most torturous gas known, but that gas was as nothing compared to what we manufacture now. I cannot believe that the Members of Congress are more interested in protecting the profits of the manufacturers of poisonous gas than they are in protecting the prospective victims of gas in the next war, whether they be citizens of this country or some European nation. [Applause.]

I wish I had time to touch on the high lights of the findings of the Nye committee. When its findings were first made public I never dreamed that this Congress would ever seriously consider doing away with the embargo on arms and munitions of war during time of war. Apparently, how-

ever, we have forgotten some of the findings of the Nye committee. I may say in passing that while the Nye committee exposed a rotten business, in many cases they went too far, as such things always do, and indicted many loyal manufacturers who were simply doing their best to provide for the national defense of this country.

I hope no parliamentary subterfuge will be used to prevent the roll from being called sometime between now and the Fourth of July, and I am willing to stay even beyond the Fourth of July to get a roll call to find out whether the Members of this House will vote to limit the shipment of arms. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. RAYBURN] for 6 minutes.

Mr. RAYBURN. Mr. Chairman, I was a Member of this House on April 6, 1917, when war was declared at 3 o'clock in the morning. That was to me the most serious hour of my life, and the vote I cast upon that occasion gave me more pause than any other vote I have cast. I say to you this evening that I think we are upon another serious and far-reaching vote; and, as God is my judge, in the vote that I shall cast tonight against the Vorys motion to recommit this bill and for the passage of the bill containing a repeal of the arms embargo, I am thinking first of my own America and next for the peace and happiness of the world. [Applause.]

I think no worse news could go from the Capital of this great democracy to all nations of the world tonight than for us to vote down the proposal carried in this bill and say that we will stand in crises, it matters not how many may come, as the Vorys motion would have us stand.

I was interested in the statement made by the distinguished gentleman from Connecticut when he said that when bombs were dropping and people were dying, probably men, women, and children, the innocent being maimed, he did not want it said that those bombs were manufactured, or those planes were built, in the United States of America.

Let me call his attention to the fact that the Vorys amendment does not prevent the sale of airplanes, and when bombs are dropped from the airplanes that we send across the water they will be dropped because the Vorys amendment did not prevent it.

Mr. Chairman, we talk about immorality in connection with the exportation of arms. Is it immoral to ship a gun to China so that a Chinaman may protect his sacred fireside from invasion, or from the murder or ravage that may be committed upon his wife and upon his children? When great governments, ambitious men who have a desire to control the earth, attempt to stamp out liberty and democracy, is there any immorality in supplying arms to a little weak country so that it may let the dictators and the autocracies of the earth know that it can somewhere, even though it does not have a factory within its own boundaries, get arms to protect its liberty? [Applause.]

Is it immoral to stand up in this great democracy and say that we believe in freedom, that we believe in self-determination of people, or that we want in a world conflict the democracies of the earth to survive that conflict? [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH] for 5 minutes.

Mr. FISH. Mr. Chairman, as God is my judge, and because I love peace and love America, I propose to vote for the motion to recommit, to put back in the bill the Vorys amendment, which provides for an embargo on arms and ammunition. [Applause.]

I am convinced that if this unneutral Bloom bill passes without such an embargo on arms, ammunition, and deadly weapons, it will mean that the United States of America will follow our arms traffic for blood money and war profits into the war itself. [Applause.]

Who is asking us to do away with this arms embargo? Has the American Federation of Labor and the wage earners of this country asked us to wipe out the arms embargo? Have the farmers or the National Grange asked us to do away with

the arms embargo? Have the veterans who followed the arms traffic into war in 1917 opposed the arms embargo? Why, the last four speakers urging a ban on arms and ammunition are World War veterans. Have the church people and the rank and file of the peace-loving people of America manifested any desire to repeal the arms embargo? Ninety percent of all these groups want an embargo on arms. The only ones who have asked to do away with all arms embargoes are the President of the United States, the Secretary of State, the House leadership, and some members of the Committee on Foreign Affairs, and the entire Communist Party and Communist press. I agree with only one thing the gentleman from Texas [Mr. RAYBURN] said, and that is that the world is on the verge of war. I believe that statement is true.

You can almost hear the beating of the wings of the angel of death as she hovers over England, France, Germany, Italy, and Poland tonight. I have been informed within the last hour that some of these nations have called back their officers from America. They are on the verge of war. Yet we propose to pass a law without an arms embargo, that will put us exactly where we were 22 years ago, and launch us into another World War. [Applause.]

Mr. Chairman, I have only one concern, and that is for the interest of my own people and my own country. I want to do everything I can to keep America out of war. [Applause.]

But if we must go to war, it must be in defense of the United States of America and not in defense of the munition makers and the war profiteers of America. [Applause.] It must be in defense of the interest of all of our people and not in the defense of blood money and war profits. That is exactly what this Bloom bill without an arms embargo does. It is an interventionist and a war-making bill. This is a great American issue; I hope there will be enough courageous Democrats who will vote with us to put the Vorys arms embargo back into the bill. But I can assure you that regardless of partisanship the people themselves in the last analysis will decide this issue, no matter what we do. The next Congress will be composed of representatives of the people who believe in an arms embargo and will vote for one in order to keep the United States of America out of all foreign wars. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Alabama, the Speaker of the House of Representatives.

Mr. BANKHEAD. Mr. Chairman, I have listened with very great interest to the remarks just made by the ranking minority member of the Committee on Foreign Affairs, in which he seemed to conclude his argument with the proposition that his opposition to the pending bill would keep the United States of America out of war.

I desire to undertake to express my sentiments in a very few words with reference to modern warfare as a human institution. Like my beloved friend from Texas who has just spoken, I was a Member of this body when we had to make that memorable decision on the 6th day of April 1917 which carried our country and all of its resources and all of its manpower and all of its patriotism into the World War. Those of us, sir, who had to make up our minds upon that fateful night, all of us on both sides of the aisle—and at that time this House was controlled almost equally by both of the great major parties—all of us underwent, if I may so term it, almost a spiritual crucifixion before we cast our votes upon the resolution that carried us into the World War.

I despise war as a human institution. I believe that a great majority of the American people of all classes are passionately devoted to the great desire that this beloved country of ours shall keep out of war and shall not be drawn into its terrible vortex. After due consideration, one of the major reasons that I am supporting the proposed bill in contradiction to the conclusions of the gentleman from New York is that I honestly and fervently believe that in adopting this law we will be making a great gesture to keep the United States of America out of any world war. [Applause.]



I believe we should be realists upon this situation, and not sentimentalists. What is the situation abroad in world affairs today, not in our country, because fortunately we are still in a position of peace. But look abroad in other parts of the world and what do you see? You see the tramp, tramp, tramp of marching arms. Every account that you see, particularly from Europe, deals with the preparation for some impending conflict at arms.

It would not be becoming for me here tonight to make any reference, and I am glad that all Members who participated in this debate so far have refrained from any particular personal reference, to any of the great nations of Europe; but let us be realists. Where, if at all tonight—and I ask you to search your souls on both sides of this House to answer this question—where tonight or tomorrow, in what countries of the world will war be started, if at all? What have been the tendencies of some of the modern governments in Europe with reference to this question of imperialism and power, the tramp of marching arms, the great preparations in armament and otherwise for enforcing their will and their jurisdiction upon their neighbors? Answer that question. How many pictures do you see in the magazines, the newspapers and the newsreels, coming out of some countries about the activities of the populations of some of these governments to which I have referred? In which of them do you ever see pictures of the home and of the fireside and of the family altar and the useful and tranquil pursuits of the ordinary vocations of life? Where, on the contrary, do you see the flaunting of banners, threats of invasion against enemies, and threats of danger to the peace and security of the world?

This proposition we have pending tonight comes back home. I want to conclude my argument from the standpoint of a citizen of the United States of America. I want to say to you, after a very careful and, I trust, prudent observation and investigation of this whole question of neutrality, that we made a supreme and colossal mistake in policy, in national policy, if you please, when we departed a few years ago from the time-honored and time-tested constitutional principle of leaving the management of our foreign and diplomatic affairs in the hands of the President of the United States and of the State Department of this country. [Applause.] It had been lodged there securely and definitely for 145 years. Every incursion that we have attempted to make by these various neutrality laws in the last 3 or 4 years does but serve to teach us that it is absolutely impossible for the genius even of the Congress of the United States to enact a statute that contains real neutrality.

For this reason, as has definitely been pointed out by able arguments made on the floor of this House, it seems to me that on the whole case, upon the traditions of our Government, on a logical analysis of our constitutional system, time-tested in the years past as it has been, although we may have made some temporary mistake in assuming that Congress had the capacity to violate the constitutional principles with propriety and wisdom, it is best to return this night, by passing this law, to a practical repeal of all those futile efforts we have made to transcend and to displace the great constitutional principle which our fathers founded and which in the years past has been our sanctuary and our refuge in all our international relations.

I wish I had time to develop some other phases of this proposition. I think there have been very many arguments that have been made here from a sentimental standpoint that may have made some appeal to the hearts and maybe to the prejudices of the Members of this House. But remember that we are dealing tonight with probably the most stupendous and the most important legislative problem that has been submitted to the Congress of the United States since the World War.

I trust we will reach our decision tonight not upon the basis of sentimental appeal, and not upon the basis of resolutions that may have been received from certain organizations all over the country, although I appreciate their humanity and their good purposes. Rather, let us decide

this question, this great, imperious, paramount question affecting the safety and security of the United States of America, on the basis of logic and on the basis of past experience.

It is my earnest belief, and I assert it, after undertaking to give to this proposition the sincerest and most earnest consideration of which I am capable, that if we pass this law tonight and lift this inhibition against the shipment of arms and ammunition to those who need them—who need them, as the gentleman from Texas pointed out—to defend their liberties, to defend their homes, and to defend their principles of self-government and personal liberty—and this is not a fight for the munitions makers, although that argument has been made—I feel that the safest and surest way for us to proceed is to remove the shackles and impediments now resting on the President of the United States and the Secretary of State and give them absolute freedom of action, as the founders of our Constitution conceived they should have, to govern from day to day and from hour to hour the incidents that may occur in this storm-tossed and tempestuous world.

The Congress of the United States is losing nothing of its power by the passage of this bill. There is still reserved to us the constitutional power to declare war. Nothing can take that away from us. Even this bill under one of its present amendments gives to the Congress of the United States the right to declare when a state of war exists between certain nations.

In conclusion, my friends, I appeal to you, on the basis that I have in such fragmentary fashion suggested to you, to return to the safe moorings of the Constitution and leave to him who is charged with that responsibility, whether he be Democratic or whether he be Republican, always the President of the United States of America, the right in the first instance to control and manage our diplomatic and foreign affairs. [Applause.]

Mr. THILL. Mr. Chairman, I offer a preferential motion which is at the Clerk's desk.

The Clerk read as follows:

Preferential motion offered by Mr. THILL:

"Mr. THILL moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out."

Mr. THILL. Mr. Chairman, this is the most serious moment of my life. I have not talked on this measure for the last 3 days, and I offer this pro forma amendment so that I may speak to you for a few minutes.

I was astounded, I was amazed at the speeches of the majority leader and the Speaker of the House. I took occasion to read the debate in this House on April 5 and April 6, 1917; and the speeches made tonight by the majority leader and the Speaker so closely parallel the speeches made on that night that I can well see that the men on my right are now mentally inflamed and disturbed, as were those Members of Congress on April 6, 1917, when they were bombarded with the same type of emotional appeal. Note well, neither of these distinguished gentlemen said anything about the pending substitute amendment.

When President Wilson came before this House on April 2, 1917, he used these historic words:

We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations, great and small, and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy.

In the light of history that idealism has been shown to be impractical. This Nation is not powerful enough, it is not endowed with sufficient wisdom, in the present stage of civilization, to regulate and control all the nations of the world.

The majority leader mentioned the fact he was here on that memorable night of April 6 when this House voted on the resolution to declare war.

Here are the names of some gentlemen who are still with us in this House who voted for that declaration of war: MESSRS. SABATH, EDWARD T. TAYLOR, DOUGHTON, MAPES, RAY-

BURN, SUMNERS of Texas, TREADWAY, VINSON of Georgia, STEAGALL, TINKHAM, BANKHEAD, MARVIN JONES, LEA, MANSFIELD, SULLIVAN, DARROW, DOWELL, ROMJUE, WEAVER, ASHBROOK, and McANDREWS. The only man still here on the floor of the House who voted against war is the distinguished gentleman from Minnesota [Mr. KNUTSON]. [Applause.]

Many of these men are now disillusioned. The respected gentleman from Ohio [Mr. ASHBROOK] spoke yesterday and with all of the wisdom at his command, and in quiet, solemn dignity he announced that he was going to vote against the Bloom bill as written.

Now, in conclusion, let me read a poem, written by one of my constituents, which I feel we should adopt as a prayer tonight:

#### AMERICA'S OUR FATHER

Our Father who art above,  
Instill in our hearts a greater love,  
For the glorious liberties we have today,  
Before it's too late and they're taken away.

Continue to give us our daily bread,  
And grant us the power to keep our head  
When radicals rave of their favorite "ism,"  
With which they'd displace our Americanism.

Forgive us for meddling in foreign affairs;  
Teach us to mind our business, not theirs;  
To tend to our problems, and ours alone;  
To better conditions right here at home.

Lead us not into war with the modern-day Neroses,  
That would cost the lives of American heroes,  
And wipe out democracy, or worse still,  
Subject us all to a dictator's will.

Deliver us, our Father who art above,  
From the loss of these rights we cherish and love,  
So that each night when we kneel and pray,  
We can say, "Thank God for the U. S. A."

[Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin.

The motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 173 and noes 146.

Mr. FISH. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. LUTHER A. JOHNSON and Mr. VORYS of Ohio to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 176 and noes 180.

So the substitute amendment was rejected.

Mr. FISH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FISH. This substitute having been defeated by the will of the Members, I understand we now go back to the original proposition, the so-called Bloom bill.

The CHAIRMAN. Under the rule, the Committee will now rise and report the bill with amendments.

Mr. FISH. With the Vorys amendment in it?

The CHAIRMAN. As one of the amendments.

Pursuant to the rule, the Committee will now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the resolution, House Joint Resolution 306, pursuant to House Resolution 227, he reported the resolution back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. BLOOM. Mr. Speaker, I ask for a separate vote on the so-called Vorys amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio: On page 2, after line 15, insert the following:

"(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms or ammunition from any place in the United States to any belligerent states named in such proclamation."

The question is on agreeing to the amendment.

The question was taken; and, on a division (demanded by Mr. BLOOM), there were ayes 195 and noes 187.

Mr. BLOOM. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. FISH. Mr. Speaker, a parliamentary inquiry. There was so much confusion I would like to know if a vote "aye" is for the Vorys embargo amendment?

The SPEAKER. The question is on the Vorys amendment, which has been read to the House. All Members are capable of drawing their conclusions with reference to the purport of the amendment.

The Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 173, answered "present" 1, not voting 42, as follows:

[Roll No. 117]

YEAS—214

Alexander	Elston	Keefe	Rogers, Mass.
Allen, Ill.	Englebright	Kennedy, Martin	Routzohn
Allen, La.	Evans	Kinzer	Rutherford
Andersen, H. Carl	Fenton	Knutson	Ryan
Anderson, Calif.	Fernandez	Kunkel	Sandager
Anderson, Mo.	Fish	Lambertson	Schaefer, Ill.
Andresen, A. H.	Flannery	Landis	Schaefer, Wis.
Angell	Ford, Leland M.	Leavy	Schiffler
Arends	Fries	LeCompte	Schulte
Austin	Gamble	Lemke	Schwert
Barry	Gartner	Lewis, Ohio	Secombe
Bates, Mass.	Gathings	Luce	Secrest
Bender	Gearhart	Ludlow	Seger
Blackney	Gehrman	McDowell	Shafer, Mich.
Bolles	Gerlach	McLaughlin	Simpson
Bolton	Gilchrist	McLean	Smith, Maine
Boren	Gillie	McLeod	Smith, Ohio
Bradley, Mich.	Graham	Maciejewski	Smith, Wash.
Brewster	Grant, Ind.	Marshall	Spence
Brooks	Gregory	Martin, Iowa	Springer
Brown, Ohio	Griffith	Massingale	Stefan
Buckler, Minn.	Griswold	Michener	Sumner, Ill.
Burdick	Gross	Miller	Sutphin
Carlson	Guyer, Kans.	Mills, La.	Sweeney
Carter	Gwynne	Monkiewicz	Taber
Case, S. Dak.	Hall	Moser	Talle
Chapman	Halleck	Mott	Taylor, Tenn.
Chipfield	Hancock	Mundt	Tenerowicz
Church	Harness	Murdock, Ariz.	Thill
Clason	Harter, N. Y.	Murray	Thomas, N. J.
Clevenger	Hartley	Nichols	Thorkelson
Cluett	Havener	O'Brien	Tibbott
Coffee, Nebr.	Hawks	O'Connor	Tinkham
Cole, Md.	Healey	O'Day	Tolan
Collins	Heinke	Oliver	Treadway
Colmer	Hess	O'Neal	Van Zandt
Cooley	Hill	Osmer	Voorhis, Calif.
Corbett	Hinshaw	O'Toole	Vorys, Ohio
Costello	Hoffman	Pfeifer	Vreeland
Crawford	Holmes	Pierce, N. Y.	Walter
Crosser	Hope	Pittenger	Welch
Crowther	Horton	Polk	White, Idaho
Culkin	Houston	Powers	White, Ohio
Curtis	Hull	Rabaut	Wigglesworth
D'Alesandro	Hunter	Rankin	Williams, Del.
Darrow	Jarrett	Reece, Tenn.	Winter
Dirksen	Jeffries	Reed, Ill.	Wolcott
Ditter	Jenkins, Ohio	Reed, N. Y.	Wolfenden, Pa.
Dondero	Jenks, N. H.	Rees, Kans.	Wolverton, N. J.
Douglas	Jensen	Rich	Woodruff, Mich.
Dowell	Johnson, Ill.	Risk	Youngdahl
Dworshak	Johnson, Ind.	Robison, Ky.	Zimmerman
Eaton, N. J.	Johnson, W. Va.	Rockefeller	
Elliott	Jones, Ohio	Rodgers, Pa.	

NAYS—173

Allen, Pa.	Brown, Ga.	Coffee, Wash.	Doxey
Arnold	Bryson	Cole, N. Y.	Drewry
Ball	Buck	Cooper	Duncan
Barden	Buckley, N. Y.	Courtney	Dunn
Barnes	Burch	Cox	Durham
Barton	Burgin	Creal	Eberharter
Bates, Ky.	Byrne, N. Y.	Crowe	Edmiston
Beam	Byrns, Tenn.	Cullen	Faddis
Beckworth	Caldwell	Darden	Fay
Bell	Cannon, Fla.	Delaney	Ferguson
Bland	Celler	Dempsey	Flaherty
Bloom	Chandler	DeRouen	Flannagan
Boland	Clark	Dickstein	Ford, Miss.
Boykin	Claypool	Dingell	Ford, Thomas F.
Bradley, Pa.	Cochran	Doughton	Fulmer



Garrett	Kirwan	Mouton	Sirovich
Gavagan	Kitchens	Murdock, Utah	Smith, Conn.
Geyer, Calif.	Kleberg	Myers	Smith, Ill.
Gibbs	Kocialkowski	Nelson	Smith, Va.
Gore	Kramer	Norrell	Snyder
Gossett	Lanham	O'Leary	Somers, N. Y.
Grant, Ala.	Larrabee	Pace	South
Green	Lea	Parsons	Sparkman
Hare	Lesinski	Patman	Steagall
Harrington	Lewis, Colo.	Patton	Stearns, N. H.
Hart	McAndrews	Pearson	Sullivan
Harter, Ohio	McArdle	Peterson, Fla.	Tarver
Hendricks	McCormack	Peterson, Ga.	Terry
Hennings	McGehee	Pierce, Oreg.	Thomas, Tex.
Hobbs	McGranery	Poage	Thomason
Hook	McKeough	Ramspeck	Vincent, Ky.
Izac	McMillan, John L.	Randolph	Vinson, Ga.
Jarman	Maas	Rayburn	Wadsworth
Johnson, Luther A.	Magnuson	Richards	Wallgren
Johnson, Lyndon	Mahon	Robertson	Ward
Johnson, Okla.	Maloney	Robinson, Utah	Weaver
Jones, Tex.	Marcantonio	Rogers, Okla.	West
Kean	Martin, Colo.	Romjue	Whelchel
Kee	Martin, Ill.	Sacks	Whittington
Keller	May	Sasser	Williams, Mo.
Kennedy, Md.	Merritt	Satterfield	Woodrum, Va.
Kennedy, Michael	Mills, Ark.	Schuetz	
Keogh	Mitchell	Shanley	
Kilday	Monroney	Sheppard	

## ANSWERED "PRESENT"—1

Sabbath

## NOT VOTING—42

Andrews	Dies	Kerr	Shannon
Ashbrook	Disney	McMillan, Thos. S.	Short
Boehne	Eaton, Calif.	McReynolds	Smith, W. Va.
Bulwinkle	Ellis	Mansfield	Starnes, Ala.
Byron	Engel	Mapes	Summers, Tex.
Cannon, Mo.	Fitzpatrick	Martin, Mass.	Taylor, Colo.
Cartwright	Folger	Mason	Warren
Casey, Mass.	Gifford	Norton	Wheat
Connery	Jacobson	Patrick	Wood
Cummings	Johns	Plumley	
Curley	Kelly	Scrugham	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Martin of Massachusetts (for) with Mr. Sabbath (against).  
 Mr. Andrews (for) with Mr. Warren (against).  
 Mr. Short (for) with Mr. Cummings (against).  
 Mr. Plumley (for) with Mr. Patrick (against).  
 Mr. Wheat (for) with Mr. Bulwinkle (against).  
 Mr. Ashbrook (for) with Mr. Kerr (against).  
 Mr. Johns (for) with Mr. Ellis (against).  
 Mr. Gifford (for) with Mr. Scrugham (against).  
 Mr. Mason (for) with Mr. Starnes of Alabama (against).

General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
 Mr. McReynolds with Mr. Engel.  
 Mr. Boehne with Mr. Eaton of California.  
 Mr. Taylor of Colorado with Mr. Casey of Massachusetts.  
 Mr. Wood with Mr. Jacobson.  
 Mr. Mansfield with Mr. Byron.  
 Mr. Smith of West Virginia with Mr. Curley.  
 Mr. Summers of Texas with Mr. Connery.  
 Mr. Cartwright with Mr. Folger.  
 Mr. Thomas S. McMillan with Mr. Disney.  
 Mr. Fitzpatrick with Mrs. Norton.  
 Mr. Kelly with Mr. Dies.

Mr. KNUTSON changed his vote from "nay" to "yea."

Mr. SABATH. Mr. Speaker, I voted "nay." I have a live pair with the gentleman from Massachusetts, the minority leader, [Mr. MARTIN]. I desire to withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. TINKHAM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TINKHAM. I certainly am.

The SPEAKER. The gentleman certainly qualifies.

The Clerk will report the motion offered by the gentleman from Massachusetts.

The Clerk read as follows:

Mr. TINKHAM moves that the joint resolution be recommitted to the Committee on Foreign Affairs.

The SPEAKER. Without objection the previous question will be ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 179, noes 185.

Mr. FISH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 196, answered "present" 1, not voting 40, as follows:

[Roll No. 118]

## YEAS—194

Alexander	Edmiston	Johnson, Ind.	Rockefeller
Allen, Ill.	Elliott	Jones, Ohio	Rodgers, Pa.
Andersen, H. Carl	Elston	Kean	Rogers, Mass.
Anderson, Calif.	Englebright	Keefe	Routzahn
Anderson, Mo.	Evans	Kennedy, Martin	Rutherford
Andresen, A. H.	Faddis	Kennedy, Md.	Sandager
Angell	Fenton	Kinzer	Schaefer, Ill.
Arends	Fish	Knutson	Schaefer, Wis.
Arnold	Ford, Leland M.	Kunkel	Schiffner
Austin	Ford, Thomas F.	Lambertson	Secombe
Ball	Fries	Landis	Seger
Barry	Gamble	LeCompte	Shafer, Mich.
Barton	Gartner	Lemke	Sheppard
Bates, Mass.	Gearhart	Lewis, Ohio	Simpson
Bender	Gehrmann	Luce	Smith, Maine
Blackney	Gerlach	Ludlow	Smith, Ohio
Bolles	Gilchrist	McDowell	Springer
Bolton	Gillie	McLaughlin	Stearns, N. H.
Bradley, Mich.	Graham	McLean	Stefan
Brewster	Grant, Ind.	McLeod	Sumner, Ill.
Brown, Ohio	Griswold	Maas	Sutphin
Buck	Gross	Marshall	Sweeney
Burdick	Guyer, Kans.	Martin, Iowa	Taber
Carlson	Gwynne	Michener	Talle
Carter	Hall	Miller	Taylor, Tenn.
Case, S. Dak.	Halleck	Monkiewicz	Tenerowicz
Chipherfield	Hancock	Mott	Thill
Church	Harness	Mundt	Thomas, N. J.
Clason	Harrington	Murdock, Utah	Thorkelson
Clevenger	Harter, N. Y.	Murray	Tibbott
Cluett	Hartley	O'Brien	Tinkham
Cole, N. Y.	Hawks	O'Connor	Tolan
Cooley	Healey	O'Day	Treadway
Corbett	Heinke	Oliver	Van Zandt
Costello	Hess	Osmers	Vorys, Ohio
Crawford	Hinshaw	Patton	Vreeland
Crosser	Hoffman	Pfeifer	Wadsworth
Crowther	Holmes	Pierce, N. Y.	Welch
Culkin	Hook	Pittenger	White, Ohio
Curtis	Hope	Poage	Wigglesworth
D'Alessandro	Horton	Powers	Williams, Del.
Darrow	Hull	Rabaut	Winter
Dirksen	Hunter	Reece, Tenn.	Wolcott
Ditter	Jarrett	Reed, Ill.	Wolfenden, Pa.
Dondero	Jeffries	Reed, N. Y.	Wolverton, N. J.
Douglas	Jenkins, Ohio	Rees, Kans.	Woodruff, Mich.
Dowell	Jenks, N. H.	Rich	Youngdahl
Dworshak	Jensen	Risk	
Eaton, N. J.	Johnson, Ill.	Robison, Ky.	

## NAYS—196

Allen, La.	Collins	Gibbs	Larrabee
Allen, Pa.	Colmer	Gore	Lea
Barden	Cooper	Gossett	Leavy
Barnes	Courtney	Grant, Ala.	Lesinski
Bates, Ky.	Cox	Green	Lewis, Colo.
Beam	Creal	Gregory	McAndrews
Beckworth	Crowe	Griffith	McArdle
Bell	Cullen	Hare	McCormack
Bland	Darden	Hart	McGehee
Bloom	Delaney	Harter, Ohio	McGranery
Boland	Dempsey	Havener	McKeough
Boren	DeRouen	Hendricks	McMillan, John L.
Boykin	Dickstein	Hennings	Maclejewski
Bradley, Pa.	Dingell	Hill	Magnuson
Brooks	Doughton	Hobbs	Mahon
Brown, Ga.	Doxey	Houston	Maloney
Bryson	Drewry	Izac	Marcantonio
Buckley, Minn.	Duncan	Jarman	Martin, Colo.
Buckley, N. Y.	Dunn	Johnson, Luther A.	Martin, Ill.
Burch	Durham	Johnson, Lyndon	Massingale
Burgin	Eberharter	Johnson, Okla.	May
Byrne, N. Y.	Fay	Johnson, W. Va.	Merritt
Byrns, Tenn.	Ferguson	Jones, Tex.	Mills, Ark.
Caldwell	Fernandez	Kee	Mills, La.
Cannon, Fla.	Flaherty	Keller	Mitchell
Celler	Flannagan	Kennedy, Michael	Monroney
Chandler	Flannery	Keogh	Moser
Chapman	Folger	Kilday	Mouton
Clark	Ford, Miss.	Kirwan	Murdock, Ariz.
Claypool	Fulmer	Kitchens	Myers
Cochran	Garrett	Kleberg	Nelson
Coffee, Nebr.	Gathings	Kocialkowski	Nichols
Coffee, Wash.	Gavagan	Kramer	Norrell
Cole, Md.	Geyer, Calif.	Lanham	O'Leary

O'Neal	Robertson	Smith, Conn.	Vincent, Ky.
O'Toole	Robinson, Utah	Smith, Ill.	Vinson, Ga.
Pace	Rogers, Okla.	Smith, Va.	Voorhis, Calif.
Parsons	Romjue	Smith, Wash.	Wallgren
Patman	Ryan	Snyder	Walter
Pearson	Sacks	Somers, N. Y.	Ward
Peterson, Fla.	Sasscer	South	Weaver
Peterson, Ga.	Satterfield	Sparkman	West
Pierce, Oreg.	Schuetz	Spence	Wheelchel
Polk	Schulte	Steagall	White, Idaho
Ramspeck	Schwert	Sullivan	Whittington
Randolph	Secrest	Tarver	Williams, Mo.
Rankin	Shanley	Terry	Woodrum, Va.
Rayburn	Shannon	Thomas, Tex.	Zimmerman
Richards	Sirovich	Thomason	The Speaker

## ANSWERED "PRESENT"—1

Sabath

## NOT VOTING—40

Andrews	Curley	Kelly	Plumley
Ashbrook	Dies	Kerr	Scruggam
Boehne	Disney	McMillan, Thos. S.	Short
Bulwinkle	Eaton, Calif.	McReynolds	Smith, W. Va.
Byron	Ellis	Mansfield	Starnes, Ala.
Cannon, Mo.	Engel	Mapes	Summers, Tex.
Cartwright	Fitzpatrick	Martin, Mass.	Taylor, Colo.
Casey, Mass.	Gifford	Mason	Warren
Connery	Jacobsen	Norton	Wheat
Cummings	Johns	Patrick	Wood

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "nay."

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts (for) with Mr. Sabath (against).  
 Mr. Andrews (for) with Mr. Warren (against).  
 Mr. Short (for) with Mr. Cummings (against).  
 Mr. Plumley (for) with Mr. Patrick (against).  
 Mr. Wheat (for) with Mr. Bulwinkle (against).  
 Mr. Ashbrook (for) with Mr. Kerr (against).  
 Mr. Johns (for) with Mr. Ellis (against).  
 Mr. Gifford (for) with Mr. Scruggam (against).  
 Mr. Mason (for) with Mr. McReynolds (against).

General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
 Mr. Thomas S. McMillan with Mr. Engel.  
 Mr. Boehne with Mr. Eaton of California.  
 Mr. Taylor of Colorado with Mr. Casey of Massachusetts.  
 Mr. Wood with Mr. Jacobsen.  
 Mr. Mansfield with Mr. Byron.  
 Mr. Smith of West Virginia with Mr. Curley.  
 Mr. Summers of Texas with Mr. Connery.  
 Mr. Fitzpatrick with Mrs. Norton.  
 Mr. Kelly with Mr. Dies.  
 Mr. Starnes of Alabama with Mr. Cartwright.

Mr. RANDOLPH. Mr. Speaker, my name was not called the second time.

The SPEAKER. Was the gentleman from West Virginia present in the Hall and listening?

Mr. RANDOLPH. Yes; I was present and listening. I qualify.

The SPEAKER. How does the gentleman vote?

Mr. RANDOLPH. I vote "nay."

Mr. FISH. The gentleman from West Virginia is one of the most distinguished Members of the House and knows his rights.

The SPEAKER. The Chair accepts the statement of the gentleman from West Virginia [Mr. RANDOLPH] that he was present and his name was not called. The Chair must rely upon the integrity of the statements of all Members of the House of Representatives. [Applause.]

Mr. SABATH. Mr. Speaker, I voted "nay" but I am paired with the gentleman from Massachusetts [Mr. MARTIN]. I desire to withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

Mr. FISH. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The gentleman from New York [Mr. FISH] demands a recapitulation of the vote.

The vote is extremely close. The Chair feels that in order to establish the accuracy of the record a recapitulation should be made.

The Clerk will call the names of those Members voting in the affirmative.

The Clerk called the names of those voting in the affirmative.

The SPEAKER. The Clerk will now call the names of those voting in the negative.

The Clerk called the names of those voting in the negative.

Mr. DARDEN. Mr. Speaker, my name was not called in the recapitulation or, if it was, I did not hear it.

The SPEAKER. The gentleman is recorded as having voted "nay."

The Clerk will call the names of those Members who answered "present."

The Clerk called the name of Mr. SABATH.

The SPEAKER. On the recapitulation of the vote the yeas are 194, and the nays are 196.

The question is on the passage of the bill.

Mr. BLOOM and Mrs. ROGERS of Massachusetts demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 187, answered "present" 1, not voting 41, as follows:

[Roll No. 119]

## YEAS—201

Allen, La.	Dunn	Lanham	Rayburn
Barden	Durham	Larrabee	Reece, Tenn.
Barnes	Eberharter	Lea	Richards
Barton	Fay	Leavy	Robertson
Bates, Ky.	Ferguson	Lesinski	Robinson, Utah
Beam	Fernandez	Lewis, Colo.	Rogers, Okla.
Beckworth	Fish	McAndrews	Romjue
Bell	Flaherty	McArdle	Ryan
Bland	Flannagan	McCormack	Sacks
Bloom	Flannery	McGehee	Sasscer
Boren	Folger	McGranery	Satterfield
Boykin	Ford, Miss.	McKeough	Schaefer, Ill.
Bradley, Pa.	Ford, Thomas F.	McLaughlin	Schuetz
Brooks	Fulmer	McMillan, John L.	Schulte
Brown, Ga.	Garrett	Maciejewski	Schwert
Bryson	Gathings	Magnuson	Shanley
Buckler, Minn.	Gavagan	Mahon	Shannon
Buckley, N. Y.	Geyer, Calif.	Maloney	Sirovich
Burch	Gibbs	Marcantonio	Smith, Conn.
Burgin	Gore	Martin, Colo.	Smith, Ill.
Byrne, N. Y.	Gossett	Martin, Ill.	Smith, Va.
Byrns, Tenn.	Grant, Ala.	Massingale	Smith, Wash.
Caldwell	Green	May	Snyder
Cannon, Fla.	Gregory	Merritt	Somers, N. Y.
Celler	Griffith	Mills, Ark.	South
Chandler	Hare	Mills, La.	Sparkman
Chapman	Hart	Mitchell	Spence
Clark	Harter, Ohio	Monroney	Steagall
Claypool	Havenner	Moser	Sullivan
Cochran	Hendricks	Mouton	Tarver
Coffee, Nebr.	Hennings	Murdock, Ariz.	Taylor, Tenn.
Coffee, Wash.	Hill	Myers	Terry
Cole, Md.	Hobbs	Nelson	Thomas, Tex.
Collins	Houston	Nichols	Thomason
Colmer	Izac	Norrell	Vincent, Ky.
Cooper	Jarman	O'Leary	Vinson, Ga.
Courtney	Johnson, Luther A.	O'Neal	Voorhis, Calif.
Cox	Johnson, Lyndon	O'Toole	Vorys, Ohio
Creal	Johnson, Okla.	Pace	Wallgren
Crowe	Johnson, W. Va.	Parsons	Walter
Cullen	Jones, Tex.	Patman	Ward
Darden	Kee	Patton	Weaver
Delaney	Keller	Pearson	West
Dempsey	Kennedy, Michael	Peterson, Fla.	Wheelchel
DeRouen	Keogh	Peterson, Ga.	Whittington
Dickstein	Kilday	Pierce, Oreg.	Williams, Mo.
Dingell	Kirwan	Poage	Woodrum, Va.
Doughton	Kitchens	Polk	Zimmerman
Doxey	Kleberg	Ramspeck	
Drewry	Kocalkowski	Randolph	
Duncan	Kramer	Rankin	

## NAYS—187

Alexander	Carter	Eaton, N. J.	Halleck
Allen, Ill.	Case, S. Dak.	Edmiston	Hancock
Allen, Pa.	Chipperfield	Elliott	Harness
Andersen, H. Carl	Church	Elston	Harrington
Anderson, Calif.	Clason	Englebright	Harter, N. Y.
Anderson, Mo.	Clevenger	Evans	Hartley
Andresen, A. H.	Cluett	Faddis	Hawks
Angell	Cole, N. Y.	Fenton	Healey
Arends	Cooley	Ford, Leland M.	Heinke
Arnold	Corbett	Fries	Hess
Austin	Costello	Gamble	Hinshaw
Ball	Crawford	Gartner	Hoffman
Barry	Crosser	Gearhart	Holmes
Bates, Mass.	Crowther	Gehrmann	Hook
Bender	Culkin	Gerlach	Hope
Blackney	Curtis	Gilchrist	Horton
Bolles	D'Alesandro	Gillie	Hull
Boiton	Darrow	Graham	Hunter
Bradley, Mich.	Dirksen	Grant, Ind.	Jarrett
Brewster	Ditter	Griswold	Jeffries
Brown, Ohio	Dondero	Gross	Jenks, N. H.
Buck	Douglas	Guyer, Kans.	Jenkins, Ohio
Burdick	Dowell	Gwynne	Jensen
Carlson	Dworshak	Hall	Johnson, Ill.



Johnson, Ind.	Miller	Rodgers, Pa.	Tenerowicz
Jones, Ohio	Monkiewicz	Rogers, Mass.	Thill
Kean	Mott	Routzohn	Thomas, N. J.
Keefe	Mundt	Rutherford	Thorkelson
Kennedy, Martin	Murdock, Utah	Sandager	Tibbott
Kennedy, Md.	Murray	Schaffer, Wis.	Tinkham
Kinzer	O'Brien	Schiffner	Tolan
Knutson	O'Connor	Secombe	Treadway
Kunkel	O'Day	Secrest	Van Zandt
Lambertson	Oliver	Seger	Vreeland
Landis	Osmer	Shafer, Mich.	Wadsworth
LeCompte	Pielfer	Sheppard	Welch
Lemke	Pierce, N. Y.	Simpson	White, Idaho
Lewis, Ohio	Pittenger	Smith, Maine	White, Ohio
Luce	Powers	Smith, Ohio	Wigglesworth
Ludlow	Rabaut	Springer	Williams, Del.
McDowell	Reed, Ill.	Stearns, N. H.	Winter
McLean	Reed, N. Y.	Stefan	Wolcott
McLeod	Rees, Kans.	Sumner, Ill.	Wolfenden, Pa.
Maas	Rich	Sutphin	Wolverton, N. J.
Marshall	Risk	Sweeney	Woodruff, Mich.
Martin, Iowa	Robson, Ky.	Taber	Youngdahl
Michener	Rockefeller	Talle	

## ANSWERED "PRESENT"—1

Sabath

## NOT VOTING—41

Andrews	Curley	Kerr	Short
Ashbrook	Dies	McMillan, Thos. S.	Smith, W. Va.
Boehne	Disney	McReynolds	Starnes, Ala.
Boland	Eaton, Calif.	Mansfield	Sumners, Tex.
Bulwinkle	Ellis	Mapes	Taylor, Colo.
Byron	Engel	Martin, Mass.	Warren
Cannon, Mo.	Fitzpatrick	Mason	Wheat
Cartwright	Gifford	Norton	Wood
Casey, Mass.	Jacobsen	Patrick	
Connery	Johns	Plumley	
Cummings	Kelly	Scrugham	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Sabath (for) with Mr. Martin of Massachusetts (against).  
 Mr. Warren (for) with Mr. Andrews (against).  
 Mr. Cummings (for) with Mr. Short (against).  
 Mr. Patrick (for) with Mr. Plumley (against).  
 Mr. Bulwinkle (for) with Mr. Wheat (against).  
 Mr. Kerr (for) with Mr. Ashbrook (against).  
 Mr. Ellis (for) with Mr. Johns (against).  
 Mr. Scrugham (for) with Mr. Gifford (against).  
 Mr. McReynolds (for) with Mr. Mason (against).  
 Mr. Thomas S. McMillan (for) with Mr. Engel (against).

## General pairs:

Mr. Cannon of Missouri with Mr. Mapes.  
 Mr. Boehne with Mr. Eaton of California.  
 Mr. Taylor of Colorado with Mr. Casey of Massachusetts.  
 Mr. Wood with Mr. Jacobsen.  
 Mr. Mansfield with Mr. Byron.  
 Mr. Smith of West Virginia with Mr. Curley.  
 Mr. Sumners of Texas with Mr. Connery.  
 Mr. Fitzpatrick with Mrs. Norton.  
 Mr. Kelly with Mr. Dies.  
 Mr. Starnes of Alabama with Mr. Cartwright.  
 Mr. Boland with Mr. Disney.

Mr. CELLER changed his vote from "nay" to "yea."

Mr. SABATH. Mr. Speaker, once again I wish to announce that I am paired with the gentleman from Massachusetts, Mr. MARTIN, and desire to withdraw my vote, having voted "yea," and be recorded as being "present."

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

## STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6791) entitled "An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 326) entitled "An act making appropriations for work relief, relief, and to increase

employment by providing loans and grants for public-works projects for the fiscal year ending June 30, 1940."

## FEDERAL JUDGES

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

## House Resolution 237

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5939, a bill to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## THE FRANKLIN D. ROOSEVELT LIBRARY

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

## House Resolution 238

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 118, a joint resolution to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## AMENDMENT OF MERCHANT MARINE AND SHIPPING ACTS

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed.

## House Resolution 224

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6746, a bill to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled between the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## ADMINISTRATION OF THE UNITED STATES COURTS

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

## House Resolution 239

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5999, a bill to provide for the administration of the United States courts, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill

and amendments thereto to final passage without intervening motion except one motion to recommit.

#### EXTENSION OF REMARKS

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Secretary of State to the chairman of the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the parole system.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a telegram sent to the Philadelphia Inquirer stating my views on neutrality and related subjects.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

#### DESCRIPTION OF THE ARMY OF THE UNITED STATES

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back favorably (H. Rept. No. 1022) a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### Senate Concurrent Resolution 22

*Resolved by the Senate (the House of Representatives concurring), That the manuscript submitted to the Senate by Senator MORRIS SHEPPARD on June 7, 1939, and referred to the Committee on Printing, containing a general description of the Army of the United States, its components, its arms, services, and bureaus, its military and nonmilitary activities, be printed with illustrations, as a public document; and that 10,700 additional copies shall be printed, with illustrations, and bound, as may be directed by the Joint Committee on Printing, of which 2,500 copies shall be for the use of the Senate, and 8,000 copies for the use of the House of Representatives, and 100 copies to each of the Committees on Military Affairs of the two Houses of Congress.*

Mr. MICHENER. Mr. Speaker, I think we ought to know what this refers to. It is now midnight.

The SPEAKER. This is a privileged resolution. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. JARMAN. Yes; I yield to the gentleman from Michigan.

Mr. MICHENER. Well, we can have a quorum and pass it. Will the gentleman explain the resolution? I do not like bringing up, at midnight, matters we know nothing about. I would like the gentleman to explain what this important matter is that he is bringing up at this late hour. No one knows anything about it. It is privileged, but we may have to have a quorum to pass it.

Mr. JARMAN. I assure the gentleman there is no disposition on the part of the Committee on Printing to put anything over on anyone. The gentleman from Pennsylvania, [Mr. RICH], on the gentleman's side of the aisle, has agreed to this resolution, and I have taken the matter up with the gentleman from Massachusetts [Mr. MARTIN], who I do not believe is here at the moment, and he is in thorough agreement with it. This is a resolution that has passed the Senate. It is not necessary, but it is rather in order that it pass today rather than tomorrow. As far as the disposition of the documents is concerned, they are to be distributed in accordance with the gentleman's ideas of how such things should be distributed. I assure the gentleman I have been trying to get recognition on this resolution for 2 or 3 days, and I have no desire to put anything over.

Mr. MICHENER. The only question is, has the gentleman talked with the minority leader and the minority member on the committee about this matter?

Mr. JARMAN. Oh yes.

Mr. MICHENER. And they have consented to it?

Mr. JARMAN. Yes; both of them.

Mr. MICHENER. They have consented to bring it up at this time?

Mr. JARMAN. Not at this particular time, because they did not know when I would be recognized; any time when I did get recognition.

Mr. MICHENER. They agreed that it should be passed?

Mr. JARMAN. The gentleman from Pennsylvania agreed the day before yesterday, and the gentleman from Massachusetts agreed this morning, that it should be passed.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Just why should this resolution be agreed to? Will the gentleman please explain it briefly?

Mr. JARMAN. I will explain it briefly, and then I do not care to yield further on that.

If the gentleman was listening he heard that this resolution referred to a document presented by the chairman of the Military Affairs Committee of the Senate and descriptive of the Army of the United States. I have forgotten the number of copies the resolution provides for, but it is the resolution that has passed the Senate and has been sent over here with the request of the Senate Committee on Printing and of the Senate Committee on Military Affairs that it be agreed to. I have been trying for 2 or 3 days to get the resolution considered.

Mr. SCHAFER of Wisconsin. This is not propaganda?

Mr. JARMAN. I told you I was not trying to put anything over.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a table of R. E. A. allotments by States.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I have a unanimous-consent request on the Clerk's desk, which I ask to have read.

The SPEAKER. The Clerk will report the unanimous-consent request of the gentleman from Texas.

The Clerk read as follows:

Mr. RAYBURN asks unanimous consent that notwithstanding the adjournment of the House the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and which have been examined by the Committee on Enrolled bills of each House and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns on tomorrow it adjourn to meet on Wednesday next.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, can the gentleman tell us what is expected to be brought up on Wednesday and Thursday of next week?

Mr. RAYBURN. I intend to prefer another unanimous-consent request with reference to Wednesday and Thursday.

Mr. ROBSION of Kentucky. Mr. Speaker, reserving the right to object, I do not understand the statement of the majority leader.

Mr. RAYBURN. I have asked unanimous consent that when the House adjourns tomorrow it adjourn to meet on Wednesday next.

Mr. ROBSION of Kentucky. I understood there would be no particular business tomorrow as a great many persons desire to be away.



Mr. RAYBURN. It is thought that there will not be any business tomorrow unless some emergency matter comes up. The Senate is still in session, but I do not believe we will have any business tomorrow.

Mr. MOTT. Mr. Speaker, reserving the right to object, I did not understand the Majority Leader's answer to the question as to what is to be the business for Wednesday.

Mr. RAYBURN. I wanted to proffer two other unanimous-consent requests, and then the gentleman from Michigan [Mr. MICHENER] is going to interrogate me about the program for next week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, a great many Members are interested in the Private Calendar, especially the individual bills on the Private Calendar that went over at the first of the month. I think we will have time on Wednesday, and I submit this request after consulting with the gentleman from Massachusetts [Mr. MARTIN] before he was called out of town, and the gentleman from Michigan [Mr. MICHENER], and I think it would be all right to call individual bills on the Private Calendar on next Wednesday. It probably will not take more than 45 minutes.

The Committee on Foreign Affairs has some bills that I think we could dispose of after that, and I therefore ask unanimous consent that on next Wednesday the calling of individual bills on the Private Calendar may be in order.

Mr. MILLS of Louisiana. Mr. Speaker, reserving the right to object, can the gentleman inform the House when he expects to take up the Consent Calendar?

Mr. RAYBURN. I am going to submit a unanimous consent request with respect to that matter immediately after this request is acted upon.

Mr. FISH. Mr. Speaker, reserving the right to object, has the Foreign Affairs Committee the call on Wednesday next?

Mr. RAYBURN. That is correct, and we think we can take 45 minutes out of that time for the calling of the Private Calendar and then the Foreign Affairs Committee will be called.

Mr. FISH. Does the Committee on Foreign Affairs lose its call?

Mr. RAYBURN. No. We intend to give next Wednesday to the Committee on Foreign Affairs.

Mr. FISH. The reason I ask that is I would like to be here, but I cannot be here next Wednesday. Of course, I do not have any control over the situation.

Mr. RAYBURN. We cannot put aside Calendar Wednesday business except by unanimous consent.

Mr. FISH. No. I understand that.

Mr. MICHENER. Reserving the right to object, what bills are expected to come up from the Committee on Foreign Affairs?

Mr. RAYBURN. I do not know. It is their day. They have the right to call up any bills they desire.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

#### CONSENT CALENDAR

Mr. RAYBURN. Mr. Speaker, we are adjourning over from tomorrow until Wednesday. On Monday the Consent Calendar would be in order. I think it would be proper, and I make this request after consulting with the leadership on the minority side, that the Consent Calendar be called on Thursday.

I ask unanimous consent that that may be done.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, if I may, in answer to the interrogatory of the gentleman from Michigan [Mr. MICHENER], the Committee on Rules has reported four or five rules. Some of them are of medium importance and

some of them of little importance. I do not think any rule of major importance will be called up on Thursday or Friday of next week. I think the Roosevelt library bill will come up on Thursday or Friday. No other rule of major importance will be taken up on Thursday or Friday.

Mr. BRADLEY of Pennsylvania. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. BRADLEY of Pennsylvania. Can the gentleman tell us whether or not the rule involving the National Labor Relations Board will be called up?

Mr. RAYBURN. I do not think so. No.

Mr. FISH. May I propound an inquiry to the gentleman from Illinois [Mr. SABATH], chairman of the Rules Committee? I have just learned that the gentleman from Illinois will handle the Roosevelt library bill. I have been designated to handle it for the minority. I would like to see if we cannot have an understanding that that bill would be taken up on next Friday. My family is sailing on Thursday and I would like to be here to handle that bill in opposition to the distinguished chairman of the Rules Committee.

Mr. SABATH. I will be more than pleased to accommodate the gentleman from New York. If that meets with the approval of the majority leader and the Speaker, it will be satisfactory to me.

Mr. RAYBURN. That will be perfectly satisfactory.

Mr. MICHENER. Mr. Speaker, further reserving the right to object, the understanding is that on tomorrow there will be no important business, as I understand the Majority Leader?

Mr. RAYBURN. That is the intention. I cannot conceive of anything that may come up tomorrow.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BULWINKLE, for 7 days, on account of personal business.

#### EXTENSION OF REMARKS

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and print in the RECORD a story from the Cleveland Press referring to some material I have placed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DITTER. Mr. Speaker, on behalf of the gentleman from Michigan [Mr. HOFFMAN], I ask unanimous consent that he be permitted to revise and extend the remarks he made this afternoon.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and include therein a few brief quotations from a number of publications.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter written to the New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6791. An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes;

H. R. 6970. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes;

H. R. 6977. An act to extend the time within which annual assessment work on mining claims held by location in the

United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938;

H. J. Res. 294. Joint resolution providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece;

H. J. Res. 326. Joint resolution making appropriations for work relief and relief, for the fiscal year ending June 30, 1940; and

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2618. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 5269. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes.

H. R. 6791. An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

H. R. 6970. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes.

H. R. 6977. An act to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced, for the year commencing at 12 o'clock m., July 1, 1938.

H. J. Res. 294. Joint resolution providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece.

H. J. Res. 326. Joint resolution making appropriations for work relief and relief, for the fiscal year ending June 30, 1940.

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939, for the Petroleum Conservation Division, Department of the Interior.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p. m.), the House adjourned until tomorrow, Saturday, July 1, 1939, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m. Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. (E. S. T.) on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels

under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

##### COMMITTEE ON THE JUDICIARY

On Wednesday, July 5, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Court; and for other purposes.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

936. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1940 amounting to \$230,000 (H. Doc. No. 386); to the Committee on Appropriations and ordered to be printed.

937. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce amounting to \$25,000 for the fiscal year 1939 and \$44,000 for the fiscal year 1940, in all, \$69,000 (H. Doc. No. 385); to the Committee on Appropriations and ordered to be printed.

938. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1938 and prior fiscal years in the amount of \$31,243.20, and supplemental estimates of appropriations for the fiscal years 1939 and 1940 in the amount of \$174,709.23, in all, \$205,952.43 (H. Doc. No. 387); to the Committee on Appropriations and ordered to be printed.

939. A letter from the Under Secretary of Commerce, transmitting the draft of a proposed bill to amend section 4438 of the Revised Statutes of the United States, as amended; to the Committee on Merchant Marine and Fisheries.

940. A letter from the Under Secretary of Commerce, transmitting a draft of a proposed bill to amend section 4471 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

941. A letter from the President, Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases; to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes; with amendment (Rept. No. 1009). Referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN of Colorado: Committee on Interstate and Foreign Commerce. H. R. 6884. A bill to encourage travel in the United States, and for other purposes; with amendment (Rept. No. 1010). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 6923. A bill to extend the times for commencing and completing the construction of a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., and for other purposes; with amendment (Rept. No. 1012). Referred to the House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 5611. A bill to amend section 9 of the act of



July 3, 1926 (44 Stat. 817), entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes"; with amendment (Rept. No. 1015). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. S. 2065. An act to provide for the regulation of the sale of certain securities in interstate and foreign commerce and through the mails, and the regulation of the trust indentures under which the same are issued, and for other purposes; with amendment (Rept. No. 1016). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. House Joint Resolution 329. Joint resolution consenting to an interstate oil compact to conserve oil and gas; without amendment (Rept. No. 1017). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 237. Resolution providing for the consideration of H. R. 5939, a bill to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges; without amendment (Rept. No. 1018). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 238. Resolution providing for the consideration of Senate Joint Resolution 118, a joint resolution to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes; without amendment (Rept. No. 1019). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 224. Resolution providing for the consideration of H. R. 6746, a bill to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes; without amendment (Rept. No. 1020). Referred to the House Calendar.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 239. Resolution providing for the consideration of H. R. 5999, a bill to provide for the administration of the United States courts, and for other purposes; without amendment (Rept. No. 1021). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. Senate Concurrent Resolution 22. Concurrent resolution authorizing the printing of the manuscript containing a general description of the Army of the United States as a public document (Rept. No. 1022). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MACIEJEWSKI: Committee on Immigration and Naturalization. H. R. 4846. A bill for the relief of John Buturuga and Norah Buturuga; without amendment (Rept. No. 1011). Referred to the Committee of the Whole House.

Mr. MACIEJEWSKI: Committee on Immigration and Naturalization. H. R. 3148. A bill to record the lawful admission to the United States for permanent residence of Chaim Wakerman, known as Hyman Wakerman; without amendment (Rept. No. 1013). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7040) for the relief of Mildred Mabel Metts; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7045) granting an increase of pension to Florence Sharp Grant; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANGELL:

H. R. 7059. A bill to amend the Railroad Retirement Act of 1937 so as to provide for payment of benefits with respect to the month in which an annuitant or pensioner dies; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTWRIGHT:

H. R. 7060. A bill authorizing a per capita payment to the members of the Choctaw Indian Nation; to the Committee on Indian Affairs.

H. R. 7061. A bill for the relief of Choctaw and Chickasaw Tribes of Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. GREEN:

H. R. 7062. A bill to allow, for the purposes of normal tax, a credit against net income of amounts received as interest or dividends from domestic building and loan associations; to the Committee on Ways and Means.

By Mr. HARNESS:

H. R. 7063. A bill to extend the time for filing claims for floor-stocks adjustment under the Agricultural Adjustment Act; to the Committee on Ways and Means.

By Mr. MAY (by request):

H. R. 7064. A bill to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds; to the Committee on Military Affairs.

By Mr. NELSON:

H. R. 7065. A bill authorizing the county of Howard, State of Missouri, to construct, maintain, and operate a toll bridge across the Missouri River at or near Petersburg, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEVINGER:

H. R. 7066. A bill creating an administrative council for the consideration of appeals from certain administrative decisions of the Secretary of Labor; to the Committee on Immigration and Naturalization.

By Mr. DUNN:

H. R. 7067. A bill to provide for a national census of housing; to the Committee on the Census.

By Mr. HENDRICKS:

H. R. 7068. A bill to provide for the creation of the St. Augustine National Historical Park in the State of Florida, and in aid of the St. Augustine historical restoration program, and for other purposes; to the Committee on the Public Lands.

By Mr. McLAUGHLIN:

H. R. 7069. A bill authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence station, in the city of Omaha, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Georgia:

H. R. 7070. A bill to reduce the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. ARNOLD:

H. R. 7074. A bill to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado:

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939 for the Petroleum Conservation Division, Department of the Interior; to the Committee on Appropriations.

By Mr. COURTNEY:

H. J. Res. 346. Joint resolution authorizing an appropriation for the purpose of further improving and enlarging the campus and facilities of the Columbia Military Academy,

Tennessee, in which the Federal Government retains certain rights and equities; to the Committee on Military Affairs.

By Mr. WOODRUFF of Michigan:

H. J. Res. 347. Joint resolution to amend section 601 (c) (8) (A) of the Revenue Act of 1932, as amended; to the Committee on Ways and Means.

By Mr. HORTON:

H. J. Res. 348. Joint resolution to prohibit any water or power development within the Yellowstone National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. VINSON of Georgia:

H. J. Res. 349. Joint resolution making an appropriation for the establishment and improvement of landing areas; to the Committee on Appropriations.

By Mr. PETERSON of Florida:

H. J. Res. 350. Joint resolution to provide for the payment of indemnity for losses suffered and damages sustained as a result of the campaign for the eradication of the Mediterranean fruit fly in the State of Florida; to the Committee on Claims.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER:

H. R. 7071. A bill for the relief of Maj. Lyman S. Frasier; to the Committee on Military Affairs.

By Mr. FLAHERTY:

H. R. 7072. A bill for the relief of Esther Ross; to the Committee on Claims.

By Mr. WHELCHER:

H. R. 7073. A bill authorizing the Commissioner of Patents to register and admit to practice before the United States Patent Office, Lt. (Jr. Gr.) Stone Elkin Bush, United States Navy, retired; to the Committee on Patents.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4125. By Mr. BREWSTER: Petition of 134 names of citizens of Bucksport, Maine, opposing the passage of Senate bill 2009; to the Committee on Interstate and Foreign Commerce.

4126. By Mr. CARTWRIGHT: Petition to enact the General Welfare Act; to the Committee on Ways and Means.

4127. By Mr. HARTER of New York: Petition of the Erie County committee of the American Legion at Buffalo, N. Y., favoring the continuance of the Federal theater project; to the Committee on Appropriations.

4128. By Mr. LUTHER A. JOHNSON: Petition of the Legislature of the State of Texas, favoring use by the Federal Government of cotton twine instead of jute; to the Committee on Appropriations.

4129. By Mr. MARTIN J. KENNEDY: Petition of the Division of Housing of the State of New York, concerning Senate bill 2240, to provide for a national census of housing throughout the United States to be taken in conjunction with the population census for the year 1940, and urging that similar legislation be introduced in the House of Representatives at this session of Congress; to the Committee on the Census.

4130. By Mr. MICHAEL J. KENNEDY: Petition of the United Federal Workers of America, Local No. 87, representing Government employees working in hospitals under the supervision of the Veterans' Administration, favoring enactment of House bill 2404, to abolish compulsory deductions from salaries for quarters, subsistence, and laundry; also favoring House bill 960; to the Committee on Merchant Marine and Fisheries.

4131. Also, petition of the Eberhard Faber Pencil Co., of Brooklyn, N. Y., opposing House bill 6577, relating to a business privilege tax in the District of Columbia; to the Committee on the District of Columbia.

4132. Also, petition of Robert Gair Co., Inc., of New York City, favoring an open market, with adequate provision against dumping, of foreign pulps; to the Committee on Foreign Affairs.

4133. Also, petition of the Workers Alliance of Greater New York, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4134. Also, petition of the United American Artists, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4135. Also, petition of the Social Service Employees Union, U. O. P. W. A., urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4136. Also, petition of the American Advertising Guild, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4137. Also, petition of the Works Progress Administration Teachers Union, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4138. Also, petition of the Financial Employees Organizing Committee, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4139. Also, petition of Local No. 16, United Office and Professional Workers of America, urging concurrence in the Senate amendments to the relief bill; to the Committee on Appropriations.

4140. By Mr. KEOGH: Petition of the International Molders' Union, Local No. 96, Brooklyn, N. Y., urging support of House bills 5875 and 5876; to the Committee on Naval Affairs.

4141. Also, petition of Robert Gair Co., Inc., Brooklyn, N. Y., concerning an open market, with adequate provision against dumping of foreign pulps; to the Committee on Foreign Affairs.

4142. Also, petition of Eberhard Faber Pencil Co., concerning business-privilege tax in the District of Columbia; to the Committee on the District of Columbia.

4143. By Mr. McLEAN: Petition of the National Association of Die Casting Workers, Local No. 2, to amend the Sherman Antitrust Act; to the Committee on Labor.

4144. By Mr. SCHWERT: Petition of John O. Westerlund, of Jamestown, N. Y., and 76 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4145. Also, petition of William J. Knoll, of Buffalo, N. Y., and 59 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4146. Also, petition of Laura Waite, of Hamburg, N. Y., and eight others, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4147. Also, petition of A. D. Dudley, of Hamburg, N. Y., and 59 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4148. Also, petition of Idris Happ, of Hamburg, N. Y., and 29 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4149. Also, petition of Mr. and Mrs. Henry Mathaney, of Hamburg, N. Y., and 26 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4150. Also, petition of Hattie Farmsboro, Hamburg, N. Y., and 29 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4151. Also, petition of Amanda K. Spring, East Aurora, N. Y., and 19 other signers, asking for the enactment of House bill 5620, the General Welfare Act; to the Committee on Ways and Means.

4152. By the SPEAKER: Petition of the city of Cleveland, Ohio, petitioning consideration of their resolution with reference to Federal theater project legislation; to the Committee on Appropriations.



4153. Also, petition of Mary Shaw, of Haverhill, Mass., petitioning consideration of their resolution with reference to neutrality legislation; to the Committee on Foreign Affairs.

4154. Also, petition of the city of Garfield Heights, Cleveland, Ohio, petitioning consideration of their resolution with reference to Federal music projects; to the Committee on Appropriations.

4155. Also, petition of L. Wilkin, of San Francisco, Calif., petitioning consideration of their resolution with reference to Works Progress Administration appropriation legislation; to the Committee on Appropriations.

4156. Also, petition of W. E. Butler, of San Francisco, Calif., and others, petitioning consideration of their resolution with reference to House bill 6470, Works Progress Administration appropriation legislation; to the Committee on Appropriations.

4157. Also, petition of the Workers Alliance, Minneapolis, Minn., petitioning consideration of their resolution with reference to the Woodrum bill and the Murray-Casey bill, Works Progress Administration appropriation; to the Committee on Appropriations.

4158. Also, petition of the Board of Supervisors of the County of Hawaii, T. H., petitioning consideration of their resolution with reference to Hawaiian Organic Act legislation; to the Committee on the Territories.

4159. Also, petition of the Board of Supervisors of the County of Kauai, T. H., petitioning consideration of their resolution with reference to Hawaiian Organic Act legislation; to the Committee on the Territories.

4160. Also, petition of the Board of Supervisors of the County of Maui, T. H., petitioning consideration of their resolution with reference to Hawaiian Organic Act legislation; to the Committee on the Territories.

## HOUSE OF REPRESENTATIVES

SATURDAY, JULY 1, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Jehovah Father, we praise Thee that Thou didst reveal Thyself in light and love in the advent of our Lord and in the sermon when He took the mountain for His pulpit, teaching us the eternal truths of fatherhood and brotherhood. Be pleased to accept our deepest gratitude for those strong and noble men who caught the light and felt the power which gave birth to our immortal Declaration of Independence courageous in its denunciation of the wrong and clear in its declaration of the rights of man. We beseech Thee that all American citizens may zealously strive to fulfill its ageless principles. Heavenly Father, we offer Thee our devout prayer for the rich blessings of rest and strength to abide with our most worthy Speaker, all Members, officers, and employees. God be with us 'til we meet again. In the dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. St. Claire, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 2310. An act to provide national flags for the burial of honorably discharged former service men and women;

H. R. 4674. An act to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif.; and

H. J. Res. 133. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig Gen. Casimir Pulaski.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is

requested, a bill and joint resolution of the House of the following titles:

H. R. 4929. An act to amend the act of June 23, 1938 (52 Stat. 944); and

H. J. Res. 247. Joint resolution to provide minimum national allotments for cotton.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 28. An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.;

S. 163. An act directing the Secretary of the Interior to issue to Albert W. Gabbey a patent to certain lands in the State of Wyoming;

S. 507. An act to provide allowances for inactive-status training and for uniforms and equipment for certain officers of the Officers' Reserve Corps;

S. 878. An act to amend the act of August 26, 1937;

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act;

S. 1442. An act for the relief of Max J. Mobley;

S. 1672. An act authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation;

S. 1723. An act to correct the military record of George M. Ruby;

S. 1918. An act relating to the retired pay of certain retired Army officers;

S. 1955. An act to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture;

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin;

S. 2174. An act to provide for the appointment of James W. Grose as a sergeant, 1st class (master sergeant), United States Army;

S. 2176. An act for the relief of the Delaware Dredging Co.;

S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vazquez de Coronado;

S. 2227. An act for the relief of John B. Jones;

S. 2236. An act for the relief of Benjamin F. Longenecker;

S. 2316. An act for the relief of Emil Navratil;

S. 2336. An act to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.;

S. 2350. An act to amend the act of Congress approved May 3, 1935, entitled "An act to promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this act; and for other purposes";

S. 2370. An act for the relief of Corinne W. Bienvenu (nee Corinne Wells);

S. 2399. An act for the relief of certain former employees of the Farm Security Administration; and

S. 2467. An act authorizing cash relief for certain employees of the War and Navy Departments in the Canal Zone not coming within the provisions of the Civil Service Retirement Act.

The SPEAKER. The Chair desires the indulgence of the House to make a personal statement.

It is realized that we have been in continuous session now for 6 months and it has been a rather arduous, strenuous session of the House. Under our system of government, the Speaker of the House cannot make visits of recreation or take a rest, except by the indulgence of the Membership. I must confess I am a little bit tired. Next week will not be a

tremendously heavy week, so far as our legislative program is concerned, and I have therefore requested the gentleman from North Carolina [Mr. DOUGHTON] to introduce a resolution which will give me a short leave of absence.

#### APPOINTMENT OF SPEAKER PRO TEMPORE

Mr. DOUGHTON. Mr. Speaker, I submit a resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### House Resolution 240

*Resolved*, That Hon. SAM RAYBURN, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

*Resolved*, That the President and the Senate be notified by the Clerk of the election of Hon. SAM RAYBURN as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

#### EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a statement given to the press this morning by Secretary of State Cordell Hull.

The SPEAKER. Is there objection to the request of the gentleman from Texas, Mr. LUTHER A. JOHNSON?

There was no objection.

#### PINEY BRANCH PARKWAY

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 6938) be referred to the Committee on the Public Lands to the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DEROUEN]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a poem written by one of my constituents in honor of the late Will Rogers.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of veterans' legislation.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

#### THE LATE DOUGLAS JOHNSON, GOVERNOR OF THE CHICKASAW INDIAN NATION

Mr. BOREN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. BOREN]?

There was no objection.

Mr. BOREN. Mr. Speaker, I rise at this time to announce the death of Gov. Douglas Johnson, for almost half a century Governor of the Chickasaw Indian Nation. He was one of the greatest Indian leaders of all time, a man long and favorably known in Washington. He was a builder of our great State of Oklahoma, and a man of great wisdom and strong character. His death will be universally mourned not only by the members of his own tribe but by every citizen of the State of Oklahoma.

Governor Johnson was the last tribal governor to be elected by the Chickasaw Nation and served more than 41 of his 83 years in the official service of the Indians. As his body lies in state in the capital of the State of Oklahoma and again in the capital of the Chickasaw Nation at Tishomingo, there rises before us the record of his devoted service to the Chickasaw Tribe and his great contribution to the welfare of Oklahoma. He is deeply and sincerely mourned, and as his deeds have already made for him an immortal place in the history of Oklahoma so has his great and generous character touched with immortality his memory in the minds and hearts of all who knew him personally.

Governor Johnson was my personal friend, and it has been my privilege to work with him and to know that he was steadfast toward his responsibilities and as constant in his vigilance for service as a guard standing watch in the night. It was mine somewhat to share his thoughts, his hopes, his plans, and endeavors, and though one star differs from another in its particular glory, no son of Oklahoma deserves more certainly a star of eternal remembrance.

The sturdy strength of the Johnson family has not alone been confined to this great man but has given to us a first lady beloved in Oklahoma—consort to an able maker of history worthy of favored recording—and many other builders of progress and permanency for democracy, for Oklahoma, and for America, and it is my wish that the almighty and most merciful God will grant unto their sorrowing hearts the consolation of faith and the blessedness of peace in the contemplation of the immortal continuation of his deeds and endeavors.

The passing of such a man from our midst bids us pause and measure each for himself the duty he owes to a common country. The recollecting thought of him carries its associations of recent days relived, when he felt dawn, saw sunset glow. Impatient time has led him beyond the shore and in our common language he is dead, but his life lives forever in the finest traditions of America. The single rule of service and self-sacrifice animated and controlled his heart, directed and determined all his actions. We might well meditate upon such noble and exemplary lives. The memory of his loyalty to our institutions and our ideals will remain our inspiration and his benediction.

Out of the past and into the future come and go the children of men. Some leave examples we may emulate. The memory of their worth and work is an encouraging and uplifting contemplation. It is our good fortune to live in the time of men like Governor Johnson, and still more fortunate in the privilege of intimate acquaintance. I say good-bye with appreciative recollection for such a friend.

Good-bye, good friend;  
In God's good time,  
In God's good clime,  
We'll meet again.

#### EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include therein an article concerning Gen. Malin Craig, pointing out his distinguished service in his position as Chief of Staff, from which he retired yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. LEWIS]?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, yesterday Gen. Malin Craig, Chief of Staff, relinquished to Brig. Gen. George Catlett Marshall, his deputy and successor, the onerous duties of head of the United States Army, subordinate only to the Commander in Chief. On August 31, after a vacation on leave, he will go on the retired list.

General Craig's distinguished career is summarized as follows in Who's Who in America, 1938-39 edition, volume 20:

CRAIG, Malin, army officer; b. St. Joseph, Mo., Aug. 5, 1875; s. Maj. Louis Aleck and Georgie (Malin) C.; grad. U. S. Mil. Acad., Apr. 26, 1898; honor grad. Inf. and Cav. Sch. 1904; grad. Army Staff Coll., 1905; Army War Coll., 1910; m. Genevieve Woodruff, of Berkeley, Calif., Apr. 29, 1901; 1 son, Malin. Comm'd. 2d Lt. 4th Inf., Apr. 26, 1898; trans. to 4th Cav., June 23, 1898; promoted through grades to brig. gen., Apr. 28, 1921; maj. gen., July 24, 1924; general, October 2, 1935; served as Lieut. colonel, colonel and brigadier general, World War. In Santiago Campaign from June 12, 1898, China Relief Expedition, June-Oct. 1900; a. d. c. to Brig. Gen. Barry, in Philippines, 1900-01, to Gen. Bell, 1902-04; again in Philippines, 1907-09; duty Gen. Staff Corps, 1910-12, 1917-19; arrived in France, Oct. 5, 1917; apptd. comdr. 166th Brigade Inf., 83d Div., 4th Army Corps, A. E. F., July 20, 1918; chief of staff 41st Div., Aug. 25, 1917-Jan. 19, 1918, chief of staff 1st Corps, Jan. 20, 1918-Nov. 12, 1918; chief of staff 3d Army, Nov. 13, 1918-July 2, 1919; apptd. dir. Gen. Staff Coll., Washington, D. C., 1919; comdg. Dist. of Ariz., 1920-21, comdt. Cav. Sch., Ft. Riley, Kan., Sept. 1, 1921-July 1, 1923; comdg. Coast Defenses, Manila and Subig



Bay, Sept. 17, 1923–July 10, 1924; maj. gen., chief of cav., July 24, 1925, asst. chief of staff U. S. A., Mar. 21, 1926; comdg. 4th Corps Area, Apr. 2–Oct. 5, 1927; comdg. Panama Canal Div., Oct. 13, 1927–Mar. 31, 1928; comdg. Panama Canal Dept., Apr. 1, 1928–Aug. 10, 1930; comdg. 9th Corps Area, Oct. 13, 1930–Jan. 24, 1935, 4th Army, Oct. 3, 1933–Jan. 24, 1935; comdg. Army War Coll., Feb. 3, 1935–Oct. 1, 1935; chief of staff, U. S. Army since Oct. 2, 1935. Decorated D. S. M. (U. S.); Comdr. Legion of Honor, Croix de Guerre with 2 Palms (French); Companion of Bath (British); Comdr. La Couronne (Belgian); Crown of Italy; Estrella de Abdon Calderon, 1st Class (Ecuador). Address: War Dept., Washington, D. C.

During the 4 years in which General Craig has been Chief of Staff, he has completely won the admiration, esteem, and confidence of both Houses of the Congress and of the individual Members. The result has been that appropriate legislation, much of it long delayed, supplemented by necessary appropriations, has been gladly enacted. Many serious defects in our scheme of national defense have been rectified. Mere ideas on paper have been transformed into actualities. Much of this is due not only to General Craig's wisdom and the soundness of his plans but also to his personality.

In the New York Times for June 30, 1939, appeared the following editorial. Although not agreeing in every particular with all of the details of the report of General Craig, it includes a richly deserved tribute to his ability and the high character of his services:

[From the New York Times of June 30, 1939]

#### GENERAL CRAIG'S VALEDICTORY

Distinguished by clarity of thought and precision of phrase, the report of the Chief of Staff of the Army, published today, is General Craig's valedictory on the eve of his retirement from the service he has loved and served so well these 45 years. The retiring Chief of Staff has used the occasion to recapitulate the state of readiness of the Army, to detail those things which have been done, and to define those things which he believes remain to be done.

With General Craig's desire for the acquisition of a wartime reserve of critical items of armament and equipment there can be little disagreement, and with his appeal for the transformation of a considerable part of the Regular Army into a mobile, well-trained force, available for "instant" action, there can be no dispute in principle. The Army of today is far from any such state of readiness; a force such as General Craig describes (though not necessarily of five divisions) is essential to our scheme of defense. But it is questionable whether the mere addition of more men would provide such a force; indeed, it is questionable whether more men are needed for this purpose.

A further increase in the Army, coming, as the suggestion does, on the heels of the greatest peacetime appropriations for national defense in history, is not justified, if more economical and equally satisfactory means of achieving the same result can be found. It would seem that a considerably more economical army, certainly one more efficient and better trained, might be created by a thorough administrative and tactical reorganization, the abolition of many small army posts (the retention of which General Craig now advocates in his report), the transfer of many desks now staffed by Army personnel to civil-service employees, the merging of other overlapping duties, the elimination of much duplication and red tape, and the concentration in central training areas for long periods of large bodies of Regular Army troops. With much taking of pains, a "small, seasoned, hard-hitting" force could well be created within the present framework of the Army and without the addition of more men.

General Craig rightly stresses the value of time in preparations for defense, wisely calls attention to the "analogous duties and missions" of the Coast and Field Artillery, and invites attention to the possible merging of these two artillery arms. This report—the reasoned analysis of a devoted and shrewd officer—should be widely read and the recommendations it advances carefully considered.

#### THE LATE DOUGLAS JOHNSON, GOVERNOR OF THE CHICKASAW INDIAN NATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, I wish to join the gentleman from Oklahoma [Mr. BOREN] in paying my tribute to Governor Johnson, who was titular chief of the Chickasaw Indians.

For years I worked with Governor Johnson in the interest of perpetuating the history of the Chickasaw Tribe, which formerly occupied the ground on which my people now live. I have said in this House before, and I repeat today, that the Chickasaw Indians were the best friends the white people of America ever had at a time when they were in trouble and needed friends.

More than 200 years ago, when the French attempted to connect their holdings in Canada and Louisiana, and take possession of the western half of this continent, it was the Chickasaw Indians who stopped them at the Battle of Ackia. During the War of 1812, when we were in a desperate situation, when our armies had been defeated in the North, when this Capitol and the White House had been burned by a ruthless enemy, it was the Chickasaw and Choctaw Indians under the leadership of Push-mah-tah-hah, Chief of the Choctaws, who was himself of Chickasaw descent, who came to our assistance. He lined up those two tribes of Indians, opened up their territories, joined Andrew Jackson and marched with him to New Orleans, where, with their assistance, he won the most brilliant victories ever won in America up to that time.

Governor Johnson was a great man. He was the head of a tribe of Indians to whom we owe a lasting debt of gratitude. He was my friend; he had often expressed a desire to have me elected an honorary member of his tribe, as an expression of gratitude for my services in helping to establish the Ackia Battlefield Park as a memorial to the Chickasaws for their services to this country. It was his heart's desire to help dedicate that park—a dream he never lived to realize.

I join with the gentleman from Oklahoma, with the Chickasaw Indians, with the people of Oklahoma, and the people of America, in mourning the passing of this great American.

#### NATIONAL DEFENSE AND THE AVIATION INDUSTRY

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein an article appearing in the Chicago Tribune of June 28, also a signed memorandum from Mr. Louis A. Dumond, manager of the industrial department of the Chicago Association of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, last Tuesday, June 27, I had the privilege of discussing somewhat at length on the floor of the House the present vulnerable location of our airplane factories on the Atlantic and Pacific coasts. It will be recalled that I emphasized the fact that the strategy in modern warfare, since the development of long-range bombers and aircraft carriers, is to destroy the key industries of the enemy so that it would be unable to defend itself. There is no question but that any attack upon us will be focused on our aviation industries which are concentrated on the coasts.

It is thus important, indeed imperative, that if we are to erect an impregnable national defense, giving the people a complete guaranty of security, that we encourage the location of our aviation industries inland. Industries themselves will have to recognize the importance of this fact, and it is for the Federal Government and the inland communities to lend their aid and encouragement.

I am pleased to say I already have evidence of the desire of our people, through their civic, industrial, and business organizations, to afford the country their assistance in this matter. Col. Robert McCormick, publisher of the Chicago Daily Tribune, has indicated his interest and willingness to lend the columns of his great newspaper to this program for the location of airplane factories inland. He very generously called public attention to the thesis of my speech last Tuesday in an article which summarizes my remarks even better than I myself could summarize them.

I have therefore asked unanimous consent, Mr. Speaker, that this article appearing in the Chicago Tribune of June 28 be placed in the RECORD at this point and be made a part of these brief remarks.

Subsequently I have received from Mr. Louis A. Dumond, manager of the industrial department of the Chicago Associa-

tion of Commerce, a signed memorandum in which he carefully outlines the great advantages to be found in the city of Chicago for the location of aviation industries at that city. You and I recognize that many factors, such as availability of skilled labor, transportation facilities, weather conditions, and so forth, determine the advisability of an industry location at a particular place. This memorandum discusses those factors, and it goes on to show that advantages and facilities of Chicago give assurance of success to any aviation industry that would locate there.

I have therefore asked unanimous consent, Mr. Speaker, that this memorandum be inserted in the RECORD at this point.

It is true I am greatly interested in Chicago and all other Illinois communities. But, Mr. Speaker, the fact that we in Illinois may benefit by the location of airplane factories in our State is only incidental to the all-important fact in my mind that the country as a whole will benefit by having a stronger national defense.

The matters referred to follow:

[From the Chicago Tribune of June 28, 1939]

**CHURCH ADVISES PLANE FACTORIES BE MOVED INLAND—POINTS OUT DANGERS OF ATTACK ON COASTS**

WASHINGTON, D. C., June 27.—The vulnerable location of the Nation's airplane factories on the Atlantic and Pacific coasts was called to the attention of the House today by Representative RALPH E. CHURCH (Republican, Illinois).

In approving the expenditure for national defense of billions of dollars, including hundreds of millions for the construction of new planes, Congress has neglected to note, CHURCH said, that most of the planes will be manufactured in factories particularly vulnerable to attack from foreign powers.

**SUGGEST BRANCHES IN INTERIOR**

The Illinois Congressman advised the owners of the airplane plants to locate branch plants in the interior of the country. The Government should give these owners every possible encouragement to do so and it should also encourage the few small airplane industries to move inland, he declared.

"The site for an aviation research laboratory should be selected in the interior," CHURCH said, asserting that the mere location of research facilities inland would itself give encouragement to the development of aviation industries in the interior.

"All our principal aviation industries are now located on the east and west coasts," CHURCH told members. "It is axiomatic that these industries are vital to the successful conduct of war against any aggressor. They are today, and even more 10 or 15 years from now, 'key facilities' essential to insure sustained resistance and ultimate victory."

**READS LIST OF MANUFACTURERS**

CHURCH read a list of airplane manufacturers and the location of their factories. Only 4 relatively small establishments are in the interior in comparison with 16 large plants on the Atlantic and Pacific coasts, he noted.

"It can hardly be disputed," he said, "that if any nation should attack us, it will concentrate its attack on our airdromes and airplane factories. As long as they are concentrated on the coasts, they are a ready prey. An important element in military strategy is surprise. It has always been an important element; and there is no one who can dispute the fact that coastal towns and factories are susceptible to surprise."

"There is no question but that this concentration of our aviation industries on the coasts makes us vulnerable to an enemy. On that fact every student of military strategy and tactics is agreed."

**OCEANS NOT SURE DEFENSE**

"It is true that the Pacific and Atlantic Oceans make it extremely difficult for any foreign nation to launch attack upon us. At the present time I do not believe any nation or group of nations would hazard such an attack. At the same time, we do not know what the situation will be 10 or 15 years from now."

"We do not know what new advancement will be made in the range and speed of bombing planes, what nations may chance to obtain air bases in South America, or what alliance of nations may attack us on both the east and west coast at the same time with planes flown from aircraft carriers. Those are the possibilities and contingencies we must take into consideration and be prepared for national-defense program."

"An impregnable national defense involves long-range planning, guarding against every aggression possibility, and correcting every point of vulnerability. We are undertaking all this not in preparation for a war but rather in preparation against all possible attacks."

**DISCUSSES RECENT CONTRACT**

Recently, CHURCH said, the War Department awarded a \$15,000,000 contract to the Douglas Aircraft Co., of Santa Monica, Calif., for building several of the latest type of bombing ships.

"Bombers have hitherto had to rely on an escort of pursuit planes to protect them from the enemy aircraft much as a battleship must rely on its auxiliary craft as it seeks out a naval objective," he continued. "It is my information, however, that this new type of

plane combines the speed of the attack plane with the carrying ability of the bomber."

"I call attention to this War Department contract award because it emphasizes two significant facts: First, an altogether new type of plane is to be made, thus emphasizing the rapid strides being made in aircraft as an instrument of aggression and defense; second, the company which is to make the plane is located in the coastal State California, thus emphasizing the vulnerability to enemy attack of the very industries so vital to sustained resistance in modern warfare from armed aggression."

JUNE 28, 1939.

Memorandum for Hon. RALPH E. CHURCH.

Subject: Aviation-production industry.

**FACTORS AFFECTING LOCATION OF AIRCRAFT PLANTS**

1. Weather: Conditions for flying—fog, rain, snow, and heat.
2. Labor: (a) Skilled; (b) favorable wage rates; (c) open-shop situation; (d) abundant supply; (e) steady and dependable.
3. Living conditions: (a) Cheap; (b) available housing; (c) agreeable community conditions—schools, climate, social life, etc.
4. Materials used in manufacture: (a) Raw—can be assembled here economically; (b) processed—related products manufactured in nearby plants.
5. Transportation: (a) Railroads; (b) freight rates; (c) water; (d) trucking; (e) special advantages at this location.
6. Power and fuel: (a) Cost of power, availability, and dependability.
7. Financial aid or investments: (a) Aid—credit assistance, if any; (b) investment—of local capital; (c) inducements, viz, free taxes, free sites, free rent of buildings, or other forms of bonus given gratis to the firm.
8. Factory buildings: (a) Available buildings at favorable terms.
9. Laws: (a) Labor and other laws are favorable.
10. Taxes: (a) Taxes compare favorably with other large cities.
11. Related industries: Plants in Chicago include almost every conceivable product which might be used in manufacture of airplanes.
12. Airports and air-line traffic.
13. Markets: (a) Can be reached economically from Chicago.
14. Miscellaneous: (a) Banking facilities; (b) cheap land; (c) cheap rent; (d) personal reasons, such as desire to live in the community in relation to other things.
15. Other points to consider: (a) Nearness to aviation posts; (b) technical training schools; (c) universities.

NOTE.—General headquarters at Belleville, Ill.; also field at Chanute Field, Rantoul.

(See following for explanatory notes.)

On March 1, 1939, Col. Louis Johnson, Assistant Secretary of War, addressing the business interests of Chicago, at the Palmer House, pointed out some of the things Chicagoans could do and what he felt would have to be done to make our activities with reference to aviation production industries effective.

Colonel Johnson stressed the fact that nearly all the military airplanes produced in the United States are manufactured in our seacoast industrial centers, and therefore more readily accessible in case of attack than if those plants were located in this State. Airplane factories along the seacoasts are considered vulnerable if the country should become involved in war. Inland plants, Colonel Johnson pointed out, would have certain natural protection which seacoast cities do not have. This has suggested to military authorities and experts the advisability of encouraging airplane construction in that part of the country between the Pacific and the Atlantic mountain ranges.

"We know exactly where we are going to spend every cent that will be appropriated for national defense in the aviation industry," Colonel Johnson said, "and as we sign the contracts with the airplane manufacturers we are telling them: 'Get yourselves established inside the country's mountain ranges.'"

He also pointed out that 90 percent of the country's present productive sources have their plants in positions exposed to destruction of coastal air raids in case of war. "We are consequently telling them to follow the General Headquarters Air Force inland. The War Department chose Scott Field, at Belleville, Ill., as the headquarters for general headquarters for no other purpose than strategic reasons," and "Illinois would be a good State for airplane builders," he said.

Also, he stated, "We cannot, however, say to any manufacturer that he should settle in Chicago. The job of getting airplane builders to locate in your city is up to Chicagoans."

These preliminary observations made briefly from notes gathered in considering this subject are submitted for what they may be worth. According to an airplane manufacturer, it is understood that aircraft engineers seeking a new location for an aircraft plant would examine, among other factors, the following:

Weather: To those seeking manufacturing locations for airplane building are sent stories of wonderful weather conditions in other parts of the country and its effect upon manufacturing. All sorts of claims are made that weather in the northern area is liable to set up dreadful results. Most of the stories, when analyzed, are merely fancies. In every case it will be found that these claims are, as Mark Twain once remarked upon the report of his death, "greatly exaggerated."

As a matter of fact, weather conditions in any given locality should not be a determining factor in the establishment of a plant. Admittedly, a beautiful June day makes a favorable flying day—but planes must be flown every day in the year, in every kind of weather, and consequently tests are required in every circumstance, favorable and adverse.



The United States Department of Agriculture summary for Chicago records only 10 days of dense fog in 1938, whereas at Los Angeles there were 27 days. The greatest daily temperature range at Chicago in 1938 was 39 degrees. Chicago's uncommonly favorable climatic conditions and its excellent facilities for the operation of Canadian, transoceanic, and other seaplane service are among the most important factors which make Chicago a suitable location for large-scale aircraft operations.

Further, Chicago weather is working weather; that may account in no small degree for the amount of work done—as evidenced by our vast factory production.

Interference in testing ships on account of unfavorable weather conditions will be exceedingly slight. On the average, both winter and summer temperatures are moderate, conducive to the highest efficiency in manufacturing, and ships can be flown and tested every day of the year with but few exceptions. The hazards and difficulties arising from a weather standpoint in making winter tests and demonstrations is not greater here than in other locations.

It can be said without fear of contradiction that pilots have no hesitancy making test flights at any time during the winter months in this region. Good flying conditions prevail on the average, and for these and other climatic reasons unusually high production results offer favorable possibilities from a manufacturing production basis.

Labor: Chicago possesses, perhaps to a better degree than any other large community in the country, a large volume of skilled workers, experienced as machine operators and adapted to aircraft industries. This will prove a vital factor in planning and maintaining large production schedules.

In these days when so much uncertainty exists in the minds of employers everywhere as to whether their property rights will be maintained, in the face of strikes and other official and unofficial manifestations, it is important to consider the location of production facilities in a center where there is reasonable prospect of being able to maintain employment relations on a sound basis and protect property rights should outside attempts be made to disrupt production. We feel that Chicago can assure aircraft manufacturers in this regard, and point to the fact that throughout the past several years no disturbances of major character have occurred in the Chicago district.

Because of its location, its transportation advantages, and its close proximity to an unusually large variety of raw materials, Chicago has naturally developed industrially a wider range of different types of manufacturing than can be found in almost any other industrial center. From the labor viewpoint, therefore, this simply means that we have here in abundance every class and kind of labor trained and skilled in the multiplicity of operations so that manufacturers in the Chicago area never have to train labor for particular operations, with the increased cost that such training involves. All that manufacturers have to do is to put an ad in the newspapers specifying the type and kind of labor desired, and make selections from among the applicants who apply.

Labor rates exhibit considerable variation as might be expected from the great diversification of industries existing in this section. Common labor receives from a minimum of 40 cents per hour all the way up to 60 cents per hour. Typical common-labor rates paid by large manufacturers are 40 cents, 42 cents, 44 cents, 45 cents, and 48 cents. Skilled mechanics and all-around machinists receive from 75 cents to 90 cents per hour. Tool and die makers, depending upon the character and accuracy of the work to be performed, receive from 90 cents to \$1.25 per hour, and on specialized work depending upon ingenuity and ability some workers receive higher rates.

The above statements, while not inclusive, will give an idea of the present wage rates being paid in the Chicago district. It should be mentioned that with the exception of textile industries, and in part printing and publishing, and foundry industries, general manufacturing is on the open-shop basis. Such typical concerns as the Crane Co., International Harvester Co., Illinois Steel Co., Western Electric Co., and the Pullman Co., to mention just a few, operate their plants on the open-shop plan.

To sum up, labor in the Chicago district is highly dependable, steady, and available in large supply, and it is worth noting that if the capital-goods industries ever get into peak-capacity operations the result would surely determine a shortage of skilled mechanics, in which event plants in this area would enjoy a labor condition superior to that obtaining in any smaller community.

Finally, labor conditions in Chicago are most favorable in every respect for aviation production, and the large labor market is an attraction which deserves to be emphasized strongly.

Airplane companies: At present Chicago is represented in the aviation field by one small company, the Howard Aircraft Corporation, headed by Ben O. Howard, noted designer of racing ships. This company was incorporated in 1936 and has not engaged in the production of airplanes on a quantity basis. No military planes have been produced. In addition to planes, the company manufactures service parts for certain air lines.

Geographical location: Chicago's geographical location with its remarkable potential markets presents a real manufacturing advantage obtainable in no other city in the country, and which, in the final analysis, contributes in a large measure to determine the most economical point of operation in the entire country. This means that an aircraft plant located in the Chicago district is assured of a competitive advantage, because of concentrated markets, concentrated raw and semifinished materials, and short-haul transportation. Also, the cooperating activities of the industry

in all its phases is already centered in this section and it is evident the future of the aviation industry and related activities in general are due to be concentrated in the Chicago area.

Contributing factors: The Chicago area has approximately 10,000 manufacturing plants, producing nearly every conceivable article that goes into the making of an airplane. This results in the concentration of items to be used and which are available on short notice. At any time or season a manufacturer of aircraft can confidently look to secure any of the parts needed without delay and at lowest cost.

Government fields and training: A fact to be considered in the locating of plants is the nearness of Government aviation posts—at Rantoul, Ill., and the G. H. Q. at Belleville, Ill. Also, it should be noted that Dr. Walter Dill Scott, president of Northwestern University, is definitely interested in becoming a part of the Government's expanded aviation research program.

This is another step for developing a constructive air program and helping to put Chicago in the forefront as a prospective training center in cooperation with its universities.

While Chicago is not prepared to offer free inducements of land, remission of taxes, bonuses and other considerations gratis, there are so many advantages and facilities offered to manufacturers locating in the Chicago district which will in the long run result in greater efficiency and more economical operation. Of these advantages the following are a few: Kindred manufacturing lines, great rail center and transportation advantages, plentiful raw and semifinished products that will go into the manufacture of airplanes. Also, most of the air-line companies are located in Chicago and the greatest air-traffic flow is at this point.

It has been said in amusing vein that Chicago would have to work hard because if the truth be told most of the aircraft plants have been located where the headmen like to live, and most of the latter like to live on the west coast. This observation is quite plausible and reechoes what Mr. Joseph Hartson, vice president of the Glen Martin, at Baltimore, is reported to have said, that so far as he knew the Martin plant in Baltimore is the only one he had knowledge of in which the location was determined after a thorough economic survey.

There is no serious question as to the feasibility of Chicago to fit into the aviation-production picture, and of the advantages and facilities afforded in Chicago, which give reasonable and sound assurance of success for the aircraft industry.

Very sincerely yours,

LOUIS A. DUMOND,  
Manager, Industrial Department.

#### EXTENSION OF REMARKS

Mr. THILL asked and was given permission to extend his own remarks in the RECORD.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Leonard P. Ayres, Lending Our Way to Prosperity.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts from a hearing before the Senate Committee on Finance.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of the business on the Speaker's desk and at the conclusion of the legislative program of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

#### W. P. A. WORKERS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, we have frequently heard criticism of W. P. A. workers and of their unwillingness to take private employment. I sometimes have joined in that criticism.

I wish to call the attention of the House to a situation that has recently arisen in my section of the State of Alabama,

resulting from a long series of rains causing the farmers to get badly behind in their work. The W. P. A. workers in all the counties in my district volunteered their services and removed themselves from the W. P. A. rolls temporarily to assist the farmers in that section to work out their crops. This action on the part of the W. P. A. workers has caused a great deal of favorable comment, and I believe proper notice should be taken of it.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Mississippi.

Mr. RANKIN. That action on the part of the W. P. A. workers was voluntary on their part?

Mr. SPARKMAN. It was voluntary; yes.

Mr. RANKIN. They volunteered to help the farmers work out their crops?

Mr. SPARKMAN. The gentleman is correct.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from California.

Mr. VOORHIS of California. I am thankful to the gentleman for bringing this up. I could match his testimony with evidences of a similar sort from my district and section of the country where W. P. A. workers in connection with flood and similar emergencies have performed most important services to the community. I personally wish we might have had more discussion of that side of the W. P. A. before we acted on measures affecting it in the House.

[Here the gavel fell.]

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD by including therein brief articles from three different papers in my district relative to this matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The matter referred to follows:

[From the Huntsville (Ala.) Times of June 26, 1939]

**FARMERS' CROP CRISIS SOLVED—MORE W. P. A. VOLUNTEERS THAN NEEDED FOR WORK IN FIELDS**

Madison County's crop crisis appeared to be a thing of the past today, thanks to the cooperation of W. P. A. workers, who have volunteered to accept employment in the fields at a wage lower than what they were making on W. P. A. projects.

The board of commissioners, at a special meeting this morning, was told by W. P. A. supervisors and C. M. Cox, director of the local office of the Alabama State Employment Service, that "the problem has been solved agreeably."

Mr. Cox said more volunteers than were needed had stepped forward at each request, and that an additional survey among farmers brought reports "that the W. P. A. workers did more in 10 hours than our regular hands did in 12 hours."

Mr. Cox and R. H. Shelton, superintendent of W. P. A. operations in the county, estimated between 500 and 600 men had switched from W. P. A. work to farm labor, to help farmers get their cotton out of the grass.

C. O. Mann, commissioner from the third district, where a considerable amount of unrest and dissatisfaction had occurred, reported "everything is working out smoothly."

Similar reports were received from other commissioners and from W. P. A. supervisors.

It was estimated that with another week of fair weather, every farmer in the county will have his crop in excellent condition.

Mr. Shelton asked the supervisors to continue their efforts to help the farmers "until this situation is cleared up."

After hearing the reports on the farm-labor problem, the board adopted the following resolutions:

"Whereas the weather conditions had seriously hampered the farmers of Madison County and there was a need for additional emergency labor, and this need was brought before W. P. A. officials;

"Whereas W. P. A. workers were assigned to agricultural work, and some friction over the method of assignment developed; and

"Whereas the board of commissioners of Madison County requested W. P. A. officials to remove the compulsory assignments and place it on a volunteer basis: Now, therefore, be it

*Resolved*, That the Madison County board of commissioners wishes to thank the W. P. A. officials, W. P. A. supervisors, and the W. P. A. workers for their spirit of cooperation in solving this difficult situation; be it further

*Resolved*, That this board extends a vote of thanks to the farmers for their spirit of fair play and friendly cooperation; be it also

*Resolved*, That the board extends a vote of thanks to the Alabama State employment service for the assistance rendered by their Mr. Cox."

[From the Decatur (Ala.) Daily of June 27, 1939]

**W. P. A. WORKERS AID FARMERS**

Releasing of W. P. A. employees with farm experience to farmers of Morgan County has proved a great help in combating weeds and grass caused to grow in profusion by weeks of rain, B. G. Hall, county agent, stated today.

The county agent said 13 farmers had asked for 78 men from the W. P. A. rolls. These had been supplied and the work had been satisfactory.

A small percentage of crops were lost in some sections of the county before the call for help was sent in to the W. P. A.

The situation in Morgan County is not as serious as in some others of this area. In Limestone County 600 men were released to farmers by the W. P. A., there were more than 400 in Lauderdale County, and others had large numbers.

Mr. Hall said today boll weevils had been reported on a farm in the Austinville area, but added he did not believe the infestation would be heavy.

[From the Tri-Cities Daily, Sheffield, Ala., June 26, 1939]

**FARMERS HELPED OUT OF THE GRASS BY W. P. A. WORKERS—PROBLEM OF SALVAGING CROPS AS RESULT OF EXTENSIVE RAINS IS BIG ONE**

With heavy rains throughout Alabama causing considerable damage to crops and holding up work in the fields, allowing grass to get a large headway in crops, farmers have already made appeals for additional labor and the appeals reaching the offices of the Works Progress Administration in Montgomery have brought about a whole-hearted movement of cooperation from officials of the W. P. A. in allowing project workers to hire out to those farmers in need of additional labor to cope with grass and the problem of salvaging crops as a result of the extensive rains.

In a statement issued recently, Col. W. G. Henderson, Alabama administrator of the Works Progress Administration, said, "It is our desire to give every ounce of cooperation we can in providing additional labor for those farmers requesting it. We realize the situation they are up against and we certainly intend to help where and when possible."

Letters being received by the W. P. A. offices in Montgomery have been high in their praise of the cooperation of the W. P. A. in this emergency, and many have gone so far as to say that the workers secured from the W. P. A. have shown a most commendable attitude and have entered into the work with much greater zest than has been anticipated.

In counties where the demand arises for farm labor to meet the problems being faced at this time, W. P. A. projects that can be suspended without loss in materials and money are being temporarily shut down to allow the workers to accept employment on farms. "Of course," Colonel Henderson stated, "We realize this employment on the farms is only temporary, and we have let it be known that if a W. P. A. worker had an opportunity to secure this work he would be reassigned to W. P. A. work if he was still in need after the farm job was completed. This procedure is being followed in all counties where the requests are made and provided there is a sufficient number of W. P. A. workers available, and provided further, the farmer is financially able to pay the workers the prevailing wage for such farm labor in their respective counties."

"So far, not one statement of dissatisfaction has been received on the work being done on farms by those taken from W. P. A. rolls," Colonel Henderson stated. "The greatest need for this additional help on farms has come from the northern part of the State and some from the central part, and we see no reason for anyone saying that they are unable to secure the needed farm labor in this crisis due to W. P. A., because we are certainly lending an ear to any appeals made and endeavoring to give immediate action. It is most gratifying to us to hear that our efforts toward this end are meeting with the desired results."

Farmers desiring to use labor from the W. P. A. rolls will make requisition through the county agent's office for the number of men wanted and should also notify the county agent when the workers have served their purpose on this emergency farm work.

**SESSIONS OF CONGRESS**

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, in view of what the Speaker had to say concerning vacations, would it not be well for this body to pause for a moment to look back and see what a violent change has occurred in what the fathers placed in the Constitution concerning the sessions of this House? Since the "lame duck" session was abolished we have had nothing but perpetual sessions of this body. This is a serious matter, a very serious matter. I was one of those who believed it was a wise change, but today I do not believe it was a wise change. I think this body should take notice of the condition that has arisen as a result of the change, in view of the injury to the health of the Members that results from forcing them to stay here during this terrible Washington



midsummer weather. In some way we should get back to what we used to have, at least, and occasionally return home instead of having perpetual sessions of Congress. [Applause.]

#### EXTENSION OF REMARKS

Mr. BOREN asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. The Chair thinks it might be proper to state that under the circumstances today, there being no business before the House, gentlemen who have made short speeches and received permission to extend their remarks may extend them in the body of the RECORD, this not to be in violation of the usual rule.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 26 minutes p. m.), under its previous order, the House adjourned until Wednesday, July 5, 1939, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON THE JUDICIARY

On Wednesday, July 5, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Court; and for other purposes.

#### COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, July 5, 1939, at 10:30 a. m., for the consideration of H. R. 909, H. R. 953, H. R. 2738, H. R. 4831, H. R. 6506, and S. 72.

#### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Thursday, July 6, 1939, at 10:30 a. m., the meeting to be an executive session of the committee on Senate private bills.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m. Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

942. A letter from the Secretary of War, transmitting a report dated June 2, 1939, from the Chief of Engineers, United States Army, on preliminary examination of Sandy River and tributaries, Oreg., authorized by the Flood Control Act approved August 28, 1937, together with accompanying papers; to the Committee on Flood Control and ordered to be printed.

943. A letter from the Secretary of War, transmitting a report dated June 2, 1939, from the Chief of Engineers, United States Army, on preliminary examination of Harbor Springs Harbor, Mich., authorized by the River and Harbor Act approved June 20, 1938, together with accompanying papers; to the Committee on Rivers and Harbors.

944. A letter from the Secretary of War, transmitting a report dated June 13, 1939, from the Chief of Engineers, United States Army, on reexamination of Palm Beach, Fla., requested by resolutions of the Committee on Rivers and Harbors, House of Representatives, adopted February 15, 1939, and the Committee on Commerce, United States Senate, adopted April 11, 1939, together with accompanying papers; to the Committee on Rivers and Harbors.

945. A letter from the Secretary of War, transmitting a report dated June 2, 1939, from the Chief of Engineers, United States Army, on preliminary examination of Illinois Bayou, Pope County, Ark., authorized by the Flood Control Act approved August 28, 1937, together with accompanying papers; to the Committee on Flood Control.

946. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to simplify and provide for adequate administrative facilities in connection with marketing agreement, surplus commodity, and related operations; to the Committee on Agriculture.

947. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill "To amend the Act of October 6, 1917, 'An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service'"; to the Committee on Naval Affairs.

948. A letter from the Consumers' Counsel of the National Bituminous Coal Commission, transmitting the Annual Report of the Office of the Consumers' Counsel of the National Bituminous Coal Commission for the fiscal year ended June 30, 1939; to the Committee on Ways and Means.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. FLANNERY: Committee on the Post Office and Post Roads. H. R. 4932. A bill to amend the act of March 3, 1879, "Postal Laws and Regulations"; with amendment (Rept. No. 1023). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 6830. A bill to authorize the construction of new buildings for the Navy Department in the District of Columbia; with amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the state of the Union.

### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6778) granting an increase of pension to Charles L. Cook, and the same was referred to the Committee on Invalid Pensions.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KITCHENS:

H. R. 7075. A bill for the purchase of a site and construction of a post office and Federal building at Camden, Ark.: to the Committee on Appropriations.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WOLFENDEN of Pennsylvania introduced a bill (H. R. 7076) for the relief of Ralph R. Cunningham, which was referred to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4161. By Mr. KEOGH: Petition of William J. Thompkins, recorder of deeds, District of Columbia, concerning House bill 3950 and House bill 4241; to the Committee on the District of Columbia.

4162. Also, petition of New York State Industrial Union Council, New York City, concerning the Wagner-Rogers bill; to the Committee on Labor.

4163. Also, petition of United Marine Division, Local 333, New York City, concerning the Wheeler and Lea bills; to the Committee on Interstate and Foreign Commerce.

4164. By the SPEAKER: Petition of Delta Council, Stoneville, Miss., petitioning consideration of their resolution with reference to the life work of General Ferguson; to the Committee on Military Affairs.

## SENATE

WEDNESDAY, JULY 5, 1939

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Father of an infinite majesty, of whose wonderful universe we are a part: As the little stream in the valley murmurs of the fountain amid the hills, so may we trust Thee, our Maker, and go forward bravely to do what we find to do with our might, with ready hand, and cheerful heart. Let Thine especial blessing rest upon the youth of America, in whose vast energy there is the passion to enjoy the golden days, the summer sweetness, and the swiftly passing springtime. Grant that they may never postpone the great purposes of life, lest procrastination steal the prophecy of the days of strength and purity and courage; and help us all, both old and young, to realize that, with the Prince of Peace in the world, in the home, and in the heart, life may again be lived as at the first, in a garden, in the sunshine, and in the light of our Father's love. Amen.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 30, 1939, was dispensed with, and the Journal was approved.

## CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Radcliffe
Ashurst	Donahay	La Follette	Reed
Austin	Ellender	Lee	Russell
Bailey	George	Lodge	Schwartz
Bankhead	Gerry	Logan	Schwellenbach
Barbour	Gibson	Lucas	Sheppard
Barkley	Gillette	Lundeen	Shipstead
Blibo	Glass	McCarran	Slattery
Bone	Green	McKellar	Smathers
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Townsend
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Chavez	Holman	Nye	Wagner
Clark, Idaho	Holt	O'Mahoney	Walsh
Clark, Mo.	Hughes	Overton	White
Connally	Johnson, Calif.	Pepper	Wiley
Danaher	Johnson, Colo.	Pittman	

Mr. MINTON. I announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Florida [Mr. ANDREWS], the Senator from California [Mr. DOWNEY], the Senator from Alabama [Mr. HILL], the Senator from

North Carolina [Mr. REYNOLDS], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the Senator from Montana [Mr. WHEELER] are absent on important public business.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

Mr. AUSTIN. Mr. President—

The VICE PRESIDENT. Today's session follows an adjournment, and so this is the morning hour. The presentations of petitions and memorials is in order.

## STABILIZATION FUND AND ALTERATION OF WEIGHT OF THE DOLLAR—CONFERENCE REPORT

Mr. BARKLEY. Mr. President, I ask unanimous consent that the routine morning business be dispensed with, in view of the agreement which was entered into about debate and the vote today.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. AUSTIN. Mr. President, when the Senate adjourned early last Saturday morning the conference report had not been voted on, and many Senators held the view that it would be a futility to vote upon it at any time in the future; that, whether a vote were taken according to some agreement by an hour certain on the following Wednesday, or whether such vote were taken at sometime years hence, the futility of such action would prevail, and that the Senate could not even create a decent legal issue to submit to the judicial branch of the Government. In this situation it seems to me to be my duty to undertake to state what I regard to be the principle involved.

At the present moment it seems to me there are hurdles to jump which did not exist at any time before the hour of midnight on June 30. If we continue in the course we are starting on today, we may have the opportunity afforded by the Government itself to test a question raised in 1934, when we discussed in advance granting these emergency powers; and that is whether the Congress of the United States may, under any circumstances whatever, delegate to the Chief Executive the primary legislative power.

The other hurdle, of course, is the hurdle relating to a dead statute. A statute which is dead because it has been entirely repealed cannot be more dead than a statute which has entirely expired. In either case powers that were described in that statute as emergency powers, and that were given under a cloud of grave doubt of their constitutionality for only a limited period, cannot be created anew by a statute which was conceived for a situation preceding the expiration of those powers, and which expressly provided that instead of a date therein named for their expiration, another date would be fixed for their expiration.

Therefore, Mr. President, I desire to proceed to the consideration of the character of this conference report and the character of the powers to which it refers.

It will be observed that the latter part of the report reads:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3. The second sentence added to paragraph (b) (2) of section 43, title III, of the act approved May 12, 1933, by section 12 of said Gold Reserve Act of 1934, as amended, is further amended to read as follows: 'The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended.'

"Sec. 4. (a) Each United States coinage mint shall receive for coinage into standard silver dollars any silver which such mint,



subject to regulations prescribed by the Secretary of the Treasury, is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

"(d) The Director of such mint with the consent of the owner shall deduct and retain of such silver so received 45 percent as seigniorage for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The balance of such silver so received—that is, 55 percent—shall be coined into standard silver dollars, and the same or any equal number of other standard silver dollars shall be delivered to the owner or depositor of such silver, and no provisions of law taxing transfers of silver shall extend or apply to any delivery of silver to a United States mint under this section. The 45 percent of such silver so deducted shall be retained as bullion by the Treasury or coined into standard silver dollars and held or disposed of in the same manner as other bullion or silver dollars held in or belonging to the Treasury.

"(c) The Secretary of the Treasury is authorized to prescribe regulations to carry out the purposes of this section. Such regulations shall contain provisions substantially similar to the provisions contained in the regulations issued pursuant to the act of Congress approved April 23, 1918 (40 Stat. L., p. 535), known as the Pittman Act, with such changes as he shall determine prescribing how silver tendered to such mints shall be identified as having been produced from natural deposits in the United States or any places subject to its jurisdiction subsequent to July 1, 1939."

I turn back to the section which the conferees report purports to amend for purposes of dealing with the law as it was, and point out certain singular facts. I say "singular" in this connection because there is on the record an opinion of the Attorney General of the United States which undertakes to use as precedents certain other acts of the Congress by which a power was revived, which acts, as I compare them, are not similar to the statute under consideration.

This statute is an emergency statute. It will be observed that in title III, section 43, the very thing that was intended to be amended is the declaration that an economic emergency requires an expansion of credit. That will be found on page 150 of Federal Reserve Act of 1913, With Amendments and Laws Relating to Banking, a compilation by Elmer A. Lewis, superintendent, document room, House of Representatives. Then, again, on page 210, proof of the emergency character of this legislation appears, and again on page 294.

On page 294 this statute appears, and right in the statute itself there is clear evidence that the power therein set forth is nothing but an emergency power.

That is the first proposition.

The next thing to consider is—and this is what makes it different from anything cited in the opinion of the Attorney General—that—

The powers of the President specified in this paragraph—

"Paragraph," not "section," not "act"—

The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require, except that such powers shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended.

Of course, we need not consume time in pointing out that this extraordinary language was an obvious confession of the doubtfulness of this legislation, so separating section (b) (2) from the rest of the act that if this issue should ever get to a court of justice, and the delegation of these primary powers should be held to be entirely void, this section alone would be the thing under consideration, and none of the rest of the act would be tainted by it. But, Mr. President, now, in the event at which we have arrived, we see that there is a different significance to the separation of that paragraph from all the rest of the paragraphs, and it is this: There is nothing in section 43 or in the act itself that can help out section 2. We cannot look to the context. We cannot find some other power elsewhere in section 43 that is a living power. We find this all carved right out, and we have this hard little kernel in section 43 that comes out as a whole. It is not attached to, it is not colored by, any other part of the act; it has no benefit or help in its distress at this moment.

These powers are as follows:

Section (2) of subsection (b) of section 43 of title III:

By proclamation to fix the weight of the gold dollar in grains nine-tenths fine and also to fix the weight of the silver dollar in grains nine-tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices—

Note, the President was not fighting a war, and Congress was not fighting a war—

or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight—

This is where he gets the power of fixing the metallic content of the American dollar—

The President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 percent.

There is no limit to the power to increase.

Mr. President, this power is carved out and made separate from any other power. It is made distinct, it is made continuing, and it may be exercised from time to time, according to the President's will and judgment, except that it shall expire by a definite time.

Now, we have the unique situation of having one single paragraph of the whole act lifted right out of the rest of it, and all of it expiring at a definite time. It would be a comparable situation if that particular section had been declared void because it was unconstitutional. It would be a comparable situation if the Congress had stepped in before the time expired and repealed all of that paragraph. No one would question the termination of these powers if the Supreme Court had declared that section void, nor would there be a doubt that they were defunct if Congress had repealed that paragraph before midnight of June 30 last. So, in my opinion, it is equally unreasonable, and irrational, and contrary to precedent, contrary to principle, and contrary to law, to undertake now to accept a conference report on a measure which was designed solely to fix a new date of expiration by enacting the measure into law before the expiration of the powers.

Legislature cannot put life into dead statute by amendment.

So says this dictum, found in the Fourth Decennial Digest. I have sent for the case cited, and though I have not had much time to study this question, I find this language in the case cited, *State against Brennan*, decided by the Supreme Court of Montana, and reported in *Two Hundred Pacific Reporter* at page 273:

Section 98, Revised Codes 1921, declares that "An act amending a section of an act repealed is void." And since the act of 1927, and also that of 1929, attempt to amend section 3186, by implication repealed by section 1 of the act of 1921 (sec. 3189), both of these later enactments are void, and the section fixing the penalty is section 3202, as amended by chapter 38, Laws of 1925. It was not possible for the legislature to put life into a dead statute by amendment of it.

So we see that the dictum follows almost the direct language of the decision. There are many other such dicta to be found in these digests. In order to save time and avoid reading I refer to the Third Decennial Digest, volume 25, key No. 135, under the subject *Statutes*, where several such dicta appear.

Sometimes we get a little help from our forefathers by turning away back to the roots of our system of jurisprudence. I have here an old case, in which the subject of dead statutes being incapable of revival merely by fixing a new date of expiration is somewhat discussed. I read from a case

in Hilary term in the forty-third year of George III, argued and determined in the Court of King's Bench, reported in East's Reports, volume 3, page 205. I read from page 210:

With respect to the statute 26 George III, chapter 108, Lawrence, judge, referred to the twenty-seventh section which directs its commencement from the 24th of July 1786, and its continuance till the 24th of June 1795, and from thence to the end of the then next session of Parliament. Then the act of the 36 George III, chapter 61, which was doubtless intended to continue that act, because it refers to the period of continuance named therein by a strange blunder reenacts several former acts which were intended by the provisions of the 26 George III to have expired, and totally omits the latter, which therefore expired at the end of the next session of Parliament after June 1795, and consequently was not in force at the time of the offense committed.

Lord Ellenborough, the chief justice, discussing such statutes at another place in the opinion, reported on page 211, says this:

That would not necessarily follow, for a law, though temporary in some of its provisions, may have a permanent operation in other respects. The statute 26 George III, chapter 108, professes to repeal the statute 19 George II, chapter 35, absolutely, though its own provisions, which it substituted in the place of it, were to be only temporary.

And so on.

Mr. President, I ask to have printed in the RECORD at this place other parts of this opinion marked by me, in an attempt to show why I lay so much emphasis upon the entirety, the distinctness, the separability, of this particular paragraph, paragraph 2 of subsection (b) of section 43.

The VICE PRESIDENT. Is there objection to the request of the Senator from Vermont?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

Lawrence, J.: At any rate the argument does not apply here; for the stat. 19 Geo. 2, c. 35. was in itself only a temporary law, continued down by several acts to the 21 Geo. 3., which was one of the acts repealed by the stat. 26 Geo. 3, c. 108., and the stat. 21 Geo. 3, c. 34. would of itself have expired by the time limited for the continuance of the stat. 26 Geo. 3. Then the stat. 36 Geo. 3, c. 61, mistakenly assuming that the act of the 19 Geo. 2., which had been continued down only to the 24th of June 1795 and to the end of the then next session of parliament by the stat. 21 Geo. 3, c. 34., and which, together with the latter act, was then repealed, was still existing, professes to continue a non-existing act as amended by other non-existing acts, and wholly omits the act of the 26 Geo. 3, c. 108., which had repealed the stat. 19 Geo. 2 and the 21 Geo. 3., and which was the real statute meant to have been continued from the period referred to. This blunder was afterwards rectified by the stat. 42 Geo. 3, c. 89. (a), which rectifying that the stat. 36 Geo. 3, c. 61. was passed in order to continue the 26 Geo. 3, c. 108.; but that that act having before expired, doubts had arisen whether it were in force, it therefore enacts that the latter statute shall be revived from and after the passing of this act, which was on the 22d June 1802.

That here it appeared on the whole that the act of the 3 Geo. 2. was in force at the time, and the act of the 26 Geo. 3, c. 108. had expired; and therefore there could be no question but that the penalty under the former act might be recovered.

Rules discharged.

Mr. AUSTIN. Mr. President, it will be observed that all of the paragraph in question expired. There is no part of it left. Its position, so far as vitality goes, is exactly the same as if all and every part of this paragraph had been repealed, or as if every part of it had been held to be void after a trial.

Mr. President, I inquire how much time have I remaining?

The VICE PRESIDENT. The Senator has 8 minutes remaining.

Mr. AUSTIN. Mr. President, I cannot help dealing with this problem in its background, and that background is a cloudy one. When we were considering this legislation originally, I was moved to study the problem of the kind of powers Congress might delegate, and I was thoroughly persuaded that there was a type of power which Congress could not delegate in any way whatever.

Primary powers of legislation must be performed by the Congress itself. They may not be delegated at all. Secondary powers may be delegated provided the Congress tells the delegatee in what manner to execute those powers.

Chief Justice Marshall held in *Wayman v. Southard* (10 Wheat., 23 U. S. 1, at 42, 6 L. Ed. 253 (1825)), cited with approval in *United States v. Guinand* (220 U. S. 506, at 517, 55 L. Ed. 563 (1911)):

It will not be contended that Congress can delegate to the courts, or to any other tribunals, powers which are strictly and exclusively legislative.

This premise is important because, Congress, having promulgated the primary principle, may delegate the authority to establish policies subordinate to and consistent with the congressional pronouncement.

The great expounder of the Constitution made this apparent by the holding in the *Wayman case* (Ibid. 43):

The line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details. To determine the character of the power given to the courts (in this debate the Executive) by the Process Act (in this debate the Gold Reserve Act of 1934), we must inquire into its extent.

And that is what we have to do here. This power is the power to coin money and regulate the value thereof. That is a primary power.

#### POWER TO ALTER THE METALLIC CONTENT OF THE DOLLAR

The clause conferring upon Congress the power to coin money and regulate its value, as well as to regulate the value of everything coined, creates an exclusive power of primary magnitude.

In *United States v. Marigold* (4 How. 560, 567) it was held:

But the twentieth section of the act of Congress of March 3, 1825, or rather those provisions of that section brought to the view of this Court by the second question certified, are not properly referable to commercial regulations, merely as such; nor to considerations of ordinary commercial advantage. They appertain rather to the execution of an important trust invested by the Constitution, and to the obligation to fulfill that trust on the part of the Government, namely, the trust and the duty of creating and maintaining a uniform and pure metallic standard of value throughout the Union. The power of coining money and of regulating its value was delegated to Congress by the Constitution for the very purpose, as assigned by the framers of that instrument, of creating and preserving the uniformity and purity of such a standard of value, and on account of the impossibility which was foreseen of otherwise preventing the inequalities and the confusion necessarily incident to different views of policy, which in different communities would be brought to bear on this subject. The power to coin money being thus given to Congress, founded on public necessity, it must carry with it the correlative power of protecting the creature and object of that power. It cannot be imputed to wise and practical statesmen, nor is it consistent with common sense, that they should have vested this high and exclusive authority, and with a view to objects partaking of the magnitude of the authority itself, only to be rendered immediately vain and useless, as must have been the case had the Government been left disabled and impotent as to the only means of securing the objects in contemplation.

There follows a discussion of the subject of debasement. I am obliged to omit the discussion of the exercise of that power by any branch of the Government, but I make the assertion that if left with the Congress of the United States the probability of debasement of the coin of the land is less great than it would be if it were in the hands of the Chief Executive.

Mr. President, I ask that the remainder of the citation from *United States v. Marigold* be printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

If the medium which the Government was authorized to create and establish could immediately be expelled, and substituted by one it had neither created, estimated, nor authorized—one possessing no intrinsic value—then the power conferred by the Constitution would be useless—wholly fruitless of every end it was designed to accomplish. Whatever functions Congress are, by the Constitution, authorized to perform, they are, when the public good requires it, bound to perform; and on this principle, having emitted a circulating medium, a standard of value indispensable for the purposes of the community, and for the action of the Government itself, they are accordingly authorized and bound in duty to prevent its debasement and expulsion, and the destruction of the



general confidence and convenience, by the influx and substitution of a spurious coin in lieu of the constitutional currency. We admit that the clause of the Constitution authorizing Congress to provide for the punishment of counterfeiting the securities and current coin of the United States does not embrace within its language the offense of uttering or circulating spurious or counterfeited coin, the term "counterfeit," both by its etymology and common intentment, signifying the fabrication of a false image or representation; nor do we think it necessary or regular to seek the foundation of the offense of circulating spurious coin, or for the origin of the right to punish that offense, either in the section of the statute before quoted, or in this clause of the Constitution. We trace both the offense and the authority to punish it to the power given by the Constitution to coin money, and to the correspondent and necessary power and obligation to protect and to preserve in its purity this constitutional currency for the benefit of the Nation.

THE POWER TO COIN MONEY AND TO REGULATE THE VALUE THEREOF, AND OF FOREIGN COINS, IS A LEGISLATIVE POWER OF THE GREATEST MAGNITUDE

Mr. AUSTIN. In the *Legal Tender* cases, decided in 1870 (79 U. S. (12 Wall. 457)), the Supreme Court, Mr. Justice Strong delivering the opinion of the Court, at page 545, expressly held as follows:

\* \* \* Whatever power there is over the currency is vested in Congress. If the power to declare what is money is not in Congress, it is annihilated.

And again, at page 547:

\* \* \* The Constitution does not ordain what metals may be coined, or prescribe that the legal value of the metals, when coined, shall correspond at all with their intrinsic value in the market. Nor does it even affirm that Congress may declare anything to be a legal tender for the payment of debts. Confessedly the power to regulate the value of money coined, and of foreign coins, is not exhausted by the first regulation. More than once in our history has the regulation been changed without any denial of the power of Congress to change it, and it seems to have been left to Congress to determine alike what metal shall be coined, its purity, and how far its statutory value, as money, shall correspond, from time to time, with the market value of the same metal as bullion.

And again, at page 554:

\* \* \* The questions involved are constitutional questions of the most vital importance to the Government and to the public at large.

There is a declaration in itself of the magnitude of this power and its primary importance.

Mr. Justice Bradley, concurring, stated, as reported at page 557:

In this country the habit had prevailed from the commencement of the eighteenth century of issuing bills of credit; and the revolution of independence had just been achieved, in great degree, by the means of similar bills issued by the Continental Congress. These bills were generally made a legal tender for the payment of all debts public and private until, by the influence of English merchants at home, Parliament prohibited the issue of bills with that quality. This prohibition was first exercised in 1751, against the New England Colonies, and subsequently, in 1763, against all the Colonies. It was one of the causes of discontent which finally culminated in the Revolution. Dr. Franklin endeavored to obtain a repeal of the prohibitory acts, but only succeeded in obtaining from Parliament, in 1733, an act authorizing the Colonies to make their bills receivable for taxes and debts due to the Colony that issued them. At the breaking out of the war the Continental Congress commenced the issue of bills of credit, and the war was carried on without other resources for 3 or 4 years. It may be said with truth that we owe our national independence to the use of this fiscal agency. Dr. Franklin, in a letter to a friend, dated from Paris, in April 1779, after deploring the depreciation which the continental currency had undergone, said: "The only consolation under the evil is that the public debt is proportionately diminished by the depreciation, and this by a kind of imperceptible tax, everyone having paid a part of it in the fall of value that took place between the receiving and paying such sums as passed through his hands." He adds: "This effect of paper currency is not understood this side the water. And, indeed, the whole is a mystery even to the politicians how we have been able to continue a war 4 years without money and how we could pay with paper that had no previously fixed fund appropriated specially to redeem it. This currency, as we manage it, is a wonderful machine. It performs its office when we issue it; it pays and clothes troops and provides victuals and ammunition." In a subsequent letter of October 9, 1780, he says: "They (the Congress) issued an immense quantity of paper bills to pay, clothe, arm, and feed their troops, and fit out ships; and with this paper, without taxes for the first 3 years, they fought and battled one of the most powerful nations of Europe." The continental bills were not made legal tenders at first, but in January 1777 the Congress passed resolutions declaring that they ought to pass current in all payments and be deemed in value equal to the same nominal sums in Spanish dollars, and that anyone refusing so to receive them ought to be deemed an enemy to the

liberties of the United States; and recommending to the legislatures of the several States to pass laws to that effect.

Mr. Justice Bradley, concurring, stated, as quoted at page 562:

\* \* \* Currency is a national necessity. The operations of the Government, as well as private transactions, are wholly dependent upon it.

And at page 564:

\* \* \* What that medium shall be—

Referring to the money of the land—

what its character and qualities, will depend upon the greatness of the exigency and the degree of promptitude which it demands. These are legislative questions.

And he refers to this power as a vital and essential power inhering in every national sovereignty and necessary to its self-government.

And again at page 564:

These views are exhibited, not for the purpose of showing that the power is a desirable one, and therefore ought to be assumed; much less for the purpose of giving judgment on the expediency of its exercise in any particular case; but for the purpose of showing that it is one of those vital and essential powers inhering in every national sovereignty and necessary to its self-preservation.

Again at page 565:

\* \* \* Subsequent acts of Parliament fixed the standard of purity and weight in the coinage of the realm, which has not been altered for 150 years past. But the same authority which fixed it in the time of Queen Anne is competent at any time to change it. Whether it shall be changed or not is a matter of mere legislative discretion. And such is undoubtedly the public law of this country.

Even the dissenting judges concurred in respect to the magnitude of this power and its purely legislative character.

The Chief Justice, dissenting, at page 585, said:

Mr. Webster expressed not only his opinion but the universal and settled conviction of the country when he said: "Most unquestionably there is no legal tender and there can be no legal tender in this country, under the authority of this Government or any other, but gold and silver, either the coinage of our mints or foreign coin at rates regulated by Congress. This is a constitutional principle perfectly plain and of the very highest importance."

Mr. Justice Clifford, dissenting, stated at page 587:

Power to fix the standard of weights and measures is evidently a power of comparatively wide discretion, but the power to regulate the value of the money authorized by the Constitution to be coined is a definite and precise grant of power, admitting of very little discretion in its exercise \* \* \*

And again at page 602:

Interests of such magnitude and pervading importance as those involved in providing for a uniform standard of value throughout the Union were manifestly entitled to the protection of the national authority, and in view of the evils experienced for the want of such a standard during the War of the Revolution, when the country was inundated with floods of depreciated paper, the members of the convention who framed the Constitution did not hesitate to confide the power to Congress not only to coin money and regulate the value thereof, but also the power to regulate the value of foreign coin, which was denied to the Congress of the Confederation.

And again at page 622:

Exclusive power to coin money is certainly vested in Congress, \* \* \*

And again at page 633:

Constitutional powers, of the kind last mentioned—that is, the power to ordain a standard of value and to provide a circulating medium for a legal tender—are subject to no mutations of any kind. They are the same in peace and in war. What the grants of power meant when the Constitution was adopted and ratified they mean still, and their meaning can never be changed except as described in the fifth article providing for amendments, as the Constitution "is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men and under all circumstances."

Mr. Justice Field dissenting, at page 653, quotes Daniel Webster, as follows:

"We all know," says Mr. Webster, "that the establishment of a sound and uniform currency was one of the greatest ends contemplated in the adoption of the present Constitution. If we could now fully explore all the motives of those who framed and

those who supported that Constitution, perhaps we should hardly find a more powerful one than this."

And again at page 675:

The power to coin money, as already declared by this Court, is a great trust devolved upon Congress, \* \* \*

THE EXPERIENCE WITH THIS POWER DURING THE REVOLUTION FOR INDEPENDENCE PROVED IT TO BE SO GREAT THAT THE TRIUMPHANT LIBERTY WAS DEPENDENT UPON IT

Mr. Justice Bradley, concurring in the *Legal Tender cases* (12 Wall. 557), declared:

In this country the habit had prevailed from the commencement of the eighteenth century of issuing bills of credit; and the Revolution of Independence had just been achieved, in great degree, by the means of similar bills issued by the Continental Congress. These bills were generally made a legal tender for the payment of all debts, public and private, until, by the influence of English merchants at home, Parliament prohibited the issue of bills with that quality. This prohibition was first exercised in 1751 against the New England Colonies; and subsequently, in 1763, against all the Colonies. It was one of the causes of discontent which finally culminated in the Revolution. Dr. Franklin endeavored to obtain a repeal of the prohibitory acts, but only succeeded in obtaining from Parliament, in 1773, an act authorizing the Colonies to make their bills receivable for taxes and debts due to the Colony that issued them. At the breaking out of the war the Continental Congress commenced the issue of bills of credit, and the war was carried on without other resources for 3 or 4 years. It may be said with truth that we owe our national independence to the use of this fiscal agency. Dr. Franklin, in a letter to a friend, dated from Paris, in April 1779, after deploring the depreciation which the continental currency had undergone, said: "The only consolation under the evil is that the public debt is proportionately diminished by the depreciation; and this by a kind of imperceptible tax, everyone having paid a part of it in the fall of value that took place between the receiving and paying such sums as passed through his hands." He adds: "This effect of paper currency is not understood this side the water. And, indeed, the whole is a mystery even to the politicians how we have been able to continue a war 4 years without money, and how we could pay with paper that had no previously fixed fund appropriated specially to redeem it. This currency, as we manage it, is a wonderful machine. It performs its office when we issue it; it pays and clothes troops and provides victuals and ammunition." In a subsequent letter, of 9 October, 1780, he said: "They (the Congress) issued an immense quantity of paper bills to pay, clothe, arm, and feed their troops and fit out ships; and with this paper, without taxes for the first 3 years, they fought and battled one of the most powerful nations of Europe." The continental bills were not made legal tenders at first, but in January 1777 the Congress passed resolutions declaring that they ought to pass current in all payments and be deemed in value equal to the same nominal sums in Spanish dollars, and that anyone refusing so to receive them ought to be deemed an enemy to the liberties of the United States; and recommending to the legislatures of the several States to pass laws to that effect.

And again, page 563:

It is absolutely essential to independent national existence that government should have a firm hold on the two great sovereign instrumentalities of the sword and the purse, and the right to wield them without restriction on occasions of national peril. In certain emergencies government must have at its command not only the personal services—the bodies and lives—of its citizens, but the lesser, though not less essential, power of absolute control over the resources of the country. Its armies must be filled and its navies manned by the citizens in person. Its material of war, its munitions, equipment, and commissary stores must come from the industry of the country. This can only be stimulated into activity by a proper financial system, especially as regards the currency.

And again, at page 567:

I do not say that it is a war power, or that it is only to be called into exercise in time of war; for other public exigencies may arise in the history of a nation which may make it expedient and imperative to exercise it. But of the occasions when, and of the times how long, it shall be exercised and in force, it is for the legislative department of the Government to judge.

Mr. President, many times has the Supreme Court of the United States passed upon this power, and every time, without exception, so far as my reading discovers, they have referred to it as a power of the highest magnitude. They have even discussed the absolute importance of it with respect to national defense.

And so we claim that, confronted as we are today with the question of the futility of our act, if now or at any time in the future we agree to the conference report we ought to pause and consider the character of the thing that is involved in it. If one had no doubt, considering solely the meaning of the word "expire," if one felt that it was worth gambling on to undertake to agree to the conference report with a

view to creating a lawsuit, he ought, it seems to me, to pause before this particular consideration: That the power is one of the chief powers and functions of the Congress; that it is a legislative power of the highest magnitude; that probably it was not validly given in the first instance, and therefore we ought not to continue in the attempt to create it by this very doubtful method.

The PRESIDENT pro tempore. The time of the Senator from Vermont has expired.

Mr. REED. Mr. President, I wish to discuss this matter from a different standpoint than that from which the Senator from Vermont has discussed it. The question as it faces the Senate seems to me to divide itself into two parts. First, the merits of the question in itself. Second, whether or not the conferees appointed by the Senate to maintain the Senate view fully discharged their duty in the conference last Friday.

In the beginning I wish to say that the measure under consideration is a short one. It is not a long, complicated measure, as an appropriation bill would be or a bill which contained a hundred different items upon which the two Houses might have to disagree and each make concessions in order to reach an agreement. The measure in question is confined substantially to three points. First, the powers delegated to the President to fix the value of the dollar; second, the purchase of silver from foreign countries; third, the treatment to be accorded to silver of domestic origin.

There were three groups in the Senate, and each of these three groups might attach different weight to these three different points, each placing its own particular point first.

So far as I am concerned, Mr. President, the most important thing in the measure was covered by the amendment of the Senator from Delaware, and that is the purchase of foreign silver, which is the most useless and needless of all the things we have done. It has cost more than a billion dollars and has resulted in the purchase of foreign silver almost without end. I wanted to stop that, and my vote was cast for the measure as amended in the Senate with that subject uppermost in mind as the point of first importance.

There were different views. Some Senators attached the most importance to the question of the monetary-control question. Other Senators, especially those from the Western so-called silver States, were more interested in the price to be paid, or at least the treatment given, domestic silver.

I am sorry the majority leader has left the Senate Chamber. I hope he returns soon, because, being a new Senator, I am trying to absorb all the information I can about the traditions of the Senate.

It so happens that last Wednesday night an amendment was offered to the so-called relief measure. The Senator from Colorado [Mr. ADAMS] was in charge of the measure, and, in order to reinforce him as he went into conference with the conferees on the part of the House, I suggested that on that amendment a ye-and-nay vote be taken. It was taken. But in the course of the debate the distinguished Senator from Kentucky, the majority leader, delivered at least a kind of an offside lecture to me as to what conferees appointed by the Senate ought to do. I read the language of the Senator from Kentucky appearing in the CONGRESSIONAL RECORD of Wednesday, June 28, which was occasioned in the manner I have mentioned. The Senator from Kentucky said—and the crux of the whole thing is here—

I understood that the Senator from Colorado would consider himself \* \* \* under the same obligation to use all reasonable and honorable means to see that the Senate's viewpoint on this amendment was sustained as much as in the case of any other amendment the Senate puts in the joint resolution.

Later, in the course of the same debate upon the same bill, the Senator from Kentucky said:

That is, as a Senate conferee he would attempt to see that the Senate viewpoint was sustained so far as he could reasonably do so.

I think that is a fair statement of the duty of a conferee. I shall now read what I read last Friday night in an inquiry directed to the Senator from Colorado [Mr. ADAMS]. The New York Times, in speaking in advance of the kind of report the conference committee of the Senate was likely



to bring back, used the following language in the issue of Friday, June 30, on page 8:

There was little question from the first naming of the conference committee that it would report an agreement acceptable to the President, inasmuch as it was weighted with administration followers.

That newspaper writer was correct. He must have had in mind the senior Senator from New York [Mr. WAGNER], the Senator from Kentucky [Mr. BARKLEY], and the Senator from South Carolina [Mr. BYRNES] as composing a majority of the Senate conferees. Right there I want to stick a pin upon two of these three points. A yea-and-nay vote was had in the Senate which left no doubt as to the position of this body upon the bill. Upon the third point, that of the purchase of foreign silver, the sentiment in the Senate was so overwhelming that no Member had the temerity to risk asking for a yea-and-nay vote. The Senate's position upon the purchase of foreign silver was adopted by an overwhelming indication.

Mr. President, what happened? The senior Senator from Colorado [Mr. ADAMS] told us what happened in the conference committee. The majority, designated by the New York Times in its news story as administration followers, calmly informed the other two members, the Senator from Colorado [Mr. ADAMS] and the Senator from Delaware [Mr. TOWNSEND], that during the recess of the conference committee they had decided to recede from the Senate amendment, thereby entirely changing the position of this body, thereby abandoning without a struggle what the Senate itself had strongly indicated on two roll-call votes and one voice vote that was overwhelming.

These are all honorable men. Mark Antony said that much about Brutus and the other Roman senators who had stabbed Caesar. Brutus was an honorable man. They are all honorable men. These are senior Senators. I could have no quarrel with them as to their votes as individual Senators. The question is whether they have served the Senate, of which they are Members, or whether they have meekly surrendered, and betrayed the Senate's viewpoint, and failed to use the diligence that could reasonably be expected of men of their experience and standing, and, as the Senator from Colorado has said, of their fighting ability.

It will be remembered that last Friday night the Senator from Colorado said he had previously served on conference committees with these Senators. I do not purport to quote his exact language, but the Senator from Colorado said that somehow they seemed to have lost the energy, the fighting disposition, the power to maintain the Senate's position, which could reasonably have been expected of them.

Mr. President, it seems to me that if we have any respect left for ourselves, if we mean to maintain the prestige of the Senate as a lawmaking body, this is the first question that arises, and the question upon which the Senate should first pass judgment.

The Senator from Vermont [Mr. AUSTIN] has made an able legal argument. Other legal arguments will be made. No matter how the question goes, it will wind up in the courts. If the Senate shall recede from its position, the legal phases of this question will be determined in the courts and not upon the floor of the Senate. However, when the Senate takes a position by a definite and substantial vote, it has a right to know whether or not its conferees may be reasonably expected to make all honorable efforts to maintain that position.

The Senator from Colorado described the action of the Senate conferees as a surrender. The Senator from Delaware [Mr. TOWNSEND] said that in his 12 years of experience in the Senate he had seen no proceeding so high-handed as that of the majority of the Senate conferees. The Senator from Michigan [Mr. VANDENBERG] said the same thing in different language. The junior Senator from Ohio [Mr. TAFT] termed the action of the Senate conferees an outrageous thing. I agree with all of them.

The question arose as to whether or not the conferees selected should have been the conferees to be selected, and the question was raised as to the seniority of the Senators on the conference committee. It was said that they were selected because of their seniority. The distinguished Senator from Georgia [Mr. GEORGE] rose and said it was not always the practice of the Senate to choose its conferees solely upon the ground of seniority. When the debate became warm the Senator from South Carolina [Mr. BYRNES] was fair enough with himself and with the Senate to rise and say that in his mind there was some doubt as to whether or not, on a bill of this kind and under these circumstances, the conferees should have been selected by the seniority method, because the seniority method put the Senate conferees under the control of a majority all of whom had voted against the position of the Senate upon the roll call. To me, that is the important thing. Is the Senate to maintain its prestige and position when a difference arises between the Senate and the House of Representatives? The only excuse given—and it was an excuse, not a reason—for the action of the majority was that they had to reach some sort of an understanding on Friday, so that the House could consider the report of the conference committee on Saturday. That reason has passed. The time element has disappeared. We can take a day or 2 days or a week to thrash out the differences between the Senate and the House. However, in order that the Senate's position may be given fair, full, and complete consideration the Senate must be represented by conferees who believe in the cause for which they are battling and not by Senators who were in the first instance opposed to the Senate's position, and who, as described by older Senators than I, surrendered without firing a shot.

I recall, Mr. President, that the distinguished Senator from Nevada [Mr. PITTMAN], the President pro tempore of the Senate, was in the chair Friday night, or early Saturday morning, when the parliamentary position of the conference report was discussed, and the presiding officer at that time being the same one who is now in the chair held—and I read from page 8445 of the RECORD of Friday, June 30:

The PRESIDENT pro tempore. It is the opinion of the Chair that there is no action that the Senate may take in regard to the conference report except to adopt it, reject it, or indefinitely postpone it. If the Senate should reject the conference report, then the bill would not be dead, and on the bill itself the Senate could ask a new conference, but it would have to be after action was taken by the Senate on the conference report and only if it were rejected.

Mr. President, the majority of this body, including myself, have not been fairly represented in conference with the other House. For its own dignity, for its own self-respect, in the name of simple honesty and common decency, the conference report should be rejected, and when new conferees on the part of the Senate are appointed, as suggested by the Chair, and as is possible under the rules, they should be men who are in full sympathy with the views of the Senate overwhelmingly expressed on two yea-and-nay votes, and upon a voice vote, that left no doubt whatever as to the position of the Senate.

It is my belief, Mr. President, that that is the only way by which this body may maintain its self-respect and its dignity, and there is ample time now for this matter to be worked out in a way that will at least give some consideration to the substantial majority of the Senate instead of meekly, tamely, and abjectly surrendering the views so strongly expressed by this body.

Mr. WILEY. Mr. President, I listened with a great deal of interest to the debates in this body on Monday, June 26, and on Friday, and on Saturday of last week, and also this morning in relation to the subject that is now before the Senate. I was especially interested in that portion of the debate that related to the obligation of conferees. I personally cannot help but feel that when the Senate votes, as it did last Monday, the conferees representing this body should represent in letter and in spirit the vote of the body.

If there is no rule to that effect, I think it is about time we woke up and adopted one. I like the expression of the distinguished Senator from Colorado [Mr. ADAMS] when he said:

We may well remember that there are things of greater value than the mere temporary accomplishments. And loyalty and faithfulness rank above all.

I repeat, Mr. President, and "loyalty and faithfulness rank above all."

Mr. President, these are times of great moment, of great decisions. What we do now will give direction to the future of this country.

SHALL WE CONTINUE THE POWER IN THE PRESIDENT TO DEVALUE THE AMERICAN DOLLAR?

In my opinion, the country is as interested in answering this question "No" as it is in seeing that the Congress pass the Hatch bill or amendment, or whatever it may be called. The country does not want any further tinkering with its money, and it does not want any further political debauchery by officeholders under the Government. The people of this Nation do not expect the Senate to capitulate on either one of these measures.

Mr. President, I am glad to see that the distinguished Senator from New Mexico [Mr. HATCH] is in the Chamber. I want to say to him that I have information, definite and certain, that the Democratic politicians are starting out in their campaign for 1940 utilizing the A. A. A.—utilizing the men in the employ of the A. A. A.—to advance their political ambitions. I measure my words in making that statement. Perhaps that is why the Hatch bill or amendment is having so much trouble in the other House.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. MINTON. I hope the Senator does not refer to the A. A. A. set-up in Indiana, for most of them are Republicans.

Mr. WILEY. I want to put the law above them, and if Republicans are used that the same precept be applied to them as it is sought to apply to all W. P. A. workers. We know that last week telephones on Capitol Hill began to jangle when it appeared that there might be some action in the House on the so-called Hatch amendment. We know that versatile and watchful Charles Michelson and others stepped into the breach. I do not intend today to discuss at any length this particular subject. But I am here to say that figures will be obtained which will show that in the month of June emissaries went forth and started to do to A. A. A. that which was done to W. P. A. in many sections of this country in the last election. I repeat, the information is definite and certain that there exists a plan and a scheme which has already been put into operation in certain portions of this country to make A. A. A. a political instrument in the next campaign for the administration forces. Already workers in the field—and when I say "workers in the field" I mean loyal A. A. A. workers—already patriotic citizens are sensing the danger. I say I want to make myself clear. I am not against the objectives of the A. A. A., but I am against using an instrumentality of government for political purposes. Therefore I am for the so-called Hatch bill or amendment 100 percent, and I hope the Senator from New Mexico will not cease his fight to prevent the repetition in the next campaign of what was done in the last campaign and in the campaign of 1936. Therefore, I repeat, I am strongly in favor of the so-called Hatch measure; and if the so-called new dealers are not aware that the country is in favor of passing the Hatch bill, they will be made aware of the country's opinion in no uncertain way if they keep on trying to utilize this instrument of government for political purposes.

I now return to the subject which is under discussion. The eloquent Senator from Maryland [Mr. TYDINGS] gave a graphic word picture of why in 1933 the Senate passed the original devaluation bill. Everyone knows the character of the national and international situation at that time. But now, after 5 years, with war clouds on the horizon, with a

great percentage of our private debt liquidated, with \$16,000,000,000 of gold, which is 60 percent of all the gold in the world, in our possession, with practically every great economist in America sustaining the position that from an economic viewpoint it would be unwise to continue this power in the President, and with the foreign situation as it is, the Senate the other day expressed its opinion definitely—and I believe it will continue in that conviction—that the constitutional power lodged by the people in the Congress must be retained by the Congress and exercised by the Congress.

Mr. President, why is this so? Because it is common sense that we do this thing.

The people desire it.

The judgment of the best economic minds in America is that it is imperative that we do not give this power again to the President.

Mr. President, while I am on this subject I ask unanimous consent to place in the RECORD at this time as a part of my remarks a list of the powers that have been delegated to the President since 1933.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### POWERS DELEGATED TO PRESIDENT

- March 9, 1933: Regulate foreign exchange during a national emergency.
- March 9, 1933: Extend period for not longer than 1 year after March 3, 1934, during which advances may be made to member banks under Federal Reserve Act.
- March 9, 1933: Direct expenditure of \$2,000,000 appropriation for carrying out Bank Conservation Act.
- March 24, 1933: Regulate rates of pensions to veterans, prescribe degrees of disability to be recognized, and approve claims for benefits filed with Veterans' Administration.
- March 24, 1933: Determine period during which direct loans may be made by Federal Reserve banks to State banks and trust companies, but for not longer than 1 year.
- March 31, 1933: Provide for employing unemployed citizens in the construction, etc., of public works in connection with the forestation of public lands.
- May 12, 1933: Terminate Agricultural Adjustment Act when he finds that the national economic emergency in relation to agriculture has ended.
- May 12, 1933: Direct Secretary of the Treasury to purchase and hold obligations of the Government up to \$3,000,000,000, or to issue United States notes up to same to meet maturing Federal obligations, etc.; fix the weight of the gold and silver dollar; accept silver in payment of debts due from foreign governments.
- May 12, 1933: Fix salary, at not to exceed \$10,000, of Federal Emergency Relief Administrator.
- May 18, 1933: Lease of nitrate plant for manufacture of fertilizer.
- May 18, 1933: Direct completion of dam and steam plant at Muscle Shoals.
- May 27, 1933: Prescribe effective date of act providing for protection, etc., of foreign security holders.
- June 15, 1933: Prescribe National Guard units to be maintained in each State, etc.; prescribe tests for examination for commissions, etc.
- June 16, 1933: Fix earlier date than that set by Congress for Federal Deposit Insurance Corporation to insure deposits of member banks of the Federal Reserve System.
- June 16, 1933: Fix earlier date than that set by Congress for operation of Temporary Federal Deposit Insurance Fund.
- National Industrial Recovery Act of June 16, 1933. Establish agencies and delegate to them powers for carrying out the act.
- June 16, 1933: Create Federal Emergency Administration of Public Works.
- June 16, 1933: Extend duration of Emergency Railroad Transportation Act for 1 year after June 16, 1934.
- June 16, 1933: Modify postal rates.
- June 16, 1933: Modify existing contracts for transportation of persons, etc.
- June 16, 1933: Increase charge for services rendered or articles sold by executive departments, etc., so as to cover cost to the Government.
- June 16, 1933: Suspend or reduce allowance paid to carriers in the Rural Mail Delivery Service who are exempt from furlough provisions.
- June 16, 1933: Establish special boards to review veterans' claims.
- January 20, 1934: Fix earlier date than that set by Congress for continuing functions of Reconstruction Finance Corporation.
- January 30, 1934: Issue silver certificates, reduce the weight of the standard silver dollar, etc.
- February 15, 1934: Prescribe regulations for expenditure of \$950,000,000 for public works, etc.
- March 6, 1934: Extend period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.
- March 10, 1934: Establish fish and game sanctuaries in national forests.



Philippine Independence Act of March 24, 1934. Approve foreign debts contracted by the Philippine Commonwealth; approve acts of the legislature affecting certain subjects; determine conformity of the constitution with the provisions of this act.

March 27, 1934: Replace vessels; procure necessary naval aircraft; order expansion of Government factories, etc., for construction of naval aircraft in conformity with Washington and London treaties.

April 21, 1934: Extend duration of Cotton Industry Act.

April 26, 1934: Direct expenditure for Army aviation.

May 9, 1934: Extend applicability of A. A. A. Act.

May 28, 1934: Prohibit sale of war material to countries in armed conflict in the Chaco.

June 12, 1934: Enter into foreign-trade agreements, etc.

June 19, 1934: Allocate various sums for carrying out Unemployment Relief Act of 1933, Federal Emergency Relief Act, Tennessee Valley Authority Act, and National Industrial Recovery Act; for stricken agricultural areas; for enforcing N. I. R. A. and the Code of Fair Competition for the Petroleum Industry; direct expenditure for carrying out Silver Purchase Act 1934.

June 19, 1934: Preference be given certain communications in time of war.

June 19, 1934: Fix earlier date for termination of power of Reconstruction Finance Corporation to make certain loans.

June 19, 1934: Require delivery of all silver to United States mints.

June 19, 1934: Investigation boards for N. I. R. A.

June 27, 1934: Create Federal Housing Administration.

June 27, 1934: Allot funds on request of Federal Housing Administrator.

June 27, 1934: Authorize payment of awards entered by United States and German Mixed Claims Commission.

January 31, 1935: Fix earlier dates for terminating the Commodity Credit Corporation and the Export-Import Banks of Washington.

February 22, 1935: Suspend provision prohibiting interstate shipment of contraband oil.

April 8, 1935: Direct expenditure of appropriations under E. R. A.

June 14, 1935: Continue the limited free importation of yarns, etc., from Philippine Islands.

July 26, 1935: Determine class of documents to be published in Federal Register.

August 5, 1935: Establish customs enforcement areas.

August 24, 1935: Cause investigation by Tariff Commission as to imports affecting operation of the agricultural adjustment program.

August 24, 1935: Direct use of appropriation of submarginal lands for the development of a national program of land conservation.

August 26, 1935: Negotiate for highway to connect the Pacific northwest with British Columbia, Yukon Territory, and Alaska.

August 30, 1935: Suspend in time of emergency provisions of act relating to rate of wages for laborers in public buildings.

August 31, 1935: Enumerate implements of war prohibited for use in belligerent countries.

February 15, 1936: Grant licenses to export tinplate scrap.

February 29, 1936: Except ordinary commercial transactions from operation of provision of neutrality resolution.

April 16, 1936: Fix date for extension of laws of United States to Virgin Islands.

April 16, 1936: Suspend provisions of Carriage of Goods by Sea Act if he finds that foreign trade of the United States is prejudiced thereby.

April 17, 1936: Shorten period set by Congress for insurance against losses on loans for repairs, etc., to property damaged by floods, etc., under National Housing Act.

June 22, 1936: Determine order of priority of projects to be prosecuted under Flood Control Act of 1936.

June 22, 1936: Direct expenditure of \$308,000,000 for carrying out Emergency Conservation Act.

June 22, 1936: Direct expenditure of \$1,425,000,000 and unexpended balances, under E. R. A. A. of 1936; approve rates of pay determined by W. P. A.

June 22, 1936: Issue orders limiting importation of red-cedar shingles.

June 25, 1936: Conclude international agreements relating to maintenance of ice-patrol service in north Atlantic Ocean.

January 8, 1937: Determine when state of civil strife ceases to exist in Spain.

January 29, 1937: Certify that certain areas are in emergency needs of loans for crop production.

June 28, 1937: Prescribe regulations for functioning of C. C. C.

June 29, 1937: Direct expenditure of appropriations under Emergency Relief Appropriation Act of 1937.

June 9, 1937: Make rules governing air-navigation facilities in the Canal Zone; prescribe conditions of employment.

July 10, 1937: Fix compensation, etc., of public defender of defender of the Canal Zone.

July 22, 1937: Allot from relief appropriations sums necessary for rehabilitation loans farmers.

July 22, 1937: Transfer public lands suitable for use by Farmers' Home Corporation.

July 30, 1937: Undertake construction of specified auxiliary vessels for the Navy.

August 30, 1937: Make regulations for the taking of an unemployment census.

September 1, 1937: Transfer housing or slum-clearance projects to United States Housing Authority.

September 1, 1937: Suspend operation of quota provisions and conditional payment of Sugar Act, 1937, in time of emergency.

January 12, 1938: Define vital military and naval defensive installations which are not to be photographed.

March 8, 1938: Exercise right of United States arising out of ownership of capital stock of Commodity Credit Corporation.

April 25, 1938: Prescribe regulations for the organization of a Regular Army Reserve as a part of the Regular Army.

May 17, 1938: Determine need in interests of national defense for building naval vessels of tonnages in excess of 35,000 tons each.

May 25, 1938: Detail United States employees having special qualifications to governments of American republics.

June 16, 1938: Direct expenditure of \$400,000 authorized to be appropriated for expenses of economic committee.

June 20, 1938: Prescribe duties of the Librarian Emeritus of the Library of Congress.

June 21, 1938: Approve expenditure of \$1,425,000 for W. P. A., \$75,000,000 for National Youth Administration, and \$965,000,000 for Public Works Administration.

June 24, 1938: Permit citizens of American republics to receive instruction with or without charge at professional schools maintained by Government.

June 25, 1938: Allocate \$5,000,000 of funds available under Emergency Relief Appropriation Act of 1938 to Federal departments, etc., for the constructions of water-conservation projects.

June 25, 1938: Prescribe terms and conditions on which District of Columbia Alley Dwelling Authority may borrow \$1,000,000 from Treasury for the 4 fiscal years succeeding June 30, 1939.

Act of March 9, 1933: Regulations by Secretary of the Treasury for transaction of banking business by Federal Reserve System in time of emergency.

Act of March 9, 1933: Request by Secretary of the Treasury that R. F. C. subscribe for preferred stock in National Banking Association, etc., in need of funds for capital purposes.

Act of May 12, 1933: Regulations by Secretary of Agriculture to carry out A. A. A.

T. V. A. Act of May 18, 1933: Revision by T. V. A. board of percentages of gross receipts from sale of power, paid to Alabama and Tennessee.

Act of June 10, 1933: Request by Secretary of the Treasury that R. F. C. subscribe for preferred stock of insurance companies in need of funds.

Act of January 30, 1934: Regulations by Secretary of the Treasury for acquiring and holding gold, etc. (Extended through June 30, 1939.)

Act of June 6, 1934: Summary suspension by Security and Exchange Commission of trading on national securities exchanges for not exceeding 90 days.

Silver Purchase Act of June 19, 1934: Regulations by Secretary of the Treasury under act.

Act of January 31, 1935: Loans by R. F. C. to National Mortgage Association.

Act of August 24, 1935: Determination of Secretary of Agriculture as to effectiveness of orders with or without marketing agreements.

Act of August 24, 1935: Regulations by Secretary of Agriculture as to review of petitions of handlers.

Act of August 31, 1935: Disposal by T. V. A. board of real property no longer needed.

Act of May 1, 1936: Regulations by Secretary of the Treasury and Secretary of Commerce under provisions of the Whaling Treaty Act.

Act of June 29, 1936: Action of Federal Emergency Administration of Public Works in dedicating streets, alleys, and parks for public use.

Act of June 29, 1936: Action of Resettlement Administration in dedicating land for streets, alleys, and parks, etc.

Act of July 8, 1937: Regulations by Secretary of the Treasury and Postmaster General for shipment of valuables with minimum loss.

Act of June 16, 1938: Contracts entered into by Secretary of War to familiarize commercial concerns with the manufacture, etc., of munitions of war.

Act of June 23, 1938: Certificates issued by Civil Aeronautics Authority, authorizing air carriers to engage in overseas and foreign air transportation under Civil Aeronautics Act of 1938.

Act of June 25, 1938: Advancement of \$18,150,000 from Federal Emergency Administration of Public Works to Commissioners of the District of Columbia for the construction of certain municipal buildings in the District.

Act of June 30, 1938: Lease by Secretary of the Navy of portion of naval petroleum reserves, etc.

Mr. WILEY. Mr. President, I am arguing as if the legal question were out of the way; I am arguing as if it were half past 11 o'clock on last Friday evening.

I agree with the distinguished Senator who spoke this morning as to what the real legal issue is and how it will be decided by the courts if it ever comes to the courts.

From a political standpoint, if we refuse to accept the report of the conference committee we shall not only be reclaiming our right, but we shall be waking up to the responsibility of

the Senate. I have just sent to the Chair four solid sheets of powers that the Congress has given to the President since 1933. I say it is time that we, the legislators of the Nation, reclaim those powers which are ours under the Constitution instead of "passing the buck" and asking George to do it or asking Franklin to do it.

History will speak in very decisive terms of the "buck passing" period of Congress. From the action of the present Congress it is apparent that we are over this period of "buck passing" and "letting George do it."

We can no longer maintain our dignity and our sense of fulfillment of the duties of the high office we occupy if we continually delegate to the President the functions that are ours. "Letting George do it"—or Franklin—is probably the main reason why this Nation is still on the economic detour.

As was indicated in the debate, the power to devalue the dollar is so significant, so extensive, so similar to powers that are granted dictators in other lands that some of us feel that it would be unwise to continue in other hands than our own this great power for good or evil.

We do not want the Executive of this country to have the power to reduce the wages and salaries of every worker in this Nation by a decree or increase the cost of living to such wage earners by a decree. Yes, if we should give him the power to devalue the dollar he could by his decree, as was so well said by the Senator from Maryland [Mr. Tydings] not only decrease in terms of wealth the custom revenues of the Nation but increase the cost to our citizens of all imports.

In thinking of my obligation today I am thinking of the future. We are not only mapping out the highway for tomorrow for this country, but we are also, because of the significance of America in the family of nations, placing landmarks by which other nations may travel. Our philosophy, political and economic, that we put into practice will shape those landmarks.

Other nations have "walked out" on democracy. I propose to do my bit to the end that America shall not follow that course. I believe we have already gone too far in the direction of European nations and that it is time that Congress should stand on its own feet and stop delegating away its powers to the President or to others.

I also agree with the distinguished Senator when he said the statement of the President was "silly" when the President implied that Congress' refusal to give him the right to devalue the dollar was equivalent to placing control in the hands of Wall Street.

The people of this country are getting "hep" to statements of this kind. In spite of the lopsided nature of a certain Washington columnist, even he could not stomach that one. Of this columnist it was said that if the President sneezed, and called the sneeze a symphony, the columnist would say, in his column next day, that it was a symphony; but even he could not stomach this statement.

I agree that peevishness in an Executive or in Senators is not conducive to clarity of thought or perspective, nor does it tend to solve constructively any problem.

I repeat what I said the other day in the Senate, that the people are awakening to a realization that the job has not been done that was promised to be done back in 1932 and 1936; and no camouflage or smoke screen will hide that fact.

Mr. President, I believe that the words of Webster in his famous 7th of March speech can be appropriately quoted now.

I quote:

I wish to speak as an American, and a Member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks, with confidence, for wise, moderate, patriotic, and healing counsels.

Mr. President, this country is looking for healing, or, as Webster says, "wise, moderate, patriotic, and healing counsels," not biased, prejudiced minds. In this statement of Webster's we find what we are looking for—a signpost. It is the word "confidence." Let us today recapture the position that rightfully belongs to us. Let us not, by the

crack of the whip of patronage, or threat of purge, forget our obligation as Senators. If the President of the United States tomorrow, or in the future, thinks it is wise to devalue our currency, then we shall be willing to listen, weigh the pros and cons of the argument, discern the fallacies, appropriate the truth, and then make the decision—our decision, which the Constitution says we should make.

The advisability of devaluation, even if foreign nations further devalued their currency, is, in the vernacular of the street, "entirely up in the air." In other words, we do not know the answer to that question, though 54 economists say, "Don't give the power to the President"; but it is not necessary to get the answer, because we are not going to decide by this vote today whether or not it is advisable to devalue the dollar further. We shall decide but one thing, and that is this: Do we want to recapture the power which is ours, and which the Senate back in 1934 gave to the President, or do we want it to continue to rest in him for another 2 years?

Mr. President, when we sent the monetary bill to conference it carried a Senate amendment discontinuing the purchase of foreign silver. That provision was literally kicked out by the conference committee. Consequently, the foreign silver-purchase program will apparently go on, regardless of our wishes in the matter, and regardless of what we do here today. This little incident is more important than the amount of silver involved. It means that the will of the Senate is being thwarted, bent, or submerged.

While the purchase of foreign silver has no real significance as a monetary measure, it is regarded by the administration as a way and a method of putting into practice an American appeasement policy. It is argued, of course, that buying by our Treasury has stimulated world production, and made possible a certain amount of foreign trade whereby we could take superfluous silver in exchange for useful goods. On the other hand, by this very policy we have rewarded Mexico, which confiscated our American-owned properties. We have forced China off the silver standard. We have given Japan a chance to sell us Manchurian silver so that she could buy our ammunition, and we have put off the day of reckoning. This policy is self-defeating. Instead of restoring the prestige of silver, we are using less of it for money and less for commercial purposes.

Yes, Mr. President; it would be wise for this Government at this time to stop buying foreign silver. You will notice that I said "this Government." Under existing conditions, the Government buys all the silver bullion mined in this country. That leaves to the other nations the opportunity to sell their silver on the world market to the manufacturers of America who use silver. We use a great deal of silver. We shall use a great deal more of it for manufacturing purposes if the Government will keep its hands off buying it. Everybody in this country is looking for fine silverware. If we were not stimulating the foreign market, our manufacturers could buy silver at the world price, and you and I could have silverware and use it on the basis on which we should be able to buy it.

When the people of this country realize that the Senate and the Congress are not simply order takers—I repeat, order takers—that conclusion registered in the minds of the average citizens might be the psychological "shot in the arm" that would start prosperity coming our way again. We have the greatest demand the world has ever known for goods, machinery, and so forth. We have the manpower; we have the greatest money supply in the world; we have the greatest manufacturing plants; and yet, for some reason, we do not go places.

Idle men, idle money, idle plants, unfilled wants provide a challenge not only to this body but to every thinking American. After 6 years now the answer is pretty clear that you shall not find the solution to that problem by delegating more power to the executive branch of the Government.

The solution of the problem of the farmer, the small-business man, the manufacturer, and the workman will be found only when we realize that they are all tied up together. We shall find that solution when the average citizen begins to



feel a return of confidence in his government; when he begins to feel that government is not simply a bungler, is not simply indulging in "shots-in-the-arm tactics," is not the exponent of outmoded theories and fancies, but is the exponent of thrift, industry, honesty, and common sense.

I realize the need of being careful not to hurt or wound. Not by bitterness but by kindness, not by sonorous phrases but by reason, not by fear but by cheer will we bring healing to the afflicted and solution to our problems.

Mr. President, the Speaker of the House of Representatives, the brother of our distinguished Senator from Alabama, recently used these significant words—I quote:

Maybe we have been grasping at shadows when the substance was within our hands. The chastening rod of frustration may yet drive us back to some of the sublimer but more simple things of the spirit.

Milton spoke of life as a "labor to be done." Some of us here at the vortex of political thought feel if the storms that have afflicted other nations should strike here they would have a tendency to destroy three great American ideas and ideals: First, Christianity, which teaches man a sense of his own dignity as the son of God and respect for his brother man. Second, a republican form of government, a covenant among free men to maintain and respect the rights and liberties of their fellow citizens. Third, international law, that link of faith and honor and good will which must exist before nations can go forward.

Some of us feel, Mr. President, that the challenge to these three great American institutions can be better met by maintaining the American concept of government, by not delegating to the Executive powers such as are now desired, and which the Constitution provided and the wise men who founded this country thought should be retained by the legislative branch.

I indulge in no denunciation of the Executive because he wants this additional power. I have no bitterness toward him because he and his advisers think he should have it. All I am doing is to use the intelligence that is mine to persuade my fellow Senators not to give him that power, because I think following this course does not lead forward and upward; it leads backward and downward. Today we are still in control of the powers delegated to the Congress, and the future of America depends upon us who control its destiny to keep that control. It would be a great tonic for the country, Mr. President, if we were to keep faith and vote not to accept the report of the committee.

Mr. BRIDGES. Mr. President, I wish to quote from chapter 5 of the provisions of Senate bill 416, now Public Act No. 1, passed at the first session of the Seventy-fifth Congress, approved January 23, 1937. I quote subdivision (c) from the act:

All powers conferred by this section shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated.

Mr. President, we observed an unusual occurrence in this body on Monday, June 26. The Senate of the United States took a threefold action. That action was clear; it was unmistakable; and it left no shadow of doubt as to where the majority of the Members of the United States Senate stood, or how the American people, whom they represented, stood. The action taken on that day was, first, discontinuance of the power granted the Chief Executive to devalue the dollar, or the power to vary the gold content of the dollar; second, provision for the payment of seventy-seven and a fraction cents an ounce for domestically mined silver for a 2-year period; third, provision for the discontinuance of the right to purchase foreign silver.

After this very decisive action by the Senate on the bill then before us, the bill was sent to conference with the House of Representatives. During my brief service in this body—and this is the third year I have had the pleasure of being a United States Senator—I have never seen a group of conferees so completely and so thoroughly ignore the express wishes and desires of the United States Senate as that group of conferees who discussed the bill to which I

have referred, and as was evidenced in the action which they took and in the conference report.

The policies established by the act which I have quoted have been in force for about 4 years. When the law was enacted the administration leaders on the other side of the aisle, the President, and administration spokesmen made statements to the effect that this great authority granted the administration by the passage of the measure allowing this country to pay a premium to foreigners in the purchase of gold and silver would increase prosperity in this country, would increase prices of foreign commodities and manufactured goods, and that it would develop our markets abroad. Instead of that, we have lost our markets abroad, and prices of our products have been depressed.

Let us consider cotton, for example. In 1933 we exported 8,400,000 bales of cotton. In 1939 we exported about 3,000,000 bales of cotton, in spite of the fact that in the meantime we contributed to the world silver powers and to the international silver speculators about \$500,000,000.

What is the situation in this country today? There are about 12,000,000 people unemployed; there are 22,000,000 receiving some form of public relief. What has resulted from the policy adopted? About the only thing that has resulted has been prosperity to the international monetary speculators. Do we need any more foreign silver? The answer is that we have a billion one hundred and thirty million ounces of idle silver today, most of it buried in holes in this country.

Let us consider the Mexican situation for just a moment. That is certainly a great example of the outstanding wisdom of this administration. We have been subsidizing the Mexican Government for the past 4 years by the purchase of silver from Mexico. Millions and millions and millions of dollars a year have gone toward maintaining the Mexican Government, and while we have been following this good-neighbor policy, so-called, Mexicans have been engaged in seizing property of Americans. Whether it was sugar plantations, or oil properties, or private farms, they have been having a glorious holiday at America's expense, and we have been the "suckers."

Mr. President, I should like at this point to put into the RECORD the latest figures as to the acquisition of foreign silver, compiled from the United States Treasury bulletin for June, page 49. The figures are as follows:

Supply of foreign silver to the United States since the passage of the Silver Purchase Act through May 1939.....	\$1, 078, 568, 000
Supplies of foreign silver to the United States from Latin America (approximately 22 percent of total supply to the United States).....	236, 770, 000
Supply from Mexico.....	216, 625, 000
Balance of supply by Latin America outside of Mexico (2 percent).....	20, 145, 000

These figures conclusively prove that so-called Latin-American purchases of silver are 98 percent Mexican.

When the Senate took the action on Monday to which I have referred, leading Mexican papers stated that the action of the Senate was disastrous, that it was an unfriendly act. Yet the attitude of Mexico for the past 2 years has been unfriendly, insofar as this country has been concerned, and the administration has taken no action regarding the unfriendly actions of Mexico.

The program today is based upon a legal opinion, and I presume that is the reason why we are voting today. I assumed, and I believe the majority of Americans had assumed, that when midnight Friday June 30, 1939, arrived the act to which I have referred went out of existence. There came forth from a great legal authority, Mr. Murphy, the Attorney General of the United States, an advisory opinion, in which he stated that in case the bill should be enacted after midnight of June 30, and even after a long intervening period, it would still be the law of the land.

Mr. President, to my mind that is a very decisive and important question. Who is this Mr. Murphy, the Attorney General of the United States, who sets himself above the

Senate of the United States and the whole legislative branch of our Government? Who is he, this great legal authority, this crusader in armor who has been out cleaning up several Democratic messes in this country?

I opposed the confirmation of Mr. Murphy as Attorney General. There were only a few Members of the Senate who agreed with me. When I saw his crusading action in various places in recent months I wondered whether I had been wrong. But when I saw this advisory opinion he put forth, setting himself above the American Congress, one great branch of the American Government, then I knew he was running true to form, and I knew that he was delivering an opinion for the purpose of getting the administration out of a hole and to save the hides of the international speculators.

Who is he? He worked for a while as a law clerk in a lawyer's office in Detroit. For some time he was a judge of the recorder's court. If his private record as a lawyer in the State of Michigan is examined, not a case will be found where he appeared as an attorney before the Supreme Court of Michigan. Further it will be found that when he was appointed Attorney General of the United States by Mr. Roosevelt he had not even been admitted to practice before the Supreme Court of the United States, and had to be subsequently admitted.

Who is Mr. Murphy, and what has he done? He has specifically, and on several occasions, ignored the law of the land, such as the handling of the sit-down-strike situation in Michigan as the Governor of that State.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. MINTON. Is the Senator from New Hampshire himself a lawyer?

Mr. BRIDGES. No; I am not.

Mr. MINTON. But the Senator assumes to criticize the Attorney General of the United States because of an opinion which he handed down, and the Senator himself is not a lawyer.

Mr. BRIDGES. Certainly. [Laughter in the galleries.] Most certainly. I wish the Senator from Indiana had inquired whether or not Mr. Murphy is a lawyer. In answer to that question I will not have to say that he does come under that category, but if the Senator should ask me how good a lawyer he is and what his past record as a lawyer shows, then the answer would be very different.

It is on the advisory opinion of this man who worked as a law clerk in Detroit, this man who served a few years as judge in a recorder's office, this man who never had a case before the Supreme Court of Michigan, this man who had not even been admitted to the Supreme Court of the United States when he was appointed Attorney General of the United States—it is on the opinion of this great legal authority that we are acting today. In other words, Mr. Murphy, as Attorney General of the United States, is going through as a "stooge" of the administration. The issue we have before us today is whether or not the legislative branch of the Government is going to be ignored, and whether we are to accept as the basis of authority the opinion of Mr. Murphy, the Attorney General of the United States.

I read now an article containing a reference to a speech by the Senator from Pennsylvania [Mr. GUFFEY], an amazing speech, in which he intimated that if Mr. Roosevelt were not elected again for a third term we were going to have civil war. He said:

I'm for a third term for Roosevelt because I am a liberal and I believe in democracy. The judges and the lawyers cheated the people out of President Roosevelt's first term. The ingrates and the "middle-of-the-roads" robbed the people of President Roosevelt's second term. If the Tory politicians and the big-business magnates succeed in bamboozling the American people for a third term in 1940, then there's going to be an upheaval which will sweep away all politicians and all big business. I don't kid myself that the American people love their politicians.

Mr. President, those are the words of a United States Senator—the junior Senator from Pennsylvania [Mr. GUFFEY]. He said the people were robbed of the President's

services in his first term by the judges, but he did not say that that is what occurred during the second term. Why did he not? I do not know that I could answer for the Senator from Pennsylvania, but probably because Mr. Hugo L. Black and some others had been appointed to the Supreme Court, and Senators in this body voted to make Mr. Hugo L. Black a Justice of the Supreme Court, and a Senator on the other side of the Chamber, the junior Senator from Texas [Mr. CONNALLY] rose and said, "If Mr. Hugo L. Black does not make a good judge then God Almighty will be responsible." Well, that is too much responsibility to put on God Almighty. The Senator from Texas [Mr. CONNALLY] made that statement. He is prone to make exaggerated statements in debate to further the cause he is advocating.

The issue is very clear, Mr. President, and in order not to occupy too much time of the Senate, I ask that as part of my remarks three articles appearing in the Baltimore News-Post of Saturday, July 1, 1939, one by Dr. Lewis Haney, another by M. S. Rukeyser, and another by Mr. B. C. Forbes, be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The articles referred to are as follows:

[From the Baltimore News Post of July 1, 1939]

DR. LEWIS HANEY CLEARS UP QUESTIONS ON MONEY STANDARD

The subject of money keeps coming up—which shows how important that subject is.

In fact, the lack of a standard for our money is the sign and symbol of the general break-down of standards in our social life today. Just as we have no standard money, so we have no standard of honor in political pledges, no standard of international honor, and no standard of work and pay.

On all sides we hear that rules, laws, and principles are out-moded. Times are different. One man's guess, or happy thought, is as good as another's.

Thus, it seems, a man doesn't have to bother about gaining knowledge through study and experience. He can set up as an expert by announcing some "objective" that appeals to people.

"Economists" spring up like weeds, and the fact that those who direct the Nation's economic policies have never been heard of, and have never done anything to prove ability, seems to bother no one.

If anyone states that established principles demonstrate the unsoundness of a scheme, he is told that times are different. The standards of the past are mere horse-and-buggy affairs.

That we now have no standard for our money is well illustrated by the fact that we are considering a proposal to take away from Mr. Roosevelt his power arbitrarily to change the size of what used to be our monetary yardstick.

Suppose that Mr. Roosevelt had the power at will to change our yardstick, pound weight, and bushel basket. We would then realize that we had no standard of weights and measures. To be a standard, a thing must be definite and nonarbitrary.

What, then, is good money? And what is the importance of a standard for money? These are the questions we need to answer in order to understand the devaluation power.

Good money is that which does the work of money well.

The work of money is to measure values in exchange. That is what a medium of exchange does—it enables two or more individuals to use a common yardstick to measure the values of different goods.

But to measure anything in a way that two or more individuals will accept, we must have a standard. In measuring cloth, we have to have a standard yard, which is the length of a certain bronze bar at a certain temperature.

So, in measuring value, if all men are to participate and agree, we must have a standard dollar—one that is definite and not subject to arbitrary change, so that all men can figure on it.

There are two classes of measurement: One is current and concerns values in the present. The other is future and concerns deferred payments. It is of the greatest importance that our money should serve as a standard for deferred payments, such as are required in credit transactions.

Accordingly, over a period of months or years, good money must not only be free from arbitrary changes but also be as stable in value as possible. (Nothing is absolutely fixed in value, but gold has a more stable value than any other known object which would be available for use.)

Thus, we see how opposed to the idea of good money and a standard of value is the power to devalue. That power is exactly as if Mr. Roosevelt were empowered to change the length of the bronze bar which determines our standard yard.

The whole scheme of monetary manipulation and "managed currency" is really fantastic. It is an Alice-in-Wonderland sort of system, and is a nightmare to business planners and investors. (This is the greatest single reason for our unemployment and depressed capital-goods industries.)

To take away the devaluation power is thus a first step toward a return to standards and toward law and order in economic life.



This could start us toward a condition in which confidence in the stability of money would beget business confidence, full productive employment, and general prosperity.

#### DEVALUATION CONCERNS LIFE SURETY POLICIES

(By M. S. Rukeyser)

The stir at Washington over devaluation is of direct concern to the 64,000,000 holders of policies in American life-insurance companies.

Likewise it is of interest to the 44,000,000 owners of American savings accounts, amounting in the aggregate to some \$24,000,000,000.

Savings represent goods produced which remain unconsumed, and usually are available in the form of tools to facilitate additional production.

Insurance policies are long-term calls under which policyholders and their beneficiaries (or heirs) may demand dollars from the insurance companies in future years, under stipulated contingencies.

If politicians through overspending or otherwise decide to get by through clipping coins of part of their gold, they in effect tend to change the deals which millions of Americans have made with insurance companies and savings banks.

But curiously enough, communications between most financial institutions and their clients are frequently so stiff and formalized they do not get across the realization that when politicians soak wealth they are soaking all the thrifty people of the Nation.

Once officers of financial institutions learn to use language, pictures, and arithmetical symbols to express themselves simply and unmistakably, they will help to interest the thrifty people of the Nation in natural fiscal affairs which bear directly on their own future economic security.

And the soundness of the currency is likewise equally important to the tens of millions of participants in the old-age-benefit provisions of the Social Security Act.

The kind of dollars which the Government pays out to those 65 and over will determine the living standards of the pensioners.

It is a healthy development to diffuse so widely among the people direct stakes in the soundness of the currency and the Nation's economic life.

Historically, whenever the subject of inflation used to come up, seductive politicians would try to make it appear that diluting the value of the dollar would injure only a small and select group, the bloated bondholders.

But nowadays the creditor class is vastly wider. As a matter of fact, it is larger numerically than the debtor class.

Every holder of a life-insurance policy, a savings account, or a social-security card now belongs to the creditor class.

This broad creditor group is not only concerned with manipulation of the dollar, but is even more concerned with keeping the national economy healthy.

For, despite the wording of contracts and legislation, the validation of future claims to dollars, which are tickets entitling holders to goods and services, are contingent on keeping the productive mechanism of the Nation in sound working order.

From this standpoint, the politician who thrives on business baiting is striking at the economic vitals of all the people. Unsound economic legislation not only injures the creditor class, but also the 51,000,000 Americans subject to gainful employment.

Once these simple facts are clearly grasped, the majority of intelligent citizens will boot out politicians who seek to play fast and loose with the economic bases for national prosperity.

And ignorance and incompetence on the part of public officials can be as disastrous to national welfare as willful demagoguery itself.

#### BUSINESS FOR RULE BY LAW, NOT PRESIDENT

(By B. C. Forbes)

President Roosevelt dealt a severe blow at himself in his press-conference tirade against the Senate for having voted to restore to Congress the right to determine the gold content of the dollar. A right always enjoyed by our legislative body until Mr. Roosevelt, on the pretext of extreme "urgency," induced Congress to repose that power in him.

In his indignation at being thwarted he made amazing factual misstatements.

Not only so, but he sought to mislead the public into believing that Wall Street would be able to kick around foreign exchange as if it were a football unless he were again invested with authority to depreciate the gold content of the dollar still further.

As a matter of fact, the market for foreign exchange has been governed by the gigantic stabilization funds created for that specific purpose by the United States, Britain, and France.

Such fluctuations as have actually occurred in foreign exchange have been invariably based on rumors that Franklin D. Roosevelt contemplated cutting the dollar in half; that is to say, from its old-time gold content, already reduced by 41 percent.

The man in the street, busy trying to earn his living and not versed in international finance, cannot be expected to know the intricacies of the whys of fluctuations in the international value of various currencies.

So he is open to being deluded when the Chief Executive of the Nation makes a statement not in accordance with the actualities.

Mr. Roosevelt, who, from his exalted position, has delivered more blows against financial and business leaders than any other American President, reveals that he "can't take it."

Apparently he is sincerely convinced that in him reposes all financial wisdom—this notwithstanding that his own excursions into the world of finance before he became a politician proved disastrous for himself and others.

Tampering with a nation's currency, especially with the currency of the richest nation on the face of the earth, is a most serious matter, calling for the utmost deliberation.

License to do this should not be sought by any one individual. It should be delegated to our elected legislative representatives.

This writer favors continuation of the \$2,000,000,000 fund dedicated to maintaining stability in the international value of the dollar.

While such a fund remains in operation it is something worse than nonsensical for Franklin D. Roosevelt or any other individual to attempt to beguile the public into believing that Wall Street can play ducks and drakes with the stability of our national currency.

The Senate's action, as I see it, was symptomatic. Do the American people want to invest any one man with unprecedentedly autocratic powers? Or do they want to return to our long-cherished constitutional form of government?

While an "emergency" admittedly existed, the disposition was to grant almost unlimited power to the President. Such power was granted and has been exercised for more than 6 years.

But the economic and social results have been disappointing. Depression still grips the land. Ghastly unemployment continues.

Government spending on a scale never before visioned has failed to restore old-time prosperity. Confidence in the administration is woefully lacking.

Men of affairs all over the land will follow events at Washington with intense interest. Developments in business, in industry, in investments, in employment during the second half of this year will be potentially influenced by how Congress acts.

If it submits to the dictates of Mr. Roosevelt, fillers of pay envelopes are hardly likely to exhibit impressive demonstrations of optimism, enterprise, employment expansion.

If Congress insists on exercising its constitutional independence, and if the undercurrent of public sentiment does not change, genuine progress toward better times may be made this year.

Mr. BRIDGES. Mr. President, I also ask to have printed at this point as part of my remarks an editorial published in the Springfield Union of September 20, 1938, entitled "New Deal Silver Fiasco"; an editorial published in the New York Times of June 29, 1939, entitled "Silver and Mexico"; and an editorial published in the New York Times of July 5, 1939, entitled, "The Monetary Bill"; all of which have bearing upon the situation under consideration.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Springfield Union of September 20, 1938]

#### NEW DEAL SILVER FIASCO

About a billion dollars of the 5-year increase in the national debt has been really incurred in Treasury purchase of silver which is now being trucked at the rate of over 200 tons a day to recently completed vaults at West Point, N. Y., and, of course, at additional public expense. At the same time gold is being shipped to new underground vaults in Kentucky.

All of the 15,000 tons of gold in the Treasury present stock is kept underground and out of the hands of the people and most of the 75,000 tons of silver is likewise buried in vaults, because the people do not care to have it in their hands, except as subsidiary coins or as silver certificates.

Having called in all the gold in the banks or in the hands of the people on a payment of \$20.67 an ounce, the President thereupon jacked the price up to \$35 an ounce by cheapening the dollar about 40 percent and the Treasury credited itself with a profit of \$2,800,000,000, of which about two billions was called a stabilization fund concerning the state or operations of which the public is not allowed to know anything.

Five months later, or in June 1934, the Silver Purchase Act went into effect under the New Deal delusion either that the price would rise to \$1.29 an ounce or that the Treasury's silver holdings would gain a value of one-fourth the combined holdings of gold and silver. At first, Secretary Morgenthau tried to raise the price to \$1.29 by raising his bids, only to find when he had bid up to 81 cents an ounce that speculators were buying the metal on the way up, expecting to dump it on the Treasury at or near the goal of a \$1.29 price.

So that New Deal experiment failed; the Treasury ceased bidding up and the price went back to about 43 cents an ounce at which the Treasury continued to buy silver offered in the world markets. To keep our own silver States politically in line, the President subsidized domestic production at a price from 21 to 32 cents higher. The present subsidy is 21½ cents above the Treasury bid price which is a fraction above the world market price.

The result of about 4 years of the Silver Purchase Act is that the Treasury has bought about 1,720,000,000 ounces of silver at better than 50 cents an ounce in the average and has had to make a cemetery for it in West Point.

This, with the 696,000,000 ounces already held when the Purchase Act went into effect, might have brought silver holdings up to the value of one-fourth that of the combined gold and silver holdings, provided gold holdings had remained as at the time of devaluation of the dollar. But at a bid price of \$35 an ounce gold holdings didn't remain where they were. So that New Deal experiment also failed after buying nearly a billion dollars' worth of silver and over \$2,000,000,000 worth of gold.

If now our gold stock remained at about \$13,100,000,000, the Treasury would need to buy another billion ounces of silver to get a value at silver prices of a quarter of the total gold and silver holdings.

But our present gold stock of over \$13,000,000,000, or about 52 percent of all the world's monetary gold, is not staying put. Gold keeps coming into the Treasury at \$35 an ounce to be paid for in gold certificates which go to swell excess banking reserves big enough to blow the lid off for a tremendous inflation of credit, were business not so hamstrung by Federal taxes and regulations as to make it impossible to use credit at a profit.

So the Treasury continues to buy silver at 43 cents an ounce and gold at \$35 an ounce but the intended ratio of silver to gold keeps about as far out of reach as ever. Thus we have to have a cemetery in Kentucky for gold that the people can't have and a cemetery in West Point for silver that the people don't want.

There is, however, this difference. The people are denied the use of gold or gold certificates. But they can have silver certificates if they won't take silver dollars. An ounce of silver bought at 43 cents can be coined on the assumption that the ounce is worth \$1.29 and a dollar silver certificate issued for the coin. The people can have the certificates with 43 cents worth of silver back of them and can even pay their increased taxes with them, so considerable is the New Deal for the more abundant life of the people.

But it should not pass unnoticed that the Government pockets most of the difference between 43 cents and \$1.29 in the operation and calls it seigniorage as a revenue receipt. It is said that the Government has already coined enough of its silver to have a revenue profit of about \$640,000,000. Hence, from the alleged profits of seigniorage the Treasury has largely paid for the tons of silver in the West Point cemetery.

It is reported to have about a billion of ounces as yet uncoined, still capable of a further seigniorage profit and still to be valued at \$1.29 an ounce when and if issued in dollar certificates for the more abundant life of the people, supposed to be fooled by a New Deal fiasco and failure.

[From the New York Times of June 29, 1939]

#### SILVER AND MEXICO

Immediately following the Senate's vote to terminate purchases of foreign silver, "emergency conferences" were held by officials of the State Department to consider "the serious crisis caused in Mexico." The Mexican Government, it appears, obtains more than half its total revenues, either directly or indirectly, from the silver industry. It has depended largely on income from silver to keep going since the American oil properties were expropriated. Some officials of the State Department are said to fear that a "dangerous situation politically as well as economically" has been caused by the Senate's action. One of their fears is that the Mexican Government may now expropriate American mining properties, valued at \$400,000,000, in order that the government might get all money from silver sales at what is expected to be a lower price.

All this sounds as if the Senate, in voting to discontinue purchases of foreign silver, did something irresponsible. But what do such fears really imply? Must we continue to buy Mexican silver that we do not need, and continue to pay a wholly artificial price for it, to prevent Mexico from expropriating American mines? Are our purchases of Mexican silver to be thought of as a form of political blackmail that we must pay to keep more American property in Mexico from being seized? A worse argument for continuing our purchases of foreign silver could not possibly be imagined.

It is true that if we cease to buy foreign silver at an artificial price the foreign individuals and governments who were profiting from those sales will be less well off than they are now. Our Government will no longer be supporting them. But the inconveniences of readjustment are no reason why our Government must continue to support them indefinitely. By our silver purchases we have actually continued to contribute heavily to the support of a government that meanwhile has been seizing American private property on a grand scale. It is an astonishing situation. Even now we would not be discontinuing these silver purchases in any sense out of retaliation but because there is no good reason why we should ever have made them in the first place. If the American people decide that they owe any foreign government their financial support, they can give that financial support directly and not under the subterfuge of doing something else.

[From the New York Times of July 5, 1939]

#### THE MONETARY BILL

There is disagreement in Washington regarding the situation that has been created by the defeat of the administration's monetary bill. The immediate question at issue is whether passage by the Senate of the measure which failed of enactment in the midnight session Friday evening will in itself be sufficient to reestablish the powers which the President desires, or whether—these powers having expired automatically on June 30 under existing legislation—entirely new legislation must now be initiated in both Houses in order to recreate an authority which has ceased to exist. The point of law is one for legal minds to decide, and perhaps it will not be decided finally to the satisfaction of all parties until the question is carried to the courts. Meanwhile, so far as the common sense and the morals of the matter are concerned, the layman cannot fail to note that some of the administration's spokesmen have taken a curious position—first, in attempting to bring great pressure to bear to get the pending measure passed by midnight on Friday, on the ground that new legislation would be needed in case it failed to pass by that critical hour, and then, after the bill had failed to pass, in arguing that the precise hour of its passage does not matter anyway.

So far as the larger questions of policy are concerned, three points are at stake in the present controversy: (1) the President's power to devalue the dollar; (2) the maintenance of the \$2,000,000,000 exchange stabilization fund, and (3) the provision for the purchase by the Treasury of domestically mined silver at a premium above the market. Of these three points it can be said:

1. Discontinuance of the President's power to devalue the dollar is greatly to be desired, on the ground that this will remove from the present economic situation a major source of continued uncertainty. So long as the President had such power—an arbitrary and personal power never before given to a Chief Executive in the whole history of the United States—there were bound to be intermittent rumors and guesses regarding what use he would make of it, with a consequent invitation to speculation and an accompanying uncertainty regarding the future value of the dollar in any plans involving long-term investment. It will be a step in the direction of greater monetary stability if all efforts to revive this power, now or later in the present session, are defeated.

2. There are sound reasons for desiring the reestablishment of the stabilization fund. Moreover, there is every reason to believe that both Houses of Congress will readily approve such action, provided the question is presented in an independent measure, wholly separate from the question of power to devalue the dollar. Operation of the stabilization fund is a steadying influence in preventing unnecessary fluctuations in foreign exchange—standing in sharp contrast to the proposed arbitrary power to devalue.

3. As for purchases of silver: none of the proposals put forward during the present debate goes far enough, or in the right direction, to meet the real needs of the present situation. The whole silver-purchase program has been an egregious and unmitigated failure, the only visible results of which have been an unwarranted sop to the silver interests and the acquisition by the Treasury of some two billion ounces of a metal for which no earthly use is now in prospect. The time is long overdue for repeal of the entire Silver Purchase Act—lock, stock, and barrel.

Mr. BRIDGES. I now wish to call on a great authority in the administration on this silver question—a man who is an outstanding authority. Even some of the most rabid gentlemen on the other side of the fence will have to say that he is a great authority because he is one of them. I quote from Mr. Eccles, who is the head of the Federal Reserve System of this Nation. Mr. Eccles was asked during the Senate hearings regarding the silver-purchase program, and Mr. Eccles, the head of the Federal Reserve System of the United States said:

Mr. ECCLES. The domestic-silver program which could continue for subsidiary coinage for commercial purposes, and even to the extent of issuing the silver certificates for the domestic silver—it could continue for a very, very long period without having any appreciable effect upon our monetary system. It is a comparatively small amount. But when you buy the world's silver you tend to destroy the use of silver elsewhere in the world. That has been the effect, and I think the policy has had a great deal to do with that.

That is the statement of the Chairman of the Federal Reserve System of the United States. I wish to quote further from the remarks of the same gentleman. Mr. Eccles was asked a question and he answered:

Mr. ECCLES. That price tends to bring silver here. It appears to be more than other nations will pay for silver; otherwise it would not flow to this country as it does.



Again I take the Senate to the committee hearings where Mr. Eccles is testifying. He said:

I have made this statement before the special committee which I think would indicate my feelings with reference to the President's silver program, that I did not know anything that tended to destroy ultimately the domestic silver industry as thoroughly as the present silver policy.

That is the head of the Federal Reserve System of the United States speaking. That is what he thinks of the silver-purchase policy of the present administration of which he is a part. I quote from him again:

Silver is only a part of the picture, but it is an important factor in it; and to the extent certainly that we buy foreign silver it seems to me to be wholly and totally unnecessary.

That, again, is the Chairman of the Federal Reserve Board speaking—the head of the great Federal Reserve System of this country, a man who is a part of this administration, who at this time is speaking for it. He condemns the action of Mr. Roosevelt and the administration right down the line on the silver policy they are following.

Again Mr. Eccles speaks:

Silver, however, is of almost no use as an international reserve. Foreign governments and central banks do not want it. While it may be dumped on the commercial markets like other commodities, any attempt to sell a substantial amount overnight in order to meet a sudden adverse balance of payments would disrupt the market. Not only would the Government suffer heavy losses on its silver sales but it would almost certainly be unable to realize the large amounts that are often necessary for the purpose of settling international balances. Silver cannot serve, therefore, the chief purpose of a metallic reserve today.

I again quote from the Chairman of the Federal Reserve Board of the United States speaking about this policy of his own administration:

MR. ECCLES. Well, of course, what we could do is this: We could take anything that a foreigner might give us, that we did not need, for instance, and give him our goods. Now, whether it is silver or some other metal or some other product, we could take it as well as we could take silver, and as a result we would find a foreign market for our goods. Then we could issue money against what we took, whether it happened to be copper or seashells or what not. We could issue money to pay for what we took, or we could give a foreign loan; and the foreigners would spend the money. We would get export trade that way. The point I am trying to make is that there is no particular argument from a monetary or a credit standpoint to justify our continued purchase of foreign silver. As I said awhile ago, the question of a broader policy, outside the monetary field, that might justify the purchase of silver from Mexico or China or other countries, is another matter.

Mr. President, this situation is rather amusing to me. If this matter is so important to the administration, rather than getting an advisory opinion from that great legal authority, Mr. Murphy, the Attorney General of the United States, why did not the Senator from Kentucky [Mr. BARKLEY] and other administration leaders, go around by the front door; why did they not bring up a new bill and let it be before the Senate on its merits rather than go around the back door and proceed by trickery to try to obtain the same results?

Mr. President, this is a serious issue. The issue should have been ended at midnight of Friday, June 30. Instead, as a result of Mr. Murphy's opinion, the issue was prolonged and is now before the United States Senate. I believe that as representatives of the American people Senators will find today a good time to show their independence of the executive branch. Now is a good time to show that we have three branches of our Federal Government, and that we are a component part of the legislative branch; that we have a definite duty to perform; and that we will not be bamboozled into doing something that is not right.

Mr. President, many authorities in this country have expressed opinions upon the various parts of the measure before us. In Friday's debate many of those authorities were quoted. I have before me a booklet published by the Chamber of Commerce of the State of New York. In this booklet is a report of the committee on finance and currency, together with the resolution adopted by the chamber, comprising eight points. I ask that the pamphlet be printed in the RECORD as a part of my remarks.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

[At the regular monthly meeting of the Chamber of Commerce of the State of New York, held November 3, 1933, the following resolutions and report, submitted by its committee on finance and currency, were unanimously adopted:]

#### REPEAL OF SILVER PURCHASE ACT URGED

To the Chamber of Commerce:

The committee on finance and currency offers the following resolutions:

"Resolved, That the Chamber of Commerce of the State of New York urges upon the President and Congress the prompt repeal of the Silver Purchase Act of 1934 and the termination of all buying of silver bullion by the Government for the following reasons:

"1. The Silver Purchase Act has failed to achieve any of its major objectives and has proved of no economic value whatsoever to the Nation.

"2. The Government's efforts to bring about international co-operation for the wider use of silver as a monetary metal have resulted in complete failure. Silver coinage has been demonetized among the nations of the world on an extensive scale and China, the last large country using silver as a money standard, has been forced to adopt a managed currency. Instead of increasing our commerce with China, the American silver policy demoralized her currency structure and alienated her goodwill.

"3. Treasury buying of silver bullion has further increased the liabilities of the Federal Government, which stood at \$38,429,779.826 on October 15 last, and has reduced confidence in the Nation's currency both at home and abroad.

"4. In its efforts to raise the price of silver to levels entirely unwarranted by the large world supplies and limited world demands for the metal, the United States Government has spent on an experiment previously proved unsound upwards of a billion dollars of the taxpayers' money—public funds which could have been used advantageously for relief or which would have helped reemployment if devoted to the rehabilitation of private industry.

"5. Although the United States Treasury on June 30 last held approximately one-seventh of all the silver the world had produced in nearly four and one-half centuries—silver for which it had no use and could not dispose of without causing a collapse of world prices and panic—the Secretary of the Treasury was powerless to cease buying more because the Government was still short nearly 1,000,000,000 ounces of the amount required under the Silver Purchase Act to bring the silver holdings up to one-quarter of the monetary value of the combined gold and silver holdings.

"6. Foreign silver-producing countries, led by Mexico, have been the greatest beneficiaries in the aggregate of the Silver Purchase Act. For only about 13 percent of the total silver purchases of the United States Treasury since 1934 has been the product of mines in the United States.

"7. While it is true that the Government has paid United States producers higher prices than it paid for foreign silver, this subsidy has been of direct benefit only to a few mining States whose combined population equals but a very small percentage of the total population of the country. Unfortunately, this benefit to a few has been at the expense of the taxpayers of the Nation as a whole in an amount many times the amount of benefit to the few.

"8. In urging that the Treasury end its purchases of silver, your committee is mindful of the disastrous results of the 15-year period of silver bullion buying by the Government which undermined national credit and was finally terminated by repeal in 1893, when the country was in the midst of a panic for which the silver policy was held largely responsible. While our huge gold reserves today place the country in a much stronger financial position than it was in 1893 when the Government was endeavoring to maintain at par nearly 600 millions of silver with a gold reserve of less than 100 million, nevertheless the continued wastage of public funds by expending hundreds of millions of dollars annually for useless silver cannot but have a weakening influence upon the credit of a nation whose public debt is fast approaching the 40-billion-dollar mark; and be it further

"Resolved, That copies of this report be sent to the President, the Secretary of the Treasury, and the Members of Congress."

Respectfully submitted.

PHILIP A. BENSON, Chairman,

EDWARD L. BECK,

CHARLES B. COUCHMAN,

ROBERT C. HILL,

PERCY H. JOHNSTON,

Of the Committee on Finance and Currency.

RICHARD W. LAWRENCE, President.

CHARLES T. GWYNNE,

Executive Vice President.

Attest:

B. COLWELL DAVIS, Jr., Secretary.

NEW YORK, November 3, 1933.

#### A SURVEY OF THE \$1,000,000,000 SILVER EXPERIMENT SOME RESULTS OF UNITED STATES SILVER POLICY

The United States Government now holds approximately one-seventh of all the silver the world has produced since Columbus discovered America.

Most of it was purchased in the last 4 years. It costs the taxpayers around \$1,000,000,000. About 35,000 tons of the silver are now being buried in Government vaults.

The Treasury is still buying more silver. On June 30 last it was nearly a billion ounces short of the amount required to reach the monetary ratio to gold holdings.

World production of silver has increased 62 percent since 1933. Last year's production set new high record.

The United States purchased one and one-half times the total world production 1934-37 inclusive.

Foreign silver producers have reaped the greatest benefit from America's Silver Purchase Act of 1934.

Treasury buying advanced open-market prices of foreign silver to 81 cents an ounce in 1935. They are now around 43 cents.

China, an intended beneficiary of United States silver philanthropy has become a victim, driven to a managed currency.

United States as buyer now controls world silver market. Should it attempt to sell, world price collapse and panic would ensue.

The United States Government on June 30 last, the end of the 1938 fiscal year, held approximately 2,373,000,000 ounces of silver, the greatest accumulation of that metal the world has ever known—one-seventh, in fact, of all the silver the world is known to have produced in nearly 4½ centuries. Most of this silver was acquired by the Treasury in the last 4 years. It cost the taxpayers around \$1,000,000,000.

But even with this great hoard of silver, the Government still needed almost another billion ounces—968,800,000, to be more exact—to bring its holdings up to the metallic base of the currency. For on that date—June 30, 1938—the amount of gold in reserves stood at \$12,962,000,000 (On October 5, 1938, \$13,812,000,000) and Congress, in June 1934, had decreed that the Secretary of the Treasury should purchase silver until the total holdings (at a statutory value of \$1.29 an ounce) equalled 25 percent of the monetary value of the combined gold and silver held by the Treasury.

On the same day when the Treasury held nearly two and one-half billion ounces of silver and still was short almost another billion ounces of its requirement, as stated above, it hired one Peter J. Malley, a New York truckman, to transport 1,000,000 72-pound bars, about half of its silver hoard, to West Point for burial, figuratively speaking, in the ground from whence it came.

Mr. Malley's specific job is to haul about 35,000 short tons of the silver from depositories in New York to the new steel and concrete vault on the grounds of the United States Military Academy. He began his task on July 5 last and is now running about twenty 7-ton truckloads a day. He expects to finish his work sometime next January, if all goes well.

For his work Mr. Malley will be paid \$157,000 by the Government. The silver storage vault cost \$529,000. A force of 75 mint supervisors and laborers are assisting in the movement of the silver and the services of 55 coast guardsmen are being used to protect the contents of Mr. Malley's trucks on their 50-mile trek. So it will be seen that the moving job makes a sizable addition to the cost of administering the Silver Purchase Act, which for the fiscal year 1937 was \$287,000, exclusive of the cost of silver. When the act was approved, \$500,000 was appropriated to carry it out.

#### UNITED STATES SILVER POLICY SPEEDS UP WORLD PRODUCTION

The enactment of the Silver Purchase Act in June 1934 was an open invitation to the silver-producing nations of the world to speed up their production and they lost no time in accepting. Each year since, world production has increased. In 1933 it was 169,000,000 ounces; in 1937 it reached 276,000,000 (estimated), establishing a new record and showing an increase of 62 percent over 1933. Large as this record 1937 production was, however, it fell far short of meeting the demands of Treasury buying that year. This situation has held true ever since the Silver Purchase Act went into effect.

Among foreign countries, Mexico, as the world's largest producer of silver, has profited extensively from the beneficent silver policy of the United States. Her production jumped from 63,000,000 ounces in 1933, the year before the last Silver Purchase Act became operative, to 88,000,000 in 1937, while that of Canada increased from 15,000,000 to 24,000,000 in the same period. (The figures for the year 1937 are taken from Handy and Harman reports and are subject to revision.)

The United States Mint reports show the production of the leading foreign silver-producing countries for the years 1933 and 1936, the latest year available, as follows:

	1933	1936	Percent of increase
Mexico.....	68,101,062	77,463,901	14
Canada.....	15,187,063	18,231,419	20
New South Wales.....	8,221,271	9,150,000	11
Peru.....	6,760,534	19,901,309	194
Japan.....	5,938,842	9,606,432	61
Bolivia.....	5,469,069	10,723,333	96

For the last 4 years the United States has purchased more silver each year than the world produced each year. In 1935 it acquired two and one-half times what the world produced that

year, as the following table made from compilations by Handy and Harman shows:

Year ended Dec. 31—	World production	United States acquisitions	Total United States holdings
	<i>Fine ounces</i>	<i>Fine ounces</i>	<i>Fine ounces</i>
1934.....	185,400,000	307,100,000	991,200,000
1935.....	218,500,000	528,300,000	1,519,500,000
1936.....	250,700,000	340,100,000	1,859,600,000
1937.....	276,000,000	317,300,000	2,176,900,000
Total.....	930,600,000	1,492,800,000	-----

<sup>1</sup> Subject to revision.

NOTE.—Total United States holdings June 30, 1938, estimated at 2,373,000,000 ounces.

The report of the Secretary of the Treasury for the fiscal year 1935, which shows acquisitions of silver totaling 437,798,807 ounces for the 12 months ended June 30, describes on page 42 the extent of the Government's buying during the first full year's operation of the Silver Purchase Act as follows:

"It is estimated that the total acquired was 12 times as much silver as was produced in the United States in the same period, 17.5 times as much of that production as was available for monetary use, 2.2 times the total world production, and 2.9 times the current world output available for monetary use."

#### UNITED STATES HOLDS ONE-SEVENTH OF SILVER WORLD PRODUCED SINCE 1493

The world production of silver from 1493 to 1936, inclusive, a period of nearly 450 years, totaled 16,170,080,050 ounces, according to a table published in the annual report of the Director of the United States Mint. The estimated world production for 1937 was 276,000,000 ounces, a new high record; and if production in the first half of 1938 kept pace with the record year 1937, this would make the total world production from 1493 to June 30, 1938, approximately 16,584,080,050 ounces. On the last-named date the United States, with estimated holdings of 2,373,000,000 ounces (most of it acquired in a period of 4 years), had possession of approximately one-seventh of all the silver the world has produced in nearly four and one-half centuries.

Official figures on Government silver operations for the fiscal year 1938 are not yet available. Preliminary reports which are subject to considerable revision have been made public by agencies of the Treasury Department, however. They show that the Government acquired 405,360,000 ounces during the 12 months ended June 30 last. Of this quantity, 68,117,400 ounces were purchases of American-mined silver. While this is the largest amount of domestic silver acquired by the Treasury in any fiscal year since the purchase act became effective, it represents but 17 percent of its total purchases for the year.

#### FOREIGN PRODUCERS REAP MOST BENEFIT OF UNITED STATES GOVERNMENT BUYING

In other words, five-sixths of the total amount of the Government's acquisitions during the fiscal year 1938 were of no benefit to the American silver-mining industry. Despite the higher prices paid for domestic silver, foreign producers and sellers as a whole, due to the preponderant volume of their sales, were the chief beneficiaries, as they have been ever since the Silver Purchase Act went into effect.

#### Acquisitions of silver by United States Government

[From U. S. Treasury reports]

[In fine ounces]

Year ended June 30—	Total acquired	Newly mined domestic	
		Quantity	Percent of total United States acquisition
1934.....	32,578,359	8,558,160	26
1935.....	437,798,807	30,863,349	7
1936.....	609,613,258	48,784,455	8
1937.....	226,742,842	63,029,665	28
1938.....	405,360,000	68,117,400	17
Total.....	1,712,093,266	219,353,029	13

<sup>1</sup> Subject to revision.

During the 4 fiscal years 1934-37 the Treasury spent nearly three-quarters of a billion dollars for its total purchases of silver. The average cost on a yearly basis ranged from 53 to 64.8 cents an ounce. This was considerably in excess of the open market price, except for the year 1935, when heavy purchases by speculators temporarily advanced prices to a level the Treasury declined to meet, and the Government average price was 4.6 cents lower. The prices paid American producers, as shown by the following table, averaged from 14.2 to 32.2 cents an ounce over the open market price.



*Silver prices paid by United States Treasury*  
[From U. S. Treasury reports]

	Cost of all acquired	Cost per ounce	Average—		
			Paid United States producers	Open market price	Domestic price excess <sup>1</sup>
Year ended June 30—		Cents	Cents	Cents	Cents
1934.....	\$17,715,096	54.3	64.0	42.5	21.5
1935.....	232,435,879	53.0	71.8	57.6	14.2
1936.....	395,313,736	64.8	77.5	55.3	22.2
1937.....	126,009,299	55.8	77.5	45.3	32.2
Total cost.....	772,074,010				

<sup>1</sup> In relation to open-market price.

The effect of the purchase act on the American silver mining industry was to double the production of domestic silver and quadruple its money value in the short space of 2 years. The production of 1934 was 42 percent greater than 1933; the 1935 production increased 99 percent over 1933 and the 1936 production 177 percent over 1933, according to the Treasury figures. The official production for 1937 has not yet been made public by the Treasury Department. Handy & Harman estimate it at 68,400,000 ounces, which would be an increase of 197 percent over 1933.

*Silver production in the United States*  
[From U. S. Treasury reports]

	Fine ounces	Value
1933.....	23,002,629	\$8,050,920
1934.....	32,725,353	21,155,784
1935.....	45,924,454	33,008,201
1936.....	63,812,176	( <sup>1</sup> )
1937.....	68,400,000	

<sup>1</sup> Not stated.

<sup>2</sup> Handy & Harman estimate.

The Government paid as high as 77.57 cents an ounce for much of that part of its silver hoard acquired from domestic producers. It is now paying the same group 64.64 cents for what it acquires. Silver is selling in the open market in New York at 42.75 cents an ounce. It sold as high as 81 cents in New York in April 1935 when the Government's buying policy led to wild speculation in the world markets.

#### SILVER A STORMY PETREL IN AMERICA'S FISCAL HISTORY

Silver has played a sinister part in American history commencing with the ill-considered adoption of bimetalism by Alexander Hamilton in 1792 with the same silver dollar we now have and a gold dollar. The result was that our gold was drained to England. In 1834 and 1837 Congress reduced the size of the gold dollar, establishing a ratio of 16 to 1. This diminished the floating supply of silver change in the country to such an extent that it created havoc in retail trade.

Silver production was greatly stimulated by the Bland-Allison Act in 1878 and the position of the silver interests in Congress strengthened. In 1890 they helped pass the Sherman Act, one of the provisions of which forced the Government into the market for silver to about twice the extent it had been. Together, the Sherman and the Bland-Allison Acts resulted in the Government coining nearly 600,000,000 silver dollars.

The dollars were refused in payment of foreign debts and our supply of gold began to shrink. In 1893 a severe depression set in and the country was in the midst of a panic when President Cleveland, denouncing currency experiments which jeopardized the soundness of the people's money, called a special session of Congress and the Silver Purchasing Act of 1890 was repealed. This ended a 15-year period of silver buying which cost the Government \$464,210,000 and was undermining the credit of the Nation.

The country failed to learn a lesson from this, however. Again the silver forces urged bimetalism as a cure for the depression for which the lately repealed silver legislation had been in large part responsible. In 1896 Bryan's "cross of gold" speech brought silver violently into the foreground where it continued a subject of bitter controversy until the depression ended in 1897.

#### WORLD DEPRESSION REVIVED AGITATION FOR REHABILITATION OF SILVER

It has been the unfortunate history of silver that it is called upon to play a prominent part on the world's monetary stage only in times of acute depression or national crisis and that with the return of prosperity or the ending of the emergency it is retired to the minor role it fills in its relationship to gold in the economic life of nations and the useful place it occupies as a commodity in the arts and industries.

During the World War, in 1918, England was hard pressed for silver because of the continuous presentation of rupee currency for redemption in silver in India where she was buying large war supplies. The United States had a reserve of some 568 million silver dollars in the Treasury and sold England 200 million of them which were immediately coined into the form of rupees. This reduction in the silver stock of the United States was a short-lived

blessing, however, as Senator PITTMAN of the silver-producing state of Nevada succeeded in having it replaced in the Treasury vaults at a buying price of not less than \$1 an ounce.

The world depression gave the silver interests an excuse for a renewed demand for the rehabilitation of silver. Arguing that the supply of hard money was insufficient to meet the requirements of modern domestic and foreign commerce and that the limit of the world's gold supplies had been reached, they suggested in 1930 that the hard money of the world should be replenished with silver.

One of the arguments of these enthusiasts was that if the price of silver could be raised to \$1.29 an ounce, the former United States coinage rate, the purchasing power of China, the only important country then on a silver standard, would be increased, American exports to China could expand, bimetalism would be established, and the world depression halted.

#### WISDOM FROM CHINA

The fallacy of this theory was pointed out in the August 1933 bulletin of the National City Bank in an article entitled "The World's Greatest Silver Hoard," when it quoted the following excerpt from a statement by Li Ming, chairman of the Bank of China, made when he was in New York in 1934:

"The theory that by raising the price of silver China would be able to buy more in America, or America would be able to sell more to China, is not economically sound. America's purchasing power is not measured by the gold you possess, but is measured by the productivity of your national wealth. China, like every other country, pays for her imports chiefly by her exports. The silver in her possession, no matter how big that amount may be, does not help much in her purchases abroad. She will have to depend upon her exports and her exports alone."

#### UNITED STATES "HELD THE BAG" IN EIGHT-NATION SILVER PACT

When the World Economic Conference met in London in June 1933 an agreement for holding or buying silver, initiated by the American delegates, was entered into between them and the delegates of seven other nations. The nations were China, India, and Spain, as the holders and users of large quantities of silver, on one hand; and Mexico, Canada, Peru, Australia, and the United States, as the principal silver producers, on the other hand.

The United States agreed to purchase annually about not less than 24.4 million ounces of American mine production and Mexico 7.2 million ounces, Canada 1.7 million ounces, Peru 1.1 million ounces, and Australia 0.6 million ounces, of their respective domestic production. This made a grand total of 35,000,000 ounces to be taken off the market annually. It will be noted that Mexico, the largest silver-producing country in the world, was to purchase only 20.5 percent of the 35,000,000 ounces agreed upon in the pact, while the United States, despite its smaller production, was to purchase 69.7 percent.

It is assumed that these countries lived up to their agreement as the United States did. What benefit, if any, the United States derived from this self-inspired agreement is difficult to estimate. It is significant, however, that when it expired on December 31, 1937, not one of the eight countries which signed the agreement suggested a renewal of it. And there is reason to believe that most of the silver purchased by the other four producing countries finally was dumped on the United States, much to the relief of its holders.

The United States began its purchases of silver under the agreement in December 1933 at 64.64 cents an ounce, the Government exacting 50 percent of the coinage rate of \$1.29+ as seigniorage. At that time the market price of silver was about 43 cents. This was the initial step, leading to the accumulation of our present stupendous hoard of silver.

In June 1934, following the Gold Standard Act, the present Silver Purchase Act became a law. This measure, which was acclaimed by the mining interests and speculators, directed the Secretary of the Treasury to purchase silver at a reasonable price up to the statutory value of \$1.29+ an ounce until the Treasury held silver equal to one-quarter of the monetary value of its combined gold and silver holdings.

In August of that year silver was nationalized by Presidential proclamation and existing commercial stocks taken over by the Government at a fixed price, the Treasury claiming the difference between that price and \$1.29+ as seigniorage. The Treasury began buying silver in the London market and speculation became increasingly active with prices rising.

#### CHINA BECOMES VICTIM OF UNITED STATES ALTRUISM

In September China protested that any further increases in the price of silver would cause her serious injury and possibly severe panics. The following month the Chinese Government placed an embargo on exports of silver, and smuggling of silver from China for sale to the United States Government developed on a large scale.

What had happened was that China had become a victim instead of a beneficiary of the American silver policy. The immediate effect of the American silver policy on China was ably summed up in the bulletin of the National City Bank previously referred to, which said in part:

"During the depression silver had been falling in price, like other commodities. It had fallen from an average of 58 cents an ounce in 1928 to 27.8 cents in 1932. But in 1933, with the dollar off gold, and silver lifted by the eight-power agreement, silver averaged 34.7 cents. In 1934, with the aid of the United States Government, it averaged 47.9 cents. In the latter part of 1934, with the Treasury buying aggressively and the goal of \$1.29+ in view, speculation became very active.

"However, instead of benefiting China and our trade with China, the rising price of silver had the opposite effect. Silver being the money, the rising price for the silver coins meant lower prices for the products of the country. Even in 1932 and 1933 the low prices for Chinese products had caused an adverse trade balance, with an outflow of both silver and gold. Now, Chinese traders were shipping silver direct to New York, to be sold to the United States Government."

In 1935 the price of foreign silver delivered at New York declined to 43 cents an ounce from a high of 81 cents, the Treasury still continuing to pay 77.57 cents to American producers. In November of that year China completed its nationalizing of silver and adopted a managed paper currency. In May 1936 China made an agreement with the United States to sell an unnamed quantity of silver for dollar credits or gold. This agreement was renewed several times. The United States Treasury has received around 300,000,000 ounces of silver from China since the Silver Purchase Act went into effect in 1934, it is estimated.

#### UNITED STATES SILVER POLICY HAS CREATED A FRANKENSTEIN

The 2,373,000,000 ounces of silver the United States held on June 30, 1938, had a statutory value of more than \$3,061,000,000, but a value at open-market prices of only \$1,020,000,000. Both valuations are fictitious in the sense that they never could be realized, for at no time since the Silver Purchase Act went into effect in 1934 could the Treasury have offered silver for sale without demoralizing the silver markets and causing a price collapse and panic of world-wide proportions.

In other words, the silver-buying policy of the United States Government has created a Frankenstein of incalculable potentialities for economic catastrophe not only nationally but internationally. It is fortunate—in the sense only that it prevents such disaster—that the Silver Purchase Act is still in effect. In every other sense it seems a tragedy that the United States Government ever allowed itself to be misled into becoming the world's dumping ground for unwanted silver. For even the mining interests in the seven principal silver-producing States—Nevada, Idaho, Montana, New Mexico, Arizona, Utah, and Colorado—which temporarily are profiting from the bonus prices the Treasury pays for American-mined silver, must view with grave concern the time when the United States, which today controls world silver prices, will cease buying.

It is true that purchases by the United States Government have removed a large part of the world's floating supply of silver from the market, but the concentration of so huge a quantity of silver in the hands of a single nation is and will continue to be a depressing influence on silver prices. Silver, unlike many other commodities, is not perishable. It diminishes very little in actual use.

When the United States ceases to purchase silver, as it eventually must and permits its free flow through normal channels of trade, how many years must elapse before it safely can begin to dispose of part of its accumulations? There is little inclination on the part of any nation today to increase the use of silver for its coinage. Neither India nor China now use silver as a hoarding medium as extensively as they did in the past. The quantity which can be consumed by the arts and industries will continue to be limited unless invention produces some new large-scale demand for the metal.

What is going to happen when, as Congress has decreed it should, the amount of silver held by the Treasury reaches the total required to make its statute-fixed value equal to one-quarter of the monetary value of the combined holdings of gold and silver?

What will happen should Congress, pausing to listen to the protests of the taxpayers who are footing the bill, count the cost of the Nation's futile silver philanthropy and suddenly decide, as it did in the great emergency of 1893, to put an end to such unsound expenditure of public funds and repeal the Silver Purchase Act?

#### THE LATEST PROPOSAL ON SILVER

Congress has shown indifference to the Government's present silver policy since its inception in 1933-34. At the last session Senator JOSIAH W. BAILEY of North Carolina, did offer a resolution directing that silver purchases by the Treasury should cease, but nothing came of it.

The latest proposal for further Government action on silver emanated from Senator PITTMAN on September 28 last and is truly philanthropic. He advocated that in order to dispose of the large cotton carry-over the Government should trade 10 pounds of cotton for 1 ounce of silver in the foreign markets. In this way, he estimated, 13,400,000 bales of 500 pounds each could be disposed of in the foreign markets. With the 670,000,000 ounces of silver thus acquired he proposed that the farmer should be paid for his cotton at the rate of 12.9 cents a pound by the issuance of certificates (paper money) against the silver.

Under the caption "It's All Done With Silver!" the New York Herald Tribune on September 30 commented editorially on Senator PITTMAN's scheme, saying in part:

"Here is the perfect solution of a (the cotton surplus) problem—a solution under which everybody wins and nobody loses. The farmer who, if he had to sell his cotton in the open market, would be lucky to get 8 cents a pound would receive 12.9 cents. The foreign importer would receive a discount as handsome as the farmer's premium. All he would have to do would be to buy an ounce of silver, which would cost him 43 cents, and exchange it for 10 pounds of cotton worth, at present market quotations, 80 cents. Nor

would the Treasury be holding the bag, because the Treasury—thanks to some admirable spade work on the part of Senator PITTMAN 5 years ago—can take in 43 cents worth of silver, and presto! issue silver certificates against it at the rate of \$1.29 in paper money for every ounce of metal.

"Of course, this little operation would dilute our currency to the extent of about \$900,000,000 and thereby place a tax on each and every one of our citizens of about 16 percent in the form of higher prices. But, after all, think of what a fine thing it would be for the cotton farmer. And the foreign importer. Oh, yes—and the silver boys."

#### GOVERNMENT "PHILANTHROPY" AT THE TAXPAYERS' EXPENSE

The American silver-buying policy was pointedly referred to by the New York Times on October 14 last in an editorial commenting on Mexican Government purchases of wheat from our Government at less than the market price. The editorial, headed "Buy Dear, Sell Cheap," illustrates how unsound economic theories of government—financed by the taxpayer's dollar—work out in practice:

"The Mexican Government is buying from our Government 3,000,000 bushels of wheat at less than the market price. Our Government—I. e., our taxpayers—will take the loss. We continue to buy from our own producers silver at a price much higher than the market, and we continue to buy from Mexico and other countries silver that we do not need at a price made artificially high by our buying. Thus we lose money both ways. If an individual thought that he was benefiting himself by selling his own goods much below the market price and buying other people's goods that he did not need at prices higher than there was any good reason to pay, the authorities would begin to look into his sanity. The same policies, when we follow them as a nation, are hailed as masterly economic maneuvers."

#### CHAMBER FOUGHT UNITED STATES SILVER BUYING 60 YEARS AGO

It is interesting to note that since as far back as 1878 when the Bland bill was pending in Congress, the Chamber of Commerce of the State of New York opposed purchases of silver by the Government and the compulsory coinage of silver dollars. In that year the chamber warned that the proposed legislation "had wrought most unfavorably upon the commercial interests of our city, retarding recovery from the effects of the revulsion of 1873 by extending the distrust which was before limited to individuals, corporations, and States to the United States Government itself." In 1879, the year following its passage, the chamber declared that the act would subject the currency to "violent perturbations, breeding speculation, and ending in widespread ruin."

In 1883 it urged repeal of the Bland Act and in 1884, in resolutions sent to Congress, pleaded for suspension of the act for at least 2 years. In 1885 the chamber memorialized Congress, stating that the compulsory coinage of silver dollars had reached "such an extent that its further continuance perils the credit of the Government and the prosperity of the people."

The chamber protested to Congress when in 1890 the silver interests succeeded in having a clause put into the Sherman bill compelling the Government to purchase  $4\frac{1}{4}$  million ounces of silver a month. In 1891 it named a special committee to prepare a memorial to Congress urging repeal of the silver clause in the Sherman Act.

Presented to Congress in March 1892, when depression was laying hold of the country, the memorial contained much that is food for serious thought today in any consideration of where the present silver policy of the Government may lead the Nation. A great deal of what the chamber said nearly half a century ago might be applied with equal force to the situation today—for example:

"The attempt thus made to advance the price of silver by legislation has, therefore, not only utterly failed, but has had a most disastrous effect upon the general business of the country. Confidence has been impaired, and the investment of capital in new enterprises has been arrested at a time when our bountiful harvests and the foreign demand for our food products ought to have produced an era of progress and prosperity. . . . and it is the deliberate opinion of the chamber that [if the silver law were repealed] new life would be infused into business, and the close of the century would witness a development of wealth and prosperity unequalled in any previous age or country."

In 1893 the Nation was in the midst of panic, for which the silver policy of the Government was held chiefly responsible. There was grave apprehension both at home and abroad as to the ability of the Government to maintain at par nearly six hundred millions of silver with a gold reserve of less than one hundred millions. The chamber, after having repeatedly urged Congress to stop silver buying, finally besought President Cleveland to call a special session of Congress. This was done and the silver-purchase law repealed, with the result that confidence in the credit of the Nation was restored and the panic checked.

In 1896 and again in 1900 the chamber appealed to "the commercial bodies and businessmen of the United States" to unite in a vigorous effort to urge the selection of delegates to the political conventions of both great parties who were in favor of the maintenance of the gold standard of value. The appeals said the continued agitation for free coinage of silver blocked a revival of confidence and national business prosperity.

When the present Silver Purchase Act was pending in Congress in 1934, the chamber unanimously opposed its passage, warning that Government buying of silver bullion could not possibly promote



sound recovery, but, on the other hand, would increase the liabilities of the Federal Government and reduce confidence in the Nation's currency.

OCTOBER 20, 1938.

Sources of information: Reports of Handy & Harman, dealers in precious metals; reports of United States Treasury Department; reports of Director of United States Mint; August 1938 bank letter of the National City Bank of New York; miscellaneous data.

Mr. BRIDGES. Mr. President, I have before me an article entitled "What Devaluation Means," by Walter E. Spahr, professor of economics in New York University, in which he discusses the question rather briefly. I ask that this article be included in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### WHAT DEVALUATION MEANS

(By Walter E. Spahr, professor of economics, New York University, and secretary-treasurer of the Economists' National Committee on Monetary Policy)

Discussions of further devaluation of the dollar have recently been rather widespread. Although the denial of the Secretary of the Treasury of any intent on the part of the President to devalue the currency further may temporarily minimize such discussions, it seems highly probable that the question will continue to plague us from time to time. The Thomas Inflation Act of May 12, 1933, as amended, gives the President the authority to reduce the weight of the standard gold dollar unit to 50 percent of its previous weight. Until this act is repealed the question will continue to arise as to whether or not he will exercise this power despite Secretary Morgenthau's encouraging antidevaluation statement. Just prior to the Secretary's statement, various farm bureaus, encouraged and coached by devaluationists and inflationists, were passing resolutions in favor of further devaluation and trying to stimulate sufficient sentiment in its behalf to put effective pressure upon the President and Secretary of the Treasury.

Entirely apart from the misconceptions and fallacies which characterize a large proportion of the statements of the advocates of further devaluation of the dollar, it is clear that the general public has a very inadequate understanding of the nature and implications of devaluation. Considering these times, and the unsatisfactory status of the monetary issues in this country, it is important that the American people have a proper appreciation of what is involved in currency devaluation.

#### HOW TO CALCULATE DEVALUATION

Devaluation of a currency involves the reduction in the weight of the standard monetary unit by government act. For example, our Government reduced the weight of the gold dollar unit on January 31, 1934, from 23.22 grains (fine) to 13.714 (fine), or from 25.8 grains (nine-tenths fine) to 15 5/21 grains (nine-tenths fine). This meant that an ounce of fine gold, weighing 480 grains, would now coin up into \$35, instead of \$20.67. In other words, our Government agreed to pay \$35, instead of \$20.67, for each ounce of fine gold. This reduction in the weight of the gold dollar unit by approximately 41 percent gave us a gold dollar unit only 59.06 percent as heavy as formerly. Our total gold supply, when divided into these "59-percent" dollars, yielded two and eight-tenths billion dollars of profit, all taken over by the Federal Government.

The relationships between the gold dollar and all foreign monetary gold units were legally altered. It now required 69 percent more of these "59-percent" dollars to equal in gold what the former "100-percent" dollars would equal in foreign gold. Foreign-exchange parities were thus marked up 69 percent. This is equivalent to raising the tariffs by 69 percent against all imports. It also meant that it would cost the foreigner 41 percent less in his gold units to purchase the same number of dollars formerly purchased. Foreign debt obligations to us were written down 41 percent. Our debt obligations to foreigners in terms of their gold unit were increased 69 percent.

#### PRICES OF GOODS IN FOREIGN TRADE

The prices of goods entering foreign trade could be affected in several ways. Our exporters might leave their dollar prices unchanged, and thus reduce the prices to foreign buyers in terms of foreign currencies by 41 percent. Or, the prices in foreign currencies could be left unchanged and the prices in dollars could theoretically be increased by 69 percent. But this could not happen unless foreigners were charged more than our own people at the point of origin for the goods; and a mark-up of 69 percent for all buyers, domestic and foreign, could not take place because demand would decline. It is quite probable, therefore, that prices would fall somewhere between these extremes, thus giving both the American exporter and the foreign importer some benefit from the change in the weight and purchasing power of the dollar.

The same general readjustments, of a converse order, would affect the prices of our imports.

But, in addition, the prices of both exports and imports would be affected by changes in demand and supply, following the initial changes in price, and by tariffs erected to offset currency devaluation.

As a consequence of the operation of these various factors, the usual offhand generalizations regarding the effects of devalua-

tion upon prices of goods entering foreign trade are often unreliable.

#### EFFECT ON DOMESTIC DEBTS AND PRICES

Domestically, devaluation would have no effect whatever upon internal debts. These are expressed in domestic dollars, and can be paid only in these dollars which at present are inconvertible paper or silver certificates or silver. Domestic debtor and creditor relations could be affected by devaluation only if domestic debtors could hold or obtain the gold units with which to pay. Consequently, the frequent assertion that devaluation lessened the burden of domestic debts is fallacious.

The effects of devaluation upon domestic prices are extremely uncertain and difficult to trace. These effects are reflected back on domestic prices from the changed prices or profits of commodities entering foreign trade. The net effects of devaluation on domestic prices are, therefore, unpredictable and beyond any accurate ascertainment.

#### NOT THE SAME AS CURRENCY INFLATION

Nor is devaluation the same as currency inflation. Inflation exists when purchasing power, either in the form of money or credit, has been extended to such a degree that it cannot be liquidated without loss when the debt becomes payable. Any transaction which makes possible such losses is an inflationary procedure.

Devaluation changes the size of the gold unit; inflation takes place on the unit in existence. Devaluation produces more gold units; inflation does not. Devaluation changes legal foreign exchange parities; inflation does not. Devaluation operates on prices through its effects on the prices of goods entering foreign trade and, consequently, only indirectly on domestic prices; inflation operates directly on domestic prices.

#### SOME FUNDAMENTALS TO BE CONSIDERED

Devaluation is a device which we, like other nations, used to make our currency purchase less. But abroad, the countries devaluated because they had previously inflated their currencies to such an extent that their gold reserves were inadequate to support their outstanding notes and deposits. The United States, however, devaluated the dollar not because her gold reserves were inadequate but as a device to encourage exports and to raise domestic prices. Such a procedure was unprecedented. The theory underlying it was unsound, and the consequences flowing from this act have in general refuted the contentions of its advocates.

Our devaluation of the dollar involved an attempt to exchange more of our goods for less currency in terms of gold. Carried to extremes it would involve giving away our goods for nothing but pieces of paper. Competitive devaluation throughout the world is a struggle of nations to exchange their goods for less and less of the importers' gold. This ridiculous struggle to see who can give away the most goods for the least gold in return rests upon a confusion between real wealth and money. Devaluation also has the foolish effect of increasing the cost of our debts to foreigners, and of reducing the cost of their debts to us.

A careful presentation of evidence regarding the consequences of currency devaluation involves the examination of a tremendous mass of statistical data. Apparently there is no simple way to summarize such detailed factual data for the public so that the issues involved can be removed from serious debate. It must suffice here to say that it cannot be demonstrated that our devaluation of the dollar had the effect upon our domestic price level that the principal advocates for devaluation claimed that it would have. There is no predictable relationship between a given percentage of devaluation of our currency unit and the ultimate effect upon the price level. Factors to be considered are: The importance of foreign trade; the changes in supply of and demand for commodities and services; inflation; tariffs; governmental policies; prosperity and depression; the political situation nationally and internationally; and psychological factors.

Mr. BRIDGES. Mr. President, I have before me an editorial from the New York Sun of Friday, June 30, entitled "Roosevelt, Hull, and Mexico," in which the silver situation is dealt with. I ask that the editorial be incorporated in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Sun of June 30, 1939]

#### ROOSEVELT, HULL, AND MEXICO

It is odd to see some tears over the "wrong" which the Senate did Mexico in its action on dollar valuation and silver purchase. A correspondent as experienced as David Lawrence sees the "whole foreign policy of America" put in hazard because the Senate "projected itself" into the relations between the United States and Mexico.

The Senate constitutionally and traditionally has a right to take a hand in foreign affairs. But, aside from that, what are the relations between the United States and Mexico? Two points stick out. The Mexican Government confiscated farm lands owned by Americans and oil lands owned or leased by Americans. It promised to settle for the farms after formal negotiation. But it refused to make even that doubtful promise with regard to the oil lands. In spite of this violation of international law and of com-

mon honesty the Roosevelt administration continued to play the Mexican game by buying Mexican silver, thus providing the means by which the Mexican politicians could continue their impudence in the confiscation of the oil lands. The only reasons that have been given for this performance are based on the passion of Secretary Hull and his chief for fattening other nations or governments at the expense of Americans and for turning the other cheek when a swiftly administered kick would be the right gesture. In principle, all the silver purchases were wrong, but to continue them in the case of Mexico was to submit ourselves to robbery and humiliation.

Fond as it is of President Roosevelt and attached as it has been to the international policies of Secretary Hull, the New York Times cannot stomach the murmurs of the State Department about the "serious crisis caused in Mexico." "Are our purchases of Mexican silver," the Times asks, "to be thought of as a form of political blackmail that we must pay to keep more American property in Mexico from being seized?"

The incident is typical of the Roosevelt administration. The President shakes his finger at distant dictators but not as vigorously as he shakes his fist at American business. And when he is confronted by common larceny, thinly veiled as "sovereign right," he and Mr. Hull moan over the plight of the perpetrator of the larceny.

**Mr. BRIDGES.** Mr. President, I have about concluded my remarks on this measure. However, in closing, I wish to say that the individuals who comprise this body must some day answer to the people of the country and to their God for their actions. When the vote is taken this afternoon, it will be a good time to show one's colors and whether or not one is for America first.

**Mr. MALONEY.** Mr. President, I wish to take just enough time to keep the record clear on the conference report, insofar as I am concerned. I try not to take the time of the Senate, and I do so only on occasions when I feel that I may make at least a slight contribution to the matter under consideration and on occasions when I desire that my own record shall be entirely clear.

Mr. President, I shall vote against the conference report. I shall do so with some reluctance. I am very strongly in favor of continuing to delegate to the President the power to devalue the dollar, and I am sorry there is so much opposition to that delegation of authority. I likewise favor a continuation of the stabilization fund.

Like some other Members of the Senate, my knowledge of this particular subject is limited. I feel that we must place our faith in the experts who are charged with the responsibility of our Treasury affairs, and that we should delegate this power to the President because it is sought at an unusual and an uncertain time in the world's history.

The proposal to delegate authority to the President of the United States is not new in the history of our country or in governmental practice. We do it in time of war. It is traditionally a fact that we do it in time of emergency. The powers under consideration were originally delegated at a time of emergency, and I do not believe a single Member of the Congress will dispute the fact that this is an hour of emergency in the world's history. It is a time when dictatorial governments, and other governments not so dictatorial, have placed in the hands of those in charge of monetary affairs the right to regulate the value of money.

It has been said during the debate that there is no need to do this particular thing; that it is not a matter of importance that this power rest with the President of the United States, because if a sudden emergency should arise, Congress could be called into session, or, if it were in session, could act upon this particular proposal.

Mr. President, it seems to me that those expressing that viewpoint entirely lose sight of the true situation, and do not clearly understand the purpose of giving this power to the President. I have understood that it was desired to have this proposed power in the hands of the President as a sort of defensive threat to those who may endeavor to juggle the finances of other countries and thereby affect our money. If the power is to be used as a defensive threat, if it is to be kept as a weapon of defense, it is fallacious to suggest that the Congress could act, because in my opinion the time when Congress would act according to the proposals of those who have so contended in the debate would probably be entirely too late.

Mr. President, I am in accord with the opinion of the President and the Treasury concerning fixing the price of domestically mined silver. I desire to support the administration in that particular respect; but because in the conference report we are taken outside the field of the administration's desire, and because in the conference report we are asked to set aside the opinion of the Senate in the matter of purchasing foreign silver, I find myself in the unpleasant position of being unable to support the conference report. I believe it would be disastrous to American business to continue the purchase of foreign silver. Earlier in the debate I stated some of the reasons why I thought it would be dangerous to business, and detrimental to the industrial silver interests of the country, and why I thought it was a fallacy, to purchase silver to be buried in the ground up in the State of New York.

Mr. President, I earlier advocated, and I again take the liberty of advocating, that we handle this legislation in a different way—I think the lawyers call it *ab initio*. That does not mean that we should have to send it back to the committee for hearings and study. There is not a Member of the Senate who does not thoroughly understand the situation and the proposal, and who has not made up his mind how he would vote. This legislation, divided into separate parts, could be reported out of the committee within a very few days. It seems to me—and I am anxious to support the attitude and desire of the administration—that in that way we could come nearer to what the administration desires, and could bring about a continuing authority on the part of the President of the United States to devalue the dollar. The legislation should be submitted in separate parts.

I am very anxious that the power to devalue the dollar be continued in the hands of the President. I am very easily able to set aside the eloquent opinions expressed in the debates a few days ago to the effect that taking the authority away from the President of the United States would remove fear. I think it might intensify fear in some places. I think it might do irreparable harm to our own industry and to what foreign trade and friendly relations we still have.

Mr. President, yesterday afternoon I experienced a daytime train ride through five States. One does not see very many pretentious homes alongside the railroad tracks. Those are likely to be among the shabby homes of the country. In large part the poor people live in such homes. I do not say that I was surprised to see it, but I did rejoice to see the flag of our country in front of or over ever so many of those humble homes in celebration of the Fourth of July. That fact indicated to me that there is a continuing confidence and hope. It indicated to me that there is a continuing great satisfaction in our form of government and the way in which it is being conducted. There is no fear in that quarter, and I do not believe there is much fear in other places. I would rather believe that an ultraconservative press, exercised about a problem which it does not clearly understand, has to some extent whipped up a frenzy in some places over the country in an endeavor to make the people believe that the President has asked for power to which he is not entitled. Let me point out, Mr. President, that no charge has been made that the President of the United States wanted this particular authority or power for a selfish reason. No one can point out how it would in the least bring a profit or any special power to him.

So, Mr. President, having had this chance to have made my own position clear and to have pointed out that there is a way by which we may enact this legislation, in my opinion, as the Treasury officials desire it, I am hopeful that the conferees will have a further chance to consider the conference report, and that, if necessary, the bill will be sent back to the committee to be brought again to the Senate in separate form in order that we may clearly vote on these individual proposals as our consciences dictate and as we feel needs of the country and of the world require.

**Mr. McCARRAN.** Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nevada?



Mr. MALONEY. I yield.

Mr. McCARRAN. The Senator very eloquently made mention of his trip through some five States and observing the flag in front of humble homes. Then he made mention of the fact that he did not believe the President of the United States had used or intended to use this power for selfish motives. Did the Senator as he passed through the five States, observing the flag in front of humble homes, not reflect that their occupants might be celebrating the fact that this is a constitutional democracy, that they rely on the Constitution for their individual liberty; that one of the provisions of the Constitution is that the Congress of the United States shall coin money and regulate the value thereof; and that if the framers of the Constitution had intended that that power should be vested in the Chief Executive they would have so ordained? I wonder if the Senator might have dwelt on those thoughts?

Mr. MALONEY. Yes, Mr. President; I have dwelt on those thoughts. I think that the Senator from Nevada, for whom I have so much respect, knows as well as any other Member of the Congress can know at what length I have dwelt on that particular theme.

Mr. McCARRAN. I wish to testify to that at length, because I know the thoughts of the Senator and have been very close to the Senator in those thoughts. We have proceeded together very much along the very same line. It was not with the idea at all of reflecting on the Senator, but rather of expressing my approbation of the Senator's turn of mind and his general view of the subject that I rose to interrupt him.

Mr. MALONEY. I thank the Senator from Nevada. I think the founders clearly pointed out, Mr. President, that they had a feeling that, come an hour of emergency, there was a need for delegating special and unusual power and authority to the President of the United States. We have recognized that sentiment of the founders, and have exercised it in periods of emergency. We are now in such a period of emergency; we are living in a mad world, which, apparently, is more bewildered than at any other time in all its history. The fears of the world have been intensified to a very great degree in the last few weeks, and it is within the realm of possibility that we are at this hour in the shadow of war. Because of the turmoil abroad, and because of existing uncertainty here, it seems to me that we should place our trust in those who have a special knowledge of monetary affairs—those to whom we charge the responsibility of directing our monetary affairs. I do not think that we go outside the Constitution one step or that we go outside the opinions or the aims or the vision of the founders 1 yard in continuing to give the President the authority that is asked for by this particular proposal.

I feel badly when I am not in accord with the views of the Senator from Nevada, because I admire him and his courage and his experience and his judgment so greatly, but I cannot see any violation of any law or any tradition of our country in granting this particular authority. I feel badly, too, for my sake, that I am denied the opportunity to vote for the conference report, simply because I think it is all important that the President should have that continuing authority.

Mr. McKELLAR, Mr. McCARRAN, and Mr. DANAHER addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Connecticut [Mr. DANAHER] is on the list of speakers at this time. The Chair does not know whether or not he desires to speak.

Mr. DANAHER. I do; but I shall be glad to yield to the Senator from Tennessee.

Mr. McKELLAR. I will take only a few moments. I am perfectly willing to yield, of course, to the Senator from Connecticut.

Mr. DANAHER. I yield to the Senator from Tennessee.

Mr. McCARRAN. Mr. President, will the Senator from Tennessee yield to me in order that I may have my remarks follow as closely as possible the remarks of the able senior Senator from Connecticut [Mr. MALONEY]?

Mr. McKELLAR. I yield.

Mr. McCARRAN. Mr. President, I desire the RECORD to show that I testify in my individual right to the ability and the courage and the determination of the Senator from Connecticut. Everything he has said here today reflects his general attitude and a studiousness, a courage, and an Americanism that is beyond all criticism. Whatever course he may pursue here, everyone who views that course will know it is that of an outstanding, upright, splendid American.

Mr. McKELLAR. Mr. President, I shall support the conference report and the purpose of my rising is to say a word in answer to the very able argument of the Senator from Vermont [Mr. AUSTIN] this morning. The Senator is a most excellent lawyer, and I have the greatest respect for his views on all legislative subjects; he is a fine legislator; but I think he has made a mistake in the interpretation of this proposed law. In order to show that I am going to refer to opinions, but, first, I desire to read from the bill itself as follows:

*Be it enacted, etc.,* That subsection (a) of section 10 of the Gold Reserve Act of 1934, approved January 30, 1934, as amended, is further amended by striking out the period at the end of such subsection and adding thereto the words "and to the Congress."

SEC. 2. Subsection (c) of section 10 of the Gold Reserve Act of 1934, approved January 30, 1934, as amended, is further amended to read as follows:

"(c) All the powers conferred by this section shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated."

The Senator from Vermont argues that that was a separate provision in the Gold Reserve Act of 1934, that it has been completely eliminated, and is just the same as if the Supreme Court had declared it to be unconstitutional.

Mr. AUSTIN. Mr. President, will the Senator yield for a correction?

Mr. McKELLAR. Yes.

Mr. AUSTIN. I think the Senator is laboring under a misapprehension as to the section to which I referred. I call the Senator's attention to it. The conference report refers to title III of the act approved May 12, 1933, which relates to the exercise of the power under section 8 of article I of the Constitution to coin money and regulate the value thereof, and not to the Gold Reserve Act of 1934.

If the Senator is construing my debate regarding the separate and distinct powers as referring to the Gold Reserve Act of 1934 he is in error, because I was following the report of the conferees which points to paragraph (b) (2) of section 43, title III, of the Emergency Farm Mortgage Act of 1933.

Mr. McKELLAR. Then, as I understand, the Senator does not argue as to subsection (c) of the Gold Reserve Act, which reads as follows:

(c) All the powers conferred by this section shall expire 2 years after the date of enactment of this act, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated, but the President may extend such period for not more than 1 additional year after such date by proclamation recognizing the continuance of such emergency.

That it has been repealed or otherwise interfered with except as to the time limit?

Mr. AUSTIN. I make the claim that that is dead because of its own limitation.

Mr. McKELLAR. That is what I understood the Senator to say this morning, and I merely wanted to call his attention to it.

Mr. AUSTIN. If the Senator will yield, my interruption—to which the Senator so graciously yielded—had reference to paragraph (2), which was referred to by me as being picked out and separated from all the other parts of section 43.

Mr. McKELLAR. The Senator may have done that; but he also said, as I understood him, that subsection (c) was dead, that it was separate and apart from the rest of the act and was no longer a part of it, and that we could not revive it after the date of expiration. That is the way I understood the Senator's argument.

Mr. AUSTIN. That we could not revive it by language which merely fixed a new expiration date, it being already dead.

Mr. McKELLAR. Yes. In that I disagree with the Senator; and I am going to offer at this point, not a direct decision on the subject, because there are none, as I understood the statement of the Senator this morning. There are no decisions upon the part of our Supreme Court on the direct question whether in this situation a statute can be revived after the date of expiration of the particular powers; but I desire to read what our Supreme Court has said.

In the case of *Blair v. Chicago* (201 U. S. 400), the Court said, on page 475, in referring to a similar situation, the opinion being by Mr. Justice Day:

The rule is correctly stated in Endlich on Statutes, section 294, as follows: "A statute which is amended is thereafter, and as to all acts subsequently done, to be construed as if the amendment had always been there, and the amendment itself so thoroughly becomes a part of the original statute that it must be construed, in view of the original statute, as it stands after the amendments are introduced and the matters superseded by the amendments eliminated."

Of course the Senator would not argue for a moment that this statute could not have been amended. As I understand, he admits that it could have been amended up until last Friday night at 12 o'clock of June 30, or 1 o'clock of July 1. If it could be amended then, it can be amended now. This statute is not dead, as the Senator argues, but is a part of the act. The only thing that has been interfered with—the only thing that has been put out of commission, so to speak—is the date on which it will end. Now, the Congress, unquestionably having the right to amend this act, does amend it by adding certain words.

In justification of what I have already said, I want to read the only case I have been able to find directly on the point; and this case is directly on the point. It is the case of *Crocker v. Crane* (21 Wendell 211, 34 Am. Dec. 228). I read first from the statement of the case:

It further appeared that the construction of the road was not commenced until July 1836, after the expiration of the time limited in the original act of incorporation of April 14, 1832. The plaintiffs contended, however, that the provisions of that act were revived and continued by the act of May 7, 1836, by which the time for commencing the work was extended, and the judge so charged the jury against the request of the defendant.

In delivering the opinion of the court, Judge Cowen said:

The second point of the defendant is not well taken. The act of 1836 does not say in terms that the first act shall be revived—

Let me read that again:

The act of 1836—

Just like the act in question here—

does not say in terms that the first act shall be revived; but it does the same thing by implication. The first act had expired by its own provision—

Just as this act expired. This part of the act had expired by its own provisions last Friday night—

because the road had not been commenced within 4 years. The last act declares that the time shall be extended, and then professes to amend the former act and repeal parts of it. The meaning of the legislature is perfectly plain; and apt words are not essential.

That is the identical case here. It is directly in point, and in the limited time at my disposal I have found nothing to the contrary.

Mr. AUSTIN. Mr. President, will the Senator yield at this point?

Mr. McKELLAR. I yield.

Mr. AUSTIN. I do not want to interrupt the Senator at the wrong place.

Mr. McKELLAR. I am glad to yield.

Mr. AUSTIN. I ask the Senator if he does not observe the difference between the statute he is discussing and the statute now under consideration. In that statute there was affirmative language with reference to extension. In this statute there is negative language with reference to termination. That is a great difference.

Mr. McKELLAR. The Court holds that that is not a difference. The Court holds that the language in that case was imperfect, but that the purpose was to extend the prior

act, and that is the purpose here. What we want to do is to extend this act; and, believe me, I think we will do it.

Mr. AUSTIN. Another question. I want to give the Senator full opportunity to meet these claims.

Mr. McKELLAR. I shall be glad to do so if I can.

Mr. AUSTIN. The section to which the Senator is addressing his very able discussion is a section of the Gold Reserve Act relating to the emergency fund, the stabilization fund; is it not?

Mr. McKELLAR. Yes.

Mr. AUSTIN. It is all-comprehensive. It says:

All the powers conferred by this section shall expire 2 years after the date of enactment of this act unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated.

Does not the Senator recognize the difference between a statute which has no attachment to anything else that will keep it alive and the one we are considering, which is all-comprehensive, which there is not anything to help out, and which says that all the powers terminate?

Mr. McKELLAR. The Senator has asked me a question which I shall be very happy to answer if I can; and I think I can.

I see a difference, of course; and the difference is tremendously in favor of the act now before the Congress. The reason is this: In the Wendell case, a New York case, there was a provision that a certain railroad company should commence to build a road within 4 years. The railroad company did not take a step toward building the road within that time. It completely ignored the statute. Not a step was taken; and naturally it could have been argued by my distinguished friend, along the lines that he argued this morning, that that ended the matter, and that the original act was at an end. But the subsequent act of a year or two later was passed, which by implication revived the right to build this road; and the road was built, and the action of the railroad company was upheld.

I say that that is a very much weaker case than the case we have. We are dealing with an act which the Senator will not deny is in full force and effect; every particle of it is in effect except one thing, only one, and that one thing is the time of expiration of the powers of the President over two important features of the act. A bill has been introduced which, in my judgment, amply revives the act. It does not use the word "revived"—no—but what does it say? It provides as follows:

Subsection (c) of section 10 of the Gold Reserve Act of 1934—

There cannot be any doubt about that act. There cannot be any doubt about subsection (c). The bill is just as good as if subsection (c) had been enumerated in the words of this bill, because it states:

Approved January 30, 1934—

And here is the act approved January 30, 1934—

as amended, is further amended to read as follows:

"Is further amended to read as follows:"

(c) All the powers conferred by this section shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated.

Therefore, Mr. President, taking the statement of what this amendment will do, as given by our own Supreme Court in the case referred to, *Blair against Chicago*, decided in 1905, when it states that when an act is amended it is "to be construed as if the amendment had always been there," it seems to me that there cannot be the slightest question about the matter. I thought so last week and I think so now a thousand times stronger since I have examined the cases. I am quite sure there cannot be a particle of doubt about the power and authority of the Congress to pass this measure, and that it will date back as if it had been in the act originally, and it would make the time July 1941.

Mr. AUSTIN. Mr. President, will the Senator yield once more?

Mr. McKELLAR. I am glad to yield.



Mr. AUSTIN. Suppose we should adjourn this session of Congress, and that the Seventy-seventh Congress should pass a measure reading:

All the powers conferred by this section shall expire June 30, 1941, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated.

Does the Senator think that would extend the power?

Mr. McKELLAR. I do not know whether the particular words the Senator has mentioned would be the proper ones to use, but offhand I think it would extend the power. I think that the Congress had before the 30th of June 1939 full and complete power to amend the act and extend the time, and I am sure the Senator would not disagree with that statement. If it had the full power then, it has it now. The only verbiage which really refers to the act in any way is in the title, "to extend the time"; but that is immaterial. The act itself is what controls the decisions of the courts, and, in my judgment, our act will be upheld by the courts, if it is ever attacked, and I doubt whether it ever will be attacked.

Mr. AUSTIN. Mr. President, will the Senator yield for another question?

Mr. McKELLAR. I yield.

Mr. AUSTIN. Does the Senator think it makes any difference, so far as the effect of the language to which we have been referring is concerned, whether it is adopted in a conference report today, or in a special, independent statute in another session?

Mr. McKELLAR. It could be done either way. The measure we have acted on is now before us, it has been passed by both Houses, the House has adopted the conference report, and we will probably adopt the conference report this afternoon. If we do, it will be just as good an act of Congress as we could possibly make it at any session.

Mr. AUSTIN. Let me call to the Senator's attention, with his kind permission, a case right in point on that question:

The legislature cannot give life to a dead act by amending certain of its provisions at a later session, so that, if the original act is unconstitutional and void, the amending act is likewise void.

*Citing Cobbs v. Home Insurance Company of New York* (91 Southern 627; 18 Ala. App. 206), certiorari denied; *Ex parte Home Insurance Company of New York* (91 Southern 922; 207 Ala. 712).

Mr. McKELLAR. From what is the Senator reading?

Mr. AUSTIN. That is from the Third Decennial Digest, volume 25, under the topic "Statutes."

Mr. McKELLAR. It is not a decision of a court?

Mr. AUSTIN. It refers to a decision of the Alabama Court of Appeals. It is not a court decision itself.

Mr. McKELLAR. It does not report the decision?

Mr. AUSTIN. No.

Mr. McKELLAR. It probably refers only to the general principle referred to by our own Supreme Court in the statement I have just read:

A statute which is amended is thereafter, and as to all acts subsequently done, is to be construed as if the amendment has always been there.

If the act had been declared unconstitutional and a revival of the act was undertaken by an amendment, I imagine the author of the book felt that the revival also would be unconstitutional. But there is no question of the constitutionality of the act here in question. That question has not been raised, and it cannot be raised. The act is on the books in full force and effect, and we are seeking to amend, not a dead act, not an unconstitutional act, but to amend a live act, which is known as the Gold Act of 1934.

Mr. AUSTIN. Does the Senator conceive that an act which is dead for one cause can be more dead for another cause?

Mr. McKELLAR. I do not. There is one portion of the act which the Senator says is dead. The act is not dead. We have a right to refer to an act by name. We need not set out in so many words the entire act in order to amend it. That is rarely done. It is not done in this case. It is not proposed to be done in this case, and if a new bill on the

subject were reported by a committee, I doubt whether the entire Gold Act of 1934 would be reported in so many words in the new measure.

Mr. AUSTIN. I have not claimed that the whole act was affected by this, but section 9 is what is affected, and all the powers conferred by that section expired. That is the point in this matter.

Mr. McKELLAR. The general act itself is still in effect and in my judgment is perfectly good.

Mr. TAFT. In the Senator's opinion, where is the \$2,000,-000,000 fund now?

Mr. McKELLAR. It is in the hands of the Secretary of the Treasury. It was last Saturday night; I suppose it still is.

Mr. TAFT. Has it not reverted to the general fund of the Treasury? Is not that where it is?

Mr. McKELLAR. Does the Senator mean what has become of the physical money? If so, I could not tell him.

Mr. TAFT. I suppose the gold is just where it was, in the State of Kentucky, between the Senator's State and my State.

Mr. McKELLAR. As to its figurative location, I imagine the Secretary is patiently waiting to see whether the conference report shall be agreed to, and if it is agreed to, the fund will be just where it has been since it was put in the Treasury.

Mr. TAFT. Where would it be if the conference report should be rejected, in the opinion of the Senator?

Mr. McKELLAR. If no bill amending the act should be passed, it would expire, and the fund would go back into the Treasury.

Mr. TAFT. Into the general fund. If it would go back into the general fund, it went back at midnight on June 30. On what other possible date could it go back?

Mr. McKELLAR. I think the Senator is ignoring the fact that whenever an amendment is adopted, as our Supreme Court has held, in the case from which I read a few moments ago, it is just the same as if the amendment had always been in the act; and the fund will be in the same situation.

Mr. TAFT. It seems clear to me that if the fund has reverted, the power might be restored, but there would not be any money in the fund, because it would be necessary to reappropriate the \$2,000,000,000, as it was originally appropriated. This was an appropriation out of the general fund to the stabilization fund.

Mr. McKELLAR. That would be a question which might arise. I doubt whether it will arise. I do not think the money will have to be reappropriated. I think the act itself, when it is amended, reappropriates.

Mr. TAFT. It cannot be an appropriation without being an appropriation.

Mr. McKELLAR. If it is necessary to appropriate it, I feel that it will be appropriated.

Mr. TAFT. I take it, then, the Senator is very doubtful about where the money is today.

Mr. McKELLAR. No; I am not doubtful at all. It is in the Treasury of the United States, where it has been all the time.

Mr. TAFT. And if we rejected the conference report today, the Senator would say that it would be restored to the general fund?

Mr. McKELLAR. It would still be in the same place, and would be restored to the general fund, where it was before the bill was passed.

Mr. TAFT. Suppose we should reject the report; would the money go right back, or would the Senator favor sending the matter to conference again? Just when would the Senator have the money revert?

Mr. McKELLAR. I would not do it at all. I would leave it to the Secretary of the Treasury, and it would be honestly done. I have every confidence that it would be fairly and honestly done. The actual physical location of the gold will probably not change at all.

Mr. President, that is all I care to say about the matter.

#### MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Caloway, one of its reading clerks, informed the Senate that Hon. SAM RAYBURN, a Representative from the State of Texas, had been elected Speaker pro tempore during the absence of the Speaker.

The message also announced that the House had passed a joint resolution (H. J. Res. 306), Neutrality Act of 1939, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 22), as follows:

*Resolved by the Senate (the House of Representatives concurring), That the manuscript submitted to the Senate by Senator MORRIS SHEPPARD on June 7, 1939, and referred to the Committee on Printing, containing a general description of the Army of the United States, its components, its arms, services, and bureaus, its military and nonmilitary activities, be printed, with illustrations, as a public document; and that 10,700 additional copies shall be printed, with illustrations, and bound, as may be directed by the Joint Committee on Printing, of which 2,500 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives, and 100 copies to each of the Committees on Military Affairs of the two Houses of Congress.*

## HOUSE JOINT RESOLUTION REFERRED

The joint resolution, House Joint Resolution 306, Neutrality Act of 1939, was read twice by its title and referred to the Committee on Foreign Relations.

## STABILIZATION FUND AND WEIGHT OF THE DOLLAR

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) to extend the time within which the powers relating to the stabilization and alteration of the weight of the dollar may be exercised.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the conference report.

Mr. DANAHER. Mr. President, with reference to the last observation of the Senator from Tennessee it might be of interest to recall that when this matter was before the Committee on Banking and Currency there was one Member who was cynical enough to remark that we ought to continue the stabilization fund as it has been for the reason that if we do, the administration cannot spend it. I do not offer that as a reason why the stabilization fund should have been continued, but I do wish to point out to the Senator from Tennessee that there was before the Committee on Banking and Currency a very definite effort to separate the two provisions contained in sections 2 and 3 of House bill 3325 when the bill was first before us. There was a very general opinion that the stabilization fund should be continued. The reason why most of us felt that it should be continued doubtless could be predicated upon the testimony of Secretary of the Treasury Morgenthau. Mr. Morgenthau appeared before the committee and told us what I now read from his testimony:

The purpose of the fund is to stabilize the exchange value of the dollar. In carrying out this purpose the fund undertakes a variety of operations.

Sometimes it is called upon to prevent violent fluctuations in exchange rates induced by acute political developments which cause flights of capital from one country to another. Such, for example, was the situation created in the fall of last year when as a consequence of the Czechoslovakian crisis a large volume of funds sought to leave Europe for the United States. The outflow of funds was so large that the amount of gold which it was necessary to ship from Europe to provide dollar balances was far greater than could be taken care of through normal commercial channels. If there had been no stabilization fund to cooperate with the other funds, the dollar exchange would have fluctuated so violently as to disrupt our trade. International monetary chaos might have ensued.

The occasions which call for operations of the magnitude undertaken by our fund last fall are, however, sporadic. Normally the stabilization fund is concerned with hour-to-hour and day-to-day fluctuations in the dollar-exchange rate. When the exchange markets are quiet and there are no unusual disturbances, it is not necessary for the fund to take an active part in the market. At such times it operates in relatively small amounts and participates in a relatively small number of transactions each day, and may even not enter the market at all.

When, however, for one reason or another the operations in the various exchange markets become speculative or panicky in character, with abnormal fluctuations, then the stabilization fund steps into the market and becomes active in buying and selling gold and foreign exchange for the purpose of minimizing fluctuations.

Yet, just as the Senator from Michigan [Mr. VANDENBERG] pointed out in his address the other night, were that stabilization-fund proposal to come before us in the form of a joint resolution, if you like, Mr. President, calling for a new appropriation of the sum of \$2,000,000,000, or whatever other sum reasonably and properly might be required for the continuance and maintenance of the fund, I have not the slightest doubt that such a measure would meet with uniform approval in both branches of Congress, and that thereupon we could reappropriate the sum, and having reappropriated it, all the advantages heretofore claimed by reason of the existence of the stabilization fund would continue.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. DANAHER. I do.

Mr. McKELLAR. As I understand, the Senator from Connecticut approves what Mr. Morgenthau said before the Committee on Banking and Currency?

Mr. DANAHER. I do.

Mr. McKELLAR. And the only reason the Senator has for voting against the conference report is that he fears we are not going to pass a law which would provide for the very thing the conference report covers?

Mr. DANAHER. The Senator from Tennessee makes one of the most violent assumptions he ever made in thinking that is the only reason I would have for being against it.

Mr. McKELLAR. I thought the Senator said he approved the part of the report dealing with the stabilization fund.

Mr. DANAHER. Precisely.

Mr. McKELLAR. There are other points which the Senator does not approve?

Mr. DANAHER. Yes; there are other points which I do not approve.

Mr. McKELLAR. I merely wanted to get it straight.

Mr. DANAHER. Well, the Senator has it straight.

Mr. McKELLAR. Yes.

Mr. DANAHER. There are other instances. Let us turn to the provision involving the purchase of foreign silver. Let us not forget that when we are considering the conference report, one of the phases involved is the purchase of foreign silver. We had Mr. Eccles before us. Mr. Eccles is well and favorably known in many circles. Certainly he is a witness who is entitled to expect some credit. Mr. Eccles testified—and I read now at page 83 of the hearings:

There may be far more justification in the purchase of such silver—

Meaning domestic silver—

than there is in the purchase of foreign silver, and for this reason, that whatever domestic silver is purchased contributes directly to domestic income. It goes, it is true, first to the silver-mining people, but, secondarily, that money is disbursed by them in the payment of taxes, the purchase of supplies, the payment of wages, etc., so that the money does stay within the country, and it does tend to give employment. And whether you call it a subsidy or whatever you may call it—and our tariff is a subsidy, and we have other devices and programs, for instance, such as to assist the cotton people, and to assist other industries—we may argue in favor of a domestic program with some merit.

Only 30,000,000 ounces of silver produced in the United States remain in what may be called the free market in this country. Only one-sixth of all the silver comprising the hundreds of millions of ounces for which American taxpayers have caused their money to be paid through the program of the Secretary of the Treasury has gone actually to domestic producers. More than five-sixths of it has gone to finance American imports into Mexico, into Peru, into India, into other countries. There is no justification for the continuance of that program. That is another reason why the conference report should be rejected.

But with reference to the devaluation feature we have an interesting question of law. The Senator from Tennessee in



his previous observation could have taken into account, for example, the matter of a fire-insurance policy. Let us assume that a fire-insurance policy expires on June 30 at midnight. The Senator from Tennessee would certainly be the last person to say that had a fire occurred on the morning of July 1 the insurance company would have been liable on that account. Certainly if a note were due at the bank at midnight on June 30, and the note had then and there matured without payment having been made, the Senator could not possibly and would not stand before this body and say that it did not take a brand new contract to extend or to revive the note in order to permit the erasure of a default which then and there had been created.

If a policy of accident insurance, which runs from year to year, shall have reached its date line, the Senator from Tennessee certainly would never take the position that such a policy of accident insurance can be revived after it has once lapsed by any other means than by entering into a brand new contract. While the existing contract was in force the parties to that contract obviously had the power to extend it in its terms, in its implications, in its powers. So also did we under the terms of the existing law have the power to amend and extend the time within which the power to devalue the dollar could have been exercised. But that proposal never was before us on an out-and-out, right-on-its-face, right-on-its-merits basis. Not at any time. But it has always been coupled with the stabilization fund.

Even before the Committee on Banking and Currency on the question being put, the result was a 9-to-9 vote. We never had a chance fairly and squarely to consider the implications of continuing the power to devalue the dollar. At the present time there are over 460,000,000 ounces of gold in the possession of the United States Treasury. Suppose that the value of gold in terms of dollars were depreciated only \$1 an ounce, there would be a loss immediately of \$460,000,000, right on the face of the transaction. That is the sort of thing that ought to be considered.

In addition, there is the factor that, after all, there has been reserved to the Congress by the Constitution the power to coin money and to regulate the value thereof.

Mr. President, when we are considering now the question of powers which lapsed on June 30, 1939, at midnight, it seems to me we ought clearly to have submitted to the Congress, and through the Congress, to the people of the country, a discussion of the issues involved, a discussion of whether or not the President of the United States shall have delegated to him the power to take 15 percent out of your stabilized dollar and give it to foreign debtors. That is exactly what he did when he previously devalued the dollar and took \$41 out of every \$100 that were owing to an American creditor. He took it out of the savings, out of the life insurance policies, out of the vested earnings of millions of people. And to retain or to create again in him the power to devalue or fix the dollar another 15 percent in terms of its present fixed ratio is a matter which should properly be made the subject of debate on its merits.

Hence there should be presented before us a bill which in fact would purport to revive this power and assign it to the President, so we could then and there consider its constitutional implications, and then and there consider the situation on its merits.

So, as we contemplate the conference report before us, involving, as it does, at least four different and separate features, we find an issue so complicated that it was not until after hours of debate, well into the morning of July 1, 1939, that the majority leader caused to be read to us an undated opinion purporting to have come from the Attorney General—and I do not doubt it did—purporting to sustain the validity of the pending legislation in its present form and maintaining that, if enacted this week or at any time after midnight on June 30, 1939, it would re-create or revive expired powers.

Mr. President, I submit that if there be even the slightest doubt with reference to the validity of this measure it should properly go through its regular channels; we should consider it on its merits; we should debate its implications; we should

hear the testimony with reference to it, so that the claims with reference to the chaos which would result from our action of last week may be thoroughly considered in the light of the facts and as we now know the situation to have been in the last 5 days.

It is perfectly apparent, Mr. President, that there is no justification in law, constitutional or otherwise, for the delegation of the claimed power to the President. There is no authority, in the statutes or otherwise, for the extension at this time of such power by way of a purported revival of a law which has already lapsed by virtue of its express terms. The power having expired on June 30—as Webster himself says, the breath having gone out of it, life having left it, the power itself having died—there is nothing within our power by way of amendment which will re-create or revive that expired power.

Mr. President, it may be worth taking the time in passing to observe that when the Thomas amendment was first adopted in May of 1933 the power to devalue the dollar was not subject to any time limitation. However, the Thomas amendment provided that the gold content of the dollar should not be reduced at any time by more than 50 percent. In January 1934, when the President recommended the enactment of the gold reserve bill, he also recommended that the authority to change the gold content of the dollar be limited to fixing the dollar at a gold content of between 50 and 60 percent of its former weight. In that act for the first time we provided a limitation or expiration date for those powers. In 1937, when the dollar-devaluation power was renewed by the Congress, we again continued a limitation date. That limitation date definitely meant something. It meant that when June 30, 1939, had come and gone, unless the power had been extended while the act was in being, while the power was alive, the power lapsed.

I submit that the power to devalue the dollar lapsed on June 30, 1939, at midnight, by the terms of the law, and that it cannot be revived by the bill now before us.

I therefore submit that the conference report should be rejected.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Radcliffe
Ashurst	Donahey	La Follette	Reed
Austin	Ellender	Lee	Russell
Bailey	George	Lodge	Schwartz
Bankhead	Gerry	Logan	Schwellenbach
Barbour	Gibson	Lucas	Sheppard
Barkley	Gillette	Lundeen	Shipstead
Bilbo	Glass	McCarran	Slattery
Bone	Green	McKellar	Smathers
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Townsend
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Chavez	Holman	Nye	Wagner
Clark, Idaho	Holt	O'Mahoney	Walsh
Clark, Mo.	Hughes	Overton	White
Connally	Johnson, Calif.	Pepper	Wiley
Danaher	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. ASHURST. Mr. President, I shall vote "nay" on the adoption of this conference report, as it is almost certain, if this report should be rejected, that our conferees will have no difficulty in securing an agreement fixing the price of domestically mined silver at 77.57 cents per ounce.

Mr. BARKLEY. Mr. President, I inquire what makes my good friend from Arizona think that the conferees would do any such thing?

Mr. ASHURST. The conferees, in my judgment, are in favor of that being done; the administration is in favor of it; and the Senate is in favor of it.

Mr. BARKLEY. I do not think the Senator has any authority for saying that.

Mr. ASHURST. If I have no authority, I withdraw it.

Mr. BARKLEY. I am in good faith with the Senator.

Mr. ASHURST. Mr. President, the Senator from Kentucky need never assert his good faith. During a long public career he has always acted in good faith in connection with everything he has advocated or suggested.

Mr. BARKLEY. I appreciate that statement of the Senator, but I desire to be frank with my friend from Arizona. If this conference report shall be defeated, I think I can say to the Senator that no such result will occur as that which he has indicated and hopes will occur.

Mr. ASHURST. Is that a threat?

Mr. BARKLEY. No, sir; it is not.

Mr. ASHURST. Very well.

Mr. BARKLEY. It is absolutely not a threat.

Mr. ASHURST. It is the Senator's conclusion and not a threat?

Mr. BARKLEY. Absolutely. I have never threatened anybody. I have no power to enforce threats, and no desire to make them; but I do want to be frank with the Senator, and I do not think he ought to draw a conclusion of that kind, which, it seems to me, is without foundation.

Mr. ASHURST. Mr. President, the Senate has been functioning for 150 years and this is the first time any Senator has objected to a conclusion that another Senator saw fit to draw.

Mr. BARKLEY. I am not objecting to it, but I think the Senator is mistaken in his conclusion. The Senator can draw the conclusion, of course, and has done so.

Mr. ASHURST. There are men who are never mistaken; I happen to be one who is frequently mistaken, and I may now be mistaken in my conclusion, but—

Mr. BARKLEY. I think it would be a mistake for any Senator to vote on the question of agreeing to the conference report on a conclusion of that sort.

Mr. ADAMS. Mr. President—

Mr. ASHURST. Let me answer my very dear friend, my devoted leader, who has led his party with an ability and a judgment that I commend. I tell him now, if I may be permitted to do so, that the able Senator must not grow testy and irritated because, forsooth, one of his most devoted followers sees fit, as he rarely sees fit, to depart from the conclusions of the distinguished majority leader. I am just as much of a psychiatrist as is the Senator from Kentucky; I am just as much of a mind reader as is he; and I declare again, sir, that if this conference report, this miserable compromise, be rejected, the conferees will bring in a report fixing the price of domestically mined silver at 77.57 an ounce, or higher. Now, is the Senator satisfied with my conclusion?

Mr. ADAMS. Mr. President—

Mr. ASHURST. I yield to the Senator from Colorado, who knows something about silver.

Mr. ADAMS. I take it the Senator's statement is merely the expression of confidence that the Senate conferees will obey the orders of the Senate.

Mr. ASHURST. I thank the Senator.

Mr. BARKLEY. Mr. President—

Mr. ASHURST. Just a moment. So anxious was I to yield to my leader that before I had an opportunity to state the reason for my conclusion, the able Senator questioned me. I do not feel any resentment about that; but the conferees on the part of the Senate are composed of men of the highest character; they are the servants and the creatures of the Senate; not its masters. The conferees know that the Senate wants domestically mined silver fixed at a higher price than 70 cents an ounce, and if this report be rejected within a day the conferees will bring back a conference report fixing the price of silver at 77.57 an ounce or even higher.

Never again in this Congress will those Senators who favor a fair price for silver have such a classic case. Chance and fate have here combined to give you an occasion that will come no more.

Never again in the lifetime of many of the Senators will such a splendid opportunity be presented to secure a fair

price for domestically mined silver. The conferees are reasonable and are men of good faith.

There is no remorse so poignant and so lasting as that which comes from the consciousness that we have omitted to avail ourselves of an opportunity to render a great public service to our country; likewise, there is no happiness more sustaining or more enduring than the knowledge that we have, in a worthy manner, met the responsibilities upon us.

Opportunity always soars aloft on high and rapid wing and must be seized as it approaches. All success, whether of a nation, a political party, a business firm, or an individual, comes and comes only from incessant labor and toil, coupled with the sagacity to recognize an opportunity, howsoever vagrant and disguised it may present itself.

This is the day and the hour when destiny, the mighty magician, presents a shining opportunity to do that which we have been trying for so many years to do, namely, secure a fair price for domestically mined silver.

Mr. HOLMAN. Mr. President, to me the supremely important issue now before the Senate is not whether it is a wise fiscal or financial policy to devalue the gold dollar, nor is it of supreme importance in this issue whether or not a stabilization fund is continued. To me, transcending these questions of mere policy is the supremely important issue of protecting and defending the American Constitution.

My confidence is shaken in the integrity of the responsible officers of government who take one position on this issue prior to midnight of June 30, 1939, and then, without any change in conditions precedent to their expressed position on this issue, take just the reverse position as a matter of political expediency.

Out on the Pacific coast in Oregon the American stock still predominates, and American ideals are still cherished in the minds and hearts of the people. As a Senator from Oregon, and in compliance with the oath which I solemnly subscribed to in this Chamber and in the presence of the Senators here assembled, I am convinced that it is my duty to uphold, defend, and protect the Federal Constitution. I am convinced that I cannot be faithful to my oath of office and to the people of Oregon and of the Nation by being a party to transferring to the Executive the powers which the Constitution places in the Congress, and in the Congress alone; nor can I be a party to the irregular procedure, as I see it, of attempting to revive a dead act by amending it after its expiration by the time limit set in the act itself.

In this conviction of duty and obligation to the American people I am firm and positive, and I am willing to stand alone, if need be, to make a record of my opposition to a proposal which, if successful, will take a long step toward undermining the Constitution and establishing a dictatorship in our country.

The policy of expediency is always of doubtful wisdom. Yet it seems that in 1933 a majority of Congress so far forgot its constitutional obligations and limitations that it granted to the President extraordinary powers for temporary use in what was considered a financial emergency. Those temporary powers would have expired automatically at midnight on June 30, 1937; but prior to that day and hour the Congress continued these extraordinary temporary powers, which I contend they had no right to confer on the Executive in the first instance, until midnight on June 30, 1939. The day and hour of that extended date have expired; and now, 5 days later, it is attempted legally to extend these extraordinary and, in my opinion, unconstitutional powers until midnight on June 30, 1941.

Practicing irregularities and permitting laxities in the exercise of constitutional authority is an insidious but effective way of overthrowing the Constitution and establishing a dictatorship. Many persons think that cannot be done in America; but I contend that if the Senate accepts and adopts the conference report now under consideration it will take a long step toward that end.

I am alarmed and, I believe, justly so, by the fact that our Chief Executive continually seeks and obtains extraordinary and, in my opinion, unconstitutional grants of authority, and never surrenders them when once in fact he possesses



them. He and his advisers now are attempting by what, in my opinion, is an irregular procedure to retain authority which a few days ago he and they publicly stated would automatically expire by time limitation by midnight on June 30, 1939, if prior to that date the act was not amended to extend the pretended authority beyond that day and hour.

Oh, that those in the majority of our Government today would heed the example of Cincinnatus, that noble Roman who in the early period of the Roman Republic was called from his plow to be dictator and save Rome in a military emergency, when the enemy had succeeded in surrounding the Roman Army under the consul Minucius! The Roman messenger found Cincinnatus at his plow, and unfolded to him the dreadful plight of the Roman Army and the unprecedented emergency which confronted the safety of the Roman people and the continuance of the Roman Government through the peril in which the Roman Army then was. Reluctantly, Cincinnatus accepted the office of dictator, and in a brief campaign he succeeded in rescuing the army from its perilous position. He then immediately resigned the dictatorship and returned to his farm to finish plowing his field; and the Roman Government continued along the even tenor of its way, observing all the manners and customs of the Roman Senate and people. Cincinnatus was a patriot, and he truly loved his people and had respect for its Government; but 500 years later, in the days of Julius Caesar, Mark Antony, and Augustus, we find another type of leadership in the Roman Republic—a leadership that grasped for power, and were more interested in the aggrandizement of their political fortunes than in the liberty and freedom of the Roman people. The Roman Republic was then succeeded by dictatorships and the Empire. Personal liberty and freedom were things of the past.

I realize that my colleagues of the Senate are just as familiar with the downfall of the Roman Republic as I am; but I believe it very wholesome at the present moment to review this bit of history, which I fear has parallels all too real for our own good in the situation with which we are confronted in the consideration of the conference report before us.

I have recently read a very informative book entitled "The New Deal in Old Rome." I recommend it to the attention of every Senator.

Mr. NORRIS. Mr. President, I question no Senator's sincerity in the vote he is about to cast. I do not quarrel with the conclusions which have been drawn by the Senator from Kentucky [Mr. BARKLEY] and the Senator from Arizona [Mr. ASHURST] as to what will follow if the pending conference report fails. We started out with it last week with a filibuster, an easy filibuster, in fact, so easy that more opponents of the conference report desired to speak than could possibly speak before 12 o'clock midnight on Friday.

If the theory be right of those who say we cannot constitutionally or legally extend the authority of the President, then they have no ground for fear now. They were satisfied at 12 o'clock on Friday night that they had accomplished their purpose. If their theory be right, the approval of the conference report after that hour will have no legal effect. The powers granted the President will be dead beyond resurrection.

But when they continued the filibuster beyond the time fixed for a vote, it seemed to me I had a right to wonder whether they were sincere in their theory that the power of the President, which the bill seeks to extend, was necessarily dead if the conference report were not approved before midnight June 30, 1939.

Mr. President, the able senior Senator from Maryland [Mr. TYDINGS] was making a very eloquent address when June passed out and July came in at 12 o'clock midnight last Friday. He was proceeding on the theory, as were his supporters, that if they should talk until 12 o'clock, if the filibuster could go on that long, they would accomplish their purpose. He continued to talk after 12 o'clock, and in glowing terms proceeded to describe what had already been accomplished according to his theory.

Senators will recall that in eloquent tones the Senator from Maryland said, looking at the clock, "It is now 17 minutes past 12, July 1, 1939." He went so far as to ask unanimous consent that there be placed in the Journal a statement that 12 o'clock had passed; that it was 17 minutes past 12 o'clock July 1, 1939; and he called attention to the fact that the conference report was still not approved. No one objected to that, and I suppose the entry is in the Journal.

Mr. President, I did not object for two reasons. First, looking at the clock, it was obvious to me that the Senator had told the truth, it was 17 minutes after 12 o'clock July 1, 1939. I would not have objected even if that had not been true because, considering the eloquence and the force of the Senator from Maryland, I lacked the courage to question what he said.

One minute afterward the able Senator said:

It is now 18 minutes past 12 o'clock, July 1, 1939. That fact is established. The bill is not passed; 12 o'clock has gone, never to return.

Why were Senators so anxious to have that record noted? It was already of record. Was it in the mind of anyone that Senators who did not agree with them would manipulate the Record, and show something to the contrary? I do not believe any Senator entertained such a thought. Honor still remains, and it was in possession of all of us, and those who favored the conference report would have been just as diligent not to make a false record.

While the Senator from Maryland was speaking, the patient died, and, to be sure that he was dead, the Senator called attention, at 17 minutes after 12 o'clock, to the fact that the patient was still dead; and at 18 minutes past 12 he again put into the Record the statement that the patient was still dead; and the filibuster still went on.

Mr. President, it made me think of the Irishman who had a fight. He knocked his opponent down, he gouged out his eyes, he knocked out his teeth, and was tearing his breast. His opponent was screaming in agony and begging for mercy, asking that the Irishman cease. At that juncture a friend came along and said, "Pat, why are you abusing this man, lacerating him so terribly? Don't you hear him crying for mercy? Don't you hear him begging that you stop, and saying that he is sorry?" Pat said, "Yes; I hear him, but he is such a damned liar I don't believe him." [Laughter.]

So we went on with this dead patient. The great Senator from Vermont [Mr. AUSTIN], the Brutus of the incident, draws forth his mighty dagger of wisdom and he cuts the dead patient into pieces for fear he will lose some right he might otherwise have forgotten.

Then comes the Senator from Ohio [Mr. TAFT], with all his eloquence and all his ability, with a whole swarm of bees buzzing around his head [laughter], and he takes the pieces, and instead of burning them into ashes and casting them to the four winds, he eats them, he chews them up, and he spits them all over the Chamber, so that there will be no doubt of the patient not only being dead but having passed the day of resurrection. [Laughter.]

The Senator from Ohio no doubt got a wonderful thrill out of that episode. He was talking not because he wanted to but because he thought he owed it as a duty to his country, because he said when he started, along about 2 o'clock in the morning, "The patient is already dead. I want to go home, I want to go home, I want to go home." Yet he talked on. [Laughter.] Like Tennyson's brook, he went on and on and on, with the patient still dead, the filibuster still going on.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. NORRIS. No; I do not care to yield.

Mr. WILEY. For a question?

Mr. NORRIS. No; not for anything, unless I get through what I have to say before my time expires, then I shall be glad to yield.

The Senator from Ohio got a great thrill out of that. It was almost as great a thrill as he will get out of the next National Republican Convention. [Laughter.] And still we are going on. If the theories of the enemies are correct all of this talk today and all of the talk after 12 o'clock

midnight Friday night has been "buncombe", useless, of no account. I am wondering whether our enemies are whistling to keep up their courage.

Mr. President, I myself do not think there can be any doubt about the power of Congress effectively to approve the conference report, which will approve the bill extending the powers given the President by a law which has already expired. But it is a question of law, after all. We are wasting time in discussing that question of law. If the conference report shall be approved and the bill enacted, this question will be raised in the courts. It will eventually reach the Supreme Court of the United States, and they will pass on it, and whether we agree with them or not, we are going to abide by their decision without any question whatever. It is in the Supreme Court that the question finally will be determined.

I listened with pleasure and a great deal of interest to both the Senators from Connecticut, impressed as I always am with their arguments. I heard the senior Senator from Connecticut [Mr. MALONEY] oppose the conference report because of a provision in the bill in relation to the purchase of foreign silver. Evidently the Senator is very much in favor of the other features of the bill. There are four important provisions in the bill—the provision for the purchase of foreign silver, the provision for the purchase of domestic silver, the provision for the devaluation of the gold dollar, and the provision for the continuance of the stabilization fund. But because the bill contained a provision for the purchase of foreign silver the Senator from Connecticut felt he could not support it. He entertained the theory, as do other Senators, that if the conference report could be rejected, they might get out of the bill something they wanted.

Mr. President, I have never seen the day when one could say with any certainty whether he should support a bill because it contained something he liked and something which he did not like. If the Senator likes the three powers provided for in the bill and is opposed to the fourth, he is willing to kill the conference report, if he can, by having it rejected.

Action on almost every conference report is by way of compromise. No one can get everything he wants in a bill, and especially when final action on the bill is the result of a conference and the adoption of a conference report. We must defer on some matters to the opinions of others. Personally, I should support the conference report just as enthusiastically if it did not contain the provision with respect to the purchase of foreign silver; but I am unwilling to take away from the President the power he has in regard to devaluation and the stabilization fund, even if I believed that there was a possibility eventually of getting a bill which was more agreeable to me in other respects than the measure now before us.

The junior Senator from Connecticut very forcefully argued that these powers were dead at midnight Friday night. Let us assume for the present that they are dead. Then whatever we do here can never resurrect that power; and it seems to me the junior Senator from Connecticut has but little argument in his favor for killing all the other provisions in the measure in order that he may kill a provision which in his estimation is now deadlier than a doornail.

Mr. President, with respect to the question whether the President of the United States should still have the power to devalue the gold dollar, which I believe he should, I wish to say that the only objection I have is that he has not heretofore gone the limit and devalued the gold dollar to 50 percent. I think much good has come to the country from the devaluation he has made. Much further good would have resulted and the prosperity of the country would have increased had the President devalued the dollar the additional 9 percent.

I believe it is generally admitted by all that the stabilization fund has been not only necessary but that it has accomplished a great deal of good for our country. I think it has done much good. I want it to be continued. I wish to see the gold dollar devalued down to 50 percent of its original worth. When we passed the law I thought, and I still think, that the

gold dollar was too valuable. I wanted to cheapen it. Particularly for the sake of our farmers I think we ought to cheapen the dollar. We ought to have the same priced dollar for agriculture that manufacturing industries have. The dollar, as the result of the President's act in devaluing it, has had a tendency to travel in that direction, and I would like to see it continue in that direction.

The junior Senator from Connecticut cited the example of an insurance policy in connection with his argument. He said when an insurance policy expires at 12 o'clock midnight it cannot be revived by a contract made afterward. No one here, Mr. President, claims that between 12 o'clock midnight on Friday night and the day or hour when the pending bill shall become a law, if it shall become a law, the President has any of the powers which were given him by the original act. I think it is freely conceded that he has not. But if the law shall be amended as the bill provides, those powers will begin from the time the bill goes into legal effect. So, as I see it, the illustration of the insurance policy used by the Senator from Connecticut is in no way whatever parallel to the question before us. It has no application, for those who favor the conference report are not seeking to give the President any power between 12 o'clock Friday night and the time the law shall go into effect.

Returning again to the illustration used by the Senator from Connecticut of the insurance policy. If after the expiration of the policy a contract is made between the insurance company and the insured to extend the policy from the time that contract is made, such a contract is not illegal. I do not see any reason why a court should set aside such a contract. Such a situation is parallel with the case now before us.

Mr. President, as I look at the situation, we are confronted with the performance of a very important duty. If we refuse to give the President this additional power, I believe our action will result in injury to our country and will cause much misery.

The power to use the stabilization fund and the power still further to devalue the dollar have an effect similar to that of a policeman being on the corner. Even though the power shall not be exercised, it will result in a great deal of good. If a policeman is placed on the corner, the store on the corner is safe. If the policeman is removed, the store may be robbed the next night. The important thing is the existence of the law as it stood before June 30. If we again put that policeman on guard, we shall have a continuation of the good results which came about under the administration of the stabilization fund and the power to devalue the dollar contained in the original act.

It seems to me, therefore, Mr. President, that there is no reason why the power should not be extended.

The measure provides for a higher price for domestic silver than is now being paid for it. It may be possible that the measure will be returned to conference again and come back containing a provision for the purchase of nothing but American silver, and at too high a figure. Such action is possible. I do not expect it to happen. As a friend of silver, I would rather take the cut in the price of silver than to run the chance of getting nothing.

Mr. TAFT. Mr. President, I wish to speak only for a moment. In the first place, it seems to me we have abolished the powers in question, and we find that the country is entirely reconciled to our action. I have heard no protest of any kind against the action of the Senate, except from the administration. I have read no newspaper protest. I have heard no protest on the part of anyone. It seems to me that public opinion has fully approved the action of the Senate in declining to continue the power to devalue the dollar.

In my opinion, the act has expired. But particularly it seems to me the argument cannot be controverted that the stabilization fund has expired and cannot be restored without another appropriation.

The stabilization fund was created by appropriation. It reverted to the general fund on the 30th day of June. The able Senator from Tennessee [Mr. McKELLAR] a short time ago said that if we did not take action the stabilization fund would revert to the general fund. Well, when will it revert



to the general fund? It seems to me obvious that the only time it could revert to the general fund was when it came to an end and the powers with relation to it came to an end. The law authorizing the stabilization fund came to an end on the 1st day of July of this year, and if that money had returned to the general fund then, it cannot, in my opinion, be restored without further appropriation by the Congress of the United States.

I do not see that any of the cases which have been cited by the Attorney General or any of the cases which have been cited by the able Senator from Tennessee in any way bear on that question or dispute the conclusion that the stabilization fund has come to any end. By unanimous agreement, that is the most important thing in the entire act.

In order to continue the stabilization fund, which was all that was in the bill when the Senate got through with it, our conferees proceeded to concede every other point that the Senate had insisted upon. Yet by the proposed action the stabilization fund will not be restored.

Furthermore, even if there were a doubt about the situation, how perfectly idiotic it is for the Senate to set up a stabilization fund, of the legality of which no one will be certain until the Court passes on the question 2 years from now.

The able Senator from Tennessee says it is not our affair. Leave it to the Court. Certainly we are not performing our duty if we leave a doubt existing for a year from this date as to whether that \$2,000,000,000 is subject to the check of the Secretary of the Treasury or whether it is not. Certainly there is a serious doubt on the question, and it is a doubt which it is perfectly easy to resolve. We can abandon the bill and pass a joint resolution creating the stabilization fund, and every Senator is willing to vote for it, and the House is willing to vote for it. It seems to me that the position of the majority of the conferees is inconsistent. It is not our position. They came here and said, "In 10 minutes we gave up everything the Senate passed, because the bill, if it was to become law, had to be passed by midnight on Friday." That was their position until midnight Friday. They said, "We must pass this measure because otherwise the whole thing will lapse and we will have no law at all."

The logical conclusion to be drawn from that is that even if their change of mind were sincere and the lapse absolutely occurred at midnight, certainly they ought to admit that we should have another chance to have the matter considered by a conference committee. At present I understand we must vote either yea or nay on the conference committee report; but if we should vote the conference report down we would not kill the bill. We could then refer the bill back to conference. We could let our conferees have plenty of time. It is admitted that there is now no hurry. We could let the conferees have plenty of time to obtain what they can. Certainly the compromise which they made with the House, as between the House and the Senate, is overwhelmingly in favor of the House.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Ohio yield to the Senator from Texas?

Mr. TAFT. I yield.

Mr. CONNALLY. I understand that one of the Senator's chief complaints against the conference report is that it does not extend the stabilization fund. Is that correct?

Mr. TAFT. I am in favor of continuing the stabilization fund.

Mr. CONNALLY. However, the Senator would not be in favor of the conference report, even if it did continue the stabilization fund, would he?

Mr. TAFT. Does the Senator mean if it should go back to conference and the conferees should bring back something else?

Mr. CONNALLY. No; I mean if it were clear that the conference report continued the stabilization fund, the Senator still would not vote for it, would he?

Mr. TAFT. No.

Mr. CONNALLY. I did not think so.

Mr. TAFT. It is perfectly clear that the conference committee has given up three things in which I am interested. I am willing to vote for the stabilization fund by itself. As I understand the conferees, they say it is impossible to obtain more for silver. I do not know whether or not they say it is also impossible to eliminate the power further to devalue the dollar or to eliminate the power to purchase foreign silver. However, it seems to me that they are now presuming on a parliamentary situation to try to carry through all the concessions they made; and it seems to me obvious that what ought to be done is to deal with the question from the beginning and consider a joint resolution to re-create the stabilization fund, with such powers and reports as we think are necessary, and then consider the silver question, both foreign and domestic, in another joint resolution, which I believe would meet with the approval of the Senate.

So I urge the Senate to reject the conference report, with the distinct understanding that such action would not bring about a final killing of the bill. It would permit us to send the bill back to conference, where our conferees may have more time to make some of the points upon which the great majority of the Senate have previously insisted.

Mr. GURNEY. Mr. President, I ask unanimous consent that there be printed in the RECORD as a part of my remarks excerpts from an article entitled "The Effect of Easy Money Policies on Savings, Savings Institutions, Insurance Companies, Endowed Institutions, and Commercial Banks," by Winthrop W. Aldrich, chairman of the board of directors of the Chase National Bank of the city of New York. The excerpts to which I refer are on pages 16, 17, and 18 of the booklet.

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Is there objection? The Chair hears none, and it is so ordered.

The excerpts are as follows:

The present is a particularly opportune time to make a stand for sound money inasmuch as several of the powers of the Executive over the currency, unless extended by congressional action, shortly terminate. Those to expire include the power to alter the metallic content of the dollar. The House of Representatives has voted to extend this power to June 30, 1941 (on April 24, 1939, H. R. 3325, 76th Cong., 1st sess.); the Senate has not as yet taken action.

It seems to me that a first step in the restoration of a sound financial policy would be to allow the power to further devalue the gold dollar to expire. In fact, I would go beyond this and would urge the reintroduction of the gold-coin standard and of gold-coin redemption, on the basis of the present gold dollar. This step would logically be followed by a repeal of all silver enactments.

Convinced as I am that the old gold dollar should never have been devalued, I am enough of a realist to conclude that its reestablishment is not now within the realm of the practical. Only if England, France, and the sterling bloc of nations were to take simultaneous and proportionate action could we consider restoring the old gold dollar, which would involve lowering the price of gold from \$35 to \$20.67 an ounce. Of necessity we are compelled to reconcile ourselves to the devaluation that has occurred. This does not mean that we should countenance further devaluation. It is for this, among other reasons, that I suggest that the devaluation powers of the President be allowed to expire and that specie redemption in gold coin be reintroduced.

To continue these powers would imply that there are good reasons for further devaluation, or that this country is willing to engage in currency warfare, or that some sort of monetary emergency still exists. In my opinion none of the reasons cited for a continuation of the President's powers has validity.

The reintroduction of the gold-coin standard not only would carry assurance against further devaluation but would do more than any other single measure to restore business confidence. Confidence would be given to the business structure of the entire world in the same manner as that in which the undeviating adherence by England to the gold standard from 1821 to 1914 inspired world-wide confidence.

The reestablishment of the gold-coin standard should be accompanied by other measures designed to prevent member-bank reserves from rising further and to reduce excess reserves. Only in this way can the extreme easy-money policy be brought to an end. To prevent member-bank reserves from rising further, the Treasury, in my opinion, should once again begin sterilizing gold imports. Furthermore, those profits of gold devaluation that are still unutilized should remain impounded. Otherwise they will very likely be employed in a manner to increase member-bank reserves.

In order to bring about a reduction in member-bank reserves the Board of Governors of the Federal Reserve System should again raise member-bank reserve requirements to the maximum permitted by law. This would bring about a reduction in member-bank reserve balances of about \$800,000,000. Even if this action were

taken, excess reserves of \$3,500,000,000 would still remain. It should be noted that even this reduced total is so large that it remains outside the scope of complete control on the part of the Federal Reserve banks whose open-market portfolio comes but to \$2,500,000,000.

In concluding, I want to give emphasis to the fact that the easy-money policies followed by this country have left us with a heritage of monetary problems that much time and patience will be required to solve. Six years of unsound policy cannot be swept aside in a day. Even though the ultimate goal may be somewhat far removed, there are certain first steps which should be taken immediately. These I have already referred to. One of them is to terminate the President's powers to devalue the gold dollar further. This is an immediately pressing problem and one on which those of us who are apprehensive over easy-money developments can at once unite and make common issue.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Radcliffe
Ashurst	Donahay	La Follette	Reed
Austin	Ellender	Lee	Russell
Bailey	George	Lodge	Schwartz
Bankhead	Gerry	Logan	Schwellenbach
Barbour	Gibson	Lucas	Sheppard
Barkley	Gillette	Lundeen	Shipstead
Bilbo	Glass	McCarran	Slatery
Bone	Green	McKellar	Smathers
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Townsend
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Chavez	Holman	Nye	Wagner
Clark, Idaho	Holt	O'Mahoney	Walsh
Clark, Mo.	Hughes	Overton	White
Connally	Johnson, Calif.	Pepper	Wiley
Danaher	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the conference report.

Mr. VANDERBERG. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I desire to submit a few remarks in reference to the pending motion.

Some years ago, at the instance of the Senate of the United States, a manual for conference reports was prepared and submitted. It was prepared by Mr. Cleaves, the then clerk of the Committee on Appropriations of the Senate, and was reported to the Senate by Senator Allison, of Iowa. In this compilation is contained what I understand to be the customary, the correct, and the just rule as to the appointment of conferees. It says:

In the selection of the managers the two large political parties are usually represented, and, also, care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance.

Then this follows:

Of course, the majority party and the prevailing opinion have the majority of the managers.

A conference is held in order to adjust and compromise, if necessary, differing opinions between the two Houses of Congress. Each body selects its committee of conference as its attorneys to present its case to the conference. The two Houses having differed, necessarily, if the conference is properly constituted, the representatives of each House at the commencement of the conference are in disagreement; otherwise, there is no occasion for a conference.

An individual Senator, Mr. President, is free to vote upon the basis of any reason which interests him. He is free to accept any advice; he is free to accept direction; he is free to accept orders, if he sees fit, regardless of their source. He is an individual Senator in his votes upon the floor, responsible only to himself and to his constituents.

That is not so in the case of a member of a conference committee. A member of the conference committee becomes the attorney, the trusted representative, of the body which appointed him, and he has no right to take advice, contrary to that of the Senate if the Senate appoints him. He is

sent to the conference having a specific purpose to endeavor to carry forward, so far as possible, the wishes, the will, and the votes of the Senate. He occupies a fiduciary relationship.

Mr. WILEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. ADAMS. Certainly.

Mr. WILEY. Is there any definite rule or statement defining the power and the duty of a conference committee-man, as the Senator has defined them?

Mr. ADAMS. I have merely read from a compilation of parliamentary law as to conferences—I do not know whether the Senator heard it—to the effect that the conferees, of course, should represent the prevailing opinion of the body by which they are appointed.

Mr. President, what is the situation which confronts us? The Senate was considering a measure which had passed the other House, a measure consisting of two parts. The Senate adopted three amendments to that bill. The amendment in reference to the devaluation power of the President was carried upon a yeas-and-nays vote of the Senate by 47 to 31. The provision as to the domestic purchase of silver was carried upon a yeas-and-nays vote by 48 to 30. The third amendment was adopted by a viva-voce vote.

There was no separate vote in the House of Representatives. That body, when the Senate amendments were submitted to it, adopted the formal and customary motion disagreeing to the Senate amendments and asking for a conference with the Senate thereon. There was no vote in the House upon any one of the amendments of the Senate. There was sufficient support in the House for the approval of all the Senate amendments, for when the motion to request a conference and to appoint conferees was submitted, while I do not have the exact figures, roughly, the vote was 160 against having a conference to 214 for a conference. In other words, a very large vote in the House was in favor of accepting all three of the Senate amendments.

I discussed the other night—and I do not mean to go back to it now—the situation which existed. The chairman of the committee of conference on the part of the Senate, the Senator from New York [Mr. WAGNER] stated upon the floor the pressure under which he felt the conferees were acting. He said:

Of course, the conferees recognized that the powers with which we were dealing would expire as they exist in the law today at midnight tonight, and undoubtedly in attempting to reach a decision and report by the end of the day, were influenced largely by that consideration of time.

In other words, there entered into the decision of the conferees the element of time. There was pressure because of the belief that the conference report must be agreed upon or the legislation would fail.

Again the Senator from New York said—

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. WAGNER. If I said that the legislation would fail, it was not an accurate expression. What I felt was that the powers which the President had a right to exercise would expire, and if there was delay there would be a period of time when the powers could not be exercised. I personally thought a very serious situation would ensue if that should occur.

Mr. ADAMS. I understood that to be the Senator's view.

Then the Senator from New York said:

Having in mind that an agreement had to be reached considering the expiration of the powers which were involved, it was finally decided by the majority of the conferees on the part of the Senate that rather than have no report and postpone, perhaps for a number of days, any consideration of this legislation, and have the legislation reintroduced and reconsidered they should recede. I finally decided I would recede and two other Members of the Senate conferees decided likewise.

I have assumed that it was this pressure upon the Senate conferees which led them to surrender the position of the Senate rather than to jeopardize the proposed legislation. At this time no such situation exists. There is no



reason why the conferees should not meet free from the pressure of time, and give the subject adequate and careful consideration, and reach their conclusions upon the merits of the measure, rather than because of apprehension that something might happen if they did not reach an agreement. That is, the midnight emergency no longer confronts us. Whatever has legally happened to devaluation and to the stabilization fund has happened. That is not a matter which I care to discuss. I am interested in what should now be done.

I wish to call attention to one or two things. I am reluctant to do so, but I feel compelled to do so.

I ask Senators to note these figures:

Two amendments subject to a roll call were submitted to a roll call at the insistence and upon the request of Senators opposed to the amendments. Seventy-eight Senators voted on each roll call. Of the 78 Senators, 60 voted for one or the other or both of the amendments. Only 18 Senators voted against both of them. When the conferees were appointed, however, 3 of the 5 were appointed from the 18. Mind you, Mr. President, 18 Senators voted against both of the amendments. Sixty Senators were recorded as for one or both of them. The rule of parliamentary procedure requires, in all fairness and justice, that the majority and the prevailing opinion shall be the majority upon the conference committee; and yet 3 of the 5 conferees came from the 18 who voted against both amendments, and they were sent to a conference to sustain amendments against which they had voted.

I have not the slightest criticism of the individual Members. They are my friends. I admire them. I recognize their virtues and their capacities. I know as a lawyer, however, that had I a case to try involving these issues I should not have wanted these gentlemen on the jury. Had they constituted the membership of the court, I should have politely asked that they disqualify themselves and substitute someone whose opinion was not so positive and who had not so definitely committed himself. No man is entirely free from his opinions and his prejudices.

The answer is made that the members of the conference committee were appointed in accordance with the rule of seniority. Granted; but the rule of seniority should apply only as between those selected who are on the prevailing side. It should not prevail so as to make of the conference something other than the rules and the purposes of conferences intend.

I have no challenge as to the good faith exercised in the appointment of the conferees. I think the Senators followed what they believed to be the rule; but I think the rule is unsound. I think it is in conflict with sound principles. I think it tends to defeat the very purpose of a conference.

The chairman of the committee did not exactly appoint, but he nominated the members of the conference committee in accordance with customs that we all see observed, and submitted to the Chair his recommendations; and, as I say, in accordance with custom, his own name headed the list. Of the five conferees, however, I was the only one who voted for all three of the amendments which were under consideration and which the conferees were charged with upholding. I am talking at this time in reference to just one thing, not as to the merits of these questions, but as to the situation of the Senate in upholding its conference processes. Conference committees have tremendous power. The Senate is inclined to accept the reports of conference committees. We sit here day after day, and when conference committees report we accept without question their reports; and yet they deal with the very heart of legislation, with the controversial matters. We have a right to feel that our views—the majority, the prevailing views—are being represented and presented by our conferees.

The distinguished Senator from New York [Mr. WAGNER] is an able lawyer, a judge of marked ability. I wonder what he would do were he on the bench and lawyers came before him representing certain interests, when he knew that in the same litigation they had appeared and controverted and

opposed the view which they were employed to represent before him.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. MINTON. There has been some criticism, at least in some of the newspapers in the silver States, about the way in which the conference committee was appointed. I happened to be in the chair at the time, and followed the usual rule which I have observed to be followed in the Senate. The Senator from Colorado was on the floor, I believe, at the time the conference committee was appointed; was he not?

Mr. ADAMS. I think not.

Mr. MINTON. I thought he was.

Mr. ADAMS. We will assume that he was. I think not, but I am willing to make that assumption.

Mr. MINTON. Very well. If he was not, then, of course, he would not have had a chance to object to the membership of the conference committee if it did not meet with his approval; but when the conference committee was appointed it was appointed in the usual manner as I have observed it in the short time I have been in the Senate. I did not know that there was anything wrong about it.

Mr. ADAMS. I am not complaining of the Senator from Indiana. I did not even know that the Senator from Indiana was in the chair.

Mr. MINTON. I happened to be; and the fact has been called to my attention that the Salt Lake City Tribune, I believe, published an article to the effect that this was a dark and devious scheme on the part of somebody.

Mr. ADAMS. I hope the Senator will not derive the impression that I take that view. I am saying that the method which was followed—a customary method—violated another principle which I think is of greater importance. I think the rule of seniority should not prevail against the rule which requires the majority or prevailing opinion to have the majority representation on a conference committee.

Mr. MINTON. I am sure the Senator from Colorado would have received all possible consideration if he had made an objection.

Mr. ADAMS. The Senator from Colorado is not complaining at this time about himself. He is complaining that the 60 Senators who voted in favor of the amendments did not receive consideration, and that the 18 Senators who voted against them were the ones who received majority representation on the conference committee. The procedure simply does not assure a just result in conference committees; and I have difficulty in understanding why Senators would be willing or wish to serve under such conditions. Necessarily, they are embarrassed by the conditions. At the conference table the Senator from New York said, "Now, of course, you understand that I am here as a conferee representing the Senate to sustain its opinions, but you all know what my views are." It is very difficult for a man who has made a battle upon the floor of the Senate to go before a conference committee and repudiate the very things he has said on the floor. We ought not to ask him to do it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. BARKLEY. I think it ought to be said in regard to the conference committee, not only so far as the customary rule in regard to appointments is concerned but also within the sphere of the committee itself, that whenever a subcommittee has worked on a measure and has reported to the full committee, and the committee reports the measure to the Senate and it is acted upon, it is almost universally customary to appoint conferees from the members of the subcommittee which considered the bill in committee.

Mr. ADAMS. The Senator is absolutely correct; but let me call his attention to the fact that the Senator from New York [Mr. WAGNER] was not on the subcommittee.

Mr. BARKLEY. Well, he is chairman of the committee.

Mr. ADAMS. Yes; but he was not on the subcommittee. The rule stated by the Senator is absolutely right. It is invariably followed on the Appropriations Committee. The

Members who are appointed on conference committees are those who are on the subcommittee.

Mr. BARKLEY. I will say to the Senator that I did not seek membership on the conference committee.

Mr. ADAMS. I know that the Senator now has more duties than he has time for.

Mr. BARKLEY. Everybody here understood the position I had taken with respect to controversial matters that would come before the conference committee, just as everybody understood the position of the Senator from Colorado with respect to the relief joint resolution, in the case of which many amendments went before the conferees with which the Senator from Colorado was not in sympathy. No one, however, doubted his good faith in the matter.

No one accused the Senator of having betrayed the Senate on the amendments we adopted and which were thrown out of the window by the conference committee. No one has raised any question about that at all. If the Senator's argument should now prevail, the result would be that no one ought ever to go on a conference committee when amendments are added which the conferees themselves oppose.

Mr. ADAMS. No; let us make the necessary distinction. No one should serve on a conference committee who is opposed to every single amendment the Senate puts on a bill.

The Senator has been speaking of the relief bills. On the last relief bill there were 132 amendments, and the Senate receded as to only 4 of the amendments. There was no Senator who agreed upon every one of the 132 amendments, but in this case there were 3 definite amendments adopted by the Senate, and where there is a clear-cut issue, I say to the Senator that the Senate majority ought to control the majority of the conferees.

Mr. BARKLEY. The Senator is mistaken in assuming that the conferees opposed all amendments that were adopted by the Senate, even on the floor. While there was a formal vote on one of the amendments, so far as I was concerned as a conferee, I did everything I could to induce the conferees to accept one of the amendments that was adopted by the Senate. We had to make a compromise on it. Even in that regard we could not get all we wanted.

Mr. ADAMS. Let me ask the Senator, if it would not be asking him to violate a confidence, which amendment it is to which he refers.

Mr. BARKLEY. It was the amendment with respect to the price of silver.

Mr. ADAMS. The price of domestic silver?

Mr. BARKLEY. The price of domestic silver; yes.

Mr. ADAMS. But the Senator was not in favor of retaining the other two amendments?

Mr. BARKLEY. I was not, after the conference had discussed them for 2 or 3 hours.

There is no secrecy about the position I have maintained. I do not have to reiterate what I thought about the other two amendments, with respect to the Senate. But it is not true, as has been stated here, and as an effort has been made to create the impression, that in 10 minutes the conferees went out and were in a hurry to yield to the House. The Senator himself knows that is not an accurate statement.

Mr. ADAMS. No; and I will state the facts.

Mr. BARKLEY. The Senator has not made that statement, but other Senators have.

Mr. ADAMS. I will state the facts. We went into conference at 2:30 o'clock, and we remained in conference until 4 o'clock, when three Members of the Senate conferees had to participate in the conference dealing with the relief bill. At that time nothing had been accomplished except discussion, participated in largely by myself and the chairman of the House delegation. At that time the Senator from New York said that we had accomplished nothing. That was the situation of the conference.

Following that, and while we were not in official conference, an agreement was reached between the majority of the Senate conferees and apparently a majority of the House conferees. I did not have an opportunity to participate in those deliberations, which were outside the con-

ference chamber. My first information about the agreement was when the Senator from South Carolina [Mr. BYRNES] came to me shortly before the conference was to be re-assembled and said, "I think you ought to know what has been done, that the Senate conferees have agreed to do this, and that you ought to know so that you can protect yourself."

Then, when the reassembling came, all the conferees were there. We were not asked what we wanted to do—we were told what the conferees had decided to do. In other words, the decision of the conference was not made in the official conference, though the official action was taken there by signing up the conference report.

Mr. WAGNER rose.

Mr. ADAMS. I am merely stating that as a fact; I am not stating it as challenging anyone's good faith.

Let me ask, how much time have I left, Mr. President?

The PRESIDENT pro tempore. The Senator has 4 minutes.

Mr. ADAMS. Will not the Senator from New York pardon me? If he will ask me in his own time I will be glad to answer if I can.

Mr. WAGNER. I will not interrupt the Senator.

Mr. ADAMS. Mr. President, in view of the fact that the time is running, permit me to say that I have expressed my views as to how I think conferences should be run. This conference was not so constituted, was not so operated, as to conduce to confidence in conference committees and their action.

Now, as to the silver question, I drew and offered the amendment providing for the purchase of domestic silver at 77.5 cents. That amendment was not mentioned in the portion of the conference sessions which I attended. When the informal conference reported they had decided to abandon the Senate's position on devaluation, they had decided to abandon the Senate's position on foreign silver, and they had decided to cut down the price to be paid domestic producers of silver.

As between two classes of silver producers, what was the situation? They saw fit to continue the purchase of world silver, which involves as much in 1 year as \$250,000,000, and to cut down by 7 cents the price of \$58,000,000 worth of American silver. They were willing to pay Mexico, to pay Peru, to pay China, to pay Japan, to pay Great Britain in the purchase of foreign silver, but they were willing to cut down from 77 cents to 70 cents the price to be paid the American producer of silver; and that difference may mean the closing or the opening of mines and smelters and the employment of thousands of miners.

I am saying to my colleagues at this time that the real issue about which some of us are concerned is whether we will take the Senate price for domestic silver or whether we will take the cut that was inserted by those who did not vote for the Senate price.

Mr. President, I think there is only one thing for the Senate to do in fairness to itself to vindicate the integrity of conference proceedings—namely, to reject it, to send the conference report back, and ask for a new conference, and then let those who are interested in these problems have a chance to defend their own amendment. I am unwilling that those who were part of a minority should be the majority in determining this question. Nothing will be lost if we follow that course. Conference reports have been disagreed to thousands of times. It merely means the reopening of the consultative operations no longer under the pressure of imaginary legal necessity.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BARKLEY. Mr. President, I doubt very seriously whether anything I can say on this subject will affect a single vote when the roll is called. Nevertheless, I feel it my duty to submit a few observations with reference to the conference report, and, in view of the statements which have been made with respect to the conferees, about the conferees themselves.

There is nothing new or unusual in finding conferees on the part of the Senate appointed by the Chair who have on



the floor, in a senatorial controversy, taken a position opposite to that which was finally adopted by the Senate itself. Nearly every day, in the appointment of conferees, where there is controversy over legislation, Members of the Senate are appointed who did not vote for the amendments adopted by the Senate, and I recall that last Thursday we consumed about 2 hours' time on an amendment offered by the Senator from Alabama to the relief bill, because the Senator from Colorado [Mr. ADAMS], who, it appeared, would undoubtedly be one of the conferees, perhaps, inadvertently said he would accept the amendment and take it to conference, although he was opposed to it. That did not satisfy the Senator from Alabama or other Senators, and we engaged in debate of considerable length, in which I took the side of the Senator from Colorado in the assertion that conferees ought not be expected and could not be expected to hold out indefinitely in order to secure the adoption of Senate amendments by the conferees.

The conferees on this measure were laboring under an unusual situation on Friday and Friday night. The Senator from Colorado [Mr. ADAMS], the Senator from South Carolina [Mr. BYRNES], the Senator from Delaware [Mr. TOWNSEND], who had offered one of the amendments adopted by the Senate, were all conferees on the relief measure, and they were in session almost simultaneously. The conferees on the monetary bill met from 2:30 until 4 o'clock and adjourned in order that the same conferees might go to another conference on the relief measure. I think it is fair to say that when those conferees adjourned they were under the impression—both House and Senate conferees—that if the conference report should be filed the next day the House might vote upon it, but later we were told by the House conferees, that unless they got their report in late Thursday night they could not vote on Friday according to their rules, unless they could suspend them by two-thirds vote, which was not likely.

The conferees on the relief measure, with 154 amendments, were in conference. When that situation was brought to the attention of the Senator from New York [Mr. WAGNER], the Senator from South Carolina [Mr. BYRNES], and me, as three of the conferees, the other two being engaged in the conference on the relief measure, we did not call in the House conferees. There was no conference between us and the House conferees until the House conferees met in the Appropriations Committee room, when the Senator from Colorado himself was present, but we did hold an informal conference among ourselves, that is the three of us who were not engaged in the other conference, to discuss the new situation which had been brought to our attention by House Members in an effort to get together, and the Senator knows the attitude of the House conferees on one of the amendments, that is pertaining to devaluation, from which they would not yield. It was then that the Senator from South Carolina went out in search for the Senator from Colorado [Mr. ADAMS] and found him in the Appropriations Committee, and then we went into conference with the result which has been stated here.

Mr. ADAMS. Mr. President, I was going to say that when the Senator said that he did not have any meeting with the House conferees—I was wondering how the Senate conferees happened to recede from the amendment without the opposition of the House conferees, and how the conference committee reached the agreement on the silver-purchase amendment.

Mr. BARKLEY. Mr. President, we were on two horns of a dilemma. One was the price of silver, at 64.5, which would expire last Friday night unless it was renewed either by law or by proclamation of the President. We had the 77.5 rate put in by the Senate and it has been my understanding all the time in discussing the silver situation that one of the objections to the existing situation of those coming from the States interested in silver was that they did not feel that they could go ahead under a 6 months' lease of life under a proclamation by the President, and that they wanted the price fixed in the law, and not by presidential proclamation.

Mr. McCARRAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. BARKLEY. I yield.

Mr. McCARRAN. The Senator says that the price of 77.5 cents was put in by the conferees.

Mr. BARKLEY. No; I said by the Senate.

Mr. McCARRAN. No; I beg the Senator's pardon. He may have intended to say "by the Senate," but I wish to correct the able Senator from Kentucky by saying that it was put in by a record vote of 30 to 48 by the Senate of the United States.

Mr. BARKLEY. I understand that. If I said that a 77.5-percent rate was put in by the conferees it was a slip of the tongue; I, of course, knew better than that. It was put in by the Senate, and that is what I thought I said, and that is what I intended to say, but if I did not say that I thank the Senator for his correction.

Mr. McCARRAN. Why would the Senator yield in face of the fact that it was put in by a record vote of the Chamber which he represented?

Mr. BARKLEY. I do not think that a record vote binds a conferee any more than a viva voce vote. What we were trying to do was to come to an agreement, and it occurred to us and to others who were interested in silver—and I want to say to my friends from the silver States that I have done everything I could as a Senator and as a conferee to increase the price of silver. The Senator from Colorado knows that. The senior Senator from Nevada [Mr. PITTMAN] knows it, and I believe the junior Senator from Nevada realizes that during our informal conferences last week I was doing all I could to try to maintain the price of silver or even to increase it.

Mr. McCARRAN. Did the Senator vote for the price of 77.5 cents?

Mr. BARKLEY. No.

Mr. McCARRAN. I did not think so.

Mr. BARKLEY. No; the Senator is not going to get me to falsify the record. The record speaks for itself. I voted against it. But when it came to determining under the circumstances—

Mr. McCARRAN. What were the circumstances?

Mr. BARKLEY. Well, if the Senator will give me time I will detail the circumstances. The circumstances were that at midnight, on Friday night, the 64½-cents price for silver expired, and that if nothing happened then the Secretary of the Treasury was not compelled to buy silver at all the next day, or to pay any more than the market price for it, and the market price would have been 38½ cents, and the circumstances being that the Senate had fixed 77½ cents, the proclamation fixing 64½ cents having expired, and the market price being 38 cents, we felt that 70½ cents, or 71 cents as it figures out under the conference report, was a fair compromise between these figures.

Mr. McCARRAN. If the Senator contends that the price of 64½ cents for silver had expired at midnight, then the whole measure expired at midnight; is that not right?

Mr. BARKLEY. No; the President's proclamation, under which silver was bought, expired at midnight.

Mr. McCARRAN. The proclamation was under the Silver Purchase Act and not under the Thomas amendment.

Mr. BARKLEY. I understand that.

Mr. McCARRAN. But did the Silver Purchase Act expire?

Mr. BARKLEY. No; the proclamation expired.

Mr. McCARRAN. The proclamation was under the Silver Purchase Act.

Mr. BARKLEY. No matter what act it was issued under, it expired at midnight Friday, and if the Secretary of the Treasury had bought silver the next day he might not have been able to offer more than 38 cents an ounce for it. That is the point I am trying to make.

Mr. McCARRAN. I know the Senator is trying to make that point, but the trouble is the Senator has lost his point,

because the Silver Purchase Act is the act under which Presidential proclamation was permitted.

Mr. BARKLEY. But the proclamation issued expired at midnight, and nobody knew, and nobody now knows, whether it will be renewed for 6 months or any other length of time at 64½ cents or at 50 cents or at 38 cents, which was the market price for silver all over the world, if this conference report is rejected.

Mr. President, I did not intend to take up so much time talking about the conduct of the conferees. There is nothing unusual about it, and if the rule laid down here that men who vote against an amendment on the floor of the Senate ought not to be put on conference committees because they are not in a position to represent the Senate, then it will be difficult ever to find conferees on a committee who have fought out in committee and in subcommittee and on the floor the details and controversies of legislation.

Mr. ADAMS. Mr. President, will the Senator permit me to state the view a little more accurately?

Mr. BARKLEY. I yield.

Mr. ADAMS. I think the minority views should be represented on the conference committee, but the rule is and should be that the prevailing views should be represented by a majority of the conferees. In other words a conference committee should be set up so that it fairly represents the body itself which appoints the conferees.

Mr. BARKLEY. In spite of that, as one of the conferees I think the conferees under the circumstances to which I have alluded did not only the best they could, but that they brought back here a fair compromise between the controversial attitude of the two Houses.

Mr. McCARRAN. Mr. President, will the Senator again yield?

Mr. BARKLEY. I have only 30 minutes, and I do not wish to take it all up on this point. However, I will yield just once more. And then I will decline to yield further.

Mr. McCARRAN. Will the Senator advise the Senate from where he received the price—from what advice he received the price of 71 cents for silver?

Mr. BARKLEY. That worked out because the price that was being paid by the arrangement under the proclamation was a 50-50 proposition.

Mr. McCARRAN. What was that arrangement?

Mr. BARKLEY. When the silver is brought to the mint and is coined, the Government kept 50 percent of it and the owner of it took back 50 percent, and that resulted in a 64.5-cent price for silver.

Mr. McCARRAN. Right.

Mr. BARKLEY. The Senate amendment provided a 40-60 division.

Mr. McCARRAN. Right.

Mr. BARKLEY. That is when they took the silver to the mint the Government would keep 40 percent of it and give back to the owner 60 percent.

Mr. McCARRAN. Why did the conferees give us 5 cents more?

Mr. BARKLEY. Because it was a fair compromise between a 50-50 proposition and a 40-60 proposition. We brought back a measure providing that the Government should keep 45 percent and give back to the owner 55 percent, which figures up in money about 71 cents per ounce.

Mr. McCARRAN. One more question. Did the Senator or his coconferees in company with the Senator consult anyone of the so-called silver group before he arrived at 70 cents for silver?

Mr. BARKLEY. Yes. It was late in the afternoon. The fact of the matter is that most Senators had gone to their homes for dinner. It was impossible to get in touch with very many of them, but we did confer with the senior Senator from Nevada [Mr. PITTMAN].

Mr. President, how much time have I left?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. BARKLEY. So far as the stabilization provisions in the measure are concerned, there seems to be no opposition. I took the position on the floor in discussing devaluation that

the two propositions were linked together. I do not think that is an illegitimate or unsound argument. The stabilization fund and the devaluation power go hand in hand.

I trust that if this power to devalue is given to the President for another period of 2 years, it will never be exercised, or that the need for its exercise will never occur. However, in the chaotic condition in which the world finds itself, with wars and rumors of wars imminent, and a crisis arising with every change of the moon, no one can predict what will be the relative condition of international currencies more than a month or 6 weeks or 2 months in advance. We do know that in the latter part of last December Great Britain was on the verge of devaluing the pound, and for 2 weeks seriously considered a further devaluation of the pound sterling. I think it is fair to assume that if it had not been for the power in the President further to devalue the American dollar, Great Britain might have devalued the pound sterling still further. So much for that. The power in the President is a reserve power, frankly not intended to be used unless it is necessary to use it in order to protect American business from the devaluation of foreign currencies.

With respect to the purchase of foreign silver, on the merits of it, per se, I am not concerned one way or the other. If it involved only the question of whether or not we should buy silver and store it away somewhere, at West Point or any other point in this country, I should not have any particular interest in whether or not we bought it.

The other night the Senator from Ohio [Mr. TAFT] stated that the purchase of foreign silver was a political matter, to be used for political purposes. I do not know whether he meant domestic political purposes or international political purposes. The argument has been used against the purchase of foreign silver that Mexico, for instance, who has been selling us silver, has dealt unfairly with American property by taking over oil wells in Mexico. I do not condone that treatment of American ownership of oil lands, leases, and properties in Mexico. I do not know what would be the attitude of our own people if foreign interests had been able to purchase and exploit all the oil and mineral resources of the United States. I do not know, and therefore I make no statement as to what would be our attitude if the situation was reversed. However, I think I may say that for some time negotiations have been in progress between the Government of the United States and the Government of Mexico with a view to settling the oil controversies in the interest of American owners; and if those negotiations are successful, the value to the American people will be infinitely more than anything we are paying Mexico for silver at the market price, which we are paying.

Is it wise to serve notice on a friendly neighboring republic, in whose order and stability we are interested as a matter of self-defense, that in the midst of negotiations which are calculated to bring about an amicable and advantageous settlement of that controversy we will suddenly cease to purchase silver, upon which Mexico depends so largely, not only in the matter of purchasing American exportable commodities, but in her dealings economically and financially with the peoples of other countries? It is because of that phase of the situation that I feel it would be most unfortunate for the Congress now to pursue the course indicated by the amendment, which was adopted by the Senate. After the amendment was adopted it was discovered that it would be impossible even to make future deliveries of silver already purchased and contracted for by the United States or by the people of the United States.

If the conference report were rejected, such action would have no effect upon the purchase of silver from Mexico or any other country. The Government of the United States could still go on buying silver, because the adoption or the rejection of the report has nothing whatever to do with that question. If the conference report should be rejected the Secretary of the Treasury, under the law which prevails, would not be bound tomorrow to buy an ounce of silver from anybody, either in the United States or anywhere else. He might do it if he decided it was in the public interest to do it, at such price as he might see fit to pay.



Mr. ADAMS. Mr. President, will the Senator yield for one statement?

Mr. BARKLEY. I yield.

Mr. ADAMS. The President pro tempore [Mr. PITTMAN] who now presides over the Senate well remembers the language that was put in the Silver Purchase Act at the time it was passed. The Secretary of the Treasury was authorized and directed to purchase silver until the price reached \$1.29 or until silver became a certain proportion of the monetary stock. The Secretary of the Treasury then said, "I will in good faith carry out the intent of the act." So I think there is a very decided compulsion.

Mr. BARKLEY. I think the conditions stipulated in that law have been more than met. The Secretary would not be compelled to buy silver, and if it were held that he was compelled to buy it, he would not be compelled to pay more than the market price for silver, which is now 38 cents. The price went down from forty-one and a fraction cents to 38 cents after the adoption of the Senate amendment. I do not believe the price can be maintained even at 38 cents unless the Government of the United States is in the market to buy it at a price higher than that.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator.

Mr. McCARRAN. May I, with all due respect, correct the Senator? When we passed the Silver Purchase Act the world price for silver was 47 cents. Last week it was 41 cents.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I understand that the price of silver fluctuated. When the Roosevelt administration came in it was about 25 cents. It went up to 30, and then to 35; and when we passed the Silver Purchase Act it went up still further. At one time it reached a price of 81 cents. I am referring to the world market price. It is now down to 38 cents.

Mr. McCARRAN. Of course, it could be pressed down to nothing if it were desired.

Mr. BARKLEY. I do not want to do that or see it done, and I have been doing everything in my power to prevent the bringing about of a situation in which the price might be depressed to 1 cent, or 38 cents, or any other amount below what we have been paying for it. I think I may with becoming modesty claim that I am at least partly responsible for the provision in the conference report which raises the price from 64½ cents to 71 cents, which is 7 cents an ounce more than is now being paid, or was paid during the past 6 months.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. With all due respect to the conference report, I suggest that the conference report reduce the figure rather than raise it.

Mr. BARKLEY. We reduced the figure from that contained in the amendment of the Senate; but we raised it 7 cents above what has been paid by the Government of the United States.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McCARRAN. Why did not the Senator take the advice of the body of which he is the leader, and place the figure at 77 cents?

Mr. BARKLEY. I have already answered that question. We had to deal with a situation in which no one could obtain all, or any great proportion, of what he wanted. We entered into the conference report because we felt that that was the best we could do. It is now up to the Senate to say whether it will accept or reject the conference report.

Mr. McCARRAN. Why did not the Senator—

Mr. BARKLEY. Mr. President, I have only a few more minutes. I should like to have the Senate understand that no matter what we shall do with the conference report, the purchase of foreign silver will not be affected but the domestic purchase of silver may be very materially affected. If the

conference report shall be adopted the price for silver paid by the United States during the life of the law will be approximately 71 cents an ounce.

The Senator from Arizona [Mr. ASHURST], my very good friend, stated awhile ago that if the conference report should be rejected we should have before us within 2 hours a conference report providing for 77 cents an ounce for silver. I questioned the authority of the Senator to draw any such conclusion as that. If the conference report is rejected we still must go into a conference; and if the House agrees to another conference and the conferees are appointed, we still must negotiate with the House conferees, not only on the question of devaluation, but on the question of the price of silver. One of the considerations which induced the House Members to agree to raise the price of silver practically 7 cents above what we were paying for it during the past 6 months, and almost double the world price, was that it was necessary to make a compromise and enter into an agreement in order that this legislation might be promptly enacted. It was desirable that the conference report should have been voted upon last Friday in order that there might be no hiatus between the expiration of the President's proclamation with respect to silver and the adoption of the conference report itself.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. BARKLEY. Just a moment. After investigating the matter, which I had done on my own initiative, when the President sent to the Senate the opinion of the Attorney General which had been rendered to the President at his request, I had no doubt, and I now have no doubt, that the adoption of the conference report would extend all the powers conferred in the original law with respect to devaluation and the stabilization fund.

I now yield to the Senator from Idaho.

Mr. CLARK of Idaho. Will the Senator from Kentucky tell us why the Senate conferees did not insist that the House conferees go back for a roll call vote on each of the three amendments which were voted on, two of them by roll call, and one by an overwhelming voice vote in the Senate? I asked the distinguished Senator from New York last Friday if the Senate conferees had requested that this be done. In answer to my question, he stated that they had requested it, but that the House conferees did not seem to want to do it. Will the Senator tell us why the Senate conferees did not insist upon this being done in order that the House conferees might at least have a mandate to sustain the very strong and arbitrary position which they took?

Mr. BARKLEY. Mr. President, I will say to the Senator there was no more reason to insist upon a separate House vote upon these amendments than upon any other amendments the Senate adopts to House bills; and, of course, the time element, I will state frankly to the Senator, entered into the consideration, because there was evidently and undoubtedly already a filibuster—it developed there was one in the House as well as in the Senate—and a vote on the conference report was not obtained in the House until late in the afternoon of Friday. As carrying these amendments back to the House would have involved three roll calls, with the element of time, as the conferees thought and as we thought, being an important consideration, it did not seem wise to insist to the last degree that the House conferees should do so and have the House vote on them separately under the circumstances when they had, by a very large vote, declined to agree to them when they were laid before the House.

Mr. CLARK of Idaho. That was when they were laid before the House en bloc.

Mr. BARKLEY. Yes, that was a vote on the amendments en bloc; they were not voted on separately in the House. But there is nothing unusual about that. The Senator, as a former Member of the House and as a present Member of the Senate knows that there is nothing unusual about such a procedure—in fact it is the usual procedure. As a rule, even in the case of the most controversial amendments the House

does not take a separate vote upon them. The House did not do so in regard to the relief joint resolution. Some of the amendments on the relief measure were as controversial as are some of the matters involved in the pending measure. The same procedure was followed in the House and the Senate with respect to the conference report on the relief joint resolution, and, as I said the other night, I think the conferees on the monetary bill, considering its importance and the importance of the relief joint resolution, gave it as much consideration as the conferees gave to the relief measure and the conference report thereon. There was no such demand made in that instance, and I do not think it is or would have been quite in order to insist that we should have sent these amendments back to the House to be voted on separately on this particular bill, when, on other equally important amendments on other bills, it was not done.

I hope that the conference report will be agreed to.

The PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Radeliffe
Ashurst	Donahey	La Follette	Reed
Austin	Ellender	Lee	Russell
Bailey	George	Lodge	Schwartz
Bankhead	Gerry	Logan	Schwellenbach
Barbour	Gibson	Lucas	Sheppard
Barkley	Gillette	Lundeen	Shipstead
Bilbo	Glaes	McCarran	Slattery
Bone	Green	McKellar	Smathers
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Townsend
Byrd	Hatch	Murray	Tydings
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	Norris	Van Nuys
Chavez	Holman	Nye	Wagner
Clark, Idaho	Holt	O'Mahoney	Walsh
Clark, Mo.	Hughes	Overton	White
Connally	Johnson, Calif.	Pepper	Wiley
Danaher	Johnson, Colo.	Pittman	

The PRESIDENT pro tempore. Eighty-three Senators have answered to their names. A quorum is present.

Mr. McCARRAN. Mr. President, I suppose that no one realizes the importance of this occasion more keenly than does the junior Senator from the silver State of Nevada. I suppose no one from the standpoint of his personal equation realizes more profoundly the importance of the vote that is to take place at 5 o'clock this afternoon than does the junior Senator from Nevada.

I regret that I learned for the first time from the able leader of the majority that I am not in accord with my honorable colleague [Mr. PITTMAN], whose life in this body has been devoted to the great cause of silver. But, Mr. President, I think that a principle is greater than anything that comes within a compromise, and I do not think that anyone was or is authorized to trade the ancient principle or the cause of silver for anything less than its monetary value. If the Senate of the United States by a vote of 48 to 30 was right when it voted for a price of 77.57 cents an ounce for silver, if the Senate of the United States at that time under the individual oaths of its Members believed that it was right, then there is no compromising with right.

If I may, I will go back a little into the history of silver. There are those in America, there are those in the Senate of the United States, and there are those in the other House of the Congress of the United States who fervently believe that by paying 77.57 cents an ounce to those who present silver to the mint they are buying something as a commodity; the Government of the United States, as they believe, is buying something as a commodity.

Mr. President, the Constitution of the United States, the organic law, provided that gold and silver only should be recognized by the States as money, and from 1792 until 1873 gold and silver were recognized as the money of this country.

When in 1873 Congress enacted the Sherman law, for the first time, by legislation, we declared that silver was not a part of the basic money of the country.

Then, Mr. President, for the first time we said to the silver miners of America, "When you bring your silver to the mints of the country you will not receive the monetary value established by law of \$1.29 plus." That was the first time we so declared. That was in 1873. Until that time, following constitutional provisions, following American law, we had declared that gold and silver were the money of the country, and we had declared that silver should be taken at \$1.29 at the mints of the country.

What are we doing today? Why have we abandoned that great cause? Why did we abandon silver? Why did we say we would go on a gold standard? And then, after we went on a gold standard, why did we say that from 1933 on we would bury the standard on which America was resting?

Mr. President, let us come down now to the present day and present history.

Last week we voted, by a vote of 48 to 30 in the Senate, that silver should be taken at the mints of the country at the ratio of 40 percent to the Government and 60 percent to the producers of silver. Who are the producers of silver? What is the Government of the United States? The Government of the United States is the sovereign. The people are the sovereign. The producers of silver within the United States are those who delve into the bowels of the earth and produce, not a commodity as one would produce corn or wheat or barley, but that which the organic law declared to be a part of the basic money of the country, and which neither the organic law nor the legislative body has ever changed from that day until now. The organic law declared that the States of this Government should recognize gold and silver as the money of the country, and then we declared by the organic law that the Congress of the United States should coin money and regulate the value thereof. So we coined gold and silver, and we regulated the value thereof, and we provided that 371¼ grains of silver nine-tenths fine should constitute the American silver dollar.

Mr. President, the conference committee now have set aside everything that was sacred in money. They have set aside, first of all, the vote of the Senate of the United States, a vote which ordinarily would be considered overwhelming, 48 to 30. They have entirely set at naught that vote. That vote no longer counts for anything. In other words, the able leader of the majority, and a very predominant member of the conference committee, told the Senate this afternoon that there was no such thing as a compromise. But why did not the able leader, in his ability, come back to his body and work to have his body guide him or advise him so that he might know whether or not there was such a thing as a compromise? And why did not the conference committee tell the House conferees to go back to their body and see whether or not that body might take a different view as to silver?

Mr. President, this which is offered to the so-called silver bloc today is purely and simply a sop. They want us to compromise right for wrong. The able chairman of the Committee on Banking and Currency, the Senator from New York [Mr. WAGNER], has come time after time to those who constitute the so-called silver bloc and has asked that we vote for appropriation after appropriation to take care of the needy on the East Side of New York; and I doubt if there is a member of the so-called silver bloc who has not gladly yielded to the humanitarian views of the Senator from New York. But, Mr. President, I think that a man or a woman out on the side hills of the West who has only his toil and labor to sustain him, and who has boys and girls out there looking to him for sustenance, is just as worth while as is the citizen on the East Side of New York or in any part of the world.

Mr. President, if we vote to sustain this conference report, it means that the miners of the West, the men who delve into the bowels of the earth to bring forth not a commodity but the money of the country—that which you use every day, if



you please, the money of the poor, the money of the masses—will have been deserted by their champions. They will have been forgotten, because 70-cent silver means that many mines in the West may close, and many miners in the West may go out of employment, and with their closing there will go on the relief rolls thousands of men with their other thousands of dependents; but, worse than that, there will go a principle. If we were right when we voted for 77.57 cents for silver, then we are wrong if we relinquish that and vote for 70-cent silver.

Mr. President, there is only one appeal I have, and that is the appeal that comes out of the hearts of the toilers of the mining States of America. There is only one appeal I have, and that is from the masses of the country, because from time immemorial silver has been the money of the masses. From time immemorial silver has been the money of the poor. From time immemorial silver has been the thing which has kept business going.

Let me use a homely illustration. Does anyone in the Senate remember the day when he had in his pocket a \$5 gold piece? It is a long time in the past; but when you had in your pocket that \$5 gold piece, do you remember the thought that you had? If you were among the poor where I have always been, you will remember my thoughts as I will repeat them to you. I thought, "I will not break that \$5 gold piece. I am going to sink it way down deep, because if I break it I am going to spend it, and if I spend it, it will be gone." But if you had in your pocket five silver dollars, you would say, "Come on, boys! Let's go."

It is the silver dollar that pays the bills. It is the silver dollar that rolls between the butcher and the baker and the candlestick maker. It is the silver dollar that made America.

If we are to relinquish the great cause of silver at this hour, if there are those who would surrender because of a momentary expediency, if momentary success means more than national consequences; if we are to forget the cause of the toiler in metalliferous mining sections for personal achievement in the next or succeeding elections, if faith in the Constitution of the United States is a mere fallacy, if personal fortune is more than national fortitude—then we will yield principle by the vote at 5 o'clock this afternoon and adopt policy. If we are to say to the silver miners of America, "You may stand on a basic line between what you can go on with and what you cannot go on with; namely, you could go on with 77-cent silver, but you cannot go on with 70-cent silver, but we will take you on the relief roll between the two," then vote for the conference report. Otherwise, vote it down, because principle is greater than anything else in all the world.

Mr. President, from telegrams which I have received from my home—I have them here in my pocket—I realize that my silver miners are saying to me, "Take the compromise. Do the best you can with it." Mr. President, if this were to mean my last vote in the Senate, I would go down with principle. If this is my last term in the Senate, then may God grant that my last term in the Senate will be spent in furtherance of what I believe to be right, and in furtherance of what I believe to be for the best interests of the people of the State in which I was born and reared. I would rather go down with principle than compromise with something that I know to be wrong.

Mr. HALE. Mr. President, I ask leave to have printed in the RECORD an editorial from this morning's New York Times on the legislation now before the Senate.

The PRESIDING OFFICER (Mr. HATCH in the chair). Without objection, it is so ordered.

The editorial is as follows:

[From the New York Times of Wednesday, July 5, 1939]

#### THE MONETARY BILL

There is disagreement in Washington regarding the situation that has been created by the defeat of the administration's monetary bill. The immediate question at issue is whether passage by the Senate of the measure which failed of enactment in the midnight session Friday evening will in itself be sufficient to reestablish the powers which the President desires, or whether—these powers having expired automatically on June 30 under existing legislation—entirely new legislation must now be initiated in both

Houses in order to re-create an authority which has ceased to exist. The point of law is one for legal minds to decide, and perhaps it will not be decided finally to the satisfaction of all parties until the question is carried to the courts. Meanwhile, so far as the common sense and the morals of the matter are concerned, the layman cannot fail to note that some of the administration's spokesmen have taken a curious position: First, in attempting to bring great pressure to bear to get the pending measure passed by midnight on Friday, on the ground that new legislation would be needed in case it failed to pass by that critical hour, and then, after the bill had failed to pass, in arguing that the precise hour of its passage does not matter anyway.

So far as the larger questions of policy are concerned, three points are at stake in the present controversy: (1) The President's power to devalue the dollar; (2) the maintenance of the \$2,000,000,000 exchange-stabilization fund; and (3) the provision for the purchase by the Treasury of domestically mined silver at a premium above the market. Of these three points it can be said:

1. Discontinuance of the President's power to devalue the dollar is greatly to be desired, on the ground that this will remove from the present economic situation a major source of continued uncertainty. So long as the President had such power—an arbitrary and personal power never before given to a Chief Executive in the whole history of the United States—there were bound to be intermittent rumors and guesses regarding what use he would make of it, with a consequent invitation to speculation and an accompanying uncertainty regarding the future value of the dollar in any plans involving long-term investment. It will be a step in the direction of greater monetary stability if all efforts to revive this power, now or later in the present session, are defeated.

2. There are sound reasons for desiring reestablishment of the stabilization fund. Moreover, there is every reason to believe that both Houses of Congress will readily approve such action, provided the question is presented in an independent measure, wholly separate from the question of power to devalue the dollar. Operation of the stabilization fund is a steadying influence in preventing unnecessary fluctuations in foreign exchange, standing in sharp contrast to the proposed arbitrary power to devalue.

3. As for purchases of silver: None of the proposals put forward during the present debate goes far enough, or in the right direction, to meet the real needs of the present situation. The whole silver-purchase program has been an egregious and unmitigated failure, the only visible results of which have been an unwarranted sop to the silver interests and the acquisition by the Treasury of some 2,000,000,000 ounces of a metal for which no earthly use is now in prospect. The time is long overdue for repeal of the entire Silver Purchase Act, lock, stock, and barrel.

Mr. PITTMAN. Mr. President, I offered an amendment to the amendment of the Senator from Colorado for the coinage of silver at \$1.29 an ounce, the monetary price, less 2 cents for seigniorage; there were 26 votes in this body for that amendment. I then modified the amendment so that it provided 77.5 cents an ounce, that is, on a 40-percent basis for seigniorage, and the amendment as so modified was adopted. However, about 8 votes would have defeated it.

There were some on this side who were very much interested in the domestic silver question who did not vote for the Adams amendment, and there were certain Senators on the other side who did vote for the Adams amendment and who did not vote for the silver amendment. I noticed that the distinguished Senator from Delaware did not vote for the domestic silver amendment.

Mr. President, I should like to take a chance, if there were reasonable hope of getting the miners of the West 77.5 cents for silver. I would take a chance on getting them the monetary price of \$1.29, as I have tried to do for 20 years. I think possibly I know the conditions of the miners as well as does anyone else in this country.

Our miners are now in a desperate situation. We do not know the price we are getting for silver. We know that the Government is not buying any domestic silver. I know that the President has no right to make a proclamation today with regard to domestic silver. He can, if he desires, direct the Secretary of the Treasury to pay more for domestic silver than the world market price of 38 cents an ounce in the Silver Purchase Act, and I know he is not going to do it. I know that the Secretary of the Treasury is not only prejudiced against domestic silver, but he is vindictive, and possibly some others are vindictive. There is no shadow of hope if any discretion is left in these bureaus.

We have begged those who had the authority to issue a proclamation, if and when they issued it, to issue it for 2 years, so that a person could adjust his business during that period of time, and possibly proceed to build a mill. But not until the last day, when the prior proclamation was ex-

piring, did they say or do anything. Then they made the price 64 cents an ounce, which price during the last year resulted in throwing 318,000 persons out of employment.

What information have we now as to whether they will provide any remedy in this matter? Friday night the right to issue the proclamation expired. The Department was urged to issue it before the authority expired, even if they issued it at the same old 64 cents an ounce, so that there would not be confusion in the entire industry. What is the condition now? There is not a man in the country who produces silver who knows where the market is or what the price will be. The foreign price is fixed by the Secretary of the Treasury, and the Secretary of the Treasury will not tell anyone in this country whether he is going to buy any more or at what price he will buy.

Mr. President, there are thousands of miners being thrown out of employment this very day. I venture to say that if the junior Senator from Idaho [Mr. CLARK] were on the floor of the Senate he would state that 7,000 miners have been thrown out of work in Idaho in the last week or 10 days. That is a condition which is intolerable. That is a condition bringing about suffering which we should not be required to face.

I should like to have the price of \$1.29 and I have fought for that for over 20 years. I had it fixed at a dollar an ounce under the Pittman Silver Act of 1918, when we were furnishing India with silver at \$1 an ounce, and put the silver back in the Treasury at a dollar an ounce from domestic production.

I went to London and negotiated the London agreement, through which we received 77½ cents an ounce for our silver for 3 years. But we have no longer any control over it. The treaty is dead; it is gone. We are at the mercy of a department now, and I know that that Department would like to put the price of silver down to the world price of silver, and that that Department would like to crowd the price of world silver down until those who depend on mining for a living, all kinds of mining, would all be dying of starvation.

In view of these facts I am faced with a serious question. I am faced with the question of whether I will take part in permitting this chaos in mining to go on for weeks and weeks, or whether I will accept without filibuster the price of 71 cents an ounce.

Mr. President, I was told by the senior Senator from Kentucky [Mr. BARKLEY] that there was great opposition to the domestic silver amendment; that two of the Democrats on the conference committee of the House were absolutely opposed to it; that he doubted whether they could possibly get over 64 cents an ounce. I said, "If you come back to the Senate with a provision for 64 cents an ounce, I will fight it as long as I can stand on the floor. I want you to fight for the 77½ cents an ounce." He wanted to know whether I would support the conference report if they could get a price half way between the 77 and the 64. I said, "Yes; if you try seriously to keep the price up, and if, mind you, you do not change the language of the amendment." I wrote out a clause that the silver would not be subject to the 50-percent tax, and insisted that it should go into the conference report.

The Senator from Kentucky told me that the House conferees wanted to extend the law for 2 years under the proclamation extending these other acts. I stated to him then that the silver provision is not connected with any other act on earth. Every act can die; this act stands alone. It is not an amendment; it is a law. It is not a silver purchase act. A man takes his silver to the mint and it is coined. It does not depend on the discretion of any bureau. He is away from all that, through with it, not for 6 months or 2 years, but forever. That price stands as the coinage figure forever, unless the law is repealed by Congress, and I venture to say that before Congress repeals the act it will pass another act, as soon as the Members of Congress become educated, recognizing that silver is money, and that the miners should have the privilege of coinage at the same rate the Government applies to everyone else, at \$1.29 an ounce.

Of course, we could defeat this conference report and ask for another conference on the bill, and then have the House conferees take the matter to the House and have a separate

vote in the House on each of the four amendments. What would happen to the domestic silver amendment? There are not one-fifth of the Members of the House who are interested in domestic silver. We would be "murdered." Should we take the matter to the House for a separate vote, or should we do what the distinguished Senator from Connecticut suggests, go back into the committee with it, and let them report four separate propositions? God knows what chance the domestic silver producers would have in this country, when most of the silver is produced in 5 States, and none of it is produced in any but 11 States. This is the only way on earth we could have gotten onto the statute books of this country a bill providing for the coinage of silver.

If we should kill the conference report, through what process would we then have to go? We would ask for another conference; and suppose that were granted us? Then we would ask for the appointment of other conferees. And who would they be? In what would they be interested? Would they be interested in domestic silver? Never. The House conferees would ask for a separate vote in the House, and domestic silver would be killed.

I would not want to give up the hope we have, with 15 or 20 Senators in this body voting for the coinage of silver, although they hated silver. I doubt whether we will ever have their love and affection again. I do not want to take a chance on it. We have had their support, and anyone who takes a chance by giving up this opportunity is dilly-dallying with idleness in the West, with the prosperity of metal mining, with the prosperity of the States of the West.

**THE PRESIDING OFFICER.** The question is on agreeing to the conference report, on which the yeas and nays have been ordered.

**MR. WAGNER.** Mr. President, I intend to take but very little time of the Senate. I was one of the members of the conference. I have already stated my attitude and my participation in that conference, and I have no apologies to make for it. I acted in what I conscientiously think was a proper performance of my duties.

I can understand the position of the Senator from Colorado. He is my friend and we agree on many things. But no one, least of all I, could raise any question that he was not a proper conferee on the relief measure, although upon the floor of the Senate he expressed opposition to several amendments which we adopted to the relief measure. Having such great confidence in him, I knew very well that going into that conference he would do his utmost to preserve the Senate amendments.

I myself was particularly interested in one amendment with reference to the theater project. I think an unfortunate thing was done in conference in that regard. But I know that the Senator did his best to preserve the amendment adopted by the Senate. The situation was similar with respect to other amendments.

Mr. President, I should be the last person to challenge the right of the Senator to participate in that conference because he opposed some of the amendments which were adopted. I have not the slightest feeling about it. I have been a judge. I know what it means to be disappointed in a result, and sometimes one gives expression to one's grievances. However, everyone must be generous in that regard.

But I will say that if anyone here had challenged the propriety of my sitting on the conference when I was appointed, I would, of course, have refused to serve. But no such suggestion was made, and I myself felt that it was entirely proper for me to serve on that committee.

As to the merits of the whole proposition, I took 2 hours of the Senate's time when the bill was originally brought to the Senate for consideration—perhaps more time than I was justified in doing—in explaining the provisions of the bill.

While I have listened to many arguments in the course of this debate, none of them have really challenged the statements made in that speech, particularly with reference to the effect of the President's action upon the prices of commodities in the United States, upon employment, and toward



stopping a terrific deflationary spiral which was bringing us to the brink of economic ruin. That spiral was arrested, and conditions thereafter improved.

I should now like to read briefly into the RECORD some views which I have on the legal question which has arisen, and then I shall conclude:

In view of some of the statements which have been made both on the floor of the Senate and elsewhere as to the effect of the adoption of the conference report (No. 1006, accompanying H. R. 3325), now before the Senate for consideration, I feel that as chairman of the Senate committee that has handled this legislation, and on behalf of the Senate conferees who approved the conference report, it would be appropriate to indicate very briefly what is intended to be accomplished by the conference report.

By paragraph (b) (2) of section 43 of the act of May 12, 1933, the President was given certain powers with respect to the fixing of the metallic content of the dollar and the coinage of silver. Section 10 of the Gold Reserve Act of 1934 set up a stabilization fund of \$2,000,000,000 and granted certain powers to the Secretary of the Treasury and the President to deal with the stabilization fund for certain specified purposes. The Gold Reserve Act of 1934 provided that both the stabilization-fund powers and the aforementioned powers in the act of May 12, 1933, were to expire on January 30, 1936, unless the President extended the powers for an additional year. This the President did by proclamation on January 10, 1936. By the act of January 23, 1937, the Congress extended all these powers until June 30, 1939. The bill now before the Senate for consideration is in precisely the same form as the act of January 23, 1937, except that the date, June 30, 1941, is substituted for the date June 30, 1939.

It was the intention of the Congress by the act of January 23, 1937, to extend until June 30, 1939, all of the powers specified in paragraph (b) (2) of section 43 of the act of May 12, 1933, as amended, and all of the powers of section 10 of the Gold Reserve Act relating to the stabilization fund. It is the unquestioned intention to accomplish by the conference report and the bill now up for consideration an identical extension of powers until June 30, 1941. And insofar as it is a question of congressional intention, it is completely immaterial whether the act of January 23, 1937, was, and the bill now before the Senate for consideration is, adopted before or after the expiration of the existing powers. If the conference report and the bill are adopted, the Congress, knowing of the expiration of the powers on June 30, 1939, will have intended thereby to continue the aforementioned powers unimpaired and to continue to make the stabilization fund available for the purposes specified in section 10 of the Gold Reserve Act, as amended, precisely as such powers and stabilization fund existed up to midnight of June 30, 1939.

It is my view that the language employed in the conference report, which is identical with the language employed by the Congress in 1937, except for the change in the expiration date, adequately and properly expresses the aforementioned intention to continue the stabilization fund and these monetary powers. I take this opportunity to state for the record that, in my opinion, such would be the intention of the Congress in adopting this conference report. If this report is adopted it would seem that there can be no question as to the intention of the Congress to continue the existence of the stabilization fund and aforementioned powers of the Secretary of the Treasury and of the President with respect to the stabilization fund, the fixing of the content of the dollar, and the coinage of silver, just as they had existed up to last Friday.

**Mr. BARKLEY.** Mr. President, I ask unanimous consent to insert at this point in the RECORD two memoranda on the legal phases of the pending matter, to which I had intended to refer, but did not have time to do so, because I yielded so much of my time to my colleague.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

It appears that a question has arisen whether the moneys in the stabilization fund established pursuant to section 10 (b) of the act of January 30, 1934 (48 Stat. 341; U. S. C., title 31, sec. 822a (b)), must be now covered into the Treasury of the United States. The question, it is understood, arises because of the failure of the Congress, prior to midnight, June 30, 1939, to amend section 10 (c) of the afore-mentioned act, as amended by section 1 of the act of January 23, 1937 (50 Stat. 4; U. S. C., Supp. IV, title 31, sec. 822a (c)), by substituting the date of June 30, 1941, in lieu of the expiration date of June 30, 1939. If the moneys in the stabilization fund must now be covered into the Treasury, it is clear that they cannot, after such coverage, be withdrawn from the Treasury save in consequence of an appropriation made by law (art. I, sec. 9, cl. 7, of the Constitution). However, it is submitted that the moneys in the stabilization fund need not at this time be covered into the Treasury of the United States.

Section 10 of the act of January 30, 1934 (48 Stat. 341), as amended by section 1 of the act of January 23, 1937 (50 Stat. 4), provides:

"(a) For the purpose of stabilizing the exchange value of the dollar, the Secretary of the Treasury, with the approval of the

President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to carry out the purpose of this section. An annual audit of such fund shall be made and a report thereof submitted to the President.

"(b) To enable the Secretary of the Treasury to carry out the provisions of this section, there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 7 hereof, the sum of \$2,000,000,000, which sum, when available, shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the 'fund') under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine are not currently required for stabilizing the exchange value of the dollar. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

"(c) All the powers conferred by this section shall expire June 30, 1939, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated."

Section 7 of the act of January 30, 1934 (48 Stat. 341), referred to in section 10, provides:

"In the event that the weight of the gold dollar shall at any time be reduced, the resulting increase in value of the gold held by the United States (including the gold held as security for gold certificates and as a reserve for any United States notes and for Treasury notes of 1890) shall be covered into the Treasury as a miscellaneous receipt; and, in the event that the weight of the gold dollar shall at any time be increased, the resulting decrease in value of the gold held as a reserve for any United States notes and for Treasury notes of 1890, and as security for gold certificates shall be compensated by transfers of gold bullion from the general fund, and there is hereby appropriated an amount sufficient to provide for such transfers and to cover the decrease in value of the gold in the general fund."

From the above-quoted provisions, it seems clear that the stabilization fund was established from moneys appropriated out of miscellaneous receipts in the Treasury and that the moneys in the fund are now held on deposit with the Treasurer of the United States, subject to the control of the Secretary of the Treasury, with the approval of the President. It is understood from the accounting officers of the Treasury Department that the \$2,000,000,000, referred to in section 10 (b), were taken out of the Treasury pursuant to an appropriation warrant and were deposited by the Secretary of the Treasury with the Treasurer of the United States.

An examination of the Federal statutes reveals only two sections which seem relevant to the present inquiry. They are section 3690 of the Revised Statutes of 1873 (U. S. C. title 31, sec. 712), and section 5 of the act of June 20, 1874 (18 Stat. 110), as amended (U. S. C., title 31, sec. 713). (Sec. 3691 of the Revised Statutes of 1873 (U. S. C., title 31, sec. 715) relates, apparently, to accounts inactive for 2 years.) The former of those two statutes provides, as it appears in the code:

"Balances of appropriations, expenditure: Except as otherwise provided by law, all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations."

The latter provides, as it appears in the code:

"Same; carried to surplus fund: After the 1st day of July in each year the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for 2 fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, or public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress."

It seems clear that section 3690 of the Revised Statutes of 1873 is not here applicable. In 1870 (13 Op. Atty. Gen. 288, 290) Attorney General Akerman had occasion to consider the provisions of the statute which was subsequently incorporated into the Revised Statutes of 1873 as section 3690. He stated that to bring a balance within the provisions of that statute such balance must remain from an appropriation contained in one of the annual appropriation bills. The moneys in the stabilization fund, now held with the Treasurer of the United States, were not derived from an annual appropriation bill.

Turning now to section 5 of the act of June 20, 1874 (18 Stat. 110, as amended, U. S. C., title 31, sec. 713), it is apparent that

such section, even if applicable, will not require the moneys in the stabilization fund to be carried to the surplus fund and covered into the Treasury prior to the end of the fiscal year ending June 30, 1941.

The money appropriated pursuant to section 10 (b) of the act of January 30, 1934, as stated above, was withdrawn from the Treasury pursuant to an appropriation warrant and placed on deposit with the Treasurer of the United States, under the control of the Secretary of the Treasury, with the approval of the President. It would seem, therefore, that the situation is analogous to that where money is withdrawn from the Treasury pursuant to an appropriation and placed under the control of a disbursing officer. That latter situation was considered in 1877 (15 Op. Atty. Gen. 357) by Attorney General Charles Devens in an opinion directed to the Honorable John Sherman, Secretary of the Treasury. In that opinion it was ruled that it became the duty of the disbursing officer to repay the funds under his control, in order that they might be carried to the surplus fund and thereafter covered into the Treasury, only after the appropriations under which the funds were withdrawn from the Treasury had lapsed under the provisions of section 5 of the act of June 20, 1874.

That section 5 of the 1874 act does not operate to require carrying unexpended balances of appropriations to surplus for 2 years following the last date upon which appropriated funds are available for obligation is fundamental. Among other authorities, see the decision by Secretary of the Treasury John Sherman, dated April 20, 1877; (1897) 3 Comp. Dec. 623, 627; (1901) 8 Comp. Dec. 369, 374; (1929) 9 Comp. Gen. 43, 45. See also (1920) 32 Op. Atty. Gen. 359, 360.

The decisions in 1901 (8 Comp. Dec. 369) and 1929 (9 Comp. Gen. 43) are particularly relevant to the instant inquiry. In the former case, Congress made an appropriation for national-defense purposes of \$50,000,000 which expired on June 30, 1899. Comptroller of the Treasury Tracewell ruled that section 5 of the act of June 20, 1874, required the money to be finally carried to the surplus fund and covered into the Treasury at the end of the fiscal year ending June 30, 1901. In other words, he held that the 2-year period was applicable.

In the decision in 1929 (9 Comp. Gen. 43) Comptroller General McCarl had before him a case in which the appropriation act provided that the appropriation should be available during the fiscal years 1917 and 1918. He ruled that under section 5 of the act of June 20, 1874, the unexpended balance of that appropriation should have been carried to the surplus fund as of June 30, 1920, 2 years after the expiration of the appropriation.

In view of the foregoing, it is clear that the moneys now on deposit with the Treasurer of the United States in the stabilization fund are not required to be carried to the surplus fund and covered into the Treasury at any time prior to June 30, 1941.

There is, however, a matter which is collateral to the instant inquiry which may deserve some consideration. As was stated above, it is clear, under the Constitution, that once money is covered into the Treasury it can be withdrawn only in consequence of appropriations made by law. It must be remembered, however, that the constitutional provision operates only after the money has been covered into the Treasury. Money is not covered into the Treasury automatically. Section 305 of the Revised Statutes of 1873, as amended (U. S. C., title 31, sec. 147), defines the duties of the Treasurer of the United States. It is therein provided, as the section appears in the code:

"He shall take receipts for all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid."

In 1907 (14 Comp. Dec. 20, 21-22) Comptroller of the Treasury Tracewell said, with regard to the matter of covering money into the Treasury and with regard to the last-quoted statutory provision:

"The process of receiving money into the Treasury of the United States is by first making a deposit of the money with the Treasurer, who issues a certificate of deposit therefor; and the Secretary of the Treasury thereupon issues a covering-in warrant, which authorizes the Treasurer to take up in his accounts the money deposited with him. The deposit of the money with the Treasurer in the first instance is in the nature of a tender, the acceptance of which is signified by the issuing of the covering-in warrant. It is assumed the warrant issues in the regular course of business, but whether it is done promptly or otherwise cannot in this case affect the question from what date interest is to be computed where interest is legally payable.

"Under section 305, Revised Statutes, as amended, \* \* \* no acknowledgment for money received into the Public Treasury is valid without a warrant signed by the Secretary. The law makes the issuing of the warrant necessary to complete and give validity to the transaction, and until it issues it is apparently still in the power of the Secretary of the Treasury to decline to receive the deposit. In this respect the transaction differs from the usual banking practice, where the deposit is accepted by the bank's entry in the depositor's passbook immediately upon the tender of the deposit.

"I am of opinion the warrant is the evidence that the money has been received into the Treasury. \* \* \*

It would seem to follow, therefore, that until there is a warrant signed by the Secretary of the Treasury (and under section 11

of the act of July 31, 1894, 28 Stat. 209, as amended by section 304 of the Budget and Accounting Act, 1921, 42 Stat. 24 (U. S. C., title 31, sec. 76), countersigned in the General Accounting Office) money has not been covered into the Treasury so that the constitutional prohibition against withdrawal becomes applicable.

Whether the enactment of H. R. 3325 will be sufficient to extend the powers relating to the devaluation of the dollar and the stabilization fund although these powers expired at midnight on June 30 is solely a question of the intent of Congress. This intent is to be ascertained from the language of H. R. 3325 as enacted and from the legislative history of the bill preceding its enactment.

The courts have reiterated time and time again that "the one fundamental and unalterable rule of statutory construction—a rule which at once defines the office of the judiciary and marks the boundary of their legitimate authority—is that the whole object of all interpretation is to seek out and enforce the actual meaning and intention of the law-making body." Black on Interpretation of Laws (second edition, p. 46, et seq.). As the Supreme Court of the United States said in *Atkins v. The Disintegrating Co.* (1873, 18 Wall. 272, 301), "The intention of the lawmaker constitutes the law," or as the Supreme Court said in a more recent case, *U. S. v. Stone & Downer Co.* (1927, 274 U. S. 225, 239), "In this case, as in every other involving the interpretation of a statute, the intention of Congress is an all-important factor." There are literally scores of cases supporting this proposition, most of them early, because the proposition is so firmly established that the courts no longer deem it necessary to cite authorities.

In the present situation since every Member of Congress is fully cognizant of the fact that the powers under consideration expired at midnight on June 30, it is obvious that if H. R. 3325 is enacted at any time after June 30, the clear intent of the majority of Congress was that such powers be continued.

In order for the statute to be removed from the statute books, it would be necessary for Congress expressly to repeal it. Obviously, this has not been done. On the contrary, H. R. 3325, whether passed before or after June 30, 1939, merely removes the limitation as to the period within which the powers under the statute may be exercised by the President and the Secretary of the Treasury and constitutes a new cut-off date.

Furthermore, this is not a case where a statute has been repealed and wiped off the statute books by Congress, but rather a case where powers conferred by a statute may no longer be exercised. That there is a distinction between statutes which have been repealed and statutes such as the one under consideration, is clear.

The moneys in the stabilization fund did not pass into the Treasury as a result of the failure of the Congress to enact H. R. 3325 prior to midnight, June 30, 1939.

The moneys in the fund were appropriated out of miscellaneous receipts in the Treasury, and are now held on deposit with the Treasurer of the United States, subject to the control of the Secretary of the Treasury with the approval of the President, having been taken out of the Treasury pursuant to an appropriation warrant and deposited by the Secretary of the Treasury.

Unexpended balances of appropriations do not pass into the Treasury automatically. Under section 305 of the Revised Statutes of 1873, as amended (U. S. C., title 31, sec. 147), it has been ruled that money is not covered into the Treasury until the Secretary of the Treasury signs a covering warrant (1907, 14 Comp. Dec. 20). No such covering warrant has been signed with regard to the balance in the fund. It follows, of course, that the fund is not now "in the Treasury," and is not, therefore, subject to the prohibition in article I, section 9, clause 7, of the Constitution, against drawing money from the Treasury except in consequence of an appropriation made by law.

The only Federal statute relevant to the present problem is section 5 of the act of June 20, 1874 (18 Stat. 110, as amended; U. S. C., title 31, sec. 713). Under this statute, even though H. R. 3325 were not enacted, the unexpended balance of the fund would not have to be covered into the Treasury until June 30, 1941 (1897, 3 Comp. Dec. 623, 627); (1901, 8 Comp. Dec. 369, 374); (1929, 9 Comp. Gen. 43, 45). During this period of 2 years this fund would remain available for the liquidation of commitments made out of the fund during the period when the President and the Secretary of the Treasury could exercise their powers under the act. Obviously, the Secretary of the Treasury could cover the money into the surplus fund of the Treasury at any time within the 2-year liquidation period, but he would not be obliged to do so until June 30, 1941.

Since the moneys in the fund are not "in the Treasury," they need not be appropriated, and an expression of the intent of Congress that they be made available until June 30, 1941, for the purposes for which originally appropriated is all that is necessary to make such moneys so available. If an appropriation is needed, this bill constitutes such an appropriation. If H. R. 3325 is enacted the fund will be available for the purposes therein specified until June 30, 1941.

Mr. WALSH. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial published in the New York Times of today, entitled "The Monetary Bill," which clearly and definitely expresses my view, particularly with respect to the purchase of silver.



The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Times, July 5, 1939]

THE MONETARY BILL

There is disagreement in Washington regarding the situation that has been created by the defeat of the administration's monetary bill. The immediate question at issue is whether passage by the Senate of the measure which failed of enactment in the midnight session Friday evening will in itself be sufficient to reestablish the powers which the President desires, or whether—these powers having expired automatically on June 30 under existing legislation—entirely new legislation must now be initiated in both houses in order to recreate an authority which has ceased to exist. The point of law is one for legal minds to decide, and perhaps it will not be decided finally to the satisfaction of all parties until the question is carried to the courts. Meanwhile, so far as the common sense and the morals of the matter are concerned, the layman cannot fail to note that some of the administration's spokesmen have taken a curious position—first, in attempting to bring great pressure to bear to get the pending measure passed by midnight on Friday, on the ground that new legislation would be needed in case it failed to pass by that critical hour, and then, after the bill had failed to pass, in arguing that the precise hour of its passage does not matter anyway.

So far as the larger questions of policy are concerned, three points are at stake in the present controversy: (1) The President's power to devalue the dollar; (2) the maintenance of the \$2,000,000,000 exchange stabilization fund; and (3) the provision for the purchase by the Treasury of domestically mined silver at a premium above the market. Of these three points it can be said:

1. Discontinuance of the President's power to devalue the dollar is greatly to be desired, on the ground that this will remove from the present economic situation a major source of continued uncertainty. So long as the President had such power—an arbitrary and personal power never before given to a Chief Executive in the whole history of the United States—there were bound to be intermittent rumors and guesses regarding what use he would make of it, with a consequent invitation to speculation and an accompanying uncertainty regarding the future value of the dollar in any plans involving long-term investment. It will be a step in the direction of greater monetary stability if all efforts to revive this power, now or later in the present session, are defeated.

2. There are sound reasons for desiring reestablishment of the stabilization fund. Moreover, there is every reason to believe that both houses of Congress will readily approve such action, provided the question is presented in an independent measure, wholly separate from the question of power to devalue the dollar. Operation of the stabilization fund is a steady influence in preventing unnecessary fluctuations in foreign exchange standing in sharp contrast to the proposed arbitrary power to devalue.

3. As for purchases of silver: none of the proposals put forward during the present debate goes far enough, or in the right direction, to meet the real needs of the present situation. The whole silver-purchase program has been an egregious and unmitigated failure, the only visible results of which have been an unwarranted sop to the silver interests and the acquisition by the Treasury of some 2,000,000,000 ounces of a metal for which no earthly use is now in prospect. The time is long overdue for repeal of the entire Silver Purchase Act, lock, stock, and barrel.

Mr. SHIPSTEAD. Mr. President, I ask to have printed in the Record at this point, as part of my remarks, a statement suggesting disposition of the stabilization fund of \$2,000,000,000.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

A STATEMENT SUGGESTING DISPOSITION OF THE STABILIZATION FUND OF \$2,000,000,000 IN GOLD NOW IN THE TREASURY, HAVING BEEN TRANSFERRED THERE BY LIMITATION OF LEGISLATION NOT RENEWED BY THE FAILURE OF THE PASSAGE OF THE CONFERENCE REPORT LAST WEEK

I suggest creating a stabilization fund of \$500,000,000 for the purpose of maintaining the purchasing power of the dollar in foreign commodity markets, as measured by reputable wholesale prices indices of this and other countries, at levels reasonably stable and calculated to permit normal trade to be carried on, the fund to be administered by the Secretary of the Treasury; an annual report of the main direction and operation of the fund to be incorporated in the annual report of the Secretary of the Treasury, and the fund to be liquidated so as to terminate on July 31, 1949, the entire proceeds of liquidation to be paid over to the sinking fund of the public debt.

Take the remaining billion and a half now lying dormant in the Treasury, earmark it, and issue cash against it sufficient to retire the "I O U's" in the social-security fund. These should be retired not later than January 30, 1940. The 3-percent notes held by the old-age reserve account of the Treasury (in the amount of \$1,094,300,000 on May 31, 1939), the 3-percent notes held by the railroad retirement account of the Treasury (in the

amount of \$67,200,000 on May 31, 1939), the 2½-percent certificates of indebtedness held by the unemployment trust fund of the Treasury (in the amount of \$1,280,000,000 on May 31, 1939), totaling \$2,441,500,000 as of May 31, 1939. Any increment in value from either gold or silver realized hereafter shall be applied to this purpose until the retirement shall have been completed. The cash so received by the several accounts shall be set up as an investment fund for the three accounts for the purpose of buying United States Government securities whenever available, regardless of yield. Future gold and silver increments shall be added to the investment fund, and so shall all old-age and unemployment contributions. Rates of increase in the percentage of such contributions heretofore enacted shall be repealed, and the rates now in effect shall remain the permanent contributions.

When the various funds, above mentioned, have been retired, use the fund to purchase bonds for the social-security fund. This will wipe out the present "I O U's" in the social-security fund and replace in that fund United States Government bonds bought in the open market at such times as the Treasury finds it necessary to support the Federal bond market, and, as already stated, the remaining \$500,000,000 of the \$2,000,000,000 former stabilization fund can be continued for the use of stabilization as heretofore.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	King	Radcliffe
Ashurst	Donahey	La Follette	Reed
Austin	Ellender	Lee	Russell
Bailey	George	Lodge	Schwartz
Bankhead	Gerry	Logan	Schwollenbach
Barbour	Gibson	Lucas	Sheppard
Barkley	Gillette	Lundeen	Shipstead
Bilbo	Glass	McCarran	Slatery
Bone	Green	McKellar	Smathers
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Tobey
Byrd	Hatch	Murray	Townsend
Byrnes	Hayden	Neely	Tydings
Capper	Herring	Norris	Vandenberg
Chavez	Holman	Nye	Van Nuys
Clark, Idaho	Holt	O'Mahoney	Wagner
Clark, Mo.	Hughes	Overton	Walsh
Connally	Johnson, Calif.	Pepper	White
Danaher	Johnson, Colo.	Pittman	Wiley

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report. On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). On this question I have a pair with the Senator from Utah [Mr. THOMAS] and withhold my vote. If I were at liberty to vote I should vote "nay." I understand that if the Senator from Utah were present he would vote "yea."

Mr. HARRISON (when his name was called). I have a pair with the senior Senator from Oregon [Mr. McNARY]. I transfer the pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "yea." I am advised that the Senator from Arkansas would vote "yea."

Mr. REED (when his name was called). I have a pair with the Senator from Alabama [Mr. HILL]. I understand that if the Senator from Alabama were present he would vote "yea." If I were at liberty to vote I should vote "nay." I withhold my vote.

The roll call was concluded.

Mr. NYE. On this question, my colleague [Mr. FRAZIER], has a pair with the junior Senator from Missouri [Mr. TRUMAN]. I am informed that if my colleague were present and voting he would vote "nay." I understand that if the Senator from Missouri were present he would vote "yea."

Mr. AUSTIN. The Senator from Oregon [Mr. McNARY] is absent because of illness. If present and voting, I am informed that he would vote "nay." He is paired, as announced by the Senator from Mississippi [Mr. HARRISON].

Mr. MINTON. I announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS] the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Utah [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are absent on important public business.

The Senator from Montana [Mr. WHEELER] is detained because of an important engagement made several weeks ago. I am advised that if present and voting, he would vote "yea."

The Senator from Missouri [Mr. TRUMAN] is paired with the Senator from North Dakota [Mr. FRAZIER]. I am advised that if present and voting, the Senator from Missouri would vote "yea," and the Senator from North Dakota would vote "nay."

The Senator from Florida [Mr. ANDREWS] is paired with the Senator from South Carolina [Mr. SMITH]. I am advised that if present and voting, the Senator from Florida would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 43, nays 39, as follows:

## YEAS—43

Bankhead	Gillette	Lucas	Pittman
Barkley	Green	McKellar	Radcliffe
Bilbo	Guffey	Mead	Schwartz
Bone	Harrison	Miller	Schwellenbach
Borah	Hatch	Minton	Sheppard
Byrnes	Hayden	Murray	Slattery
Chavez	Herring	Neely	Smathers
Clark, Idaho	Hughes	Norris	Stewart
Connally	La Follette	O'Mahoney	Thomas, Okla.
Donahay	Lee	Overton	Wagner
Ellender	Logan	Pepper	

## NAYS—39

Adams	Danaher	Johnson, Calif.	Taft
Ashurst	Davis	Johnson, Colo.	Tobey
Austin	George	King	Townsend
Bailey	Gerry	Lodge	Tydings
Barbour	Gibson	Lundeen	Vandenberg
Bulow	Glass	McCarran	Van Nuys
Burke	Gurney	Maloney	Walsh
Byrd	Hale	Nye	White
Capper	Holman	Russell	Wiley
Clark, Mo.	Holt	Shipstead	

## NOT VOTING—14

Andrews	Downey	Reed	Truman
Bridges	Frazier	Reynolds	Wheeler
Brown	Hill	Smith	
Caraway	McNary	Thomas, Utah	

So the report was agreed to.

#### SALE OF PHOTOGRAPHS, MOSAICS, AND MAPS, DEPARTMENT OF AGRICULTURE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 387 of the act entitled "An act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes," approved February 16, 1938, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry.

#### DRAFTS OF PROPOSED LEGISLATION, DEPARTMENT OF COMMERCE—SAFETY EQUIPMENT OF VESSELS

The VICE PRESIDENT laid before the Senate two letters from the Under Secretary of Commerce, transmitting drafts of proposed legislation to amend section 4471 of the Revised Statutes of the United States as amended (U. S. C., 1934 ed., title 46, sec. 464), and to amend section 4488 of the Revised Statutes of the United States as amended (U. S. C., 1934 ed., title 46, sec. 481), which, with the accompanying papers, were referred to the Committee on Commerce.

#### CONTRACTS UNDER CIVIL AERONAUTICS AUTHORITY

The VICE PRESIDENT laid before the Senate a letter from the chairman of the Civil Aeronautics Authority, transmitting, pursuant to law, a report of contracts entered into under appropriations providing for the establishment of additional aids to air navigation, together with copy of all certificates made by the Administrator in the Civil Aeronautics Authority covering such contracts, which, with the accompanying papers, was referred to the Committee on Commerce.

#### REPORT OF CONSUMERS' COUNSEL, NATIONAL BITUMINOUS COAL COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Consumers' Counsel, National Bituminous Coal Commission, transmitting, pursuant to law, the annual report of the Office of the Consumers' Counsel of the Commission for the fiscal year ended June 30, 1939, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from B. F. Combs, of East Berkshire, Vt., praying for the repeal of Public Act No. 776, Seventy-fifth Congress (H. R. 8047) an act to amend the Meat Inspection Act of March 4, 1907, as amended and extended, with respect to its application to farmers, retail butchers, and retail dealers, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the annual convention of the Delta Council assembled at Leroy Percy State Park, Miss., favoring the promotion and retirement, in appreciation and as a mark of recognition to his work in the control of the floodwaters of the Mississippi, of Brig. Gen. Harley B. Ferguson, president of the Mississippi River Commission, as a major general of the Army with the emoluments of that rank, which was referred to the Committee on Commerce.

He also laid before the Senate a letter from the National Association of Western Electric Employees, G. R. Davis, treasurer, Arlington, Va., relative to amendment of the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Local No. 209, Oil Workers International Union, of Seminole, Okla., protesting against the verdict rendered by the United States circuit court of appeals in the so-called Apex case and favoring further amendment and simplification of the Sherman antitrust law, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the Sheffield (Ala.) Board of Trade, favoring location of the principal office of the T. V. A. in the immediate vicinity of Muscle Shoals, Ala., which was ordered to lie on the table.

Mr. WALSH presented resolutions of the Common Council of Everett and the Board of Aldermen of Chelsea, both in the State of Massachusetts, protesting against the action of the British Government relative to the Balfour declaration and the Jewish Home under the Palestine mandate, which were referred to the Committee on Foreign Relations.

Mr. HOLT presented a resolution of Council No. 37, of Harrisville, W. Va., favoring the enactment of legislation to prohibit the immigration of aliens until the number of unemployed persons in the United States fall below the 5,000,000 mark, which was referred to the Committee on Immigration.

He also presented the petition of the Yeomen Club, of Keyser, W. Va., praying for the establishment of a National Guard Unit in Keyser, W. Va., which was referred to the Committee on Military Affairs.

Mr. SHEPPARD. I present for publication in the RECORD and appropriate reference House Concurrent Resolution No. 157 of the Texas Legislature relating to cotton.

The resolution was referred to the Committee on Post Offices and Post Roads, and, under the rule, ordered to be printed in the RECORD, as follows:

#### House Concurrent Resolution 157

Whereas Texas has gone on record as favoring a wider use of cotton and research efforts to find new uses for cotton, and further has by resolution in the State senate undertaken to find new uses by offering a suitable reward or compensation to those making discoveries which would require the use of raw cotton in manufacturing and processing undertakings; and

Whereas each new found use for cotton tends to increase employment of labor and to reduce any surpluses which may exist; and

Whereas the United States now uses jute instead of cotton for its requirement for twines in the post offices and other departments of the Government; and

Whereas the policy of the Federal Government in importing twines made of jute when it could, by the purchase of cotton twine, help to



use a part of the cotton surplus, increase employment here in the United States, and add somewhat to the increase of national wealth: Therefore be it

*Resolved by the House of Representatives of the State of Texas (the senate concurring).* That the Government of the United States be and is hereby urged to make use of cotton twine instead of jute twine; and be it further

*Resolved.* That a copy of this resolution be furnished the President, the Vice President, the Postmaster General, and members of the Texas delegation in the Congress of the United States.

The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Post Offices and Post Roads.

#### REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 805) for the relief of George S. Geer, reported it without amendment and submitted a report (No. 720) thereon.

Mr. HUGHES, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1881. A bill for the relief of Banks Business College (Rept. No. 721); and

S. 2513. A bill for the relief of certain persons whose property was damaged or destroyed as a result of the crashes of two airplanes of the United States Navy at East Braintree, Mass., on April 4, 1939 (Rept. No. 722).

Mr. BAILEY, from the Committee on Commerce, to which was referred the bill (S. 1960) to amend certain provisions of the Merchant Marine and Shipping Acts, to further the development of the American merchant marine, and for other purposes, reported it with an amendment and submitted a report (No. 724) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 2273) to authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Seattle, King County, Wash., with improvements thereon, reported it with an amendment and submitted a report (No. 725) thereon.

He also, from the same committee, to which was referred the bill (S. 2599) to amend the Naval Reserve Act of 1938 (Public, No. 732, 52 Stat. 1175), reported it without amendment and submitted a report (No. 726) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6065) to authorize major overhauls for certain naval vessels, and for other purposes, reported it with amendments and submitted a report (No. 727) thereon.

#### LANDS AT PORT OF CASCADE LOCKS, OREG.—NEW REPORT

Mr. SHEPPARD. I request unanimous consent to withdraw Senate Report No. 636 on the bill (S. 255) authorizing the Secretary of War to convey to the port of Cascade Locks, Oreg., certain lands for municipal purposes, in order that a new report may be submitted by the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HOLMAN subsequently, from the Committee on Military Affairs, submitted a report (No. 723) to accompany Senate bill 255, heretofore reported from that committee with an amendment.

#### RECOMMITTAL OF A BILL

Mr. SHEPPARD. I move to recommit Calendar No. 602, being the bill (S. 506) to provide for a more efficient and economical mileage table of distances and routes to apply for the payments of travel performed for the United States Government by the military personnel, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, to the Committee on Military Affairs for further consideration by the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

#### ENROLLED BILL PRESENTED

Mr. REED (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on June 30, 1939, that committee presented to the President of the United States the

enrolled bill (S. 2618) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of California:

S. 2743 (by request). A bill amending section 6 of the act entitled "An act granting to the city and county of San Francisco certain rights-of-way in, over, and through certain public lands, the Yosemite National Park and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes," approved December 19, 1913 (38 Stat. 242); to the Committee on Public Lands and Surveys.

By Mr. KING:

S. 2744. A bill to amend an act of Congress entitled "An act to regulate the employment of minors within the District of Columbia," approved May 29, 1928; and

S. 2745. A bill to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases; to the Committee on the District of Columbia.

By Mr. BURKE:

S. 2746. A bill for the relief of Thomas J. Pryor; to the Committee on Claims.

By Mr. BAILEY:

S. 2747. A bill relating to the retirement of employees to whom the provisions of section 6 of the act approved June 20, 1918 (40 Stat. 608; U. S. C., 1934 edition, title 33, sec. 763), as amended, apply; to the Committee on Commerce.

By Mr. SHEPPARD:

S. 2748. A bill to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes; to the Committee on Commerce.

By Mr. McCARRAN:

S. J. Res. 166. Joint resolution making an appropriation for the establishment and improvement of landing areas; to the Committee on Appropriations.

#### CHANGE OF REFERENCE

On motion by Mr. WALSH, the Committee on Naval Affairs was discharged from the further consideration of the bill (S. 1643) to provide pensions at wartime rates for disability or death incurred in line of duty as a direct result of the conflict in the Far East, and it was referred (with the accompanying papers) to the Committee on Finance.

#### AMENDMENT OF RAILROAD RETIREMENT ACT—AMENDMENT

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 1784) to amend the Railroad Retirement Act of 1937, which was referred to the Committee on Interstate Commerce and ordered to be printed.

#### BLOCK BOOKING AND BLIND SELLING OF MOTION-PICTURE FILMS—AMENDMENTS

Mr. NEELY submitted three amendments intended to be proposed by him to the bill (S. 280) to prohibit and to prevent the trade practices known as compulsory block booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce, which were ordered to lie on the table and to be printed.

#### AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

Mr. CONNALLY submitted an amendment and Mr. SCHWELLENBACH submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. WAGNER. Mr. President, I submit amendments intended to be proposed by me to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes. I also pre-

sent a letter from Matthew Woll, vice president of the American Federation of Labor, relative to that act. I ask that the amendments and letter may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendments and letter were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. WAGNER to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, viz: On page 70, strike out lines 7 to 10, inclusive.

Beginning on page 72, line 10, strike out down to page 74, line 24, inclusive.

On page 80, strike out lines 1 to 16, inclusive, and renumber the subsections accordingly.

On page 94, after line 13, insert a new section, as follows:

"Sec. 616. (a) There is hereby authorized to be established by the Senate Committee on Finance and the House Committee on Ways and Means, in cooperation with the Social Security Board, an Advisory Council on Unemployment Insurance, representing employers, employees, and the general public, to study and report to the respective committees on the following matters concerning unemployment insurance:

- "1. Scope and coverage.
- "2. Amount, character, duration, and qualification for benefits.
- "3. Advisability and nature of individual employer and State unemployment experience ratings for tax purposes.
- "4. Size, character, adequacy, and disposition of reserves.
- "5. Source, character, and method of financing.
- "6. Coordination of unemployment insurance with relief, work relief, and other programs for alleviating economic distress among the unemployed.
- "7. Pertinent experience in the operation and administration of existing unemployment insurance laws.
- "8. Any other matters which either of the above-mentioned committees or the Social Security Board may deem relevant to the inquiry.

"(b) The Social Security Board shall furnish all necessary technical assistance in connection with the foregoing."

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., June 22, 1939.

HON. ROBERT F. WAGNER,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The American Federation of Labor committee on social security feels that developments in unemployment compensation legislation have created a very serious situation. As you know, failure to write Federal standards into the Social Security Act has resulted in widely varying conditions being written into the laws of 51 jurisdictions concerned by the Social Security Act. The laws themselves are highly complicated and the administrative procedure and machinery even more complicated.

The legislatures of the various States are beset by propaganda from organizations determined to reduce the tax rate by any method, quite irrespective of whether the purposes of the act have been realized. It seems to our committee, therefore, that there should be created a public commission to review the legislative and administrative situations and to make recommendations that will enable us to accomplish the purposes of unemployment compensation more effectively.

Such a commission should consist of representatives of employers, workers, the general public, and technicians who are competent to evaluate developments. Such a commission should be able to employ its own experts for research purposes although it should also have access to the information and research services of the Social Security Board. A similar commission in the field of old-age insurance performed valuable services. At the present time we very much need study and evaluation that insures the necessary changes both in fundamentals of the law and administrative procedures.

It would be most fitting for you, whose name is associated with the Social Security Act as sponsor, to introduce a Senate resolution. Such a resolution is in accord with the conclusions of our committee.

Very respectfully yours,

MATTHEW WOLL,  
Vice President, American Federation of Labor;  
Chairman, Social Security Committee.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Harry Wilbur Griswold, late a Representative from the State of Wisconsin, and transmitted the resolution of the House thereon.

The message informed the Senate that, pursuant to the provisions of the foregoing resolutions, the Speaker pro tempore appointed Mr. SCHAFER of Wisconsin, Mr. MURRAY, Mr. JOHNS, and Mr. HULL members of a committee, to join with such members of the Senate as may be appointed, to attend the funeral of the deceased Representative.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 2310. An act to provide national flags for the burial of honorably discharged former service men and women;

H. R. 4674. An act to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif.;

H. R. 5722. An act for the relief of Evelyn Gurley-Kane; and

H. J. Res. 133. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

#### ONE HUNDRED AND SIXTY-THIRD ANNIVERSARY OF DECLARATION OF INDEPENDENCE—ADDRESS BY SENATOR BARKLEY

[Mr. RADCLIFFE asked and obtained leave to have printed in the RECORD an address delivered by Senator BARKLEY at the Washington Monument, Washington, D. C., July 4, 1939, on the one hundred and sixty-third anniversary of the adoption by the Continental Congress of the American Declaration of Independence, which appears in the Appendix.]

#### NEUTRALITY—ADDRESS BY SENATOR WALSH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an address on the subject of neutrality, delivered by Senator WALSH at Fitchburg, Mass., on July 4, 1939, which appears in the Appendix.]

#### AMERICAN CIVIL LIBERTIES—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah before the National Education Association at San Francisco, Calif., July 4, 1939, on the subject of a Teacher's Interest in the Preservation of American Civil Liberties, which appears in the Appendix.]

#### THE FAR EAST AND AMERICA—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah before the Institute of Far Eastern Studies at the University of Michigan, Ann Arbor, Mich., June 29, 1939, on the subject The Far East and America, which appears in the Appendix.]

#### THIRD PRESIDENTIAL TERM—ADDRESS BY SENATOR GUFFEY

[Mr. BURKE asked and obtained leave to have printed in the RECORD a radio address delivered by the Senator from Pennsylvania [Mr. GUFFEY] on July 3, 1939, on the subject of a Third Presidential Term, which appears in the Appendix.]

#### ADDRESS BY SENATOR HOLT AT NEW YORK CITY ON CITIZENSHIP DAY

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address delivered by himself at New York City on Citizenship Day, June 25, 1939, which appears in the Appendix.]

#### LAYING OF CORNERSTONE OF NATIONAL CANCER INSTITUTE—ADDRESS BY SURGEON GENERAL PARRAN

[Mr. BONE asked and obtained leave to have printed in the RECORD the introductory remarks by Surg. Gen. Thomas Parran at the laying of the cornerstone of the new National Cancer Institute near Bethesda, Md., on Saturday, June 24, 1939, which appears in the Appendix.]

#### PROGRESS OF FARM SECURITY ADMINISTRATION BORROWERS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter addressed to him by Mr. C. B. Baldwin, Acting Administrator, Farm Security Administration, United States Department of Agriculture, on the subject of the progress of the Farm Security Administration borrowers, which appears in the Appendix.]

#### MONETARY POWERS OF THE PRESIDENT—ARTICLE BY HERBERT M. BRATTER

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an article on the monetary powers of the



President by Herbert M. Bratter, published in the Washington Sunday Star of July 2, 1939, which appears in the Appendix.]

#### DUST BOWLS—ARTICLE BY CHAUNCEY THOMAS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an article on the subject of so-called dust bowls, written by Chauncey Thomas and published in the May issue of the Colorado Magazine, which appears in the Appendix.]

#### THE PRESIDENT'S NEUTRALITY BILL—EDITORIAL FROM WASHINGTON DAILY NEWS

[Mr. LEE asked and obtained unanimous consent to have printed in the RECORD an editorial from the Washington Daily News of Wednesday, July 5, 1939, dealing with the President's neutrality bill, which appears in the Appendix.]

#### THE MONETARY BILL—EDITORIAL FROM WASHINGTON DAILY NEWS

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial on the President's monetary bill, published in the Washington Daily News of Wednesday, July 5, 1939, which appears in the Appendix.]

#### DISTRICT OF COLUMBIA TAXATION—CONFERENCE REPORT

Mr. BARKLEY. Mr. President, the Senator from Louisiana [Mr. OVERTON] desires a ye-and-nay vote on a report which he will make concerning the District of Columbia tax bill. I hope, therefore, Senators will remain in their seats until the roll call can be obtained.

Mr. OVERTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have been unable to agree.

JOHN H. OVERTON,  
WILLIAM H. KING,  
M. E. TYDINGS,  
PAT MCCARRAN,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

JENNINGS RANDOLPH,  
JACK NICHOLS,  
AMBROSE KENNEDY,  
EVERETT M. DIRKSEN,  
GEORGE J. BATES,

*Managers on the part of the House.*

The VICE PRESIDENT. Without objection, the conference report is agreed to.

Mr. OVERTON. Mr. President, the other day at some length I undertook to explain the disagreement between the House and the Senate with reference to the District of Columbia revenue measure. At this late hour I shall not undertake to go over the arguments which I made the other day, or to make additional arguments in favor of the bill as passed by the Senate. I desire to say, however, that the main disagreement between the House and the Senate is in reference to the Federal payment for the upkeep of the National Capital.

The House fixed the amount to be appropriated for that purpose at \$5,000,000. The Senate adopted a formula which would call for an appropriation of approximately \$8,000,000. In view of the disagreement between the two Houses, the Senate conferees have stated that they are willing to meet the House halfway. They take the position that they have great respect for the views of the House, but they also take the position that the House should have proper consideration for the views of the Senate.

The VICE PRESIDENT. Does the Senator desire to have the resolution from the House laid before the Senate, so that he may make a motion regarding the matter?

Mr. OVERTON. I do.

The VICE PRESIDENT. The Chair lays before the Senate a resolution as to the action of the House of Representatives which will be read.

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,

June 30, 1939.

Resolved, That the House insist upon its disagreement to the amendment of the Senate to the bill (H. R. 6577) to provide reve-

nue for the District of Columbia, and for other purposes; and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. NICHOLS, Mr. RANDOLPH, Mr. KENNEDY of Maryland, Mr. DIRKSEN, and Mr. BATES of Massachusetts be the managers of the conference on the part of the House.

Mr. OVERTON. Mr. President, I hope that on further conference the disagreement will be ended, and that a satisfactory tax bill will be agreed upon between the House and the Senate.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. OVERTON. I yield to the Senator from South Carolina.

Mr. BYRNES. Has the Senator discussed with the House the introduction of a continuing resolution in order to enable the District government to function while the conferees are attempting to settle the differences between the Houses?

Mr. OVERTON. I have done so. I took up that matter with the conferees on the District of Columbia appropriation bill. As the Senator from South Carolina knows, it is customary for continuing resolutions to be introduced in the House, because they deal with appropriations, and the House always initiates appropriation bills. The conferees on the part of the House have stated that they do not propose to introduce a continuing resolution.

Mr. BYRNES. Then, Mr. President, the Senate ought to understand the exact situation.

The Senator from Louisiana states that he has offered to split the difference between the two Houses, and that the House conferees refused to budge. The Senator from Louisiana then suggested that the House initiate a continuing resolution in order that the District government might function while the differences between the two Houses were being adjusted, and the House declined to do so.

Has the Senator from Louisiana considered what will be the effect if the conferees do not agree certainly by the 15th of this month?

Mr. OVERTON. Yes; I have considered that matter. I presume there will be an agreement. I assume that the House will not take the position that it is absolutely right, and that the Senate will have to "sign on the dotted line." I assume that the conferees of the House will go as far as we have gone, and will be willing to meet us halfway on this question.

Mr. BYRNES. If the Senator's statement is correct—and I know it to be—that he has offered to split the difference, and has expressed a willingness to negotiate with the House conferees, and they have refused to consider any proposal at all, then I want to say that, notwithstanding the custom, I think the Senate ought to pass a continuing resolution, because, as has been often said by the Senator from Virginia [Mr. GLASS], there is nothing to prevent the Senate from doing so. We have refrained from doing so as long as the House was willing to act; but if the House does not act we should pass a continuing resolution, and send it over to the House, and let the responsibility rest with the House for refusing to negotiate with the Senate conferees, and refusing to pass a continuing resolution.

Mr. GLASS. Mr. President, the question involved is whether the Senate of the United States is a part of the legislative branch of the Government.

Mr. MCCARRAN. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I shall be very glad to yield to the Senator from Nevada.

Mr. MCCARRAN. As a member of the conference committee of which the able Senator from Louisiana is chairman, I wish to say to the Senate that so far as I can discern there never was worked out a system more in keeping with propriety and law and equity than that which has been worked out by the able Senator from Louisiana. It undoubtedly has required weeks and months of study, to which he has given his entire devotion. I am amazed that one from a State aside and far remote from the District of Columbia should give so much time and study and ability to the District of Columbia.

I desire to say that, so far as I am concerned, from a careful study of the Senator's program, I am going along with it so long as I am a member of the conference committee from the Senate, not merely because I want to go with the Senator from Louisiana, but because his plan and scheme and program, as worked out after weeks and months of study, constitutes, in my judgment, the plan and scheme and program for the District of Columbia. In other words, it places the obligation of the Federal Government with regard to the upkeep of the District of Columbia, on a sound basis, namely, the reality; something that one may figure on; something that one may count as against other realities in the District of Columbia.

While I have the floor for a moment by the courtesy of the Senator from Louisiana, I wish to compliment the Senator from Louisiana, because I do not believe that in the last half century there has been given as much study to the District of Columbia and its needs, from the standpoint of the relative contributions between the Federal Government and the District of Columbia, as has been given during the past 6 or 8 months by the able Senator from Louisiana, and I shall support him as far as he can go in the principle, because the principle is entirely right.

Mr. SHIPSTEAD. Mr. President, what is the question before us?

Mr. OVERTON. Mr. President, I intend to make a motion that the Senate insist upon its amendment and agree to a further conference with the House.

Mr. AUSTIN. Mr. President, I should like to ask the Senator from Louisiana what has become of that part of the bill adopted by the Senate which sets up a formula based on the ownership of land by the Federal Government in the District of Columbia. What has become of it?

Mr. OVERTON. It is incorporated in the Senate bill, and it is now in conference. In order that we might come to an agreement for the time being, I was willing to cast aside that formula, upon which the Senator and I worked for a long time, he being a member of the subcommittee which conducted the hearings in reference to it, and to meet the House half way, in order that this impasse might be broken.

Mr. McCARRAN. Mr. President, if I may interrupt, the Senator from Louisiana says he has been willing to cast aside the formula; but let us bear in mind that, while he has been willing to compromise, he has carried the principle of the formula down into the compromise, which to my mind should go a long way.

Mr. AUSTIN. Is there any part of the bill adopted by the Senate accepted in the conference report?

Mr. OVERTON. There has been a total disagreement on the amendment adopted by the Senate. The Senate struck out everything after the enacting clause of the House revenue bill and adopted a new bill in the form of an amendment.

Mr. AUSTIN. Does the conference report accept the bill as sent over to us by the House?

Mr. OVERTON. It does not. The conference report shows a disagreement on the entire tax bill as between the House and the Senate, as to the income tax, as to the business-privilege tax, and as to other taxes. After fixing the Federal payment, the Senate passed a bill carrying the existing taxes, including the business-privilege tax. The House adopted an income-tax provision.

Mr. AUSTIN. Mr. President, if the Senator will yield further, should the Senate agree to the report and cause thereby a tender of a new conference, would the formula proposed by the Senate be under further consideration in the conference?

Mr. OVERTON. It would be. I now move that the Senate further insist on its amendment, agree to the further conference requested by the House, and that the Chair appoint the conferees on the part of the Senate at the further conference. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from Oregon [Mr.

McNARY]. I understand that if present he would vote as I intend to vote, so I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BRIDGES. On this vote I have a pair with the Senator from Utah [Mr. THOMAS]. I am informed that if he were present he would vote as I intend to vote, and, therefore, I am at liberty to vote. I vote "yea."

Mr. MINTON. I announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. REYNOLDS], the Senator from New Jersey [Mr. SMATHERS], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from Montana [Mr. WHEELER], the Senator from Georgia [Mr. RUSSELL], the Senator from Wyoming [Mr. SCHWARTZ], the Senator from Indiana [Mr. VAN NUYS], the Senator from Iowa [Mr. HERRING], the Senator from Ohio [Mr. DONAHEY], the Senator from North Carolina [Mr. BAILEY], and the Senator from Texas [Mr. CONNALLY] are absent on important public business.

The result was announced—yeas 71—nays 1, as follows:

#### YEAS—71

Adams	Danaher	La Follette	Pittman
Ashurst	Davis	Lee	Radcliffe
Austin	George	Lodge	Schwellenbach
Bankhead	Gerry	Logan	Sheppard
Barbour	Gibson	Lucas	Shipstead
Barkley	Gillette	Lundeen	Slattery
Bilbo	Glass	McCarran	Stewart
Bone	Green	McKellar	Taft
Borah	Guffey	Maloney	Thomas, Okla.
Bridges	Gurney	Mead	Tobey
Bulow	Hale	Miller	Townsend
Burke	Harrison	Minton	Tydings
Byrd	Hatch	Murray	Vandenberg
Byrnes	Hayden	Neely	Wagner
Capper	Holman	Nye	Walsh
Chavez	Hughes	O'Mahoney	White
Clark, Idaho	Johnson, Colo.	Overtton	Wiley
Clark, Mo.	King	Pepper	

#### NAYS—1

Ellender

#### NOT VOTING—24

Andrews	Downey	McNary	Smathers
Bailey	Frazier	Norris	Smith
Brown	Herring	Reed	Thomas, Utah
Caraway	Hill	Reynolds	Truman
Connally	Holt	Russell	Van Nuys
Donahey	Johnson, Calif.	Schwartz	Wheeler

So Mr. OVERTON's motion was agreed to; and the President pro tempore appointed Mr. OVERTON, Mr. KING, Mr. TYDINGS, Mr. McCARRAN, and Mr. CAPPER conferees on the part of the Senate at the further conference.

#### PROMOTION OF FARM OWNERSHIP BY TENANTS

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1836, a bill offered by the Senator from Oklahoma [Mr. LEE] and sponsored by about 50 Members of the Senate, to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act, and so forth, so it may be made the unfinished business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of Senate bill 1836.

Mr. BARKLEY. Mr. President, I wish to say that it was my purpose tomorrow when we meet at 12 to finish the call of the calendar which was in order Friday. The Senator from Alabama would have no objection to his bill being taken up for consideration following the completion of the call of the calendar?

Mr. BANKHEAD. None whatever. The bill is sponsored by a majority of the Senate. I have no objection to the course suggested by the Senator from Kentucky.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD].

Mr. NEELY. Reserving the right to object, I invite the attention of the Senate to the fact that a special order was



agreed upon for tomorrow, namely, that I should be permitted to move to proceed to the consideration of Senate bill 280, which has been before the Senate now since early in January, and which proposes to prohibit and prevent the trade practices known as "compulsory block booking" and "blind selling" in the leasing of motion-picture films.

Mr. BANKHEAD. I am not trying to interfere with a special order. We can make the bill I spoke of the regular business, which would not revoke any order heretofore made.

Mr. BARKLEY. Mr. President, it is hardly correct to say there was a special order in the sense that the Senate made an order to take up the bill referred to by the Senator from West Virginia. He gave notice—I suppose one might call it that—that he would make an effort on tomorrow to bring up the bill to which he has referred, and I had anticipated that following the call of the calendar he would make that motion. I do not care which one of the bills comes first. Both of them I think will be given consideration. I do not know how long the consideration of either bill will take.

Mr. BANKHEAD. If there is a special order, of course, I do not wish to interfere with it. The bill I referred to is not controversial. It has been sponsored by a majority of the Members of the Senate. It can be gotten out of the way in an hour, I believe. I do not think it will interfere with the bill of the Senator from West Virginia at all.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The Senator from Alabama has moved that the Senate proceed to the consideration of Senate bill 1836. The question is on that motion.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1836) to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on farms, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment.

Mr. BARKLEY. Mr. President, the Senator from Alabama does not desire to discuss the bill this afternoon, does he?

Mr. BANKHEAD. No, Mr. President. I think it is too late to do so.

#### RESTRICTION OF EXPORTATION OF FIR AND CEDAR LOGS

Mr. BILBO. Mr. President, I ask unanimous consent that immediately following the disposition of the bill which the Senator from Alabama [Mr. BANKHEAD] has moved to be made the unfinished business, and also the bill which the Senator from West Virginia [Mr. NEELY] wishes to have considered, the Senate proceed to the consideration of Senate bill 1108, being Calendar No. 609.

Mr. BARKLEY. Mr. President, I think it is not wise to attempt to tie up the Senate with three bills in succession. The Finance Committee is now considering the bill proposing amendments to the Social Security Act and hopes to make a report thereon this week. I do not desire to have the Senate enter into any agreement with respect to proposed legislation which would forego the right to take up that bill whenever it is available for action. We are going to finish the call of the calendar tomorrow, and it may be that the bill in which the Senator from Mississippi is interested may be acted on during the call of the calendar. I doubt the wisdom so far in advance of taking up a bill after consideration of two bills already has been requested. I shall be glad to cooperate with the Senator to have his bill considered.

Mr. BILBO. With the understanding that the measure before the Finance Committee shall be considered when it comes to the Senate, will the Senator agree to let the bill in which I am interested be taken up immediately thereafter?

Mr. BARKLEY. I will say to my friend the Senator from Mississippi that I do not believe it is good legislative practice to take action on matters of that sort in the third degree. I shall be glad to cooperate with him in getting consideration of the measure in which he is interested.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

The PRESIDENT pro tempore (Mr. PITTMAN), as chairman of the Committee on Foreign Relations, from that committee reported favorably the nominations of sundry persons for appointment in the Foreign Service.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of Leo E. Trombly to be collector of customs for customs collection district No. 7, with headquarters at Ogdensburg, N. Y.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### CIVIL SERVICE COMMISSION

The legislative clerk read the nomination of Arthur S. Flemming to be Civil Service Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

That concludes the calendar.

#### LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### DEATH OF REPRESENTATIVE GRISWOLD, OF WISCONSIN

The PRESIDENT pro tempore laid before the Senate a resolution (H. Res. 243) from the House of Representatives, which was read, as follows:

*Resolved*, That the House has heard with profound sorrow of the death of Hon. HARRY WILBUR GRISWOLD, a Representative from the State of Wisconsin.

*Resolved*, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

Mr. WILEY. Mr. President, on behalf of the senior Senator from Wisconsin [Mr. LA FOLLETTE] and myself, I send to the desk a resolution which I ask to have read, and for which I ask present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 155) was read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. HARRY WILBUR GRISWOLD, late a Representative from the State of Wisconsin.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore. As the committee provided for in the resolution, the Chair appoints the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the junior Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until tomorrow, Thursday, July 6, 1939, at 12 o'clock meridian.

#### NOMINATIONS

##### *Executive nominations received by the Senate July 5, 1939*

##### DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Lampton Berry, of Mississippi.  
Roland K. Beyer, of Wisconsin.  
Robert P. Chalker, of Florida.  
Ralph C. Getsinger, of Michigan.  
George D. Henderson, of California.  
R. Kenneth Oakley, of Arkansas.  
M. Robert Rutherford, of Montana.  
J. Kittredge Vinson, of Texas.  
O. Meredith Weatherby, of Texas.  
Alfred T. Wellborn, of Louisiana.

##### NATIONAL YOUTH ADMINISTRATOR

Aubrey W. Williams, of Wisconsin, to be National Youth Administrator. (Reappointment.)

##### APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES GENERAL OFFICER

Brig. Gen. William Robert Dunlap, Pennsylvania National Guard, to be brigadier general, National Guard of the United States.

##### APPOINTMENTS AND PROMOTIONS IN THE NAVY MARINE CORPS

Col. Calvin B. Matthews to be a brigadier general in the Marine Corps from the 1st day of July 1939.

Lt. Col. Marion B. Humphrey to be a colonel in the Marine Corps from the 29th day of June 1938.

The following-named lieutenant colonels to be colonels in the Marine Corps from the 1st day of July 1939:

William G. Hawthorne      Arnold W. Jacobsen  
Oscar R. Cauldwell      Earl H. Jenkins

Maj. Benjamin W. Gally to be a lieutenant colonel in the Marine Corps from the 3d day of January 1939.

The following-named majors to be lieutenant colonels in the Marine Corps from the 1st day of July 1939:

John B. Wilson      Gus L. Gloeckner  
Galen M. Sturgis      Eugene F. C. Collier  
Joseph W. Knighton      Harold C. Major  
James A. Mixson

The following-named majors to be majors in the Marine Corps to correct the dates from which they take rank as previously nominated and confirmed:

Max D. Smith, from the 2d day of June 1938.  
Rupert R. Deese, from the 29th day of June 1938.  
Charles C. Brown, from the 1st day of July 1938.  
John C. Donehoo, Jr., from the 1st day of September 1938.  
Lyman G. Miller, from the 5th day of September 1938.  
William M. Mitchell, from the 1st day of October 1938.  
Howard R. Huff, from the 1st day of December 1938.  
William W. Orr, from the 1st day of January 1939.  
Gregon A. Williams, from the 3d day of January 1939.  
Monroe S. Swanson, from the 1st day of February 1939.  
William W. Paca, from the 1st day of February 1939.  
John E. Curry, from the 1st day of April 1939.

The following-named captains to be majors in the Marine Corps from the 1st day of June 1939:

Merrill B. Twining  
William N. McKelvy, Jr.

The following-named captains to be majors in the Marine Corps from the 1st day of July 1939:

Emery E. Larson	Frank H. Lamson-Scribner
Stuart W. King	William W. Davidson
Will H. Lee	William C. Lemly
Ira L. Kimes	Arthur T. Mason
Luther A. Brown	Caleb T. Bailey
Harold C. Roberts	

The following-named first lieutenants to be captains in the Marine Corps from the 1st day of July 1939:

Richard W. Hayward	Guy M. Morrow
Robert L. Denig, Jr.	Edward E. Authier
James C. Bigler	Nixon L. Ballard
Forest C. Thompson	Robert O. Bowen
Hector de Zayas	James L. Beam
Eustace R. Smoak	Ethridge C. Best

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 4th day of June 1939:

Elby D. Martin, Jr.  
Richard Rothwell

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 1st day of July 1939:

DeWolf Schatzel	Allen B. Geiger, 2d
John H. Earle, Jr.	George S. Bowman, Jr.
William T. Wingo, Jr.	William L. Crouch
Edwin L. Hamilton	William E. Gise
Glenn C. Funk	James G. Bishop, Jr.
Robert C. McGlashan	Thornton M. Hinkle
Harold J. Mitchener	Ronald K. Miller
Leonard M. Mason	Edward W. Johnston
Albert H. Bohne	Louis A. Ennis
Joseph P. Sayers	Charles R. Nicholson
Max C. Chapman	Arthur B. Barrows
Zane Thompson, Jr.	Charles L. Banks
John D. Harshberger	James L. Neefus
Daniel J. Hennessy	James C. Murray, Jr.
Lewis H. Pickup	Wade H. Britt, Jr.
John L. Smith	William H. Barba
James S. Blais	Tom C. Loomis
Robert E. Galer	Orin C. Bjornsrud
Cliff Atkinson, Jr.	Noel O. Castle
Henry H. Crockett	George F. Britt
George A. McKusick	Otis B. Brown
Spencer S. Berger	Robert W. Boyd
Milo G. Haines	Edward H. Drake
Malcolm "O" Donohoo	Marion M. Magruder
Gene S. Neely	August F. Penzold, Jr.
Walter N. Flournoy	George W. Killen
William M. Ferris	Noah P. Wood, Jr.
John F. Schoettel	Jean H. Buckner
Robert W. Thomas	Fred H. Lemmer
Kenneth A. King	Howard V. Hiett
Paul J. Fontana	George T. Skinner



Arthur P. McArthur  
 Thomas G. Roe  
 Oscar K. LaRoque, Jr.  
 Marlowe C. Williams  
 Wood B. Kyle  
 Russell E. Honsowetz  
 Russell B. Warye  
 Maynard C. Schultz  
 Ellsworth G. Van Orman  
 Donald K. Yost  
 Frederick R. Payne, Jr.  
 Graham H. Benson  
 Robert W. Rickert  
 Howard L. Davis  
 Levi W. Smith, Jr.  
 Lee C. Merrell, Jr.  
 Howard G. Kirgis  
 Arthur R. Stacy  
 Lewis W. Walt  
 Charles W. May  
 Robert W. Clark  
 Edward W. DuRant, Jr.  
 Henry S. Massie, Jr.  
 Pelham B. Withers  
 Harry A. Waldorf  
 Jack L. Stonebanks  
 Hollis U. Mustain  
 Joseph O. Butcher  
 John J. Wermuth, Jr.

Quartermaster Clerk Ollie Bissett to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 16th day of January 1939.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate July 5, 1939*

##### COLLECTOR OF CUSTOMS

Leo E. Trombly to be collector of customs for customs collection district No. 7, headquarters at Ogdensburg, N. Y.

##### CIVIL SERVICE COMMISSIONER

Arthur S. Flemming to be a Civil Service Commissioner.

##### APPOINTMENTS AND PROMOTIONS IN THE NAVY

###### MARINE CORPS

###### *To be lieutenant colonel*

Lewis B. Reagan

###### *To be first lieutenant*

John W. Graham

###### *To be second lieutenants*

Theodore F. Beeman  
 Warner T. Bigger  
 Wyatt B. Carneal, Jr.  
 Donald B. Cooley, Jr.  
 Justin G. Duryea  
 William O. Gall  
 George F. Gober  
 George V. Hanna, Jr.  
 Edwin R. Harper  
 Raymond D. Hill  
 Sidney F. Jenkins  
 Lewis A. Jones  
 Joseph W. Kean, Jr.  
 Lorys J. Larson  
 Glenn R. Long  
 Julian V. Lyon  
 Samuel D. Mandeville, Jr.

John F. Dobbin  
 Robert H. Richard  
 Gordon H. Knott  
 Lindley M. Ryan  
 John P. Stafford  
 Frank Shine  
 Arthur H. Weinberger  
 Stephen V. Sabol  
 Roy Robinton  
 John E. Morris  
 Horatio C. Woodhouse, Jr.  
 John E. Willey  
 Carl A. Youngdale  
 Robert J. Johnson  
 Robert M. Dean, Jr.  
 Douglas E. Reeve  
 Philip C. Metzger  
 James E. Mills  
 Charles S. Nichols, Jr.  
 William J. Piper, Jr.  
 William R. Campbell  
 Cecil W. Wight  
 Robert Chambers, Jr.  
 Francis H. Cooper  
 John H. Gill  
 Gavin C. Humphrey  
 Stewart B. O'Neill, Jr.  
 George D. Rich

##### POSTMASTERS

###### ALABAMA

Claude W. Dent, Akron.  
 Bertha M. Beck, Chapman.  
 Levie C. Sirmon, Dozier.  
 Julius N. A. Hulsey, Guin.  
 Chalmers W. Hyatt, Guntersville.  
 Belvie M. Cooper, Hamilton.  
 John M. Spruiell, Leeds.

Byron F. Watson, Lincoln.  
 Ellalee M. Setzer, Uniontown.

###### CALIFORNIA

William J. Beadle, Alhambra.  
 William Wesley Field, Antioch.  
 Mary Evalyn Rider, Balboa Island.  
 Joe H. Moore, Calipatria.  
 Frank E. Hagne, Covelo.  
 Robert M. Martin, Gilroy.  
 Arthur F. White, Hawthorne.  
 Solomon H. W. C. Geer, Live Oak.  
 Hazel B. Stites, Maxwell.  
 Betty M. West, Nevada City.  
 Frederick Martin, Petaluma.  
 James R. Simmons, Pismo Beach.  
 Harry A. McBride, Pittsburg.  
 William H. Smith, Point Arena.  
 William A. Needham, Rialto.  
 Mildred R. Doyle, Ross.  
 McBride Smith, Santa Rosa.  
 Raymond O. Foster, Talmage.  
 John W. Russel, Tujunga.  
 William T. King, Weed.

###### COLORADO

Joseph P. Gioga, Aguilar.  
 James W. McClain, Manzanola.  
 Townsend W. Monell, Montrose.  
 James W. Stuart, Pritchett.

###### CONNECTICUT

Joseph H. Driscoll, Branford.

###### FLORIDA

Annie Lou McDowell, Bay Harbor.  
 Matye E. Mills, Cross City.  
 John W. Watson, Fort Meade.  
 Jesse G. Davis, Gainesville.  
 Edrie V. Strickland, Hallandale.  
 Beulah S. Hanna, Hastings.  
 William D. Jones, Jacksonville.  
 Elizabeth A. Cantrell, Kissimmee.  
 Ellen M. Anderson, Lantana.  
 William C. White, Live Oak.  
 Hugh M. Edwards, Mayo.  
 Kate T. McDaniel, Milton.  
 Robert E. Sweat, Mulberry.  
 Robert H. Roesch, Jr., Oneco.  
 Lyman Byers, Orange Park.  
 John P. Puckett, Perry.  
 Fenton M. Prewitt, Plant City.  
 Thomas J. Nobles, Pompano.  
 George O. Dewey, Punta Gorda.  
 James H. Cox, Quincy.  
 James D. Pearce, St. Petersburg.  
 Owen L. Godwin, Sebring.  
 Elsie A. Harrison, Waverly.  
 William H. Harris, Williston.  
 Girard N. Denning, Winter Park.

###### GEORGIA

Robert G. Hartsfield, Bainbridge.  
 Joe F. White, Canon.  
 Thomas V. Nevil, Claxton.  
 Margaret C. Henderson, Fair Mount.  
 Paul L. Miles, Metter.  
 Clyde D. Hollingsworth, Sylvania.  
 James C. Pickren, Unadilla.  
 E. Stelle Barrett, Union City.

###### IDAHO

Pearl Kennedy, Burke.  
 Clare G. Zimmerman, Emmett.  
 Harold W. Winschell, Firth.  
 Ida M. Helton, Homedale.  
 William H. Goldsmith, New Plymouth.  
 Charles N. Dundas, Pierce.

## INDIANA

Florence B. Hoppes, Farmland.  
Fay A. Crandall, Gas City.

## IOWA

John Joseph Bonnstetter, Corwith.  
Cecil W. Langmann, Durant.  
Martin C. Ennor, George.  
Willard C. Eaton, Humeston.  
Luther P. Williams, Indianola.  
Yorke A. Johnson, Jewell.  
William J. Lindaman, Little Rock.  
Alfred B. Callender, Ochevedan.  
Reva M. White, Olin.  
Jennie E. Cagley, Plainfield.  
Walter Justin Foley, Sanborn.  
Clara C. Lockner, Terril.

## KANSAS

Elsie J. Fuller, Alton.  
Louis A. Kopachek, Leonardville.  
Everett A. Stephenson, Little River.  
Benjamin F. McKim, Morrill.  
William F. Decker, Newton.  
Bertha B. Maichel, Overbrook.  
Charles E. Slaymaker, Peabody.  
William L. Brumbaugh, Portis.  
Everett Pelfrey, Rossville.  
Elmer L. G. Epperson, Scott City.  
Loring V. Miner, Sublette.  
Greever P. Allan, Tonganoxie.  
Irma J. Collopy, Turon.  
Tracy A. Hand, Wadsworth.

## MAINE

Walter E. Hurd, Berwick.  
Earle F. Wilson, Gray.  
William H. Albee, Hallowell.  
Charles H. Pitts, Harrison.  
Beulah A. Harmon, Thorndike.  
Albert T. Elwell, West Buxton.

## MICHIGAN

Henry W. Boyle, Bark River.  
Alicia M. Roen, Empire.  
Samuel J. Leach, Hersey.  
Leon T. Gilson, Lake Odessa.  
Royal L. Beckwith, Luther.  
Lloyd M. Kohn, Mesick.  
Emily E. Derr, Montgomery.  
Albert A. LeFevre, New Baltimore.  
Arthur F. Martin, New Boston.  
LeRoy G. Hohman, North Branch.  
Earl H. Snow, Otsego.  
Willard A. Beuerle, Suttons Bay.

## MISSISSIPPI

Nicie R. Evans, Bassfield.  
Fred Eugene Brister, Bogue Chitto.  
William C. Bailey, Como.  
Thomas R. Armstrong, Edwards.  
Louise A. Stephenson, Flora.  
John V. Therrell, Florence.  
Harry H. Orr, Holly Springs.  
Minnie B. Dubuisson, Long Beach.  
Tom W. Crigler, Jr., Macon.  
Henry W. Mangum, Mendenhall.  
Bayard K. Culpepper, Meridian.  
Nellie E. Hardy, Piney Woods.  
Effie J. Robins, Rienzi.  
Emma D. Barkley, State Line.  
Laura E. Turnage, Tchula.  
George O. Robinson, Tunica.

## MISSOURI

Mary E. Chambers, Appleton City.  
Giles K. Hunt, Arcadia.  
Reece G. Allen, Benton.  
Herman C. W. Strothmann, Berger.  
John H. Essman, Bourbon.

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George F. Breen, Brookfield.  
Angie B. Messbarger, Burlington Junction.  
Charles M. Murray, Cameron.  
Frank F. Page, Canton.  
Melville C. Shores, Clark.  
Elta E. Essig, Clifton Hill.  
Harold H. Cash, Curryville.  
Richard Pearce, Fairfax.  
Roy V. Coffman, Flat River.  
Joseph V. Cassiedy, Herculanum.  
Leah B. Diggs, Laddonia.  
Lloyd Dorsey Mitchell, La Grange.  
Laurence D. Estill, Lawson.  
Bryan B. Austin, Licking.  
Jessie M. Baker, New Cambria.  
Merlin L. Grannemann, New Haven.  
Youree Douglas Adair, Odessa.  
Elsie L. Eskridge, Platte City.  
Ivan Weber, Richmond.  
Earl A. Seay, Salem.  
John F. Vermillion, Salisbury.  
Edward J. Dempsey, Shelbina.  
Charles F. Heathman, Smithville.  
Bernice E. Wesner, Sugar Creek.  
Victor V. Long, Waynesville.  
Brook Miller, Weston.  
J. Talmage Loyd, Winona.

## MONTANA

William L. Dawson, Boulder.  
Juanita D. McNeill, Troy.

## NEBRASKA

Clara L. Bennett, Broken Bow.  
Henry G. Andersen, Cozad.  
Roy E. Sheffer, Gering.  
Irving E. Tilgner, Lewellen.  
Pauline V. Erickson, Newman Grove.  
Kathryn V. McCusker, Ogallala.

## NEW MEXICO

James H. Odle, Farmington.  
Leo M. Fay, Socorro.

## NEW YORK

John Hamill, Sr., Groton.  
Frank C. Ness, Lake Grove.  
William J. Hunt, Rochester.

## NORTH CAROLINA

Robert L. Davis, Ayden.  
Mortimer H. Mitchell, Aulander.  
Howard A. Kerlee, Black Mountain.  
Robert Lee Bridger, Bladenboro.  
Willard T. Martin, Bryson City.  
Richard Homer Andrews, Burlington.  
Lemuel A. Smith, Clarkton.  
Robert Andrew Love, Jr., Cliffside.  
John K. Clark, Elizabethtown.  
Victor O. Tilley, Fuquay Springs.  
Alger R. Henderson, Graham.  
George E. Walker, Hemp.  
Silas M. Whedbee, Hertford.  
Irene I. Morphey, Jefferson.  
Anna D. Moody, Lake Junaluska.  
James C. Wright, Landis.  
Merrimon D. Lanier, Lillington.  
Clarkie Belle Williams, Maxton.  
Clarence A. Pennington, Oteen.  
Sallie F. Matthews, Randleman.  
Ernest B. Satterwhite, Sanatorium.  
Wallace B. Stone, Swannanoa.  
Charles N. Price, Sylva.  
Garry T. Fulghum, Wilson.  
Milton J. Sexton, Zebulon.

## OKLAHOMA

Clarence D. Hull, Carnegie.  
R. Waldo Wettengel, Rush Springs.  
Charles V. Gilmore, Stuart.



## OREGON

Robert W. Zevely, Prineville.

## PENNSYLVANIA

Arthur B. Scheffler, Bath.  
 William S. Scheiry, Bechtelsville.  
 Willard Price, Canadensis.  
 Michael S. Travers, Castle Shannon.  
 Tilghman S. Cooper, Coopersburg.  
 Walter O. Miller, Duncannon.  
 Raymond D. Kehrer, Eagles Mere.  
 Charles H. Adams, Esterly.  
 James N. Gardner, Glen Campbell.  
 Katharine Olive McCoy, Grove City.  
 Maurice M. Rodger, Hooversville.  
 James M. Eagen, Jermyn.  
 Marie Bengeler, Loretto.  
 Joseph C. McCormick, Marion Center.  
 Stephen M. Telep, Mayfield.  
 Claude E. Musser, Millheim.  
 Luther A. Strayer, Mount Wolf.  
 Charles W. Aldrich, New Milford.  
 William Leslie, Parkers Landing.  
 William B. Johnston, Philipsburg.  
 Thomas V. Brennan, Plymouth.  
 Lela E. Randolph, Portland.  
 Mae Morgan Beagle, Watsonstown.

## RHODE ISLAND

James R. Brennan, East Greenwich.

## SOUTH CAROLINA

C. Lamar Richey, Abbeville.  
 Eugene B. Mack, Elloree.  
 Martin H. Moore, La France.  
 Marion J. Simpson, Laurens.  
 Josephus S. Nichols, Leesville.

## VIRGINIA

Mary Drewry, Capron.  
 James Long Haley, Cheriton.  
 Benjamin W. Council, Holland.  
 Henry L. Munt, Hopewell.  
 James D. Crawford, Keysville.  
 Homo D. Gleason, Lovington.  
 Thomas B. Cochran, The Plains.  
 Wallace P. Ashburn, Virginia Beach.  
 Merritt W. Foster, Williamsburg.

## WASHINGTON

Alfred J. Twining, Coulee City.  
 Mark L. Durrell, Deer Park.  
 George A. Hauber, Leavenworth.  
 Charles E. Schutz, Lind.  
 Etta R. Harkins, Manette.  
 Tolaver T. Richardson, Northport.  
 Harold F. Ottestad, Odessa.  
 Andrew J. Cosser, Port Angeles.  
 Joseph V. Mayrand, Poulsbo.  
 John C. Cody, Republic.  
 Will W. Simpson, Spokane.  
 Bernard B. Pollard, White Salmon.  
 Royce H. Mitchell, Woodland.  
 Raymond M. Badger, Winthrop.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 5, 1939

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. RAYBURN].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, Thou art ever very near us in tender love and mercy. May never a day nor night pass unhallowed but that we shall still be grateful for what the Lord hath done; for all the manifestations of Thy holy presence we

thank Thee. Now, out of the infinite ease of Thy power and graciousness, may we strongly forget self. Remind us that we must live a mutual life in a mutual world, and where much is given much is expected. Grant us, O Lord, the wisdom to fashion as we feel, the courage to labor as we know, and the purpose to do Thy will. O Love supreme, we pause beside the river; an honored Member has passed through this strange house of life, and speechless sorrow has come to the cherished home of peace and happiness. We pray Thee to lighten the weary load that the family must bear and make the weight Thine own. In the dear Redeemer's name. Amen.

The Journal of the proceedings of Saturday, July 1, 1939, was read and approved.

## EXTENSION OF REMARKS

Mr. MACIEJEWSKI. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech made by me at the dedication of the Cicero Ogden Grade Separation, in the town of Cicero, Ill., on June 30, 1939.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## IMMINENCY OF WAR IN EUROPE

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I submit herewith an adverse report on House Resolution 232.

The Clerk read as follows:

## House Resolution 232

*Resolved*, That the President of the United States is hereby requested to transmit forthwith to the House of Representatives, if not incompatible with the public interest, such information as may be in his possession or in the files of the State Department which indicates that actual war is imminent between certain countries on the continent of Europe.

Mr. BLOOM. Mr. Speaker, I have just been informed that the gentlewoman from Massachusetts [Mrs. ROGERS] has been called out of the city, but this is the last day for calling up the matter, and it will have to be acted upon. I was informed by the gentlewoman from Massachusetts [Mrs. ROGERS] that she would be here today.

Mr. MARTIN of Massachusetts. Mr. Speaker, may I say that the gentlewoman from Massachusetts has been called home on account of the serious illness of her uncle, and she wished me, if possible, to have this matter continued to some day when she could be present.

Mr. BLOOM. I will be perfectly willing to have the matter called up later, provided we do not lose any of our rights, because this is the final day for calling up the resolution.

Mr. MARTIN of Massachusetts. I am perfectly willing, by unanimous consent, for the gentleman to preserve any rights he may have in the matter.

The SPEAKER pro tempore. Without objection, the resolution will be referred to the House Calendar, and the gentleman from New York may reserve his right to call the matter up later.

There was no objection.

## GOVERNMENT EXPENDITURES

Mr. RICH. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, we closed the fiscal year on June 30 with a deficit of over \$3,600,000,000. We spent last year over \$9,250,000,000, the greatest spending spree this Nation has ever seen during peacetime. It was greater by one-half million dollars than the year we paid the soldiers' bonus.

I believe the Members of Congress who are responsible for this great spending spree should have gold medals made out of the gold that is now stored in Kentucky, because of the fact they have made for themselves a medal that will always be a millstone around the neck of the people of this Nation of ours.

Where are you going to get the money for this enormous expenditure that you have authorized? It is terrible. The high spending of this administration is a record of Government inefficiency and Government waste and Government extravagancy. It shows the inefficiency of the New Deal. I quote the President of the United States, F. D. Roosevelt, in his inaugural address, March 4, 1933:

Through this program of action we address ourselves to putting our own national house in order and making the income balance the outgo.

The President certainly has been spending at a high hand; he has not even tried to make the outgo equal the income. Why does he not do as he said he would do? Why does he not hold the new dealers down in their spending? Why does he not hold down his own requests for Government spending? How does the President console his conscience after making this statement on July 2, 1932, in his acceptance speech? I quote from F. D. Roosevelt:

I propose to you, my friends, that Government \* \* \* be made solvent and that the example be set by the President of the United States.

We are doing anything but making our Government solvent. We are wrecking our country by this wild orgy of spending; nothing in history can be compared to it in its poor management, in its inefficiency, and in its wastefulness.

O Mr. Speaker, the strife, the jealousy, the animosity, and ill will that has been created by this administration only transcends in importance the wild orgy of spending. What will happen to our country if we keep on as we have been the past 6 years? It is terrible to contemplate.

#### EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Milwaukee Sentinel.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. THORKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and, Mr. Speaker, my remarks are on money.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on mining legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Baldwin Home Journal.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein several editorials on neutrality.

Mr. FISH. Mr. Speaker, reserving the right to object, I did not hear the request.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his own remarks in the RECORD and to include several editorials.

Mr. RICH. Mr. Speaker, reserving the right to object, when the gentleman says "several editorials" how do the Members know how far he is going in putting editorials in the RECORD? It seems to me there should be some hold-up if possible on the number of editorials being placed in the RECORD. Is this a record of Congress or is it a record for the newspapers of this country?

The SPEAKER pro tempore. The gentleman from Pennsylvania, I am sure, understands that the present occupant of the chair is behind him 100 percent, but has not been able to control the matter.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHIFFLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter written by our colleague, the gentleman from New York [Mr. FISH], to Hon. Carl G. Bachman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### THE PRIVATE CALENDAR

The SPEAKER pro tempore. Under unanimous consent the Private Calendar is the first order of business.

The Clerk will call the first bill on the Private Calendar.

#### MIKE CHETKOVICH

The Clerk called the bill (S. 1093) for the relief of Mike Chetkovich.

Mr. COSTELLO and Mr. HANCOCK objected, and the bill was recommitted to the Committee on War Claims.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to proceed for a moment to explain this bill.

The SPEAKER pro tempore. That is not in order in the call of the Private Calendar.

#### MARTHA AUSTIN

The Clerk called the bill (S. 1778) authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to issue to Martha Austin a patent in fee to the north half southwest quarter section 1, and north half southeast quarter section 2, township 34 north, range 31 east Montana principal meridian: *Provided,* That the patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same, in accordance with the provisions, reservations, conditions, and limitations of the act of July 17, 1914 (38 Stat. 509).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### ANNA ELIZABETH WATROUS

The Clerk called the bill (H. R. 542) for the relief of Anna Elizabeth Watrous.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Elizabeth Watrous, the sum of \$1,500. Such sum shall be in full settlement of all claims for damages against the United States on account of injuries sustained by the said Anna Elizabeth Watrous when she was struck by a large rock blasted from a quarrying job under the control of the Works Progress Administration in Honolulu, T. H., on October 5, 1936.

With the following committee amendments:

Page 1, line 6, after the word "Watrous" insert "of Baltimore, Md.," and in the same line, strike out "\$1,500" and insert "\$500."

Page 2, at the end of the bill, strike out the period, insert a colon, and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### MAJ. HERBERT A. JACOB

The Clerk called the bill (H. R. 1456) for the relief of Maj. Herbert A. Jacob.



There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Herbert A. Jacob, of Staunton, Va., the sum of \$10,000 in full settlement of all claims against the United States for damages sustained by his wife, Mary S. Jacob, who was struck and killed in Staunton, Va., on August 28, 1937, by a truck owned and operated by the United States Post Office Department then and there being carelessly and recklessly driven by one Warren W. Talley, who was at that time and still is an employee in the post office in the said city of Staunton, Va.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, strike out "\$10,000" and insert "\$3,000."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### ORDER OF BUSINESS

Mr. CARTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from California makes the point of order that there is no quorum present. The Chair will count.

Mr. CARTER (interrupting the count). Mr. Speaker, the reason I make the point of order that there is no quorum present is that some of the Members on this side of the aisle who have made a special study of these Private Calendar bills are not present at this time. They anticipated that a certain period soon after the House convened would be taken up by the Committee on Foreign Affairs. Such being the case, they are not present at the moment. I understand that they are on their way over and will soon be present in the Chamber. I have no desire to unduly delay the proceedings, but I think those Members on this side of the aisle should be present when the Private Calendar is called.

The SPEAKER pro tempore. The Chair suggests to the gentleman from California that there is a privileged report from the Committee on Rules which is to be filed.

Mr. CARTER. If that might be taken up, I shall be glad to withdraw my point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from California withdraws the point of order of no quorum.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICH. I understand that the Foreign Affairs Committee is going to have the floor after we get through with the call of the Private Calendar. Is it possible for us to learn from that committee what bills they are going to bring up when they get possession of the floor today?

The SPEAKER pro tempore. The Chair suggests that the gentleman from New York [Mr. BLOOM] answer that question.

Mr. BLOOM. Mr. Speaker, the first bill to be called up will be the Niagara Bridge bill which the President vetoed, and which is now reintroduced and is reported out of the Committee on Foreign Affairs in the way that the President requested. Then there will be two or three bills from the State Department, which I do not think will be controversial. One is a perfecting measure regarding the service career men of the State Department.

Then another bill will be to appropriate \$100 for employees in the foreign legations and embassies throughout the country. Also the Soviet claim bill; also the New York World's Fair bill, and one or two others.

I will say for the benefit of the Members here that neither one of the Mexican claim bills will be brought up today. We

will also call up the Chilean matter appropriating \$500,000 for relief for the earthquake refugees in Chile.

Mr. THOMASON. Will the gentleman yield?

Mr. BLOOM. I yield.

Mr. THOMASON. Will the gentleman tell us why the Mexican claims bills are not coming up? It has passed the Senate. It has been considered before. There are certainly some very deserving claims, and if they are ever going to be paid, they should have consideration.

Mr. BLOOM. I agree with the gentleman, but it is absolutely necessary to call up the bills I have mentioned, and that is all the time we will have. I do not think it will be possible to take up the others.

Mr. THOMASON. The gentleman says some of these bills are not controversial, so that if you do not consume the entire time, will you be willing to call up the Mexican claims bills?

Mr. BLOOM. I do not think we will be able to reach them today.

Mr. RICH. Will the gentleman yield?

Mr. BLOOM. I yield.

Mr. RICH. How much money are you going to ask for the New York World's Fair?

Mr. BLOOM. Seven-hundred-odd thousand dollars. That is for the world's fair itself. Then there is \$50,000 for the Army and \$50,000 for the Navy.

Mr. RICH. Does the gentleman think he ought to bring a bill like that in here since the world's fair is having a great amount of people going through the turnstiles, and they will eventually be able to pay their own way? Why bring that bill up now? Why not wait until after the fair is over and see where we are going? If we advertise that fair and tell the people it is a good fair, you will get the \$700,000 and you will not have to go back to the taxpayers of the country and ask them to pay the bill.

Mr. BLOOM. I will answer the gentleman's question in this way: Where are they going to get the money?

Mr. RICH. That is just what we want to know. Where are the taxpayers going to get it? The fair will get it if we tell the people that it is a good fair, which it is, and let them go down there and see it, and they will pay the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

#### AMENDMENT OF FLOOD CONTROL ACTS

Mr. COLMER, from the Committee on Rules, submitted the following privileged resolution (H. Res. 241, Rept. No. 1026), which was referred to the House Calendar and ordered printed.

#### House Resolution 241

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6634, a bill amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

#### PRIVATE CALENDAR

The SPEAKER pro tempore. I think it is now agreeable to the gentleman from Massachusetts and the gentleman from California [Mr. CARTER] to go on with the Private Calendar.

The Clerk will call the next bill on the Private Calendar.

#### MARGARET B. NONNENBERG

The Clerk called the next bill, H. R. 3081, for the relief of Margaret B. Nonnenberg.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret B. Nonnenberg,

of Wilkinsburg, Pa., the sum of \$2,500, in full settlement of all claims against the United States for personal and bodily injuries sustained by her on November 16, 1936, at Pittsburgh, Pa., when the automobile in which she was a passenger was struck by a Government Plymouth sedan, operated by a Government employee in connection with the Civilian Conservation Corps, while the said operator was in the performance of his duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

On page 2, strike out, beginning in line 3, the remainder of the bill and insert: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR WELTNER

The Clerk called the next bill, H. R. 3337, for the relief of the estate of Arthur Weltner.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Arthur Weltner the sum of \$5,000. Such sum shall be in full satisfaction of all claims against the United States for personal injuries suffered by him in performance of his duties in the Civilian Conservation Corps in April 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of the estate of Arthur Weltner, formerly of Arverne, Long Island, N. Y., for damages as a result of the death of Arthur Weltner, alleged to have been caused by injuries suffered by him in performance of his duties in the Civilian Conservation Corps during the period October 26, 1936, to December 15, 1936: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOYD J. PALMER

The Clerk called the next bill, H. R. 3483, for the relief of Loyd J. Palmer.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PITTINGER. Mr. Speaker, I ask unanimous consent to substitute the bill S. 1452, which passed the Senate and is now on the Speaker's desk and which is identical with H. R. 3483.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Loyd J. Palmer for compensation for services rendered as United States commissioner in the district of Minnesota from December 1, 1935, to June 6, 1937, inclusive, notwithstanding the fact that accounts therefor were not submitted by the commissioner within 1 year after the rendition of such services in accordance with the provisions of the act of March 1, 1933 (47 Stat. 1383).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table. A similar House bill (H. R. 3483) was laid on the table.

FRANK M. CROMAN

The Clerk called the next bill, H. R. 3614, for the relief of Frank M. Croman.

There being no objection, the Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank M. Croman, the sum of \$2,500, in full settlement of all claims against the United States for personal injuries and property damages sustained as result of collision between the claimant's automobile and a United States Army truck, which collision occurred on the 19th day of April, 1938, at about 3:30 p. m., on Dual Highway No. 42, at Poplar, Md.:

With the following committee amendments:

Page 1, line 5, after the word "Croman", insert "of Newark, New Jersey";

Page 1, line 6, strike out "\$2,500" and insert "\$718.85";

Page 2, line 1, strike out "42" and insert "40";

Page 2, line 1, after the word "Maryland", insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIE B. NEALE

The Clerk called the next bill, H. R. 5087, for the relief of Marie B. Neale.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

HOWARD ARTHUR BESWICK

The Clerk called the next bill, S. 129, for the relief of Howard Arthur Beswick.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Howard Arthur Beswick, of Ludlow, Vt., for disability alleged to have been incurred by him October 21, 1928, when a plane piloted by him while a Naval Reserve officer on active duty crashed near Des Moines, Iowa: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. C. WILLIAMS

The Clerk called the next bill, S. 216, for the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in



the Treasury not otherwise appropriated, to A. C. Williams, of Sentinel, Okla., administrator of the estate of his wife, Julia F. Williams, the sum of \$1,000 in full settlement of any and all claims against the Government on account of the death of his wife, Julia F. Williams, who died as a result of injuries received in an automobile collision with a truck owned by the Government and driven by Charles Cordell, agent and employee of the Government, in the service of the Works Progress Administration, near Socorro, N. Mex., on July 31, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RAY WIMMER

The Clerk called the next bill, S. 633, for the relief of Ray Wimmer.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ray Wimmer, the sum of \$121.20, in full satisfaction of his claim against the United States for the use of his personally owned automobile from December 5, 1934, to February 15, 1935, while employed as cruiser-appraiser, Indian Service, in cruising and appraising of timber on the Colville Indian Reservation, Washington: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALBERT PINA AFONSO

The Clerk called the next bill, S. 1001, for the relief of Albert Pina Afonso, a minor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Albert Pina Afonso, a minor, of Woburn, Mass., the sum of \$3,000, in full satisfaction of all claims against the United States for damages sustained by the said Albert Pina Afonso as a result of being struck and injured by a United States mail truck in Woburn, Mass., on January 28, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COHEN, GOLDMAN & CO., INC.

The Clerk called the next bill, S. 1374, for the relief of Cohen, Goldman & Co., Inc.

Mr. MOTT and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### BARKMAN LUMBER CO.

The Clerk called the next bill, S. 1385, for the relief of the Barkman Lumber Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Barkman Lumber Co., of East Tawas, Mich., the sum of \$310.48, in full satisfaction of its claims for the remission of liquidated damages deducted from amounts otherwise due it for lumber and building materials furnished the United States Forest Service, Department of Agriculture, under unnumbered contracts dated May 29, 1936, and under contract No. ER-A9fs-100, dated June 9, 1936, and contract No. ER-A9fs-ccc-1126, dated June 10, 1936: *Provided*, That no part of the amounts appro-

priated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of service rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amounts appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, after the word "claims", insert "against the United States."

Page 2, line 1, start with the word "*Provided*" and strike out the remainder of the bill and insert in lieu thereof the following language: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### IDA MAY LENNON

The Clerk called the next bill, S. 1387, for the relief of Ida May Lennon.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida May Lennon, of Bedford, Ohio, the sum of \$179.08, in full satisfaction of her claims against the United States for compensation for damage done to a building owned by her in St. Ignace, Mich., by blasting of the Civil Works Administration during February and March 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Pages 1 and 2, start with the word "*Provided*" in line 10, page 1, and strike out the remainder of the bill, inserting in lieu thereof the following language: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### POSTAL TELEGRAPH-CABLE CO.

The Clerk called the next bill, S. 1487, for the relief of the Postal Telegraph-Cable Co.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Postal Telegraph-Cable Co. of New York, N. Y., the sum of \$2,598.86, in full satisfaction of its claim against the United States for reimbursement of expenses incurred in rebuilding and restoring a 30-wire crossing over the Delaware River between Raven Rock, N. J., and Lumberville, Pa., which was demolished and knocked into the Delaware River by a United States 046 Army observation plane, on February 19, 1937, while engaged in making a flight over the Delaware River: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services

rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, line 2, start with the word "Provided" and strike out the remainder of the bill, inserting in lieu thereof the following language: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CANVAS DECOY CO.

The Clerk called the next bill, S. 1629, for the relief of the Canvas Decoy Co.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Canvas Decoy Co., of Union City, Tenn., the sum of \$14,571.94, in full satisfaction of the claim of such company against the United States for remission of liquidated damages assessed against such company under the provisions of two contracts numbered W-669-ECF-563 and W-669-qm-ECF-717, entered into by such company with the War Department under dates of February 25, 1935, and March 29, 1935, respectively, for the manufacture and delivery of a quantity of raincoats to the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike out the words, "the claim" and insert in lieu thereof, "all claims."

On page 2, line 2, start with the word "Provided," strike out the balance of the bill and insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JOHN B. BRACK

The Clerk called the next bill, H. R. 2480, for the relief of the estate of John B. Brack.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of John B. Brack (XC-489817), the sum of \$625. The payment of such sum shall be in full payment of all claims under the World War Adjusted Compensation Act, as amended and supplemented, based on the service of the said John B. Brack, who is not survived by any dependent within the restricted classes of beneficiaries under such act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CATHERINE HUMLER

The Clerk called the next bill, S. 556, for the relief of Catherine Humler.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding any other provision of law, the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay to Catherine Humler, mother of Joe M. Humler, late a private, Ninety-seventh Company, Sixth Regiment United States Marine Corps, 240 equal monthly installments of \$57.50 each, commencing July 20, 1918, in full satisfaction of her claim against the United States for payment of yearly renewable term insurance on account of the death of said Joe M. Humler, who was killed in action while in the performance of his duty and before completing arrangements for a contract of such insurance: *Provided*, That the Administrator of Veterans' Affairs is hereby authorized and directed to deduct from the payment of insurance herein authorized the sum of \$68, representing premiums based upon application of October 20, 1917.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### J. HARRY WALKER

The Clerk called the next bill, H. R. 4965, for the relief of J. Harry Walker.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Harry Walker, of Poplar, Mont., the sum of \$1,870.93, in full satisfaction of his claims against the United States to November 27, 1937, for compensation for services rendered by him as an undertaker in the burial of Indians of the Fort Peck Agency and other reservations.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Line 6, strike out "\$1,870.93" and insert in lieu thereof "\$1,000."

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from California.

Mr. Speaker, do I understand from the gentleman from California [Mr. COSTELLO] if the amendment is not agreed to he will object to the bill?

Mr. COSTELLO. It was not my intention to object to the bill because of the facts involved in this bill which cover a period of years. A certain undertaker performed burial services for various Indians in Montana. The claim does not show whether he collected any amount at all from the estates of the Indians. It is possible he did collect some small amount. Also it does not show the exact amount of expense in each particular case. In view of the fact this covers a period of 22 years and because of the further fact services were rendered, I feel he is entitled to some compensation, but I believe \$1,000 would be sufficient payment to be made to him.

Mr. O'CONNOR. This covers services rendered by Walker for burials of Indians from June 3, 1913, to November 27, 1937. These services were rendered to Fort Peck Indians in the amount of \$1,728.60. There are claims in addition in the amount of \$142.33 for the burial of two Indians from another reservation in South Dakota. There is another item from Fort Belknap and Standing Rock, N. Dak. These services were performed at the request of the Indian agents.

The payment of these expenses was to be made from the estates of the Indians, but when the estates were wound up there was not anything left for the payment of the burial expenses. The expenses, as I said, were incurred with the approval of the Indian agent. As I understand it, the report of the Department of the Interior is favorable, but the Comptroller General has rendered an unfavorable report. Personally, I think the original amount should be allowed.

Mr. HANCOCK. Will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from New York.

Mr. HANCOCK. Is it not true that the undertaker performed these services at his own risk and without any legal obligation on the part of the United States Government?

Mr. O'CONNOR. No; that is not true, because the expense was incurred, as I understand it, with the approval



of the Indian agent. These Indians are entitled to decent burial the same as a white person.

Mr. HANCOCK. The Comptroller General recommends against the bill, stating there was no legal obligation on the part of the United States Government to pay the undertaker the amounts which he was unable to collect from the estates of the deceased Indians.

Mr. O'CONNOR. The United States is the guardian of these Indians, and if there are no funds in their estates to pay with, the Government should pay the expense.

Mr. HANCOCK. But they would be buried under supervision of the Indian agent.

Mr. O'CONNOR. The expense for their burial should be met by the United States Government for the reasons I just gave.

Mr. HANCOCK. In this case the Indians employed their own undertaker.

Mr. O'CONNOR. But it was done with the approval of the Indian agent.

Mr. HANCOCK. What is that?

Mr. O'CONNOR. The expense was incurred on approval of the Indian agent.

Mr. HANCOCK. That is necessary in all cases where you do business with Indians. You cannot do business with the Indians without approval of the Indian agent. As a matter of fact, an Indian is not liable for his debts with anybody, and anyone who does business with him does so at his own risk.

Mr. COSTELLO. Ordinarily the burial of Indians is done by contract, by advertising for bids. However, in this instance it was not done that way. The undertaker called by phone the superintendent of the Indian agency. Technically, he had no contract with the Government. There is nothing but the moral obligation because of the fact he did render some service to the Government.

Mr. O'CONNOR. The Government should be responsible for burying its own wards, and the full amount asked in the bill should be allowed.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY G. PERSON

The Clerk called the next bill, H. R. 1628, for relief of Mary G. Person.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

#### MEDALS, ORDERS, AND DECORATIONS TENDERED OFFICERS AND ENLISTED MEN BY FOREIGN GOVERNMENTS

The Clerk called the next bill, S. 510, to authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the following-named officers and enlisted men of the United States Army are hereby authorized to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered:

Brig. Gen. Charles Burnett; Brig. Gen. Leigh C. Fairbank; Col. Lester D. Baker; Col. Albert Gilmor; Col. Martin C. Shallenberger; Col. Rodney H. Smith; Col. Edwin M. Watson; Col. F. Langley Whitely; Lt. Col. Edward M. Almond; Lt. Col. John B. Coulter; Lt. Col. Louis A. Craig; Lt. Col. Howard C. Davidson; Lt. Col. John F. Davis; Lt. Col. Norman E. Fiske; Lt. Col. Henry B. Lewis; Lt. Col. John E. McMahon; Lt. Col. Burton Y. Read; Lt. Col. William R. Schmidt; Lt. Col. John Andrew Weeks; Lt. Col. Lawrence B. Weeks; Lt. Col. John S. Winslow; Maj. Charles Y. Banfill; Maj. Robert E. Cummings; Maj. Harold L. George; Maj. Samuel A. Greenwell; Maj. Gustav B. Guenther; Maj. Caleb V. Haynes; Maj. William D. Hohenthal; Maj. Vincent J. Meloy; Maj. Lawrence C. Mitchell; Maj. Wilton B. Persons; Maj. Lowell M. Riley; Maj. Horace B. Smith; Capt. Mark M. Boatner, Jr.; Capt. Malin Craig, Jr.; Capt. Townsend Griffiss;

Capt. Alva L. Harvey; Capt. George Honnen; Capt. Ford J. Lauer; Capt. Carl B. McDaniel; Capt. Daniel J. Martin; Capt. William A. Matheny; Capt. Floyd L. Parks; Capt. George W. Read, Jr.; Capt. Harry McK. Roper; Capt. T. Thomas D. White; First Lt. William C. Bentley, Jr.; First Lt. John A. Cleveland, Jr.; First Lt. Richard S. Freeman; First Lt. Frederic E. Glantzberg; First Lt. Curtis E. LeMay; First Lt. Edwin L. Tucker; First Lt. Torgils G. Wold; Second Lt. Edwin Nevin Howell; Second Lt. Lawrence A. Spilman; Second Lt. James H. Rothrock, Air Reserve (active); Master Sgt. Floyd B. Haney; Technical Sgt. Adolph Cattarius; Staff Sgt. Charles S. Guinn; Staff Sgt. Ralph W. Spencer; Staff Sgt. Henry L. West; Sgt. Frank B. Conner; Corp. John S. Gray; Corp. Clarence D. Lake; Corp. James E. Sands; Pvt. (1st cl.) Russell E. Junior; Pvt. (1st cl.) Norbert D. Flinn; Pvt. (1st cl.) Joseph H. Walsh; and Pvt. Hansen Outley.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. ANDREW S. ROWAN

The Clerk called the next bill, S. 746, to authorize Maj. Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the following-named retired officer of the United States Army is hereby authorized to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered: Maj. Andrew S. Rowan.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES G. CLEMENT

The Clerk called the next bill, H. R. 3305, to correct the military record of Capt. Charles G. Clement.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Capt. Charles G. Clement shall be held and considered to have been honorably discharged from the military service of the United States as captain, commanding Company E, Second Battalion, Three Hundred and Twenty-eighth Regiment United States Infantry.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows or dependents, Capt. Charles G. Clement, Company E, Three Hundred and Twenty-eighth Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on August 14, 1918: *Provided*, That no back pay or pension shall be held to have accrued prior to the approval of this act."

Amend the title.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Charles G. Clement."

SGT. FRED W. STOCKHAM

The Clerk called the joint resolution (S. J. Res. 2) providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased.

Mr. WADSWORTH and Mr. HANCOCK objected and, under the rule, the joint resolution was recommitted to the Committee on Military Affairs.

IMOGENE ENLEY

The Clerk called the next bill, H. R. 543, for the relief of Imogene Enley.

Mr. ANDERSON of Missouri objected.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Imogene Enley the sum of \$183.70. Such sum shall be in full settlement of all claims for damages against the United States on account of injuries sustained by the said Imogene Enley when an Army truck collided at the Pearl City Junction, Territory of Hawaii, on June 27, 1936, with the

parked car of which she was an occupant, said car having been halted by order of the military police to allow a gun convoy to pass.

With the following committee amendments:

Page 1, line 5, after the word "Enley", insert "of Honolulu, Territory of Hawaii."

Page 1, line 6, strike out "\$183.70" and insert "\$171.20."

Page 2, line 2, after the word "pass", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FRANKLIN LOPEZ

The Clerk called the next bill, H. R. 3157, for the relief of Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased, late of New York City, N. Y., the sum of \$15,000, in full satisfaction of its claim against the United States for the death of said Alice C. Lopez, who was struck and killed by a United States mail truck (registration No. 429141), at the intersection of West Twenty-third Street and Eighth Avenue in New York City on December 28, 1932.

With the following committee amendments:

Page 1, line 8, strike out "\$15,000" and insert "\$5,000."

Page 2, line 2, after "1932", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WILLIAM L. RULL

The Clerk called the next bill, H. R. 4725, for the relief of William L. Rull.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William L. Rull, of Boston, Mass., the sum of \$1,610.59, upon either the making of an assignment of all rights under, or the filing of a discharge and satisfaction of, a judgment and execution for a like sum rendered in the Superior Court of the Commonwealth of Massachusetts for the county of Suffolk, on January 9, 1939, against William J. Smith, of Roxbury, Mass., the operator of a United States mail truck, in favor of the said William L. Rull for damages sustained as a result of personal injuries received September 15, 1937, in Boston, Mass., when he was struck by the said mail truck while it was being operated by the said William J. Smith in the regular course of his duties. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as a result of such injuries.

With the following committee amendments:

Page 1, line 6, strike out "\$1,610.59" and insert "\$1,000."

Page 1, line 8, strike out "for a like sum."

Page 1, line 9, after "rendered", insert "for the sum of \$4,610.59."

Page 2, line 9, after "injuries", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WILLIAM S. HUNTLEY

The Clerk called the next bill, H. R. 4762, for the relief of William S. Huntley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William S. Huntley, St. Louis, Mo., the sum of \$10,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said William S. Huntley on account of the death of his minor son, Irwin Huntley, who was killed on May 30, 1937, at or near Granite City, Ill., when he was struck by a United States Department of the Interior truck in the service of the Resettlement Administration work camp at Grafton, Ill.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, strike out "\$10,000" and insert "\$3,500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WALTER C. HOLMES

The Clerk called the next bill, H. R. 5743, for the relief of Walter C. Holmes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit and close the account of Walter C. Holmes, in the amount of \$1,448.24, for alleged payment of dual salary to the said Walter C. Holmes for the period from May 1, 1925, to June 30, 1933, being the entire amount paid to him as lamplighter in addition to pay as chief boatswain's mate, United States Coast Guard.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the payments heretofore made to Walter C. Holmes at the rate of \$180 per annum for the period of his service in the Light-house Service at Ludlam Beach Light Station while he was receiving compensation as chief boatswain's mate in the United States Coast Guard, the combined salaries exceeding the rate of \$2,000 per annum, are hereby legalized."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DICA PERKINS

The Clerk called the next bill, S. 12, for the relief of Dica Perkins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dica Perkins the sum of \$100 in full satisfaction of her claim against the United States arising out of the removal from her property near Cane Beds, Ariz., of certain pieces of petrified wood by enrollee members of the Civilian Conservation Corps: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ANDREW J. CROCKETT AND WALTER CROCKETT

The Clerk called the next bill, S. 875, for the relief of Andrew J. Crockett and Walter Crockett.



There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,394.13 to Andrew J. Crockett and Walter Crockett, in full settlement of their claims for compensation for improvements constructed by them upon the land transferred to the Zuni Indian Reservation, N. Mex., by the act of June 20, 1935 (49 Stat. 393): *Provided,* That no payment shall be made until certification by the Secretary of the Interior that the claimants have executed a satisfactory release of any and all claims arising out of the said transfer of lands.

With the following committee amendment:

At the end of the bill strike out the period and insert the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. E. PERKINS

The Clerk called the next bill, S. 1517, for the relief of F. E. Perkins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,418.82, which sum of \$3,418.82 shall be credited by the Secretary of the Treasury to the official trust fund checking account of F. E. Perkins, symbol 89-463, former Superintendent of the Shawnee Indian Agency, Shawnee, Okla., with the Treasurer of the United States, to cover a net shortage of trust and official funds, representing funds of individual Indians, \$3,402.32, and fees collected pursuant to the act of February 14, 1920 (41 Stat. 415), as amended by the act of March 1, 1933 (47 Stat. 1417), \$16.50, caused by the peculations of Joseph A. Pourier, former employee of that agency.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REIMBURSEMENT OF MEMBERS OR FORMER MEMBERS OF UNITED STATES COAST GUARD

The Clerk called the next bill, S. 2167, to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named personnel of the United States Coast Guard, in full settlement of their claims against the United States for loss or destruction of, or damage to, personal property and effects at the Coast Guard stations indicated as a result of the hurricane of September 21, 1938, as follows:

At the Coast Guard Academy, New London, Conn., James F. Bland, seaman, first-class, \$16.70; Joe Daniels, chief boatswain's mate, \$13.20; Walter S. Haas, fireman, second-class, \$12.50; Joseph P. Iannantuono, seaman, first-class, \$15.95; Thomas P. Kilarny, chief yeoman, \$3.70; Joseph Olson, seaman, first-class, \$8.09; Paul C. Smith, carpenter's mate, third-class, \$3.70.

At the Block Island Coast Guard Station, Block Island, R. I., Harry E. Johnson, chief boatswain (lifesaving), \$5.60.

At the Brenton Point Coast Guard Station, Newport, R. I., Charles Edwin Adamson, motor machinist's mate, second-class (lifesaving), \$90.25; Willis Emil Bastareche, surfman, \$64.45; Manuel Cabral, surfman, \$54.50; George Ammette Choquette, surfman, \$35.50; Orin Edward Edwards, surfman, \$63.25; Joseph Anthony Flores, surfman, \$82.50; George Gabbos, surfman, \$52.50; Joseph Alphonse Gautreau, surfman, \$52; George Philip Lewis, chief boatswain's mate (lifesaving), \$93; Manuel Soares Macedo, surfman, \$64.85; Leonard Anthony McCarthy, surfman, \$81; Ralph Edgar Small, boatswain's mate, first-class, \$54.50; Coulter L. Tillett, surfman, \$26.08; George Atwood Williams, motor machinist's mate, first-class, \$52.50.

At the Moriches Coast Guard Station, West Hampton, N. Y., John Rowland Avery, surfman, \$262.97; William Thomas Beacham, boatswain's mate, first-class (lifesaving), \$277; Leonard Haven Benjamin, motor machinist's mate, second-class (lifesaving),

\$240.42; Jerry George Berka, surfman, \$254.55; William P. Cheek, surfman, \$245.73; Linville Gates Farrow, surfman, \$268.11; Guion James Garner, surfman, \$292.09; William Alfred Hargis, surfman, \$238.97; John Oliver Hull, surfman, \$237.79; Roland Edward Jean, chief boatswain's mate (lifesaving), \$273.59; James Henry Ketcham, chief boatswain's mate (lifesaving), \$417.45; Ernest Louis Killian, surfman, \$292.72; William Henry Knowles, surfman, \$269.16; George John Loy, surfman, \$27.91; Olen Miller, surfman, \$252.21; Thomas King Morton, surfman, \$44.62; Allan Tracy Ruggles, boatswain's mate, first-class (lifesaving), \$343.36.

At the Shinnecock Coast Guard Station, Hampton Bays, N. Y., Ernest Bateman Barnette, surfman, \$247.01; Harry Tunnell Carter, surfman, \$117.80; Russel Helbert Creef, surfman, \$224.74; Harvey Rodger Davis, boatswain's mate, first-class (lifesaving), \$320.65; John Lemar Edwards, boatswain (lifesaving), retired, \$360.60; Callie Fulcher, surfman, \$240.31; Howard Dale Harris, boatswain's mate, first-class (lifesaving), \$263.12; Carl Ross Jennett, surfman, \$232.79; Archie Worth Jones, surfman, \$251.75; Charles Mades, surfman, \$244.95; Melvin Brown Midgette, surfman, \$238.25; Burnis Morris, motor machinist's mate, second-class (lifesaving), \$333.18; Clayton Murphy, surfman, \$243.98; Lee Edward Parsons, boatswain's mate, first-class (lifesaving), \$306.62; Lewis Purnell Rodgers, surfman, \$285; and Charles Fearing Scott, surfman, \$228.63.

At the Mecox Coast Guard Station, East Hampton, N. Y., Roy Alfred Guilmont, radioman, first-class, \$29.

With the following committee amendment:

At the end of the bill, add: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WOMEN'S BOARD OF DOMESTIC MISSIONS

The Clerk called the next bill, H. R. 1875, for the relief of the Women's Board of Domestic Missions.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of \$2,500, on account of destruction by fire of a building belonging to the Women's Board of Domestic Missions while being used without compensation by the United States Government for Indian-school purposes.

With the following committee amendments:

Line 3 strike out the words "Treasurer of the United States" and insert in lieu thereof "Secretary of the Treasury."

Line 4, after the word "pay", insert "out of any money in the Treasury not otherwise appropriated."

Line 6, after "\$2,500", insert "in full settlement of all claims against the United States."

At the end of the bill add: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. E. R. COVELL

The Clerk called the next bill, H. R. 2234, for the relief of W. E. R. Covell.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. E. R. Covell, of Pittsburgh, Pa., the sum of \$1,025, in full and final settlement of all claims against the United States for loss of and damage to personal property in a flood which occurred on March 17, 1936, while the same was stored in the United States Depot Lock No. 2, Ohio River, Pittsburgh, Pa.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. CLYDE E. STEELE

The Clerk called the next bill, H. R. 3623, for the relief of Capt. Clyde E. Steele, United States Army.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Clyde E. Steele, of the United States Army, the sum of \$715.61, to reimburse him on account of loss of two packages, nos. 54 and 55, containing rugs, occurring in transit from the Presidio of San Francisco, Calif., to Fort Thomas, Ky., incident to his change of station under Special Orders, No. 122, War Department, dated May 22, 1936, as amended by Special Orders, No. 272, dated November 16, 1936, as provided by act of March 4, 1921 (41 Stat. 1436).

With the following committee amendments:

Lines 6 and 7, strike out the words "to reimburse him" and insert in lieu thereof "in full settlement of all claims against the United States."

Line 13, strike out the comma after the date "1936" and all the language following same, and insert in lieu thereof the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. MILTON SWENEY

The Clerk called the bill (H. R. 4260) for the relief of J. Milton Sweeney.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Milton Sweeney, Shenandoah, Iowa, the sum of \$800.90. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said J. Milton Sweeney as the result of personal injuries received on January 6, 1937, near Shenandoah, Iowa, when he was struck by a truck in the service of the Department of Agriculture. At the time of the accident the said J. Milton Sweeney was standing on the running board of his automobile which was parked entirely off the paved portion of Iowa State Highway No. 3.

With the following committee amendments:

Page 1, line 6, strike out "\$800.90" and insert "\$2,000." Page 1, line 11, strike out "Agriculture." At the time of the accident the said J. Milton Sweeney was standing on the running board of his automobile which was parked entirely off the paved portion of Iowa State Highway No. 3" and insert in lieu thereof "Agriculture: Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA ENRIQUEZ DE LOS REYES AND OTHERS

The Clerk called the bill (H. R. 5114) for the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that Senate bill 1895, a similar bill, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes, the widow and children, respectively, of Jose de los Reyes, the sum of \$3,100 in full satisfaction of all their claims against the United States on account of the death of the said Jose de los Reyes, as the result of an incident involving an Army airplane near Nichols Field, P. I., on March 17, 1938: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 5114) was laid on the table.

ANTHONY CONIGLIO

The Clerk called the bill (S. 221) for the relief of Anthony Coniglio.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Coniglio, of Lincoln, Nebr., the sum of \$750, in full satisfaction of all his claims against the United States for compensation for an injury sustained by him, causing the loss of hearing in one ear, while an inmate of the United States prison camp at Kooskia, Idaho, as the result of an explosion of dynamite when he was working with a crew on a road near Kooskia, Idaho, on October 5, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 12, strike out all of line 12, after the word "Provided," and the remainder of the bill and insert in lieu thereof the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

G. E. WILLIAMS

The Clerk called the bill (H. R. 2514) for the relief of G. E. Williams.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$163.74 to G. E. Williams, of Denison, Tex., in full satisfaction of his claim against the United States for damages incurred as a result of the cancellation on December 3, 1935, of the contract numbered ER-Tps 66-979, awarded him on November 18, 1935, by the Treasury Department, to furnish 1,000 cubic yards of sand for use on a Works Progress Administration project in Sherman, Tex.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ESTATE OF DALE W. GUISE ET AL.

The Clerk called the bill (H. R. 3161) for the relief of the estate and minor children of Dale W. and Gladys M. Guise, Sally C. Guise, and Martha G. and Arnold E. Orner.

Mr. GRANT of Indiana, Mr. MOTT, and Mr. HANCOCK objected and the bill was recommitted to the Committee on Claims.

#### CORABELL WUENSCH AND OTHERS

The Clerk called the bill (H. R. 4264) for the relief of Corabell Wuensch, Jackie Lee Wuensch, and Mary Rainbolt.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Corabell Wuensch and her son, Jackie Lee Wuensch, both of rural route No. 2, Bargserville, Ind., the sums of \$500 and \$1,500, respectively; to Mary Rainbolt, of rural route No. 2, Bargserville, Ind., the sum of \$5,000; in all, \$7,000; in full settlement of all claims against the Government of the United States for personal injuries sustained by them as a result of negligence on the part of the employee of the United States in the operation of a Civilian Conservation Corps truck when it struck the vehicle in which they were passengers, 8 miles southwest of Bloomington, Ind., on State Road No. 45, on October 13, 1936: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, after the word "and", insert "the legal guardian of."  
Page 1, line 7, strike out the amount "\$500" and insert "\$200."  
Page 1, line 7, strike out the amount "\$1,500" and insert "\$453.10."  
Page 1, line 9, strike out the amount "\$5,000" and insert "\$1,886.35."  
Page 1, line 9, strike out the amount "\$7,000" and insert "\$2,539.45."  
Page 2, line 1, before the word "employee", strike out the word "the" and insert the word "an."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LELAND J. BELDING

The Clerk called the bill (H. R. 4847) for the relief of Leland J. Belding.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leland J. Belding the sum of \$1,148, in full settlement of all claims for loss and damage to personal possessions resulting from the wrecking of the coastwise vessel *Helena* on July 28, 1929, upon the San Juan bar.

With the following committee amendments:

Page 1, line 6, strike out "\$1,148" and insert "\$1,012.50"; and in line 7, after the word "claims", insert the words "against the United States"; and at the end of the bill strike out the period, insert a colon, and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amendment offered by Mr. HANCOCK to the first committee amendment: Page 1, line 6, strike out "\$1,012.50" and insert "\$800."

The amendment to the committee amendment was agreed to.

The committee amendments as amended were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TONY ZAICEK

The Clerk called the bill (H. R. 6056) for the relief of Antal or Anthony or Tony Zaicek or Zaiczek.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and order of deportation heretofore issued against Antal or Anthony or Tony Zaicek or Zaiczek. Hereafter, for the purposes of the immigration and naturalization laws, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence on October 2, 1924.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Antal or Anthony or Tony Zaicek or Zaiczek as of October 2, 1924, and that the warrant of deportation be canceled and Antal or Anthony or Tony Zaicek or Zaiczek shall not again be subject to deportation proceedings for the reasons set up in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States.

"Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JOHN MARINIS ET AL.

The Clerk called the next bill, H. R. 5494, for the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos, all residents of Tarpon Springs, Fla., engaged in deep-sea diving for sponges, shall each be permitted to remain in the United States, and shall not be subject to deportation on the grounds of unlawful residence in the United States, so long as engaged in deep-sea diving for sponges.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MOTIEJUS BUZAS AND BERNICE BUZAS

The Clerk called the next bill, H. R. 6409, to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Motiejus Buzas and Bernice Buzas, his wife, on the 1st day of January A. D. 1925, and that the warrant of deportation be canceled, and Motiejus Buzas and Bernice Buzas shall not again be subject to deportation proceedings for the reasons set up in said warrant, and that by the terms of this act they shall not be permitted to become naturalized citizens of the United States.

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the quota during the current quota year.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### JOAQUIM SANTOS VALENTE

The Clerk called the next bill, H. R. 6416, for the relief of Joaquim Santos Valente.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Joaquim Santos Valente, and that the alien shall not hereafter become subject to deportation for the cause contained in the present warrant.

By the terms of this act the alien is hereby disqualified from ever acquiring United States citizenship and that upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BESSIE BEAR ROBE

The Clerk called the next bill, H. R. 1177, for the relief of Bessie Bear Robe.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bessie Bear Robe, Pine Ridge, S. Dak., the sum of \$5,000, in full settlement of all claims against the United States for the death of her son, Aloysius Spotted Bear, an Indian-school student, who was killed while alighting from an Indian Service school bus by being struck by an automobile belonging to the United States Indian Service, which was being driven by an officer of the Indian police in line of duty, on United States Highway No. 18 within the boundaries of the Pine Ridge Indian Agency of South Dakota:

With the following committee amendments:

Page 1, line 5, after the word "to", insert "the superintendent of the Pine Ridge Reservation, S. Dak., in behalf of."

Page 1, line 7, after the word "Dakota", insert "subject to expenditure for her benefit under regulations of the Secretary of the Interior governing the expenditure of other individual Indian money."

Page 1, line 10, strike out "\$5,000" and insert "\$3,000."

Page 2, line 7, after the word "Dakota" insert: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIOLET DEWEY

The Clerk called the next bill, H. R. 3084, for the relief of Violet Dewey.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Violet Dewey, of Wilmington, Calif., the sum of \$6,000. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries received by the said Violet Dewey when she was struck by a motor vehicle in the service of the Immigration and Naturalization Service, Department of Labor, on November 22, 1937, near Anaheim, Orange County, Calif.

With the following committee amendments:

Page 1, line 6, strike out "\$6,000. The payment of such sum shall be" and insert "\$2,500."

Page 2, after line 1, insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KYLE BLAIR

The Clerk called the next bill, H. R. 3104, for the relief of Kyle Blair.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kyle Blair, of Whirlwind, Logan County, W. Va., the sum of \$5,000, in full satisfaction of all claims against the United States for injuries sustained by him on February 27, 1934, when employees of the Civil Works Administration, while engaged in the building of a road on Harts Creek in Logan County, W. Va., negligently released a log which rolled over

and down the side of a hill, the log striking said Kyle Blair and crippling him for life: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out "\$5,000" and insert "\$3,500."

Page 1, line 9, strike out the word "when" and insert "through negligence on the part of."

Page 2, after the word "Virginia", strike out the balance of line 1 and all of lines 2 and 3.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LESTER P. BARLOW

The Clerk called the next bill, H. R. 3683, to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.

The SPEAKER pro tempore (Mr. THOMASON). Is there objection to the present consideration of the bill?

Mr. HANCOCK, Mr. RICH, Mr. COCHRAN, and Mr. COSTELLO objected, and the bill, under the rule, was recommitted to the Committee on Claims.

JOHN G. WYNN

The Clerk called the next bill, H. R. 3730, for the relief of John G. Wynn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John G. Wynn, of Brandon, Miss., as legal guardian of his minor son, John G. Wynn, Jr., the sum of \$2,500, in full settlement of all claims against the United States for injuries sustained by said John G. Wynn, Jr., on account of dynamite caps being negligently left by the foreman and employees of the Works Progress Administration in an abandoned house while using said caps and dynamite in the loosening and moving of dirt for street repair in the town of Brandon, Miss., said John G. Wynn, Jr., picking up same and one of said caps having exploded in his hand, thereby injuring him: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 9, after the word "Junior", insert "on May 13, 1938."

Page 1, line 10, after the word "of", strike out the balance of line 10 and all of line 11, and on page 2, strike out lines 1, 2, 3, 4, down to and including the word "him", on page 5, and insert "negligence on the part of employees of the Works Progress Administration in Brandon, Miss."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN P. SHORTER

The Clerk called the next bill, H. R. 4017, for the relief of John P. Shorter.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MARY A. BRUMMAL

The Clerk called the next bill, H. R. 4155, for the relief of Mary A. Brummal.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary A. Brummal, of Berkeley, Calif., the sum of \$1,500, in full settlement against the Government for injuries received when struck by the automobile of a special-delivery messenger on duty for the Post Office Department at Berkeley, Calif., February 28, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or



agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**With the following committee amendments:**

Line 6, strike out the sign and figures "\$1,500" and insert in lieu thereof the sign and figures "\$500."

Line 6, after the word "settlement", insert "of all claims."

Line 7, strike out the word "Government" and insert in lieu thereof "United States."

Line 10, after the figures "1938", strike out the colon and all the remaining language of the bill and insert in lieu thereof: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**COMMITTEE ON THE JUDICIARY**

Mr. BARNES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the session of the House today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

**PRIVATE CALENDAR**

**H. W. HAMLIN**

The Clerk called the next bill, H. R. 4391, for the relief of H. W. Hamlin.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. W. Hamlin the sum of \$246.50, as compensation for damages caused by a collision of the launch *Venus*, the property of the said H. W. Hamlin, with a submerged beacon of the Lighthouse Service off the Mount Pleasant shore in the harbor of Charleston, S. C., on December 27, 1916.

**With the following committee amendments:**

Line 6, strike out "as compensation" and insert "in full settlement of all claims against the United States."

Line 7, strike out the word "*Venus*" and insert the word "*Venis*."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**MR. AND MRS. JOHN SHEBESTOK**

The Clerk called the next bill, H. R. 4440, for the relief of Mr. and Mrs. John Shebestok, parents of Constance and Lois Shebestok.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John Shebestok, of Cleveland, Ohio, the sum of \$10,000, in full settlement of all claims against the United States for the death of their daughter, Constance Shebestok, and injuries sustained by their daughter, Lois Shebestok, on December 15, 1933, who were struck by a United States Government truck in Cleveland, Ohio, operated by an employee of the Civil Works Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

**With the following committee amendments:**

Page 1, line 6, strike out the figures "\$10,000" and insert "\$3,500."

Page 1, line 9, strike out the words "who were" and insert "as a result of being."

Page 1, line 10, strike out the words "United States Government truck in Cleveland, Ohio" and insert "truck in the service of the Civil Works Administration."

Strike out all the language of page 2 and insert in lieu thereof: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CHARLES ENSLOW**

The Clerk called the next bill, H. R. 4609, for the relief of Charles Enslow.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Enslow the sum of \$2,500 as compensation in full for injuries received April 24, 1932, at the United States Penitentiary, Leavenworth, Kans.

**With the following committee amendments:**

Line 5, after the name "Enslow" add a comma and insert "of Kingfisher, Kingfisher County, Okla."

Line 6, after the word "of", strike out the language "\$2,500 as compensation in full" and insert in lieu thereof "\$1,200, in full settlement of all claims against the United States."

At the end of the bill add "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

**INTERNATIONAL MANUFACTURERS' SALES CO. OF AMERICA, INC.**

The Clerk called the joint resolution (S. J. Res. 86) for the relief of International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

Mr. COCHRAN, Mr. RICH, Mr. GRANT of Indiana, and Mr. COSTELLO objected, and, under the rule the joint resolution was recommitted to the Committee on Claims.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTELLO. My purpose, Mr. Speaker, in requesting this permission to extend my remarks, is to avail myself of an opportunity to explain to the Members of the House the various facts and circumstances connected with this bill for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee, which bill is more familiarly known as the Russian shoe bill. In previous Congresses, numerous efforts have been made to secure passage of legislation which would pay directly to the claimant the sum of \$968,748.12, to be appropriated from the Treasury. Although such proposals have met with the consistent objections of the officially appointed objectors on both sides of the aisle, nevertheless the bill did pass the House in an omnibus bill during the Seventy-fourth Congress. On February 11, 1936, the President vetoed the bill. The veto message appears at page 1817 of volume 80, part 2, of the CONGRESSIONAL RECORD. The House thereupon voted on a motion to pass the bill, notwithstanding the veto message of the President, but the motion failed to carry by a roll-call

vote showing but 4 Members voting in favor of the bill, while 333 voted against the passage of the bill.

Although it was believed at the time that the decisive defeat of this bill on a roll-call vote of the House would forever end the matter, yet today the same claimant returns with a new bill, asking that he be permitted to present the claim to the Court of Claims. Having witnessed the untiring efforts of the claimant to press this claim, I am confident that even an adverse decision of the Court of Claims will not terminate this matter.

The claimant company was incorporated in Illinois in 1910, and in 1916 was reincorporated in New York to engage in a general sales business in Russia and other European countries. The claimant acted as special sales agent for various manufacturers, all of whom were stockholders in the claimant company. In this instance a sale of 107,000 pairs of shoes had been made to European Russia. However, due to the war situation, shipment had to be made across the Pacific, through Siberia and into Vladivostok, thence to be sent by rail into European Russia. It was not possible to ship the shoes on from Vladivostok, however, and so Mr. Postnikoff then went to Vladivostok to determine what he might do with the shoes. Whether the shoes could have been reshipped back to the United States or to Japan for sale is difficult to say, as the railroads in Russia were in a demoralized condition and the possibility of moving large blocks of freight was extremely difficult. The claimant infers that such reshipment would have been possible.

In the fall of 1918 a plan was formulated by the War Trade Board for the purpose of extending economic aid to the population of Siberian Russia. Meeting with the approval of the President, the War Trade Board was entrusted with carrying out this plan and was placed in control of all supplies licensed for exporting to Vladivostok. Mr. August Heid was appointed chief of the Vladivostok bureau as the representative of the War Trade Board in that city. The supplies, which were proposed to be shipped, were to be obtained partly by use of a revolving fund placed at the disposal of the Board by the President.

In order to carry out the plan of assistance to the people of Siberia, American merchants, manufacturers, and distributors were invited to sell goods in Siberia and were advised that they could obtain information as to the method of selling goods and related matters from the Vladivostok bureau to the War Trade Board. It appears from the record that wide publicity was given to the proposed aid to be extended in Siberia, and that it was in response to this general request and not due to any specific or special invitation that Mr. Postnikoff consulted with Mr. Heid, of the bureau in Vladivostok, regarding the possibility of disposing of the shoes then in that city. Arrangements were made between Mr. Postnikoff and Mr. Heid whereby the shoes would be sold in Russia to various municipalities and cooperative societies at prices which would cover the actual expenses and costs without profit.

Consequently, the shoes, approximately 107,471 pairs, were sold at a price of \$10.80 per pair. The American Red Cross provided railroad cars to transport the shoes, attaching the cars to special relief trains; the American forces in Siberia detailed special guards for their protection and the War Trade Board supervised the sales. The shoes were delivered to the purchasers during December 1918 and January 1919, but were not paid for until March, April, and May 1919, in accordance with the sales agreement. The shoes were paid for in full by depositing the purchase price in Russian rubles in five different banks to the credit of the International Manufacturers' Sales Co. To that extent the terms of the agreement between Mr. Postnikoff and Mr. Heid was completed, having been carried out in full accordance with its provisions.

This complete history is given that the Members may know the full background of this claim. Over these facts there is no controversy. However, the basis of the present claim rests upon an order which was issued by the Federal Reserve Board

under date of February 14, 1919. The order was pursuant to an Executive order dated January 26, 1918, prescribing rules and regulations under section 5 of the Trading with the Enemy Act. The order complained of was as follows:

Unless otherwise instructed, the exportation or importation of Russian rubles or the transfer of funds for their purchase by "persons" and "dealers" in the United States, as described under the Executive order of the President of January 26, 1918, is prohibited.

Following the ruling of the Federal Reserve Board, the Russian Government issued a ruling prohibiting ruble exchange, the effect of which was to allow withdrawals from Siberian banks not in excess of 1,000 rubles per week. The value of the ruble in American money at this time was 15 cents. The total amount of rubles deposited was 6,448,260, half of this amount being in three banks at Omsk and the balance in two Vladivostok banks. However, the Members should recall that the terms of the sales agreement provided for payment in March, April, and May 1919, while the order of the Federal Reserve Board was issued on February 14, 1919, prior to the time payment was made, but subsequent to the delivery of the shoes. The order of the Russian Government was issued shortly after that of the Federal Reserve Board, and also prior to the deposit of the money in the Russian banks.

It is contended that the order of the Federal Reserve Board made it impossible to exchange the rubles on deposit for any currency, and so deprived the claimant company from withdrawing its funds from Russia. On the other hand, it is apparent that had there been no order from the Federal Reserve Board prohibiting the exchange of dollars and rubles, still the claimant could not have effected the removal of its rubles from the Siberian banks under the order of the Russian Government, except at the rate of 1,000 per week. In a word, only 52,000 rubles could have been withdrawn in a year, and it would have required 124 years to withdraw the entire bank account under the order of the Siberian Government. Subsequently, the new Government in Russia repudiated the former currency, and as a consequence the bank accounts became utterly worthless, the old rubles not being recognized.

Had the Federal Reserve Board issued no order, it is a question, contended by the claimant, whether the Russian Government would have issued its order. However, there could be no doubt that the old currency would have been repudiated in any case, making the rubles worthless.

It is alleged by the claimant company that by reason of the order of the Federal Reserve Board the company was unable to convert its rubles into American dollars; that as a result thereof the rubles had to remain on deposit and still remain in Russian banks, and have subsequently depreciated in value to practically nothing; and that the total amount received by reason of its sale of shoes and on deposit, including interest to January 1, 1922, on the basis of an exchange rate of 18 cents in American money to the ruble, amounts to \$1,308,816.46.

It is not questioned that amounts received from the sale of shoes were deposited as rubles in the various banks in Russia, but it is not apparent how there can be any obligation upon the United States, legal, moral, or otherwise. While the War Trade Board assisted in the sale of the shoes, that assistance was confined to facilitating transportation and delivery. The payment and disposition of the money was entirely under the direction of the claimant company. Although the regulation of the Federal Reserve Board did prohibit the exportation or importation of rubles, it did not prevent the withdrawal of such funds from the banks in which they were deposited in Siberia. On the contrary, only the regulation of the Siberian Government prevented such withdrawals. It was because of this latter regulation that it was not possible to exchange the rubles for currency other than American. In a word, in spite of the ruling of the Federal Reserve Board, the claimant company could have exchanged its rubles for any other currency, provided other countries had not also made a like ruling.

It is interesting to note that Mr. Postnikoff admits that he did not know of the ruling of the Federal Reserve Board until early in May 1919—3 months after it was issued—when he



called at the Siberian banks to exchange his rubles into dollars; and that was long after the ruling of the Russian Government, likewise. It was not until May 1919, when the transaction was entirely completed and all payments had been made in full, that Mr. Postnikoff first attempted to remove his deposits from the Russian banks.

Certain facts have not been disclosed in any reports and so cannot be given. It does not appear on what date the claimant company first contracted to sell its shoes to European Russia; nor does it appear on what date the shoes were shipped from this country to Russia via the Pacific and Vladivostok; nor does the date of arrival of the shipment in Vladivostok appear; nor does the length of time during which the shoes were in storage in Vladivostok appear. Further, as to whether the company could actually have effected a sale of the shoes elsewhere is not apparent. Supposing that the shoes could have been removed from Russia for sale elsewhere; it is interesting to note that the cost of shipment of the shoes from the United States to Russia was nearly \$500,000. To reship the shoes to the United States again, if possible, would have made the shipping cost alone nearly a million dollars.

An effort is made to liken this case to that of the P. DeRonde & Co., Inc., claim, in which that company recovered \$1,500,000. However, there are numerous points of difference between the cases and the similarity is more simulated than real. In the DeRonde Sugar case the Federal Government assumed jurisdiction over sugar transactions in an effort to prevent speculation, and in pursuance thereof directly requested the DeRonde Co. to import sugar to be distributed under the direct supervision of the Department of Justice at a profit of a cent a pound. Agreeing to these arrangements the sugar was imported, but in the interim the price had materially declined to such an extent that the sugar could not be sold except at a loss. On the advice of the Department of Justice the sugar was sold and the loss was incurred in the sum of \$1,500,000, for which loss relief was granted. To contrast that case with the present claimant one will observe that the Federal Government had not assumed jurisdiction over the shoes of the claimant nor over the shoe business; it had not asked the claimant to export its shoes to Russia, they were already there; it had not agreed to direct and supervise the sale, on the contrary the War Trade Board merely facilitated the transportation; and finally it had not advised the selling at a loss of the shoes. In fact the two cases are similar only in that where the DeRonde Co. was entitled to recover due to several causes brought about directly by the Government, the present claimant is not entitled to recover, because no one of the like causes of the loss was brought about by the intervention of the Government.

From a full study of this case, I am confident that this Congress and subsequent Congresses will continue to deny any merit to this claim, already 20 years old. At best it is a claim for not just remote damages, but extremely remote damages, which can only be asserted on the ground that the order of the Federal Reserve Board directly caused the order to be issued by the Siberian Government, and that this latter order subsequently brought about the complete loss of the money through the repudiation of the currency by Russia. I do not believe that any Member is willing to voice his approval of this claim upon such a chain of argument, and yet that is the only basis on which it can be justified if one would attempt to justify such a claim.

MRS. A. R. BARNARD ET AL.

The Clerk called the next bill, H. R. 5346, for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. A. R. Barnard, Portland, Oreg., the sum of \$672.80; to Charles A. Stephens, Newport, Oreg., the sum of \$852; and to Donald W. Prairie, Portland, Oreg., the sum of \$300;

in all, \$1,824.80, as reimbursement for loss of the motorboat *M. E. Sloan*, which was capsized and destroyed while rendering assistance to the disabled Coast Guard motor lifeboat No. 4473 and crew of the Suislaw Station, Florence, Oreg., on March 7, 1938; and the sum of \$5,000 to Mrs. Vern A. Needles, Newport, Oreg., widow of Vern A. Needles, who, as a member of the crew of the motorboat *M. E. Sloan*, was drowned when such motorboat was capsized and destroyed as aforesaid: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE WEST VIRGINIA CO.

The Clerk called the next bill, S. 289, for the relief of the West Virginia Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury appropriated for or allocated to the Works Progress Administration to the West Virginia Co., of Charleston, W. Va., the sum of \$2,156.43, in full satisfaction of its claim against the United States for reimbursement for the cost of repairing an Acme roller owned by it, which was damaged through the negligence of an employee of the Works Progress Administration on May 25, 1937, and the loss of 3 months' rental for such Acme roller: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any money of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 4, after the word "Treasury" insert "not otherwise". Page 1, lines 4 and 5, strike out the language "for or allocated to the Works Progress Administration".

Start with the word "*Provided*" in line 12, page 1, and strike out the remaining language of the bill and insert in lieu thereof the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 1, line 7, strike out "\$2,156.43" and insert in lieu thereof "\$1,876.43."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. QUITMAN SMITH

The Clerk called the next bill, S. 431, for the relief of Mrs. Quitman Smith.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury appropriated for or allocated to the Works Progress Administration, to Mrs. Quitman Smith, of Hattiesburg, Miss., the sum of \$1,353.70, in full settlement of all her claims against the United States for personal injuries sustained and expenses incurred as a result of an accident which occurred on March 19, 1938, when the automobile which she was driving was struck by a truck driven by Dan M. Barrett, an employee of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim,

and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury" insert "not otherwise."  
Page 1, lines 5 and 6, strike out the language "for or allocated to the Works Progress Administration."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IDA A. DEEVER

The Clerk called the next bill, S. 661, for the relief of Ida A. Deaver.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida A. Deaver, widow of Ira C. Deaver, the sum of \$109.37, in full payment of all claims against the United States for the amount deposited in the Treasury of the United States because of the disallowances by the General Accounting Office of certain payments made to members of the Sac and Fox Tribe in Oklahoma while he was superintendent and special disbursing agent of the Shawnee Agency at Shawnee, Okla.: *Provided*, That any funds accruing in the future to Noble Brown, Mabel Couteau, Horace Lasley, Harry G. Wakole, Ambrose Harrison, Thelma McCoy, or their estates shall be used to reimburse the United States for each pro rata share of the expenditure herein authorized: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERBERT M. SNAPP

The Clerk called the next bill, S. 1186, for the relief of Herbert M. Snapp.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended and as limited by the act of February 15, 1934 (48 Stat. 351), the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Herbert M. Snapp, of Desha Route, Batesville, Ark., for disability to his left eye alleged to have been incurred by him on April 3, 1937, while employed as a foreman at Sylamore Camp F-8, Ozark National Forest, Calico Rock, Ark.: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. VERNON PHILLIPS

The Clerk called the next bill, S. 1692, for the relief of J. Vernon Phillips.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Vernon Phillips, formerly an employee of the Soil Conservation Service, Department of Agriculture, in Gaffney, S. C., the sum of \$231.10, in full satisfaction of his claim against the United States for 25 days and 4 hours of accrued annual leave which he would have received had he been continued on the pay roll after July 31, 1936, until the date of the expiration of his accumulated annual leave: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this

claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAOMI STRALEY AND BONNIE STRALEY

The Clerk called the next bill, S. 1847, for the relief of Naomi Straley and Bonnie Straley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Naomi Straley, of Omaha, Nebr., the sum of \$500, in full satisfaction of her claims against the United States for damages for personal injuries sustained by her, and to Bonnie Straley, of Omaha, Nebr., the sum of \$4,500, in full satisfaction of all her claims against the United States for damages for personal injuries received by her and for the death of her mother, said injuries and death having resulted from a collision on the night of December 11, 1935, near Tacoma, Wash., on the Tacoma-Vancouver Highway, between the automobile Bonnie Straley was driving and a truck in the use of the Works Progress Administration standing crosswise on said highway and left improperly lighted and guarded: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IVAN CHARLES GRACE

The Clerk called the next bill, S. 1894, for the relief of Ivan Charles Grace.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ivan Charles Grace the sum of \$6,000, in full settlement of all claims against the United States on account of personal injuries and expenses incident thereto, as a result of a collision involving an Army truck on April 30, 1937, near Bejuco, Republic of Panama: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. DEVLIN, INC.

The Clerk called the next bill, S. 2126, authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of E. Devlin, Inc., for its services and expenses incurred in connection with the preparation of the body and the interment of the late Wallace C. Marietta, and to allow in full and final settlement of such claim an amount not to exceed the sum of \$100. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## SUPERIOR IRON &amp; WIRE WORKS

The Clerk called the next bill, H. R. 4118, for the relief of Superior Iron & Wire Works.

Mr. COSTELLO and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MORRIS HOPPENHEIM, LENA HOPPENHEIM, DORIS HOPPENHEIM, AND RUTH HOPPENHEIM

The Clerk called the next bill, H. R. 2948, for the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Labor is authorized and directed to cancel the outstanding orders and warrants of deportation in the case of the aliens Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim; and if the said Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim shall establish their present good moral character the Commissioner of Immigration and Naturalization shall in respect of each make a record of registry and issue a certificate of arrival in manner and form authorized to be made by the act of March 2, 1929 (U. S. C., title 8, sec. 106A), as if each alien had entered the United States prior to June 3, 1921: *Provided,* That formal application and fee payments required by such act of March 2, 1929, shall not be held to be waived under this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WILLIAM CARL LAUDE

The Clerk called the next bill, H. R. 3729, for the relief of William Carl Laude.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill S. 1291, for the relief of William Carl Laude, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That for the purposes of the immigration and naturalization laws, William Carl Laude, brother of the religious Order of St. Benedict, Atchison, Kans., shall be considered to have been lawfully admitted at Buffalo, N. Y., on August 29, 1936, to the United States for permanent residence.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of William Carl Laude as of August 29, 1936, and that the warrant of deportation be canceled, and William Carl Laude shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing law.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A House bill (H. R. 3729) was laid on the table.

A motion to reconsider was laid on the table.

## NICHOLAS CONTOPOULOS

The Clerk called the next bill, H. R. 5056, for the relief of Nicholas Contopoulos.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Nicholas Contopoulos. Hereafter, for the purposes of the immigration and nat-

uralization laws, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence on December 1, 1921, at the port of New York.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Nicholas Contopoulos as of the year 1921, and that the warrant of deportation be canceled, and Nicholas Contopoulos shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing law.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ADAM EMANUEL TSAGOURNIS

The Clerk called the next bill, H. R. 5301, for the relief of Adam Emanuel Tsagournis.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Adam Emanuel Tsagournis. Hereafter, for the purposes of the immigration and naturalization laws, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence on November 1, 1931.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Adam Emanuel Tsagournis as of November 1, 1931, and that the warrant of deportation be canceled, and Adam Emanuel Tsagournis shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing laws.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## ANNIE REILEY

The Clerk called the next bill, H. R. 4878, for the relief of Annie Reiley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the order of deportation and warrant of arrest of Annie Reiley be canceled and that her entry at Rouses Point on September 11, 1938, be a legal entry.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of Labor be, and he is hereby, authorized and directed to record the permanent residence of Annie Reiley as of September 11, 1938, and that the warrant of deportation be canceled, and Annie Reiley shall not again be subject to deportation proceedings for the reasons set up in said warrant, and that by the terms of this act she shall not be permitted to become a naturalized citizen of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

## LUISE EHRENFELD

The Clerk called the next bill, H. R. 3094, for the relief of Luise Ehrenfeld.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to permit registration of Luise Ehrenfeld as having entered the United States legally and for permanent residence.

With the following committee amendments:

In line 6, after the words "United States" strike out the words "legally and."

In line 7, after the word "residence" add the following: "By the terms of this act she shall not be permitted to become a naturalized citizen of the United States unless and until she shall leave the United States and reenter with a legal visa, and upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the non-preference category of the quota during the current year."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EGON KARL FREIHERR VON MAUCHENHEIM AND MARGARETE VON MAUCHENHEIM

The Clerk called the next bill, H. R. 3277, for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar bill, S. 1384, may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim, his wife, heretofore issued on the ground that admission to the United States had been fraudulently gained, and that they shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence as of May 19, 1936.

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the nonpreference category of the quota during the current year.

Mr. COSTELLO. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim as of May 19, 1936, and that the order of deportation be canceled, and Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act they shall not be permitted to become a naturalized citizen of the United States unless and until they shall leave the United States and reenter in a lawful way in full compliance with the existing law.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the preference category of the quota during the current year."

Mr. CLEVINGER. Mr. Speaker, will the gentleman from California yield?

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. CLEVINGER. In what particular does this action change the House bill?

Mr. COSTELLO. My purpose in offering the amendment is simply this. The Senate bill has already been passed by the Senate. By substituting it now for the House bill it will go back to the Senate and the Senate will be asked to concur in the amendment I have offered. This amendment is to substitute the amendment the House committee has offered to the House bill, so the language of the bill will be that of the House committee, which provides that these persons may remain in this country but will be denied citizenship, and also that they will be charged against the quota of the country of origin.

Mr. CLEVINGER. I have no objection, Mr. Speaker.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 3277) was laid on the table.

ROSALIA CATAUDELLA DI ROSA AND SON, GEORGIO DI ROSA

The Clerk called the next bill, H. R. 3732, for the relief of Rosalia Cataudella Di Rosa and son, Georgio Di Rosa.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Rosalia Cataudella Di Rosa, mother of three American-born children, and son, Georgio Di Rosa. Hereafter for the purpose of the immigration and naturalization laws, such aliens shall be deemed to have been lawfully admitted to the United States for permanent residence on February 19, 1926.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of Labor be and is hereby authorized and directed to record the permanent residence of Rosalia Cataudella Di Rosa and son, Georgio Di Rosa as of February 19, 1926, and that the warrant of deportation be canceled, and Rosalia Cataudella Di Rosa and son, Georgio Di Rosa, shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act they shall not be permitted to become a naturalized citizen of the United States unless and until they shall leave the United States and reenter in a lawful way in full compliance with the existing law.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADOLPH ERNEST HELMS

The Clerk called the next bill, H. R. 5156, for the relief of Adolph Ernest Helms.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Adolph Ernest Helms, and that he shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of Labor be and is hereby authorized and directed to record the permanent residence of Adolph Ernest Helms as of the year 1927, and that the warrant of deportation be canceled, and Adolph Ernest Helms shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing laws.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN L. HARDER AND CHILDREN

The Clerk called the next bill, H. R. 5827, to authorize the cancelation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of Labor is hereby authorized and directed to cancel the proceedings instituted against John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder, any provision of existing law to the contrary notwithstanding. From



and after the date of the approval of this act, John L., Paul William, Irvin W., Edna Justina, Elsie Anna, and Elizabeth Harder shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIRA FRIEDBERG (MIRA DWORECKA)

The Clerk called the next bill, H. R. 6034, for the relief of Mira Friedberg (Mira Dworecka).

Mr. GRANT of Indiana, Mr. MOTT, and Mr. BARDEN objected, and, under the rule the bill was recommitted to the Committee on Immigration and Naturalization.

LOUISE WOHL

The Clerk called the next bill, H. R. 6435, to authorize cancellation of deportation in the case of Louise Wohl.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of Labor is hereby authorized and directed to cancel the pending order and warrant of deportation issued in the case of Louise Wohl, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act, Louise Wohl shall not again be subject to deportation by reason of the same fact upon which the outstanding proceedings rest and shall be deemed to have been lawfully admitted to the United States for permanent residence as of June 21, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPIRIDON OR SPIROS NOUTSOPOULOS

The Clerk called the next bill, H. R. 5925, for the relief of Spiridon or Spiros Noutsopoulos.

Mr. ALLEN of Louisiana and Mr. THOMAS of New Jersey objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

ISIDORE CVITCOVICH

The Clerk called the next bill, H. R. 5149, for the relief of Isidore Cvitcovich.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor, notwithstanding the provisions of paragraph (d) of the act of March 4, 1929 (45 Stat. 1551), is hereby authorized and directed to grant permission to Isidore Cvitcovich to reapply for admission to the United States prior to the expiration of 1 year from date of his deportation, said deportation having been effected on October 13, 1938.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PENSIONS TO WIDOWS OF VETERANS OF THE CIVIL WAR

The Clerk called the next bill, H. R. 6897, granting pensions to certain widows of veterans of the Civil War.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to suspend consideration of the bills from Calendar No. 290 to Calendar No. 297, until the committee gets through with its own private bills. I am going to bring them up under privileged reports.

Mr. HANCOCK. Mr. Speaker, may I ask the gentleman the number of those bills?

Mr. LESINSKI. From 290 to 297, from the Committee on Invalid Pensions. I shall bring them up later or as soon as the committee is through with its own private bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Clerk will call No. 298 on the calendar.

STEPHEN KELEN

The Clerk called the bill (H. R. 4249) for the relief of Stephen Kelen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel all proceedings relating to the deportation of Stephen Kelen. Hereafter, for the purposes of the immigration

and naturalization laws, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence on January 18, 1921, at the port of Laredo, Tex.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

S. A. ROURKE

The Clerk called the next bill, H. R. 733, for the relief of S. A. Rourke.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. A. Rourke the sum of \$4,852 for storage in the Merchants Southwest Fireproof Warehouse Building, Oklahoma City, Okla., of 800 cases of Old Reserve tonic from May 3, 1921, to July 6, 1923, which said tonic was stored and held in said warehouse by the United States marshal for the United States District Court for the Western District of Oklahoma, pending certain proceedings concerning said tonic in said court.

With the following committee amendments:

Line 5, after the name "Rourke", insert a comma and the language "of Oklahoma City, Okla."

Line 6, strike out the sign and figures "\$4,852" and insert in lieu thereof "\$1,377.06, in full settlement of all claims against the United States."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BANKS BUSINESS COLLEGE

The Clerk called the next bill, H. R. 777, for the relief of Banks Business College.

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Banks Business College, a corporation organized in 1885 and existing under the laws of the State of New Jersey, and having its principal place of business at Philadelphia, Pa., is hereby authorized to bring suit against the United States of America in the Court of Claims to recover damages or compensation for any loss or losses which it may have suffered by reason of the ouster of Banks Business College from its home by the United States Government. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits and according to the equities of the case with the view of reimbursing the claimant for any losses or damages sustained in the matters aforesaid, and, notwithstanding section 156 of the Judicial Code or the lapse of time, to enter a decree of judgment against the United States for the amount of such damages as may be found due to said Banks Business College.

With the following committee amendment:

Strike out all the language of the bill after the enacting clause and insert in lieu thereof the following:

"That the Banks Business College, a corporation organized in 1885 and existing under the laws of the State of New Jersey and having its principal place of business at Philadelphia, Pa., is hereby authorized to bring suit against the United States of America in the Court of Claims for the purpose of recovering any damages suffered by the said Banks Business College which the Court of Claims may find to be attributable to the United States Government by reason of the said Banks Business College's being evicted on January 1, 1918, from the premises which it occupied.

"Sec. 2. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits, with the view of rendering judgment in favor of the claimant for any such damages described in section 1."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. ERNEST GRAVES

The Clerk called the next bill, S. 681, to give proper recognition to the distinguished services of Col. Ernest Graves.

Mr. ANDREWS. Mr. Speaker, reserving the right to object—and I am not going to object—

The SPEAKER pro tempore. Under the rule, no reservation of objection is in order. Does the gentleman object?

Mr. ANDREWS. I withdraw the objection, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That Col. Ernest Graves, United States Army, retired, now on active duty, shall, after being returned to a retired status, receive the retired pay corresponding to his rank and length of service at the time of said return to said retired status.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### WILLIAM H. KEESEY

The Clerk called the next bill, H. R. 1436, for the relief of William H. Keeseey.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Keeseey, the sum of \$2,667.50 in full settlement of all claims against the United States on account of personal injuries incurred in a collision on September 30, 1935, between an automobile which he was driving and a Government vehicle operated in connection with the Civilian Conservation Corps, same being No. U. S. C. C. 3520, near Jamestown, N. Y.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 5, after the name "Keeseey", insert a comma and the language "of Frewsburg, Chautauqua County, N. Y."

Line 6, strike out the sign and figures "\$2,667.50" and insert in lieu thereof "\$1,300.50."

Line 12, after the words "New York", strike out the colon and the remaining language of the bill, and insert in lieu thereof: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CERTAIN CLAIMANTS WHO SUFFERED FLOOD LOSS

The Clerk called the bill (H. R. 1693) for the relief of certain claimants who suffered loss by flood in, at, or near Bean Lake, in Platte County, in the State of Missouri, during the month of March 1934.

The SPEAKER pro tempore. Is there objection?

Mr. COSTELLO. Mr. Speaker, I object.

The SPEAKER pro tempore. One objection only being recorded, the Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in accordance with certifications of the Comptroller General of the United States under this act, to each claimant or its or his heirs, representatives, administrators, executors, successors, or assigns, the amount of whose loss on account of flood resulting from the defective or improper placing and construction of dikes or revetments in the Missouri River by the War Department of the United States, at or near Bean Lake in Platte County, in the State of Missouri, in the month of March 1934, to the following persons, the following amounts: G. M. McCrary, \$240; Paul N. Shouse, \$2,775; Emma Shults, \$981; Mrs. C. E. Johnson, \$4,235.46; Mrs. A. H. Wilber, \$797.90; G. E. Hutson, \$2,127; Elmer Willis, \$1,011.90; Mrs. Ethel McDuff, \$1,426; W. J. Hunter, \$821.35; W. C. Hood, \$223.95; J. P. Kuhnert, \$1,538.75; Mrs. Florence O. Saunders, \$1,093.50; E. Cobb, \$685.75; James D. Kelly, \$8,806; W. H. Myers, \$693.22; Dora Weldin, \$491; Frank Dougherty, \$956.75; M. H. Whitnah, \$1,015.40; Charles C. Myers, \$75; H. A. Whitnah, \$858.20; W. F. Reese, \$99.40; George Willis, \$424.50; N. D. Gasaway, \$134.75;

Paul Johnson, \$206.08; Harry Turpin, \$343.30; John H. Chapin, \$250; J. D. Fraizer, \$31; C. W. Pierson, \$922.50; L. K. Poos, \$692.77; Lula A. Jegglin, \$689; Mrs. E. T. Graham, \$898; A. F. Russell, \$75; E. O. Keene, \$1,011.50; H. F. Chapin, \$785.50; Goldie Noland, \$398.95; Mrs. Goldie Noland, \$381.23; B. F. Kabel, \$497; Oscar Swearinger, \$902.30; Argyle Reese, \$123.50; S. O. Daniels, \$2,395; Belle Wagner, \$275; W. D. Shreve, \$667.50; making a total of \$43,350.45.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby conferred upon the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment upon the claims of the following-named people or their heirs, representatives, administrators, executors, successors, or assigns: G. M. McCrary, Paul N. Shouse, Emma Shults, Mrs. C. E. Johnson, Mrs. A. H. Wilber, G. E. Hutson, Elmer Willis, Ethel McDuff, W. J. Hunter, W. C. Hood, J. P. Kuhnert, Florence O. Saunders, E. Cobb, James D. Kelly, W. H. Myers, Dora Weldin, Frank Dougherty, M. H. Whitnah, Charles C. Myers, H. A. Whitnah, W. F. Reese, George Willis, N. D. Gasaway, Paul Johnson, Harry Turpin, John H. Chapin, J. D. Fraizer, C. W. Pierson, L. K. Poos, Lula A. Jegglin, Mrs. E. T. Graham, A. F. Russell, E. O. Keene, H. F. Chapin, Goldie Noland, Mrs. Goldie Noland, B. F. Kabel, Oscar Swearinger, Argyle Reese, S. O. Daniels, Belle Wagner, and W. D. Shreve. Said claims arise out of a flood allegedly resulting from the defective or improper placing and construction of dikes or revetments in the Missouri River by the War Department of the United States, at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, in the month of March 1934. Suit hereunder may be instituted at any time within 1 year from the date of the enactment of this act, and proceedings therein, appeals therefrom, and payment of judgment thereon, if any, shall be had in the same manner as in the case of claims over which such court has jurisdiction under the provisions of the Judicial Code."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to confer jurisdiction on the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment upon the claims of certain claimants who suffered loss by flood at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, during the month of March 1934."

ADA FULLER

The Clerk called the bill (H. R. 2102) for the relief of Ada Fuller.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government of the United States, the sum of \$1,500 to Ada Fuller, of Atlanta, Ga., for personal injuries received as the result of being struck by a Works Progress Administration truck in Atlanta, Ga., on November 20, 1935.

With the following committee amendments:

Line 7, strike out "\$1,500" and insert "\$150."

At the end of the bill strike out the period, insert a colon and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GEORGE SLADE

The Clerk called the bill (H. R. 2452) for the relief of George Slade.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to George Slade, of Norfolk, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$4,500 on account of permanent injuries sustained by him in Norfolk County, Va., on October 31, 1924, as a result of being shot and crippled for life by J. G. Griffin, an officer of the United States engaged in the enforcement of prohibition.



With the following committee amendments:

Beginning with line 4 insert "authorized and."

Line 6, after the figures "\$4,500", insert "in full settlement of all claims against the United States."

At the end of the bill strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time was read the third time and passed and a motion to reconsider laid on the table.

G. W. NETTERVILLE

The Clerk called the bill (H. R. 2610) for the relief of G. W. Netterville.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Netterville, of McComb, Miss., the sum of \$185, in full satisfaction of his claim against the United States for work done and money paid out for labor in the part construction of a home at the McComb, Miss., homestead project in 1934: *Provided, That* no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to, or received by, any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DALE W. GUISE AND OTHERS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to return to the consideration of Calendar No. 248, H. R. 3161, for the relief of the estate and minor children of Dale W. and Gladys M. Guise, Sally C. Guise, and Martha G. and Arnold E. Orner. I do that for the purpose of permitting the gentleman from California [Mr. COSTELLO] to offer an amendment reducing the amount of the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Durboraw, Gettysburg, Pa., as administrator of the estate of Dale W. Guise, deceased, the sum of \$1,300, and to the First National Bank of Gettysburg, Pa., as guardian of the three minor children of the said Dale W. Guise and his wife, Gladys M. Guise, deceased, the sum of \$30,000. The payment to the said William Durboraw, administrator, shall be in full settlement of all claims against the United States for hospital, medical, and funeral and burial expenses incurred on account of the injuries and death of the said Dale W. Guise and for funeral and burial expenses incurred on account of the death of the said Gladys M. Guise. Such injuries and deaths resulted from a collision, on April 10, 1938, on United States Highway No. 40, about 7 miles east of Zanesville, Ohio, when the automobile of the said Dale W. Guise in which he and his wife were riding was struck by an ambulance (No. 71090) in the service of the Civilian Conservation Corps. The payment to the said First National Bank of Gettysburg, guardian, shall be in full settlement of all claims against the United States on account of the loss of care and support by their parents during minority sustained by the surviving children of the said Dale W. Guise and the said Gladys M. Guise, being Mary Louise Guise, 13 years of age; William Crist Guise, 11 years of age; and Evelyn Jane Guise, 8 years of age.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appro-

riated, to Sally C. Guise, Arendtsville, Pa., the sum of \$7,500. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of Christian Guise, her husband, who was a passenger in the car of Dale W. Guise and was killed in the collision described in section 1.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martha G. Orner, Arendtsville, Pa., the sum of \$15,000, and to Arnold E. Orner, her husband, the sum of \$10,000. The payment of such sums shall be in full settlement of all claims against the United States for damages sustained on account of the injuries received by the said Martha G. Orner, who was a passenger in the car of Dale W. Guise and suffered injuries in the collision described in section 1, which resulted in the permanent disfigurement and disablement of the said Martha G. Orner and the loss of her unborn child.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment:

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 8, after the words "sum of", strike out the remainder of line 8 and all of lines 9 and 10, and on page 2 all of line 1 down to and including the figures "\$30,000", and insert in lieu thereof the following: "\$11,398.16."

Mr. MOTT. Mr. Speaker, will the gentleman please explain the amendment?

Mr. COSTELLO. Yes.

Mr. MOTT. I would like to ask the gentleman how much that reduces the original amount recommended by the committee?

Mr. COSTELLO. The bill as a total carries \$51,000. As a result of this particular amendment and by striking out these amounts I am inserting, instead of the amounts in the bill, the sum of \$11,398.16, so that approximately \$20,000 is being eliminated from the total of the bill by this amendment.

Mr. MOTT. So the bill would not be \$11,000 approximately instead of \$51,000?

Mr. COSTELLO. No. The first section would be reduced from \$29,636.16 to \$11,398.16, saving \$18,000. The purpose of offering that amendment is to change the arrangement first made by the committee. Heretofore in all of these accident cases we have tried to establish a certain amount as a maximum, namely, \$5,000 in the event of death and \$2,500 as a limit in case of injury. While those sums are not fixed, that is more or less the average to which we have been trying to adhere. However, in this case, where there happen to be two or three minor children, the committee has assumed a new policy of considering the age of the children and the estimated earning capacity of the parents and then awarding an annual amount to the minor children until each minor child should reach the age of majority, which amounts to approximately \$900 a year.

It is my thought that we should not adopt such a policy, which might prove very expensive in the future, but on the contrary we should adhere to the program followed in the past, namely, of paying approximately \$5,000 in case of death.

Mr. GRANT of Indiana. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. GRANT of Indiana. I understand that the amendment proposed by the gentleman in section 1 which would substitute \$11,000 would also take the place of those appropriations in sections 2 and 3?

Mr. COSTELLO. No. I have other amendments to take care of that. I have no amendment to offer to section 2. In section 3 I propose to strike out the amount "\$9,000" and insert "\$5,000" and reduce \$7,500 to cover expenses only in the sum of \$1,975.99.

Mr. GRANT of Indiana. What will the total be for the bill as a whole?

Mr. KENNEDY of Maryland. It will be approximately \$30,000. I think the gentleman was mistaken when he thought the bill reported by the committee called for \$30,000. Actually the committee reported a bill for over \$51,000.

Mr. MOTT. Will the gentleman yield further?

Mr. COSTELLO. I yield.

Mr. MOTT. Will the gentleman state the aggregate amount of all the items in this bill?

Mr. COSTELLO. Do you mean as written into the bill?

Mr. MOTT. The aggregate as they are now in the bill as reported, and the aggregate total amount this bill will carry as amended, if passed.

Mr. COSTELLO. I will state that the bill provides, on account of two deaths, as expenses, \$1,736.16. It then provides for the minor children—for one, \$7,200; another, \$9,000; and a third, \$11,700. In view of those figures, which amount to approximately \$29,000, I am offering this first amendment, which amounts to \$11,398. It reduces that figure by more than half. In addition, there is Sally C. Guise, whose husband was killed. For her the committee has allowed \$5,000. I have made no change in that. In another instance we have Martha G. Orner and Arnold E. Orner, husband and wife. The wife was killed. Therefore \$5,000 was allowed for that amount instead of the amount which the committee suggested, \$9,000. For Arnold E. Orner approximately \$1,900 in place of \$7,500.

The result is that on these two items, which total \$16,500, I am reducing them to approximately \$7,000, thereby making a saving of more than \$9,000.

The committee bill would appropriate, in all, \$51,136.16. If the amendments which I have offered are accepted, the total appropriation will be \$23,374.15.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 7, strike out "Guise" and insert "Guise and Gladys M. Guise, both."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 1, insert "\$7,200 to be used for the benefit of Mary Louise Guise; \$9,000 to be used for the benefit of William Crist Guise; and \$11,700 to be used for the benefit of Evelyn Jane Guise; in all, \$27,900."

Mr. COSTELLO. Mr. Speaker, I offered my first amendment as a substitute for that committee amendment; also for the committee amendment which appears on page 1, line 8.

The SPEAKER pro tempore. The question now recurs on the committee amendment.

Mr. COSTELLO. The amendment which I have offered is in lieu of that committee amendment, and for that reason I do not think the committee amendment should be agreed to.

The SPEAKER pro tempore. Without objection the committee amendment will be rejected.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 21, after the word "Guise" strike out the remainder of line 21 and all of lines 22 and 23.

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 16, after the words "Corps", strike out the remainder of section 1.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 1, after the word "of", strike out "\$7,500" and insert "\$5,000."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 9, strike out "\$15,000" and insert "\$9,000."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO as a substitute for the committee amendment: Page 3, line 9, after the words "the sum of", strike out "\$15,000" and insert "\$5,000."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 10, strike out "\$10,000" and insert "\$7,500."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO as a substitute for the amendment just reported: Page 3, line 10, after the words "the sum of", strike out "\$10,000" and insert "\$1,975.99."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 17, after the word "child", insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SGT. FRED W. STOCKHAM

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to return to Calendar No. 231, Senate Joint Resolution 2, providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased. I understand the gentleman who objected has withdrawn his objection.

Mr. HANCOCK. Mr. Speaker, I withdraw my objection to the joint resolution; and I am authorized to say for my colleague the gentleman from New York [Mr. WADSWORTH] that he wishes to withdraw his objection also.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas on the nights of June 13-14, 1918, at Belleau Woods, Fred W. Stockham, deceased, formerly a gunnery sergeant, United States Marine Corps, in action involving actual conflict with the enemy, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty; and

Whereas a citation citing said Fred W. Stockham for the extraordinary heroism displayed by him at such time was written but, through accident, was not published and is not recorded in the War Department; and

Whereas no decoration has been awarded to said Fred W. Stockham for the extraordinary heroism displayed by him at such time: Therefore be it

Resolved, etc., That any recommendation for decoration by the United States of America of Fred W. Stockham, deceased, formerly a gunnery sergeant, Ninety-sixth Company, Second Battalion, Sixth Division, United States Marine Corps, shall be considered and acted upon in the same manner as such recommendation would have been considered and acted upon if it had been pending on May 26, 1928.



The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will now call those bills that were passed over.

#### CIVIL WAR PENSIONS

The Clerk called the bill (H. R. 6897) granting pensions to certain widows of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws—

The name of Lester N. Hays, widow of William Hays, late of Company I, Seventh Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Tabitha Biglow, widow of Mason W. Biglow, late of Company E, Tenth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Edna P. Welsh, widow of Edward A. Welsh, late of Company G, Second Regiment Maryland Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louise Eberle, widow of Joseph Eberle, late of Company H, One Hundred and Fiftieth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Kate F. Alderson, widow of John T. Alderson, late of Company K, One Hundred and Nineteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret M. Crane, widow of Daniel E. Crane, late of Company D, One Hundred and Fifty-third Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jemima E. Trowbridge, widow of Lorenzo Trowbridge, late of the Thirteenth Battery, Wisconsin Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Glennie Edwinson, widow of Christopher Edwinson, late of Company G, Sixty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Pearl F. Warren, widow of Valentine F. Warren, late of Company A, Thirty-sixth Regiment Iowa Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Margaret Ledgerwood, widow of Samuel Ledgerwood, late of Company E, Fifty-eighth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Belle Harmon, widow of James A. Harmon, late of Company A, Thirty-fifth Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lydia A. Havens, widow of Benjamin Havens, late of Company G, Ninth Regiment Iowa Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Una May Tuffree, widow of Francis Tuffree, late of Company H, Thirteenth Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen Crouse, widow of Benjamin A. Crouse, late of Company G, Forty-fourth Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza G. Johnson, widow of Robert Johnson, late of Company H, One Hundred and Fourteenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ruth P. Kerns, widow of John W. Kerns, late of Lt. W. A. Cornelius' detachment of Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Mira W. Miller, widow of Henry A. Miller, late of Company E, Ninety-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Morehead, widow of Franklin Morehead, late of Company B, Thirtieth Regiment, and Company G, Fifty-third Regiment, Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maggie A. Bernethy, widow of Robert P. Bernethy, late of Company F, One Hundred and Fifty-first Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Long, widow of John C. Long, late of Company H, Thirty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Canzada Minton, widow of William H. H. Minton, late of Company F, Twelfth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Alvesta Otto, widow of Charles A. Otto, late of Company C, Eleventh Regiment Minnesota Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sadie Hainline, widow of Nathan T. Hainline, late of Company A, Sixteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rosa M. Green, widow of Solomon J. Green, late of Company B, Forty-seventh Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maximillia Cowan, widow of William L. Cowan, late of Company B, South Cumberland Battalion Kentucky State Volunteers, and pay her a pension at the rate of \$30 per month.

The name of Hulda S. Dick, widow of Samuel M. Dick, late of Company D, Twelfth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lovina Wilson, widow of Jacob Wilson, late of Company B, Seventy-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jessie M. Warner, widow of William C. Warner, late of Company B, Ninth Regiment Indiana Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary V. Sallesbury, widow of James Sallesbury, late of Company A, One Hundred and Fortieth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet A. Litten, widow of Silas N. Litten, late of Company F, Forty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Ann Melvin, widow of James M. Melvin, late of Company G, One Hundred and Ninety-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucy C. Montgomery, widow of Alexander H. Montgomery, late of Company H, Eighteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie Tewksbury, widow of Aaron Tewksbury, late of Company C, One Hundred and Forty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Sears Ferguson, widow of Robert L. Ferguson, late of Company K, Twelfth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Quirk, widow of John Quirk, late of Company H, Twenty-sixth Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lottie Denny, widow of Samuel T. Denny, late of Company M, Fifth Regiment Ohio Cavalry; and Company H, One Hundred and Seventeenth Regiment; and Company D, Sixteenth Regiment, Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Gussie Dawson, widow of Phil Dawson, late of Company A, One Hundred and Twenty-second Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Flora E. Bailey, widow of Lewis J. Bailey, late of Company B, Fifty-first Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Delia Porter, widow of Luke Porter, late of Company D, Ninety-eighth Regiment, and Company F, Seventy-eighth Regiment, United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rosa Anderson, widow of John Anderson, late of Company H, Ninety-third and Eighty-first Regiments United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sidonia B. Rice, widow of Louis Rice, late of the Twelfth Regiment New York State Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara Hopple, widow of William H. Hopple, late unassigned, Ninth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Anna Milholland, widow of Amos Milholland, late of Company E, One Hundred and Thirty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah M. Swafford, widow of George W. Swafford, late of Company F, Sixth Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sallie Jordan, widow of William A. Jordan, late of Capt. John Bridgewater's Company A, Hall's Gap Battalion, Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Editha Smith, widow of John C. Smith, late of Company E, Sixth Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bell D. Qualls, widow of Phillip A. Qualls, late of Company D, Seventh Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mary C. Severs, widow of Azaria Severs, late of Company B, Green River Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Salyards, widow of Edward M. Salyards, late of Company D, Twenty-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ellen Edwards, widow of James Edwards, late of Company F, Sixth Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Josie Greathouse, widow of William Greathouse, late unassigned, Ninety-eighth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Blanche B. Acton, widow of James D. Acton, late of Company I, One Hundred and Forty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Theresa Donaldson, widow of William W. Donaldson, late of Company E, One Hundred and Fortieth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bertha T. Hastings, widow of John K. Hastings, late of Company K, Second Regiment West Virginia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nancy M. Pierce, widow of Franklin D. Pierce, late of Capt. Walter P. Ingram's Company D, Hall's Gap Battalion, Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Phina McCrary, widow of Ira McCrary, late of Company D, Sixth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Lucy Jones, widow of John L. Jones, late of Company F, Forty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Ada Simpson, widow of Simuel Simpson, late of Company G, Thirty-second Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mollie Sigman, widow of John Sigman, late of Company B, Fourth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Ella Taylor, widow of James H. Taylor, late of Company I, Twenty-fourth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mumzell Woldredge, widow of John Woldredge, late of Company I, Fifth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Frances Collins, widow of Levi Collins, late of Company D, Forty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louisa Brewer, widow of Valentine S. Brewer, late of Company D, Seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Bolton, widow of Alexander Bolton, late of Company G, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Rachel Fuson, widow of Thomas Fuson, late of Companies B and I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Bettie Dick, widow of Thomas D. Dick, late of Battery A, Kentucky Light Artillery, and Company C, Third Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Harriett G. Flynn, widow of Simon Flynn, late of Company D, Sixth Regiment Massachusetts Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena Wagner, widow of Phillip H. Wagner, late of Company F, Twentieth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Olive M. Hunt, widow of Robert R. Hunt, late of Company F, One Hundred and Fifty-sixth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena S. Ricketts, widow of John B. Ricketts, late of Company A, Fifty-first Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Henrietta Zeno, widow of Pierre Zeno, late of Company A, Fourth Regiment United States Colored Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Spear, widow of Albert A. Spear, late of Company G, Fourth Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Bertha L. Wade, widow of Samuel J. Wade, late of Company C, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary G. Sherwood, widow of Smith J. Sherwood, late of Captain Smith's Battery A, Chicago Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Hannah Smith, widow of Alexander Smith, late of Company D, Third Regiment Michigan Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna J. Russell, widow of Henry J. Russell, late of Company B, Twenty-first Regiment Michigan Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Myra E. E. Krauskopf, widow of John Krauskopf, late of Company F, Fifth Regiment Maryland Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rhoda H. Lozier, widow of Alexander H. Lozier, late of Company B, Second Regiment, and Company A, Fifteenth Regiment, New Jersey Infantry; and Company A, Second Veteran Battalion, New Jersey Infantry, and pay her a pension at the rate of \$30 per month.

The name of Matilda E. A. Hornback, widow of John Hornback, late of Company D, Eleventh Regiment Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Maud Phillips, widow of Jacob Phillips, late of Company I, Seventy-ninth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella V. Bellinger, widow of James H. Bellinger, late of Company K, Two Hundred and Seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Wood, widow of Lewis Wood, late of Company H, One Hundred and Fortieth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah A. King, widow of John W. King, late of Company A, Thirteenth Regiment, and Company I, Fifty-sixth Regiment, Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ethel S. Ferguson, widow of Samuel Ferguson, late of Company E, Fourth Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Martha J. Rhodes, widow of Milton W. Rhodes, late of Company H, Seventy-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Missouri E. McCrum, widow of James McCrum, late of Company I, One Hundred and Twenty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lenora B. Easterday, widow of Simon P. Easterday, late of Company D, Ninety-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena L. Evans, widow of Isaac T. Evans, late of Company D, One Hundred and Thirteenth Regiment Ohio Infantry, and Company F, Seventh Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Agnes Metcalf, widow of Allen Metcalf, late of Company I, Thirty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Parmelia J. Woodward, widow of Stephen P. Woodward, late of Company E, One Hundred and Forty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Roberta Florence Thornton, widow of Alexander G. Thornton, late captain Company D, Eighty-fourth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Minnie A. Lacy, widow of Miles H. Lacy, late of Company D, Forty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Martha J. Lawson, widow of David Lawson, late of Company G, Twenty-fourth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy Jane Branham, widow of Joseph Branham, late of Company K, Tenth Regiment Kentucky Cavalry; and Company G, Forty-fifth Regiment, and Company I, Fourth Regiment, Kentucky Mounted Infantry, and pay her a pension at the rate of \$30 per month.



The name of Louise Workman, widow of Thomas Workman, late of Company I, Ninth Regiment West Virginia Infantry, and Company D, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lavina Watts, widow of John Watts, late of Capt. William Strong's Company E, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Nancy S. Oldham, widow of William P. Oldham, late of Company F, One Hundred and Thirty-third Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie Stidham, widow of Samuel Stidham, late of Capt. William Strong's Company E, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Dicey Terry, widow of William Terry, late of Capt. William D. Cardwell's Company G, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Maria B. Thompson, widow of William J. Thompson, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Annie S. Nealley, widow of Meldon A. Nealley, late of Company B, Maine State Guards, and pay her a pension at the rate of \$30 per month.

The name of Neley Keller, widow of William Keller, late of Company D, Twenty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eleanor R. Gage, widow of William G. Gage, late of Company C, Seventh Regiment Michigan Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Orvilla Finton, widow of James Finton, late of Company F, Sixteenth Regiment Michigan Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mattie L. Stults, widow of John S. Stults, late of Company L, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Louisa F. Mansfield, widow of James W. Mansfield, late of Company H, Eleventh Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Miller, widow of Winston Miller, late of Company K, One Hundred and Twenty-fifth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances Vaughn, widow of Woodson Vaughn, late of Company F, One Hundred and Twenty-fifth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annie Peterson, widow of Henry Peterson, late of Company A, One Hundred and Eighth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mattie Bumgardner, widow of Emmett Bumgardner, late of Company F, Thirty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alwilda Brooks, widow of Calvin W. Brooks, alias C. W. Brooks, late of Lt. Jesse B. Taggart's Company D, Middle Green River Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Logsdon, widow of Harrison Logsdon, late of Company H, Twenty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia Lyon, widow of James B. Lyon, late of Company D, Seventeenth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Kasinger, widow of Nicholas C. Kasinger, late of Capt. Richard F. Taylor's Company C, Middle Green River Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Agnes Crawford, widow of Edward Crawford, late of Company F, Fifteenth Regiment Maine Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary P. Smith, widow of Ellis Z. Smith, late of Company G, Seventy-sixth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora Dawson, widow of Samuel Dawson, late of Company C, Sixteenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth H. Camp, widow of William H. Camp, late of Company F, Sixteenth Regiment Connecticut Infantry, and pay her a pension at the rate of \$30 per month.

The name of Fannie L. Leonard, widow of George B. Leonard, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Carrie M. Poole, widow of Charles H. Poole, late of Company G, Thirty-ninth Regiment Massachusetts Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nettie J. Brown, widow of Jesse Brown, alias Jesse Brown Buck, late of Company K, Third Regiment New York Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Minnie Smith, widow of Emerson Smith, late of Company H, Twenty-second Regiment New York Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Jeanette Nelson, widow of Milton Nelson, late of Company H, Twelfth Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Carrie Thompson, widow of Joseph D. Thompson, late of Company B, Twenty-sixth Regiment Illinois Infantry, and Company F, Second Regiment United States Veteran Infantry, and pay her a pension at the rate of \$30 per month.

The name of Esther S. Bingham, widow of Robert M. Bingham, alias Robert Cooper, late of the United States Marine Corps, and pay her a pension at the rate of \$30 per month.

The name of Jeannette C. Rutherford, widow of Alonzo P. Rutherford, late of Hastings Keystone Battery, Pennsylvania Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Stella B. Billings, widow of Enos N. Billings, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Hattie Wilson, widow of Robert F. Wilson, late of Capt. William H. Liggett's Company C, Sixtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Susan Eudora Gwinn, widow of Richard P. Gwinn, late of Capt. George Bingham's Company H, Seventy-first Regiment Enrolled Missouri Militia, and Capt. John S. Crain's Company, Saline County Volunteer Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Mattie Mayo, widow of John A. Mayo, late of Company C, Forty-sixth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Amanda Napier, widow of Francis M. Napier, late of Company I, Twelfth Regiment Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Schofield, widow of Daniel H. Schofield, who served under the name of Daniel H. Coffield, late of Company D, Twenty-second Regiment Ohio Infantry; Battery L, First Regiment Ohio Light Artillery; and United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Emma J. Rose, widow of Irvin R. Rose, late of Capt. William Forbe's Company, Howard County Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Rebecca Leonhardt, widow of Frederick W. Leonhardt, late of Company A, Forty-third Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Wallace, widow of John K. C. Wallace, late of Company D, Sixth Regiment Missouri State Militia Cavalry, and Company G, Thirteenth Regiment Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Grace H. Lyon, widow of Francis K. Lyon, late of Company E, One Hundred and Twelfth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sylvia Campbell, widow of Fletcher Campbell, late of Company F, Tenth Regiment Michigan Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Maude Holmes, widow of John J. Holmes, late of Company F, Thirteenth Regiment Michigan Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena P. Riddick, widow of Isaac H. Riddick, late of Company A, One Hundred and Thirty-third Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sylvia I. Whiteman, widow of John A. Whiteman, late of Company M, Nineteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Lucretia E. Barton, widow of Morgan Barton, late of Company M, Twenty-second Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary H. Auch, widow of Andrew Auch, late of Company D, Twenty-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella Haney, widow of James P. Haney, late of Company A, Eighth Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary F. Shields, widow of Meedy W. Shields, late of Companies H and E, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah J. Green, widow of Robert Green, late of Companies H and E, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Leticia C. Anderson, widow of King D. Anderson, late of Company A, Third Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Phoebe Fite, widow of Nathaniel M. Fite, late of Company D, Fourth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Betsy Ann Boles, widow of William M. Boles, late of Company B, Fifth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Louisa Weaver, widow of Gordon Weaver, late of Companies H and E, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Susan E. Jeffres, widow of William Jeffres, late of Company C, Eleventh Regiment, and Company I, Ninth Regiment, Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Allie M. Walker, widow of Marshal A. Walker, late of Company A, Sixth Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Wyatt, widow of James E. Wyatt, late of Company A, Seventh Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catherine White, widow of John B. White, late of Company C, Second Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah Koontz, widow of James E. Koontz, late of Company F, Third Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rebecca Fields, widow of David Fields, late of Company M, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Annie D. Billingsley, widow of Samuel McReynolds Billingsley, who was pensioned as Samuel McBillingsley, late of Company C, Fifth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Fields, widow of Linsy H. Fields, late of Company F, Seventh Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Agnes M. Jackman, widow of George C. Jackman, late of Company I, Thirteenth Regiment New Hampshire Infantry, and pay her a pension at the rate of \$30 per month.

The name of Esther Critchell, widow of William Critchell, late of Companies E and C, Forty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ida B. Hunt, widow of Charles Hunt, late of Company D, Fifth Regiment New Hampshire Infantry, and pay her a pension at the rate of \$30 per month.

The name of Araminta Webb, widow of Samuel Webb, late of Capt. David Bartram's company of volunteers attached to the One Hundred and Sixty-seventh Regiment Virginia Militia, West Virginia State Troops, and Capt. William Bartram's company of Independent Scouts for Wayne County, West Virginia State Troops, and pay her a pension at the rate of \$30 per month.

The name of Unoca Ferguson, widow of James H. Stapleton, known as James H. Ferguson, Jr., late of Company K, Fifty-third Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances C. Strickler, widow of William J. Strickler, late of Companies G and C, One Hundred and Ninety-fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella E. McMichael, widow of John R. McMichael, late of Company C, Ninety-ninth Regiment Pennsylvania Infantry, and Company G, Twelfth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Linder, widow of George W. Linder, late of Company H, One Hundred and Seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Antonia Kuehn, widow of Otto Kuehn, late acting assistant surgeon (contract surgeon), United States Army, and pay her a pension at the rate of \$30 per month.

The name of Essie Virginia Dickey, widow of Ephraim Dickey, late of Company K, Fifth Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mary E. O'Keefe, widow of Daniel H. O'Keefe, alias Daniel Hennessy, late of Company F, Second Regiment New York Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Augusta I. Hazelwood, widow of Adam Hazelwood, Jr., late of Company G, Twentieth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Caroline Washburn, widow of Nelson Washburn, late second lieutenant, Company L, Tenth Regiment New York Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Minnie F. R. Leach, widow of Charles Leach, late of Company A, Forty-ninth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Smith, widow of James W. Smith, late of Company H, Ninety-second Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Johanna Kuester, widow of John H. Kuester, late of Company D, Sixth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alta Manypenny, widow of Albert Manypenny, late of Company L, Twenty-second and Twenty-ninth Regiments Michigan Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lillie Daley, widow of Palan R. Daley, late of Company H, Second Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of

satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Clara L. Garvin, widow of Evelyn F. Garvin, late of Company H, Third Regiment Vermont Infantry, and Company I, Fifth Regiment New York Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Matie Patrey, widow of Asa H. Patrey, late of Company E, Ninety-fifth Regiment New York Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Alfarata Phillips, widow of Hiram A. Phillips, alias Hiram A. Thomas, late of Company A, Sixth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of Marion L. Sargent, widow of Lendall L. Sargent, late of Company B, Twelfth Regiment Maine Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jessie B. McElroy, widow of Samuel McElroy, late of Company B, One Hundred and Eighty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma Campbell, widow of Alexander J. Campbell, late of Company K, Second Regiment Wisconsin Cavalry, and pay her a pension at the rate of \$30 per month in lieu of the pension that she is now receiving as the dependent mother of Roy D. Miller, late of the United States Navy.

The name of Mary W. Leslie, widow of John M. Leslie, late of Capt. Warren W. Harris' company of Howard County Volunteer Militia of Missouri, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Michaud, widow of Henry Michaud, late of Company D, Forty-eighth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie E. Key, widow of John H. Key, late of Company H, One Hundred and Thirty-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of H. Emma Streepy, widow of Isaac Streepy, late of Company I, Thirty-sixth Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Mitchell, widow of Thomas J. Mitchell, alias T. J. Mitchell, late of Company M, Seventy-third Regiment Enrolled Missouri Militia, and Capt. William L. Fenix's Company, Taney County Volunteer Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Agnes P. Miller, widow of James A. Miller, late of Company F, Fourth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary B. Morris, widow of William F. Morris, late of Company C, Ninth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachel Nash, widow of Thomas J. Nash, late of Capt. H. C. Donnohue's Company, Pettis County Volunteers, Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Catherine Orender, widow of William Orender, late of Capt. Thomas K. Paul's Company, Wright County Volunteer Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Ruth Ann Breedlove, widow of Thomas D. Breedlove, late of Company B, Forty-sixth Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Katie A. Smith, widow of Richard G. Smith, late of Company A, Twelfth Regiment Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Alice L. Stemmons, widow of Thomas J. Stemmons, late of Company C, Seventh Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Effie Wilson, widow of Nathan Wilson, late of Company E, Forty-sixth Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Hermanstorff, widow of John Hermanstorff, late of Company B, Eighth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Mary H. Nash, widow of George S. Nash, late second and first lieutenant Company D, First Regiment Missouri Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Lana Miller, widow of William H. Miller, late of Company A, Twentieth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. McKarnin, widow of Charles McKarnin, alias Charles McKarnin, late of Capt. John W. Younger's Company, Clay County Battalion, Enrolled Missouri Militia; and Capt. John W. Younger's Company, Clay and Clinton Counties, Missouri Volunteer Militia, and pay her a pension at the rate of \$30 per month.

The name of Nellie M. Benjamin, widow of William H. Benjamin, late of Company D, One Hundred and Twentieth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louise Kerner, widow of Frederick, or Fred, Kerner, late of Capt. Henry J. Lewis' Company D, Sixty-ninth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Laura C. Clark, widow of Walter S. Clark, late of Company C, Twenty-sixth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.



The name of Margaret D. Fonda, widow of Wesley H. Fonda, late of Company I, Sixth Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Catherine Keyser, widow of Jacob Keyser, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Grace V. Lawrence, widow of Isaiah E. Lawrence, late of Company E, One Hundred and Sixty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bettie L. Lomax, widow of Henry C. Lomax, late of Capt. Robert W. Holland's Linn County Provisional Company, Sixty-second Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Ella Manwarren, widow of George Manwarren, late of Company C, Twelfth Regiment Indiana Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Louise O. Bowman, widow of William H. Bowman, late of Company A, One Hundred and Fifty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza J. Wilkinson, widow of Thomas A. Wilkinson, late of Company A, Ninth Regiment Indiana Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Emily J. Poe, widow of Meredith Poe, late of Companies F and D, Fourteenth Regiment Kentucky Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda McDaniel, widow of Arthur McDaniel, late of Captain William Strong's Company E, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Emeline Gambrel, widow of Joseph Gambrel, alias Joseph Gambrel, late of Capt. Francis M. Vaughn's Company B, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Sarah Smith, widow of Henry Smith, late of Capt. William Strong's Company E, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Minerva Wells, widow of William Wells, late of Company D, Three Forks Battalion Kentucky State Troops, and pay her a pension at the rate of \$30 per month.

The name of Jennie M. Spaulding, widow of Dennison F. Spaulding, late of Company K, Seventh Regiment Vermont Infantry, and pay her a pension at the rate of \$30 per month.

The name of Venia Moody, widow of Francis M. Moody, late of Company A, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Laura A. Donnelly, widow of James C. Donnelly, late of Company B, Fourth Regiment Tennessee Infantry, and pay her a pension at the rate of \$30 per month.

The name of Flora Duckett, widow of James B. Duckett, late of Company E, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Agnes E. Kimmel, widow of David F. Kimmel, late of Company K, Fifth Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Annie Rhodes, widow of Jacob Rhodes, late of Company B, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Mecomber, widow of Joseph Mecomber, late of Company C, Eighth Regiment Michigan Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ruah L. Martin, widow of William T. Martin, late of Capt. Richard Murphy's Company, Pulaski and Texas Counties Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Malisa Maze, widow of William Maze late of Lieutenant Dietrich's Company, Cooper County Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Sarah K. Copeland, widow of Joseph T. Copeland, late of Company K, Ninth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Emma Knight, widow of Moses Knight, late of Company G, Twenty-fourth, and Company G, Twenty-first Regiments Missouri Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Margaret F. Wilson, widow of James H. Wilson, late of Companies D and G, Thirteenth Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nan Benson, widow of McCloud Benson, late of Company C, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Frederika Bushong, widow of Milton Bushong, late of Company B, One Hundred and Seventy-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be deter-

mined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mary E. Bussard, widow of Salem Bussard, late of Company I, One Hundred and Fifty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Debbie Klingler, widow of Isaac Klingler, late of Companies G and F, One Hundred and Fourteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Edna A. Cole, widow of Henry Cole, late of the Ninth Independent Battery Wisconsin Light Artillery, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Clara T. W. Simmons, widow of Harry Simmons, late of Company G, Sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Grace E. Fairchild, widow of William Fairchild, late of Company B, Nineteenth Regiment New York Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Lizzie Lawson, widow of George N. Lawson, late of Company G, Nineteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie Smith, widow of Francis M. Smith, late of the Eighteenth Independent Battery New York Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Nancy Triplet, widow of George Triplet, late of Company B, Seventy-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Sarah J. Wilder, widow of John W. Wilder, late of Company E, Thirty-seventh Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara Dempsey, widow of James Dempsey, late of Company B, Nineteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nancy J. Miller, widow of Greenbury Miller, late of Company C, Thirty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Florence Bonnell, widow of George W. Bonnell, late of Company I, One Hundred and Seventy-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annie M. Swingle, widow of Calvin F. Swingle, late of Company A, Twenty-sixth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lottie Smith, widow of James W. Smith, late of Company D, Eightieth Regiment New York Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Susan McKay Young, widow of Marcus Young, late of Company C, Twenty-second Regiment Michigan Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Della Means, widow of Jacob A. Means, late of Company K, One Hundred and Twenty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna M. Fay, widow of Frank A. Fay, late of Company H, Eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachel M. A. C. Frum, widow of Jerome C. Frum, late of Capt. N. Allstop's Company, Independent Scouts, West Virginia State Troops, and pay her a pension at the rate of \$30 per month.

The name of Sarah M. Waugh, widow of Enoch L. Waugh, late of Battery E, West Virginia Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary H. Roberts, widow of Francis M. Roberts, late of Company D, Thirty-third Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Arminta E. McCarty, widow of Peter McCarty, alias William McCarty, late of Capt. Samuel Young's Company, Pocahontas County West Virginia State Troops, and Capt. Isaac W. Allen's Company, Pocahontas County West Virginia Independent Scouts, and pay her a pension at the rate of \$30 per month.

The name of Abbie C. Day, widow of Henry J. Day, late of Company F, Fifty-second Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$30 per month.

The name of Flora Turner, widow of George W. Turner, late of Company E, Sixteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Anna L. Rumsey, widow of Horace N. Rumsey, late first lieutenant, Company A, One Hundred and Forty-eighth Regi-

ment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lydia E. Perkins, widow of Charles Z. Perkins, late of Company E, Seventy-fifth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Annie I. Ritz, widow of John Ritz, alias Daniel Dreibeibies, late of Company C, Sixty-ninth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza James, widow of Calvin James, late of Troop G, Sixth Regiment West Virginia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Caroline Hoffman, widow of Valentine Hoffman, late of the Eighth Battery, Ohio Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Lavina M. Jones, widow of John W. Jones, alias John W. Jonen, late of Company B, One Hundred and Seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ozetta M. Taylor, widow of David Taylor, Jr., late captain Company B, One Hundred and Thirteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. R. Dolphin, widow of John Dolphin, late of Company E, Thirtieth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Elizabeth J. Lloyd, widow of William E. Lloyd, late of Company D, Fourth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mary J. Edwards, widow of Robert C. Edwards, late of Tanner's Independent Company, Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lottie Newton, widow of Decatur Newton, late of Companies K and D, Eighth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Joanna Gray, widow of David Gray, late of Company G, Twenty-seventh Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura Alice Hammaker, widow of Adam Hammaker, late of Company B, Twelfth Regiment Maryland Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora Cate, widow of Henry Cate, late of Company E, Fortieth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Goine, widow of William H. Goine, late of Company C, Thirteenth Regiment Indiana Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ida M. Hoyt, widow of Stephen A. Hoyt, late of Company L, Second Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Belle Robinson, widow of Charles H. Robinson, alias Archibald Bush, late of Company L, Twelfth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Beemer, widow of Frederick Beemer, late of Company F, First Regiment Michigan Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Cooper, widow of George T. Cooper, late of Company I, Second Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of \$30 per month.

The name of Matilda Roach, widow of Harvey T. Roach, late of Company K, Third Regiment Michigan Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret E. Duckworth, widow of William A. Duckworth, late of Company G, Second Regiment Iowa Infantry, and second lieutenant, Company K, One Hundred and Tenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Effie T. McElhiney, widow of Robert T. McElhiney, alias Robert McElhaney, late of Capt. C. B. Owens' Company, Missouri Home Guards, and Capt. G. H. Rumbaugh's Company of Cavalry (Berry's Battalion), Thirtieth Regiment Missouri Volunteers, and pay her a pension at the rate of \$30 per month.

The name of Lenace Marlin, widow of Oliver Marlin, late of Company F, One Hundred and Forty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Bates, widow of George W. Bates, late of Company A, One Hundred and Tenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clifflie Frederick, widow of Jacob Frederick, late of Company K, Tenth Regiment Indiana Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Clara A. Farwell, widow of Corydon J. Farwell, late of Companies A and K, Third Regiment Wisconsin Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret E. Stephens, widow of John E. A. Stephens, late of Company E, Nineteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Harriet E. Myers, widow of James H. Myers, late of Company B, Seventy-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Grace A. Good, widow of John C. Good, late of Company B, Forty-first Regiment, and Company G, Fifty-third Regiment, Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ada Epperson, widow of Arter Epperson, late of Company E, Sixth Regiment Tennessee Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Helen I. Velle, widow of William W. Velle, late of Company F, Seventy-seventh Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucy Pierce, widow of Samuel W. Pierce, late of Company F, Seventeenth Regiment Massachusetts Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Mary E. Allen, widow of Henry Allen, late captain, Company A, One Hundred and Fortieth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna Norton, widow of William R. Norton, late of Company D, Sixth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary L. Bruner, widow of James P. Bruner, late of Capt. Isaac D. Hon's Company K, Sixty-ninth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Grace Gerecke, widow of Herman Gerecke, late of Company D, Sixteenth Regiment Wisconsin Infantry, and Company C, Seventh Regiment Iowa Cavalry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Flavia F. Kile, widow of Ransome Kile, late of Company A, Seventy-third Regiment, and Company I, Thirty-eighth Regiment, Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hattie House, widow of Draper F. House, late of Capt. William F. Pell's Company, Independent Scouts for Wirt County, West Virginia State Troops, and pay her a pension at the rate of \$30 per month.

The name of Julia C. Messamore, widow of Thomas Messamore, late of Company F, Seventh Regiment Tennessee Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Celia Mae Miller, widow of William A. Miller, late of Sixth unattached Company, Massachusetts Militia Infantry, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Anna M. Delay, widow of George W. Delay, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Ruth L. McMeans, widow of John W. McMeans, late of Company A, Ninth Regiment Iowa Infantry, and Eightieth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Jessie M. Bowen, widow of Elisha Bowen, late of Company G, Forty-second Regiment Missouri Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Newton, widow of William B. Newton, late of Kentucky State Militia, and pay her a pension at the rate of \$30 per month.

The name of Maggie Berry, widow of Samuel Berry, alias Samuel Cynthiana, late of Company D, Twelfth Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary F. Harper, widow of David A. Harper, late captain, Company C, Seventeenth Regiment New York Veteran Infantry, and pay her a pension at the rate of \$30 per month.

The name of Flora Green, widow of Joseph W. Green, late of Company G, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Teed, widow of Edward Teed, late of Company G, Fourteenth Regiment Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Ella S. Montgomery, widow of James W. Montgomery, late of Company F, One Hundred and Thirty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Katrine Rautman, widow of Henry F. Rautman, late of the United States Navy, and pay her a pension at the rate of \$30 per month.



The name of Mary Alice Mears, widow of William C. Mears, late of the United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Dona Citizen, widow of Calvin Citizen, late of Company E, Forty-second Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan Melugin, widow of Amos W. Melugin, late of Company E, Fifth Regiment Iowa Cavalry, and Company F, Twenty-seventh Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lily C. Kern, widow of George V. Kern, late of Company A, Loudoun County, Va., Independent Rangers, and pay her a pension at the rate of \$20 per month and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Emma Hilliker, widow of John Hilliker, late of Company F, Fifty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie W. Warren, widow of William Warren, late of Company D, One Hundred and Forty-sixth Regiment Indiana Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lottie L. Stoner, widow of Martin G. Stoner, late of Company C, Third Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Sarah H. Chase, widow of Eben C. Chase, late of Company B, Eighteenth Regiment New Hampshire Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Ferris, widow of Robert R. Ferris, late of Company G, One Hundred and Seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura E. Rowell, widow of John M. Rowell, late of Company H, One Hundred and Thirty-ninth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CIVIL WAR PENSIONS

The Clerk called the next bill, H. R. 6898, granting pensions and increase of pensions to certain helpless and dependent children of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Louise E. Stockwell, helpless and dependent daughter of David Stockwell, late of Company K, Fourteenth Regiment Vermont Infantry, and pay her a pension at the rate of \$20 per month.

The name of James C. Riley, helpless and dependent son of John D. Riley, late of Company H, Seventy-seventh Regiment New York Infantry, and pay him a pension at the rate of \$20 per month.

The name of Margaret Ann Canatsey, helpless and dependent daughter of William S. Canatsey, late of Company D, Seventieth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Hubert L. Anderson, helpless and dependent son of Robert L. Anderson, late of Company A, Eleventh Regiment Kentucky Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Isabelle Scott, helpless and dependent daughter of Henry B. Scott, late of Companies D and H, Fifth Regiment Kansas Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Alice L. Calderhead, helpless and dependent daughter of William A. Calderhead, late of Company H, One Hundred and Twenty-sixth Regiment Ohio Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month.

The name of Elmer B. Williams, helpless and dependent son of Andrew Williams, late of Company G, Twenty-third Regiment Missouri Infantry, and pay him a pension at the rate of \$20 per month.

The name of Viola Shively, helpless and dependent daughter of William Shively, late of Company A, One Hundred and Fifty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Virgie Belle McKee, helpless and dependent daughter of William T. McKee, late of Company M, First Regiment Missouri Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Lizzie A. Colwell, helpless and dependent daughter of George E. Colwell, late of Company A, Eighty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Azelle V. Crawford, helpless and dependent daughter of William Crawford, alias Thomas S. Carter, late of Company K, Fifth Regiment New York Veteran Infantry, and Company I, Second Regiment Connecticut Heavy Artillery, and pay her a pension at the rate of \$20 per month.

The name of Frances Engler, helpless and dependent daughter of George W. Engler, late of Company A, One Hundred and Forty-third Regiment Pennsylvania Infantry, and Fifty-first Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month.

The name of Lewis Congrove, helpless and dependent son of Amos Congrove, late of Company I, One Hundred and Eighty-sixth

Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Samuel C. Warner, helpless and dependent son of John Warner, late of Company F, One Hundred and Fortieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$20 per month.

The name of Michael Thomas Tipple, helpless and dependent son of John M. Tipple, late of Company E, One Hundred and Twenty-fifth Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Otto Nance, helpless and dependent son of David Nance, late of Company E, One Hundred and Seventy-third Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Leslie D. Hood, helpless and dependent son of John D. Hood, late of Company A, Eighty-eighth Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Everett Horton, helpless and dependent son of James S. Horton, late of Company H, First Regiment Ohio Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Minnie B. Leonard, helpless and dependent daughter of Andrew J. Leonard, late of Company H, First Regiment Ohio Heavy Artillery, and pay her a pension at the rate of \$20 per month.

The name of Ella Carl, helpless and dependent daughter of Nathan Carl, late of Company K, One Hundred and Eighty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Eva Case, helpless and dependent daughter of Malon Case, late of Company L, Eighth Regiment Illinois Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Mabel McBratney, helpless and dependent daughter of Andrew C. McBratney, late of Company G, Twenty-fourth Regiment New York Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Flossie M. Ramsey, helpless and dependent daughter of James A. Ramsey, late of Company F, Fourth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Hannah D. Warren, helpless and dependent daughter of Andrew J. Warren, late of Company C, Fifty-sixth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month.

The name of Stella M. Webster, helpless and dependent daughter of Noah Webster, late first lieutenant Company K, Forty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month.

The name of Claude Stine, helpless and dependent son of Abraham Stine, late of Company K, One Hundred and Eleventh Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary A. Proudft, helpless and dependent daughter of James B. Proudft, late of Company H, One Hundred and Seventy-second Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of James Edward Miller, helpless and dependent son of Andrew J. Miller, late of Company I, Forty-eighth Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Chester D. Green, helpless and dependent son of Elisha W. Green, late of Company K, Fifty-sixth Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of James Hord, helpless and dependent son of Hugh Hord, late of Company B, Forty-eighth Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Levi Copas, helpless and dependent son of Jackson Copas, late of Company K, One Hundred and Forty-first Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ivy Pitzer, helpless and dependent daughter of Samuel J. Pitzer, alias Samuel E. Pitt, late of Company I, Forty-eighth Regiment Ohio Infantry, and Company H, Twenty-sixth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month.

The name of James Combs, helpless and dependent son of Squire Combs, late of Company D, Eighth Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Charles Alcorn, helpless and dependent son of John H. Alcorn, late of Company D, Thirtieth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of \$20 per month.

The name of Josephine Campbell, helpless and dependent daughter of Lewis Campbell, late of Company C, One Hundred and Seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of \$20 per month.

The name of Willie D. Nelson, helpless and dependent son of Horatio Nelson, late of Company G, Fifty-first Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Orvey Raymond Fry, helpless and dependent son of Lymus Fry, late of Company C, Two Hundred and Seventh Regiment Pennsylvania Infantry, and pay him a pension at the rate of \$20 per month.

The name of Lulu M. Williams, helpless and dependent daughter of Edward Williams, late of Company D, Forty-fifth Regiment Pennsylvania Infantry, and Company F, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month.

The name of Henry Friedrich, helpless and dependent son of Conrad Friedrich, late of Company E, Forty-fifth Regiment Illi-

nois Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Clarence Leslie Skipper, helpless and dependent son of Nathan Skipper, late of Company G, Eleventh Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Alice R. Smith, helpless and dependent daughter of William Smith, late of Company F, Fifty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Dessie Priest, helpless and dependent daughter of Ezra Priest, late of Company L, First Regiment United States Veteran Engineers, and pay her a pension at the rate of \$20 per month.

The name of Ollie Hamilton, helpless and dependent son of William H. Hamilton, late of Company F, Twenty-fourth Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ned Johnston, helpless and dependent son of Samuel Johnston, late of Company K, Fourteenth Regiment Kentucky Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Henry Patrick Dyer, helpless and dependent son of John F. Dyer, late of Company B, Twelfth Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Dora McCallister, helpless and dependent daughter of George W. McCallister, late of Company A, Fifty-fourth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$20 per month.

The name of Julia Reeves, helpless and dependent daughter of Eventine Reeves, late of Company I, Fifty-third Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month.

The name of Lewis Stamper, helpless and dependent son of Wesley Stamper, late of Company K, Fourteenth Regiment Kentucky Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Josie Siessly, helpless and dependent daughter of John Siessly, late of Company B, Forty-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Charles E. Curl, helpless and dependent son of Peter Curl, late of Company K, Thirty-eighth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Rachel A. Bosworth, helpless and dependent daughter of Charles W. Bosworth, late of Company I, First Regiment Maine Heavy Artillery, and pay her a pension at the rate of \$20 per month.

The name of Gilbert Walton, helpless and dependent son of Lewis F. Walton, late of Companies K and F, Fourteenth Regiment Kentucky Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Sarah Stephenson, helpless and dependent daughter of John Stephenson, late of Company M, Third Regiment Missouri Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Nancy Ann Laird, helpless and dependent daughter of James C. Laird, late of Company H, Twenty-sixth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month.

The name of Simpson Pennington, helpless and dependent son of Thompson Pennington, late of Company K, Ninth Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Jim Meredith, helpless and dependent son of Alexander Meredith, late of Company I, Twenty-seventh Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of George Meredith, helpless and dependent son of Alexander Meredith, late of Company I, Twenty-seventh Regiment Kentucky Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary Metzger, helpless and dependent daughter of August Metzger, late of Company H, One Hundred and First Regiment New York Infantry, and pay her a pension at the rate of \$20 per month.

The name of Hattie Simpson, helpless and dependent daughter of William A. Simpson, late of Company D, Ninety-first Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Marion Van Natta, helpless and dependent son of George O. Van Natta, who served and was pensioned as George O. Vannatta, late of Company E, Ninety-ninth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Winnie Alexander, helpless and dependent daughter of Edwin R. Alexander, late of Company G, Forty-second Regiment Missouri Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lillie Haupt, helpless and dependent daughter of Edward Haupt, late of Company D, Two Hundred and Eighth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of Minnie G. Jones, helpless and dependent daughter of Alonzo W. Jones, late of Company G, One Hundred and Forty-ninth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of Edna B. Hartley, helpless and dependent daughter of William Hartley, late of Company D, Fifty-fifth Regiment Pennsylvania Infantry, and first lieutenant, Company F, Thirty-fourth Regiment United States Colored Infantry, and pay her a pension at the rate of \$20 per month.

The name of Sadie E. Goshorn, helpless and dependent daughter of George Goshorn, late of Company I, One Hundred and Forty-ninth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of William C. Fisher, helpless and dependent son of William H. Fisher, late of Company F, Sixteenth Regiment Pennsylvania Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Nola Forrester, helpless and dependent daughter of James F. Forrester, late of Company G, Tenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Adam Anderson, helpless and dependent son of George B. Anderson, late of Company C, East Tennessee National Guard, and pay him a pension at the rate of \$20 per month.

The name of James L. Roberts, helpless and dependent son of John H. Roberts, late of Company B, Sixth Regiment Tennessee Infantry, and pay him a pension at the rate of \$20 per month.

The name of William Gage, helpless and dependent son of Daniel H. Gage, late of Company B, Third Regiment Michigan Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Clara L. Dolman, helpless and dependent daughter of Charles M. Dolman, late of Company I, Seventy-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mamie Cartmill, helpless and dependent daughter of James A. Cartmill, late of Company D, Thirteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary Tiger, helpless and dependent daughter of Nathan L. Tiger, late of Battery D, First Regiment United States Artillery, and pay her a pension at the rate of \$20 per month.

The name of Effie M. Anderson, helpless and dependent daughter of Robert Anderson, late of Company B, Seventy-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of Fred L. Lindsey, helpless and dependent son of William B. Lindsey, late of Company A, One Hundred and Thirty-fourth Regiment Pennsylvania Infantry, and pay him a pension at the rate of \$20 per month.

The name of Emma Hinton, helpless and dependent daughter of Henry V. Hinton, late of Company F, Ninety-ninth Regiment; Company C, Fiftieth Regiment; and Company B, One Hundred and Eighty-third Regiment, Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Jesse Mills, helpless and dependent son of Cornelius Mills, late of Company C, Thirteenth Regiment Missouri Infantry, and pay him a pension at the rate of \$20 per month.

The name of Henry William Means, helpless and dependent son of John Means, late of Company G, One Hundred and Seventy-fifth Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Frank A. Boster, helpless and dependent son of James A. Boster, late of Company A, Eighty-seventh Regiment Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary Jane Patterson, helpless and dependent daughter of Hiram L. Patterson, late of Company K, Sixty-eighth Regiment United States Colored Infantry, and pay her a pension at the rate of \$20 per month.

The name of Albert S. Miller, helpless and dependent son of Aaron J. Miller, late of Company K, Fifth Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Clara Fowler, helpless and dependent daughter of Francis A. Fowler, late of Company A, Seventh Regiment Wisconsin Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John William Marshall, helpless and dependent son of William T. Marshall, late of Company B, Seventy-seventh Regiment Pennsylvania Infantry, and pay him a pension at the rate of \$20 per month.

The name of Lydia Frances Nyman, helpless and dependent daughter of William Nyman, late of Company E, One Hundred and Forty-third Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of Adele Evans, helpless and dependent daughter of James B. Evans, late of Company C, One Hundred and Twentieth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Thomas M. Teeters, helpless and dependent son of Josiah Teeters, late of Company B, One Hundred and Twenty-ninth Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Emma J. Fulton, helpless and dependent daughter of Isaac B. Fulton, late of Company G, One Hundred and First Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Bertha E. Haroff, helpless and dependent daughter of William T. Haroff, late of Company K, One Hundred and Twenty-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Daniel F. Glenn, helpless and dependent son of James Glenn, late of Company E, Fifth Battalion, and Company E, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Thomas J. Robinson, helpless and dependent son of William A. Robinson, late of Company K, Seventieth Regiment



Illinois Infantry, and pay him a pension at the rate of \$20 per month.

The name of Carrie M. Gould, helpless and dependent daughter of Charles Gould, late an acting third assistant engineer, United States Navy, and pay her a pension at the rate of \$20 per month.

The name of Jesse Morse, helpless and dependent son of Garret C. Morse, late of Company G, Twenty-second Regiment New York Cavalry, and pay him a pension at the rate of \$20 per month.

The name of John J. Cook, helpless and dependent son of Oliver M. Cook, late of Company B, Twenty-second Regiment Michigan Infantry, and pay him a pension at the rate of \$20 per month.

The name of Correllia Silver, helpless and dependent daughter of Thomas W. Silver, late a landsman, United States Navy, and pay her a pension at the rate of \$20 per month.

The name of Milton Warner, helpless and dependent son of Casper Warner, late of Company C, Fifty-third Regiment Pennsylvania Infantry, and pay him a pension at the rate of \$20 per month.

The name of Laura Dively, helpless and dependent daughter of Morgan Dively, late of Company F, Seventy-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary M. Norris, helpless and dependent daughter of Wisner Norris, late of Companies D and F, Thirty-second Regiment Missouri Infantry, and pay her a pension at the rate of \$20 per month.

The name of Ella Strutton, helpless and dependent daughter of Elisha S. Strutton, late of Company M, Third Regiment, and Company C, Eleventh Regiment, Missouri Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Augusta Lambert, helpless and dependent daughter of Andrew Lambert, late of Company A, First Regiment Ohio Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Edith Pyle, helpless and dependent daughter of James W. Pyle, late of Company G, One Hundred and Ninety-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Emma Blosser, helpless and dependent daughter of William H. Blosser, late of Company F, Ninetieth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Amanda Hart, helpless and dependent daughter of Absalom Hart, late of Company D, Seventeenth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Amelia Arminta Thomas, helpless and dependent daughter of Henry Thomas, late of Company G, One Hundred and Thirtieth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Zack Pool, helpless and dependent son of Jeremiah Pool, late of Company D, Thirty-eighth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of William Chadwick, helpless and dependent son of Edmond B. Chadwick, late of Company K, Tenth Regiment Iowa Infantry, and pay him a pension at the rate of \$20 per month.

The name of John Chadwick, helpless and dependent son of Edmond B. Chadwick, late of Company K, Tenth Regiment Iowa Infantry, and pay him a pension at the rate of \$20 per month.

The name of William Frederick Kildow, helpless and dependent son of William Kildow, late of Company G, Thirty-first and Eighty-eighth Regiments Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Maretta A. Booher, helpless and dependent daughter of Samuel A. Booher, late of Company H, One Hundred and Sixty-first Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$20 per month.

The name of Charles F. Boroff, helpless and dependent son of Daniel Boroff, late of Company A, Forty-sixth Regiment Ohio Infantry, and pay him a pension at the rate of \$20 per month.

The name of Nellie M. Taylor, helpless and dependent daughter of Corwin M. Taylor, late of Company G, One Hundred and Twenty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Blanche Pharr, helpless and dependent daughter of David W. Pharr, late of Company A, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Kathryn Smith, helpless and dependent daughter of Mahlon P. Smith, late of Battery C, Third Regiment United States Artillery, and pay her a pension at the rate of \$20 per month.

The name of Ida Jones, helpless and dependent daughter of William D. Jones, late of Company C, Third Regiment New York Light Artillery, and pay her a pension at the rate of \$20 per month.

The name of Mabel Forrer, helpless and dependent daughter of John Forrer, late of Company I, Twenty-second Regiment Wisconsin Infantry, and pay her a pension at the rate of \$20 per month.

The name of Halle V. Weeks, helpless and dependent daughter of George Weeks, late of Company B, Thirty-sixth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$20 per month.

The name of Ruby L. Knapp, helpless and dependent daughter of William B. Knapp, late of Company D, Twenty-fourth Regiment Michigan Infantry, and hospital steward, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mettie Grace Cameron, helpless and dependent daughter of John S. Cameron, late a first lieutenant, Company G, and adjutant, Thirty-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$20 per month.

The name of Leah Kesterson, helpless and dependent daughter of Hugh Kesterson, late of Captain Isaiah Guymon's Company A, Mercer County Battalion, Missouri State Militia, and Company D, Forty-fourth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month.

The name of Lola Frances Sumner, helpless and dependent daughter of William D. Sumner, late of Company E, Twenty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Thomas J. McWilliams, helpless and dependent son of John F. McWilliams, late of Company A, Eleventh Regiment West Virginia Infantry, and pay him a pension at the rate of \$20 per month.

The name of Luther Hudson, helpless and dependent son of Jeremiah Hudson, late of Company F, Fifteenth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Julia A. Silva, helpless and dependent daughter of Isaac Silva, late of Company C, Second Regiment New Hampshire Infantry, and pay her a pension at the rate of \$20 per month.

The name of Jessie Myrtle Bennett, helpless and dependent daughter of Jonathan Bennett, late of Company H, Eighth Regiment Indiana Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Ella May Wilkinson, helpless and dependent daughter of Willard W. Wilkinson, late of Company D, Twenty-eighth Regiment Iowa Infantry, and pay her a pension at the rate of \$20 per month.

The name of Harry C. B. Frets, helpless and dependent son of George Frets, late of Company E, Eighty-eighth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Peter Russell Eikenberry, helpless and dependent son of Henry Eikenberry, late of Company K, Fifth Regiment Ohio Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Orville Hunter, helpless and dependent son of David L. Hunter, late of Company I, One Hundred and Forty-sixth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Florence Jones, helpless and dependent daughter of William Jones, late a first lieutenant, Company E, Forty-second Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Minnie L. Clark, helpless and dependent daughter of Adolphus P. Clark, late of Company B, Eleventh Regiment West Virginia Infantry, and pay her a pension at the rate of \$20 per month.

The name of Alice G. Townsend, helpless and dependent daughter of Joseph G. Townsend, late a lieutenant colonel, One Hundred and Eighty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$20 per month.

The name of Cora S. Day, helpless and dependent daughter of Thomas G. Day, late of Company E, Third Regiment Indiana Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Stella Meadows, helpless and dependent daughter of Joseph S. Meadows, late of Company F, Ninety-third Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month.

The name of Sarah E. Jackson, helpless and dependent daughter of Cyrus A. Jackson, late of Company H, Thirty-seventh Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Nannie B. Floyd, helpless and dependent daughter of Aaron Floyd, late of Company B, Eighth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month.

The name of Arellia E. Ferguson, helpless and dependent daughter of Green C. Ferguson, late of Company F, Twentieth Regiment Iowa Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary S. Thompson, helpless and dependent daughter of Robert A. Thompson, late of Company E, Sixteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Rose B. Sutherlin, helpless and dependent daughter of Elias Sutherlin, late of Company E, Twelfth Regiment Indiana Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles Smith, helpless and dependent son of John Fletcher Smith, late of Company E, One Hundred and Twenty-third Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary B. Pigg, helpless and dependent daughter of John C. Pigg, late of Companies B and A, One Hundred and Tenth Regiment Illinois Infantry, and pay her a pension at the rate of \$20 per month.

The name of Charles Hovermale, helpless and dependent son of John A. Hovermale, late of Company D, One Hundred and Thirty-fifth Regiment Indiana Infantry, and pay him a pension at the rate of \$20 per month.

The name of Mary C. Sheaffer, helpless and dependent daughter of Henry Sheaffer, late of Company F, Fourteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Richard Emmett Wadden, helpless and dependent son of John Wadden, late of Company C, Forty-first Regiment Missouri Infantry, and pay him a pension at the rate of \$20 per month.

The name of William Edward Coughlin, helpless and dependent son of William Coughlin, late of Company B, Seventh Regiment Wisconsin Infantry, and pay him a pension at the rate of \$20 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CIVIL WAR PENSIONS

The Clerk called the next bill, H. R. 6899, granting pensions to certain veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alfred Daugherty, late of Capt. Richard T. Taylor's Company C, Middle Green River Battalion, Kentucky State Troops, and pay him a pension at the rate of \$50 per month.

The name of William H. Jones, late of Capt. John R. Curry's Company D, South Cumberland Battalion, Kentucky State Troops, and pay him a pension at the rate of \$50 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The Clerk called the next bill, H. R. 6900, granting pensions to certain former widows of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Ada M. Huffman, former widow of Wilson B. Beeson, late of Company I, Eighth Regiment Iowa Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Carroll, former widow of William C. Guyer, late of Company E, Twenty-first Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Agnes B. Currey, former widow of Elias Baker, late of Company K, One Hundred and Eighty-third Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Ella Downing, former widow of George W. Friend, late of Company E, One Hundred and Fourteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret E. Pryce, former widow of Jacob A. Thuma, late of Company C, Sixty-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ethelyn Palmer, former widow of Theodore H. Ingersoll, late of Company C, First Regiment Ohio Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Tuttle Buttram, former widow of George P. Tuttle, late of Company H, Eleventh Regiment, and Company B, Eighth Regiment, Michigan Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Angeline Hart, former widow of James M. Hart, late of Company G, Eighth Regiment, and Company D, Eleventh Regiment, Missouri Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Idella Waid, former widow of Samuel Waid, late of Company A, Seventy-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie Collins, former widow of Franklin Parker, late of Company B, Forty-ninth Regiment Kentucky Infantry, and pay her a pension at the rate of \$20 per month, and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Dona Samples, former widow of William Conkin, late of Company E, First Regiment Tennessee Light Artillery, and pay her a pension at the rate of \$20 per month, and increase the rate to \$30 per month from and after the date she shall have attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Christine M. Hartley, former widow of William D. Mugridge, alias George Mugridge, late of the Thirty-third Independent Battery, New York Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Clara L. Landis, former widow of John A. Landis, late captain Company D, Eighteenth Regiment Iowa Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan Van Pelt, former widow of William Allerton, late of Company B, Sixty-fifth Regiment Ohio Infantry, and Company K, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Georgia Hupp Williams, former widow of Harvey Hupp, late of Company F, Sixty-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth R. Davis, former widow of Alva S. Taber, late of Company A, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ona Gross, former widow of William S. Gross, late of Company K, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$20 per month, and increase the rate to \$30 per month from and after the date she shall have

attained the age of 60 years, which fact shall be determined by the submission of satisfactory evidence by the beneficiary to the Veterans' Administration.

The name of Emma Temple, former widow of Joseph Cavins, late of Company C, First Regiment Illinois Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Edith E. Cleaveland, former widow of William T. Cleaveland, late of Company K, Eighty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna E. Pollitt, former widow of Benjamin W. Edgar, late of Company I, Eighth Regiment Ohio Cavalry, and Company A, One Hundred and Ninety-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sophie Felner, former widow of Henry Hyams, late a first-class boy, United States Navy, and pay her a pension at the rate of \$30 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CIVIL WAR PENSIONS

The Clerk called the next bill, H. R. 6901, granting increases of pensions to certain widows of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Emma A. Trumble, widow of Russell A. Trumble, late of Company H, Seventh Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Hoyt, widow of William L. Hoyt, late of Company F, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate M. Farrell, widow of John Farrell, late of Company H, First Regiment Connecticut Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Scarritt, widow of Erasmus B. Scarritt, late first lieutenant and quartermaster, One Hundred and Thirteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Everson, widow of George J. Everson, late of Company H, First Regiment Vermont Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Simpson, widow of George Simpson, late of Company B, Twenty-second Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Devine, widow of John Devine, late of Company B, One Hundred and Sixty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise E. Van Norden, widow of James W. Van Norden, late of Company K, First Regiment New York Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella S. T. Witbeck, widow of C. William Witbeck, late principal musician, Ninety-third Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hulda Bennett, widow of James Bennett, late of Company M, Fourteenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Belle C. Taylor, widow of Charles G. Taylor, late of Company D, Sixteenth Regiment Michigan Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maggie A. Foster, widow of Lyman T. Foster, late of Companies D and A, Third Regiment Indiana Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Cline, widow of Valentine Cline, late of Company C, One Hundred and Twenty-third Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida Young, widow of Robert Young, late of Company E, Fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora Gifford, widow of John Gifford, late of Company A, Thirty-eighth Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda E. Richards, widow of John Richards, late of Company A, Thirty-third and Thirty-fourth Regiments Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.



The name of Mary J. Simpson, widow of Aurelius Simpson, late of Company A, One Hundred and Thirteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara W. Barrett, widow of Nathan F. Barrett, late sergeant major, One Hundred and Fifty-sixth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Clark, widow of Niles Clark, late of Company F, One Hundred and Fifty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie Trader, widow of Samuel P. Trader, late of Company F, Forty-second Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma R. Steel, widow of Count S. Steel, late of the Second Battery, Kansas Light Artillery; first lieutenant, Company G, and first lieutenant and commissary, Fourteenth Regiment Kansas Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Hart, widow of Orvis Y. Hart, late of Company C, Eleventh Regiment Kansas Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hester A. Walmer, widow of John Walmer, late of Company A, One Hundred and Fifty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Chapman, widow of Cary D. Chapman, late of Company L, Second Regiment Colorado Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet S. Garbison, widow of Daniel Garbison, late of Company H, Forty-sixth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy V. Hazell, widow of Joshua B. Hazell, late of Company B, Twenty-first Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mathilda Danielson, widow of Daniel Danielson, late of Company D, Fifty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rachel Smith, widow of James E. Smith, late of Company B, Twenty-second Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Webb, widow of Elias Webb, Jr., late of Company B, First Regiment West Virginia Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth S. Primm, widow of David Primm, late of Company H, Ninety-first Regiment Ohio Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Judah A. Stewart, widow of John Stewart, late of Company E, Second Regiment Kentucky Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Violet S. Woodward, widow of Ward N. Woodward, late of Company E, Ninetieth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Rupe, widow of Jonathan Rupe, late of Company H, Fifty-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Russell, widow of Timothy Russell, late first lieutenant, Company F, Thirteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Derry, widow of John H. Derry, late of Company B, Ninetieth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice Dunfee, widow of Thomas Dunfee, late of Company G, Thirty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of California Farmer, widow of Robert L. Farmer, late of Company F, Twenty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza L. Grover, widow of John W. Grover, late of Company I, One Hundred and Seventy-third Regiment Ohio Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Mary C. Kaneff, widow of George W. Kaneff, late of Company L, Seventh Regiment Ohio Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Martin, widow of John W. Martin, late of Company G, Twenty-second Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophie M. Swigert, widow of Marcus V. Swigert, late of Company L, Seventh Regiment Ohio Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva Barlow, widow of Marion S. Barlow, late of Company B, Ninety-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phebe J. Bell, widow of John Bell, late of Company F, One Hundred and Seventy-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Agnes Bentley, widow of Sampson Bentley, late of Company L, Eleventh Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adabelle Brown, widow of Anderson Brown, late of Company E, One Hundred and Seventy-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Collins, widow of William C. Collins, late of Company B, First Regiment West Virginia Veteran Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Conaway, widow of George Conaway, late of Battery B, First Regiment West Virginia Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Dougherty, widow of Ezra Dougherty, late of Company I, One Hundred and Seventy-second Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Juliana Crabtree, widow of Jeremiah Crabtree, late of Company H, First Regiment Ohio Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Sims, widow of William B. Sims, late of Company L, Fourth Regiment Illinois Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Florence S. McGinnis, widow of Archibald McGinnis, late of Company A, Ninety-first and One Hundred and Twentieth Regiments Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Washington, widow of Charles Washington, late of Company K, One Hundred and Sixteenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. West, widow of Albert H. West, late of Henshaw's Battery, Illinois Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charity West, widow of Charles L. West, late of Company G, Fifty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Belrose, widow of Charles H. Belrose, late of Company C, Forty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Agness B. Smith, widow of Daniel B. Smith, late of Company H, Fifteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Thorson, widow of John Thorson, late of Company E, Ninety-first Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret I. Maiden, widow of Jasper N. Maiden, late of Company A, Twenty-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy A. Russell, widow of Cornelius Russell, late of Company H, One Hundred and Ninety-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Tharp, widow of Isaac Tharp, late of Company C, Seventy-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah King, widow of Garland King, late of Company I, Eighty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Parish, widow of Oris Parish, late first lieutenant, Company K, Thirtieth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Brown, widow of Jesse P. Brown, late of Company D, Eighty-third Regiment, and Company H, Forty-eighth Regiment, Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jerucia S. Platter, widow of Joseph Platter, late of Company B, Second Regiment Ohio Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie Boehm, widow of Frederick Boehm, late of Company H, One Hundred and Eighty-ninth Regiment Ohio

Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Fannie J. Barber, widow of Allen Barber, late of Company I, Thirty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie A. Guthrie, widow of Sorency B. Guthrie, late of Company H, Twenty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Malisa Morris, widow of Daniel B. Morris, late of Company D, Seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Ida Webb, widow of David Webb, late of Company D, One Hundred and Thirty-ninth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rhoda A. Ellis, widow of Calvin H. Ellis, late of Company F, Seventh Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Davis, widow of John R. Davis, late of Company E, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julietta Waltermire, widow of David E. Waltermire, late of Company E, One Hundred and Fifty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Ozenberger, widow of Frederick T. Ozenberger, late of Company A, First Regiment Missouri State Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine Field, widow of William F. Field, late second lieutenant, Battery H, Third Regiment New York Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Fulkerson, widow of John E. Fulkerson, late of Company K, Eleventh Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Harer, widow of Henry Harer, late of Company B, Eighth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katie Wykoff, widow of John A. Wykoff, late of Company G, Fifty-third Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary E. Grange, widow of Charles E. Grange, late of Company F, Eighty-fourth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Diehl, widow of Abraham Diehl, late of Company E, Forty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha C. Howe, widow of John Howe, late of Company B, Ninety-third Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ernestine Singer, widow of Simon Singer, late of Company D, Eighth Regiment Illinois Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Flint, widow of Myron L. Flint, late of Company F, Fortieth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Georgiana M. DeGross, widow of Burritt M. DeGross, late of Company A, One Hundred and Fortieth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary R. Schreiber, widow of Andrew E. Schreiber, late of Company K, Fifteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine A. Wheeler, widow of Andrew L. Wheeler, late of Company K, Ninety-second Regiment, and Company I, Sixty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose Hazlett, widow of William C. Hazlett, late of Company B, One Hundred and Thirty-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amella J. Kyle, widow of Samuel Kyle, late of Company B, One Hundred and Second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Francena Brokaw, widow of Henry Brokaw, late of Company C, Sixty-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah M. Beaumont, widow of Lucien Beaumont, late of Company C, Eighty-sixth Regiment Ohio Infantry, and

pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura E. Hancock, widow of Ephraim H. Hancock, late of Company D, Twenty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura S. D'Yarmett, widow of Edward B. D'Yarmett, late of Company F, One Hundred and Seventy-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie D. Rodman, widow of Alp J. Rodman, late of Company A, Second Regiment Ohio Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia A. Dunaway, widow of Thomas Dunaway, late of Company F, First Regiment Ohio Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy McClay, widow of William McClay, late of Company E, One Hundred and Second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret V. Myers, widow of Jacob H. Myers, late of Company C, One Hundred and Fortieth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Secrist, widow of Alexander W. Secrist, late of Company K, Fourth Regiment United States Veteran Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Viola S. Whitten, widow of James C. Whitten, late captain Company A, Fourteenth Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ruth A. Schooley, widow of Thomas O. Schooley, late of Company G, One Hundred and Forty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adella L. Welch, widow of Rankin F. Welch, late of Company F, One Hundred and Twentieth Regiment Ohio Infantry, and Company E, Battalion Forty-eighth, Ohio Veteran Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate P. Shannon, widow of James W. Shannon, late second lieutenant, Company K, Fourteenth Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Cooksey, widow of Montivill Cooksey, late of Company G, Forty-fifth Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lovena Triplett, widow of Calvin Triplett, late of Company C, Fortieth Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Helen N. Peckinpugh, widow of John E. Peckinpugh, late first lieutenant, Company H, Forty-ninth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Carlisle, widow of Hugh T. Carlisle, late of Company D, Eighty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lyda Powell, widow of Louis Powell, late of Company C, Fifty-third Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate Harris, widow of Charles M. Harris, alias Charles M. Jordan, late of Company F, Thirty-first Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. Beard, widow of Jacob Beard, late of Company L, Third Regiment Kentucky Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Brown, widow of James L. Brown, alias Lemon Stiles, late of Company H, One Hundred and Eighteenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Wright, widow of George H. Wright, late of Company B, Eleventh Regiment Michigan Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria S. Everest, widow of Charles H. Everest, late of Company F, First Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mildred C. Sexton, widow of John F. Sexton, late of Company L, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. Blacketer, widow of George H. Blacketer, late of Company K, Fourth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia Woods, widow of Thomas Woods, late of Company A, One Hundred and Forty-seventh Regiment New York



Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie M. Sheldon, widow of Orson Sheldon, late of Company I, One Hundred and Eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise Newton, widow of Cassius Newton, late of Company E, One Hundred and Eighty-fourth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Delane, widow of David Delane, late of Company F, Ninety-eighth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Etta L. Tift, widow of James H. Tift, late of Company E, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Selena M. Combs, widow of John Combs, late of Company M, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Curtis, widow of Horatio O. Curtis, late quartermaster sergeant, Company D, Twentieth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Ackley, widow of William P. Ackley, late of Company B, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cora A. Townsend, widow of Hiram L. Townsend, late of Company D, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella E. Terryll, widow of John C. Terryll, late of Company D, Eleventh Regiment Minnesota Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances M. Cooley, widow of Alphonso E. Cooley, late captain Company K, Ninety-fourth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen M. Ensworth, widow of Horace B. Ensworth, late of Company B, Eighty-first Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. Brownell, widow of Danford Brownell, late of Company C, One Hundred and Eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura Joles, widow of William A. Joles, late of Company G, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Erzella A. Lackey, widow of Moses H. Lackey, late of Company E, First Regiment Ohio Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella A. Hart, widow of Charles H. Hart, late of Company K, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane M. French, widow of Edwin Y. French, late of Company C, Sixty-first Regiment New York Infantry, and hospital steward, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Fish, widow of Orville Fish, late unassigned, Twentieth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cornelia Farr Percy, widow of Robert H. Percy, late of Company A, Twelfth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Dennison, widow of Edward Dennison, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie Pettengill, widow of Manford A. Pettengill, late of Company B, Tenth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine Lockwood, widow of Oscar Lockwood, late of Company D, One Hundred and Fifteenth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah S. Zufelt, widow of Jefferson Zufelt, alias Jefferson Shoefeldt, late of Company K, Twentieth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Hayes, widow of Horace N. Hayes, late of Company H, One Hundred and Twenty-second Regiment New York Infantry, and Company I, Twenty-fourth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lenora D. Stone, widow of Monroe J. Stone, late of Company K, Fifth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet E. Schram, widow of William H. Schram, late of Company B, Eighty-first Regiment New York Infantry, and Company D, Twentieth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Goldsmith, widow of Ira Goldsmith, late of Company H, Fourteenth Regiment United States Infantry, and Company A, Fifth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of F. Emma Bates, widow of Oliver Bates, late of Company C, Ninth Regiment, and Company I, Second Regiment, New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine B. McCarthy, widow of Lawrence D. McCarthy, late of Company F, Third Regiment New York Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Carrie H. Wood, widow of Gilbert E. Wood, late of Company I, Thirty-seventh Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet E. Miller, widow of John Miller, late of Company K, Seventy-fifth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie V. Myers, widow of Peter J. Myers, late of Company A, One Hundred and Sixty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Seager, widow of Peter Seager, late of Company D, One Hundred and Twenty-second Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie Flynn, widow of John Flynn, late of Company E, Seventeenth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Jondro, widow of Peter Jondro, alias Jaunderson, late of Company E, Eleventh Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Frost, widow of Leonard F. Frost, late of Company B, One Hundred and Eighty-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary F. Hudgens, widow of James M. Hudgens, late of Company C, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maime F. Presley, widow of Henry A. Presley, alias Henry A. Plesley, late of Company G, One Hundred and Ninety-fourth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dora B. Reynolds, widow of James T. Reynolds, late of Company E, Forty-fourth Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Borts, widow of Jacob Borts, late of Company M, Third Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine Weltner, widow of Joseph C. Weltner, late of Company E, Fifty-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Florence A. Suess, widow of George Suess, late of Company G, First Regiment Missouri State Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie J. Wheeler, widow of Solomon Wheeler, late of Company C, Second Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kittie G. Bozard, widow of Ashbel L. Bozard, late of Company C, One Hundred and Fifty-fourth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Estella D. Smith, widow of David Smith, late of Company B, Fifty-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Ryan, widow of Jeremiah Ryan, late of Company F, First Battalion, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha F. Reynolds, widow of Norman Reynolds, late of Company A, Forty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice M. Price, widow of Dorr Price, late of Company A, One Hundred and Fifty-fourth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Pierce, widow of Lyman Pierce, late of Company M, Twenty-fourth Regiment New York Cavalry, and pay her a

pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Betsy A. Noble, widow of Bartlett A. Noble, late of Company K, Thirteenth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella G. Millsbaugh, widow of Pathuel Millsbaugh, late of Company C, Seventh Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jenettie E. Evans, widow of Daniel B. Evans, late of Battery K, First Regiment United States Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Miriam E. Crampton, widow of John H. Crampton, late of Company K, Thirteenth Regiment New York Infantry (subsequently Third New York Cavalry), and Company K, Fifty-fourth Regiment New York National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Hood, widow of Charles F. Hood, late of Company B, Thirty-fourth Regiment, and Company C, One Hundred and Ninety-first Regiment, Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Treese, widow of Frank Treese, late of Company K, Seventy-eighth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Fannie Stevens, widow of Jacob Stevens, late of Company C, Seventy-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Meiser, widow of John S. Meiser, late of Company F, One Hundred and Seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Guy, widow of Daniel Guy, late of Company E, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Powell, widow of Joseph Powell, late of Company E, First Regiment Tennessee Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Stagg, widow of Alfred G. Stagg, late of Company D, Twenty-sixth Regiment New Jersey Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Isabell Postlethwait, widow of John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Isabel Gammon, widow of Richard J. Gammon, late of Company A, Eighteenth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Roush, widow of James Roush, late of Company H, First Regiment Ohio Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of America E. Dye, widow of Ivan E. Dye, late of Company A, Fifteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily L. Watkins, widow of John J. Watkins, late of Company H, Third Regiment West Virginia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth N. Nichols, widow of Parker P. Nichols, late of Companies D and L, Seventh Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Quirk, widow of Thomas Quirk, late unassigned, Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Millie F. Wells, widow of Perry Wells, late of Company D, Fourth Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth M. Honsaker, widow of David Honsaker, late of Company K, Second Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie C. Knox, widow of William C. Knox, late of the Signal Corps, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah D. Stauffer, widow of William D. Stauffer, late captain, Company H, One Hundred and Ninety-fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Campbell, widow of George W. Campbell, late of Company I, Twentieth Regiment Pennsylvania Cavalry, and Hebble's Independent Company, Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hettie A. Miller, widow of John Miller, late of Company D, One Hundred and Ninety-fifth Regiment Pennsyl-

vania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Miller, widow of Oliver P. Miller, late of Company E, One Hundred and Twenty-seventh Regiment United States Colored Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Barnholt, widow of Edward Barnholt, late of Company H, Two Hundred and Thirteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma V. Morton, widow of Peter Morton, late of Company D, Second Regiment Pennsylvania Cavalry, and Company D, First Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Lafferty, widow of Jacob P. Lafferty, late of Company A, One Hundred and Fifty-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Almira Kshinka, widow of Robert C. R. Kshinka, late of Company D, Fiftieth Regiment New York Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hanna Sophia Westcott, widow of Hiram B. Westcott, late of Company G, First Regiment New York Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Saxton, widow of Burton Saxton, late of Company F, Eleventh Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Card, widow of Charles H. Card, late of Company A, Two Hundred and Seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice A. Tyrrel, widow of Curtis B. Tyrrel, late of Company D, Seventeenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary McHale, widow of Thomas McHale, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Hart, widow of Martin Hart, late of Company F, Fifty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy A. Beckwith, widow of Daniel W. Beckwith, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Augusta E. Cutler, widow of Alvin Cutler, late of Company C, First Battalion Maine Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elmira E. Ballinger, widow of William Ballinger, late of Company C, Forty-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Paddock, widow of Peter Paddock, late of Company B, One Hundred and Forty-first Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura E. Lawrence, widow of John W. Lawrence, late of Company B, One Hundred and Ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Green, widow of Francillo A. Green, late of Company I, Twenty-first Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda Tarno, widow of Henry L. Tarno, late of Company K, One Hundred and Forty-fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Florence Uplinger, widow of Amos Uplinger, late of Company B, Fortieth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Kate R. Forrester, widow of James D. Forrester, late first lieutenant, Company G, One Hundred and Second Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cordelia E. Sims, widow of James C. Sims, late of Company C, Sixteenth Regiment Missouri Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Stone, widow of James R. Stone, late of Companies H and K, Forty-sixth Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie M. Dill, widow of Henry Dill, late of Company B, First Regiment Maryland Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella L. Brownfield, widow of Samuel A. Brownfield, late of Company A, One Hundred and Eighty-fourth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret A. Inks, widow of Adolphus J. Inks, late of Company E, Eighty-fifth Regiment, and Company E, One Hundred and Eighty-eighth Regiment, Pennsylvania Infantry, and



pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Graves, widow of Chauncey H. Graves, late a private, Company A, Sixty-eighth Regiment, and a first lieutenant, Company K, One Hundred and Fifty-fourth Regiment, Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara B. Teegarden, widow of Aaron Teegarden, late of Company D, Sixth Regiment Missouri State Militia Cavalry, and Company D, Thirteenth Regiment Missouri Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lida A. Beverly, widow of Jacob Beverly, late of Company L, First Regiment Missouri Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Casler, widow of Henry Casler, late of Company C, Tenth Regiment Michigan Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara Hammond, widow of Francis M. Hammond, late of Company I, One Hundred and Second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Georgianna K. Griest, widow of William P. Griest, late of Company I, Two Hundredth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary O'Flaherty, widow of Edward O'Flaherty, late of Company I, Ninth Regiment, and Company I, Second Regiment, New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katharina Reis, widow of Robert Reis, late of Company C, Second Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret J. Hicks, widow of William B. Hicks, late of Company I, Fourteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Swander, widow of John J. Swander, late of Company A, One Hundredth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Hall, widow of Benjamin Hall, late of Company K, Thirty-ninth Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Estline Baker, widow of William D. Baker, late of Company D, One Hundred and Fifty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida Bloss, widow of Jotham Bloss, late of Company K, One Hundred and Eleventh Regiment New York Infantry, and Company D, Fourth Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Gavin, widow of Patrick J. Gavin, late of Company F, Fifth Regiment Connecticut Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice W. Butts, widow of Daniel D. Butts, late of Company D, One Hundred and Eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nora Frazier, widow of Leo Frazier, late of Company A, Seventeenth Regiment Vermont Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida Nagel, widow of William H. Nagel, late of Company I, Thirty-second Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Cook, widow of John Cook, late of Company C, Fourteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Shelton, widow of Joseph Shelton, late of Company C, Twenty-second Regiment, and Company C, Seventh Regiment, Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Noble, widow of Henry S. L. Noble, late of Company D, Seventy-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Orndurf, widow of William M. Orndurf, late of Company F, One Hundred and Fourteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Foughty, widow of Samuel Foughty, late of Company A, Second Regiment Indiana Cavalry, and Company A, Seventy-second Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Birdie L. Santee, widow of Joseph W. Santee, late of Company H, One Hundred and Sixty-eighth Regiment Ohio

Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Emma Turner, widow of James Turner, late of Company A, One Hundred and Ninety-fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Briggs, widow of Samuel J. Briggs, late of Company K, One Hundred and Ninety-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Jane Miley, widow of William B. Miley, late of Company K, One Hundred and Thirtieth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma E. King, widow of Merritt King, late second lieutenant, Company K, One Hundred and Thirty-seventh Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie Webster, widow of Roswell I. Webster, late of Company K, Two Hundred and Seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Arzilla A. Bailey, widow of Gould S. Bailey, late of Company B, One Hundred and Forty-first Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of C. Cordelia Strong, widow of Hermon A. Strong, late of Company B, One Hundred and Ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa E. Ludwig, widow of Emanuel Ludwig, late of Company D, Eighty-seventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Pheoba C. Huffman, widow of John Huffman, late of Company G, Twenty-fourth Regiment United States Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Bean, widow of James Bean, late of Company A, Thirteenth Regiment New York Cavalry, and commissary sergeant, Twenty-first Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Luella McEwen, widow of William W. McEwen, late of Company I, One Hundred and Seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maryette Vannatta, widow of William Vannatta, late of Companies C and A, Sixty-fourth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary B. Norwood, widow of William Norwood, late of Company G, Fiftieth Regiment New York Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma S. Dolaway, widow of George Dolaway, late of Company I, Fiftieth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Westlake, widow of Mathew M. Westlake, late of Company G, Sixteenth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida M. Lent, widow of George W. Lent, late of Company D, First Regiment New York Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary N. Washburn, widow of Pliny E. Washburn, late of Company E, Sixteenth Regiment Vermont Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eunice Dow, widow of Otis Dow, late of Company G, Twenty-sixth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lois E. Garrett, widow of Daniel Garrett, late of Company F, Sixty-second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. Evans, widow of David W. Evans, late of Company E, One Hundred and Seventy-ninth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary I. Pingrey, widow of Henry C. Pingrey, late of Company B, Eighth Regiment Vermont Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline Loftus, widow of James F. Loftus, late of Company L, Fourteenth Regiment Illinois Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise Essenmacher, widow of Charles Essenmacher, Jr., late of Company B, One Hundred and Twenty-fourth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lena Margraffe, widow of Louis Margraffe, late of Company E, First Regiment Pennsylvania Rifles, and pay her a

pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catharine Gillaspie, widow of Thomas L. Gillaspie, late of Company E, Second Regiment Missouri Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriett Morris, widow of Mordica Morris, late of Company E, One Hundred and Ninety-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia J. Allard, widow of Jonathan Allard, late of Company E, Seventy-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine E. Hannen, widow of Henry H. Hannen, late of Company G, Twenty-second Regiment Pennsylvania Cavalry, and Company G, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret C. Mills, widow of Franklin G. Mills, late of Company D, One Hundred and First Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adelia Van Wormer, widow of Theodore F. Van Wormer, late of Company B, Thirty-eighth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura E. Boze, widow of William Boze, late of Company E, Forty-sixth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy Killinger, widow of Jacob Killinger, late of Company D, Forty-sixth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Libbie Van Deusen, widow of Cornelius Van Deusen, late of Company K, Thirtieth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Miller, widow of John H. Miller, late of Company F, Sixty-first Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Brownrigg, widow of George Brownrigg, late of Company G, One Hundred and Seventh Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella Jenkins, widow of Jared W. Jenkins, late of Company L, First Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza M. Bagley, widow of William A. Bagley, late of Company A, One Hundred and Seventh Regiment, New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha E. Watts, widow of Joseph E. Watts, late of Company E, Seventeenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lelia M. Marple, widow of John M. Marple, late of Company A, Tenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Anzina L. Harper, widow of Henry B. Harper, late of Company A, Tenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie Straley, widow of John Straley, late of Company M, Fourth Regiment Ohio Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catharine J. Wilson, widow of Addison W. Wilson, late of Company K, One Hundred and Twentieth Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Bruce, widow of Henry L. Bacon, known as Henry L. Bruce, late of Company C, Sixteenth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Agnes C. Johnson, widow of Nelson W. Johnson, late of Companies H and F, Ninety-second Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca J. Armacost, widow of Levi B. Armacost, late of the First Independent Battery Ohio Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melissa D. Smith, widow of John Mc. Smith, late unassigned, Ringgold Battalion Pennsylvania Cavalry, and Company A, Twenty-second Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Deborah Hunter, widow of Sullivan Hunter, late of Company B, Seventh Regiment California Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Blake, widow of William H. Blake, late of Company C, Second Regiment New York Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances K. Knoblock, widow of John Knoblock, late of Company B, Twenty-seventh Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Van Tuyl, widow of John R. Van Tuyl, late of Battery A, First Battalion New York National Guard Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cleo T. Warren, widow of John W. Warren, late second lieutenant, Company C, Third Regiment Kentucky Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Gibbs, widow of Joseph F. Gibbs, late of Company F, Thirteenth Regiment West Virginia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lena Perez, widow of Thomas Perez, late chief musician, First Regiment New Mexico Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Buhrer, widow of Martin Buhrer, late of Company C, Sixty-seventh Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Celestia A. Finks, widow of Thomas M. Finks, late of Company M, First Regiment United States Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phebe L. Alspaugh, widow of James Alspaugh, late of Company C, Fourteenth Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Kuder, widow of Albert D. Kuder, late of Company G, First Regiment Ohio Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christena Huffman, widow of Christian Huffman, late of Company E, Eighty-sixth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eunice N. Palmer, widow of William H. Palmer, late of Company B, Sixty-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charlotte Buckmaster, widow of Eli Buckmaster, late of Company A, Twentieth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ora E. Houser, widow of Dillen Houser, late of Company C, Forty-first Regiment Ohio Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Saturna A. Smith, widow of George H. Smith, late of Company C, One Hundred and Ninety-second Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phenia E. Howard, widow of Stephen D. Howard, late of Company G, Eightieth Regiment New York Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary E. Jones, widow of Thomas A. Jones, late of Company D, One Hundred and Thirteenth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Wornom, widow of Charles T. Wornom, late of Company L, Twelfth Regiment Illinois Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet A. Holmes, widow of George P. Holmes, late of Company A, Twentieth Regiment New York Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Emma C. Orr, widow of Adelbert L. Orr, late unassigned, Maine Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Kafroth, widow of Jeremiah Kafroth, late of Thompson's Independent Battery C, Pennsylvania Light Artillery, and Company L, Fifth Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah J. Goundry, widow of William W. Goundry, late of Company E, First Regiment Minnesota Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Schurr, widow of Christian Schurr, late of Company H, One Hundred and Ninety-first Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Doughty, widow of Samuel Doughty, late of Company C, Thirtieth Regiment New Jersey Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.



The name of Dora Elizabeth Perry, widow of Albert H. M. Perry, late of Company D, Twenty-sixth Regiment Maine Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine Anderson, widow of William H. Anderson, late of Companies M and B, Ninth Regiment Tennessee Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura B. Mills, widow of Cleveland W. Mills, late of Company K, Tenth Regiment Indiana Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Haney, widow of Francis Haney, late of Company K, First Regiment Wisconsin Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ruth E. Spurgeon, widow of Simeon Spurgeon, late of Company A, One Hundred and Thirty-seventh Regiment Indiana Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Loveland, widow of Thomas J. Loveland, late of Company H, Thirty-eighth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eleanor Ady, widow of William D. Ady, late of Company H, Eleventh Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Almyra Vancil, widow of John Vancil, late of Company B, Second Regiment Illinois Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edith Pullen, widow of Disbrow Pullen, late of Company A, Thirty-third Regiment Wisconsin Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Smith, widow of John Smith, late of Company M, One Hundred and Second Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Dearborn, widow of Thomas H. Dearborn, late sergeant, Company C, and captain Company A, Sixth Regiment New Hampshire Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Effie Washington, widow of William Washington, late of Company K, Sixteenth Regiment United States Colored Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Green, widow of William B. Green, late of Company K, First Regiment Connecticut Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella G. Swisher, widow of James Swisher, alias James Jackson, late of Company E, Fifth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Virginia B. Schenck, widow of Johnson Schenck, late of Company I, Eighty-third Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Lewis, widow of Redman C. Lewis, late of Company K, Second Regiment Ohio Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy K. Farnham, widow of George W. Farnham, late of Company K, First Regiment New York Mounted Rifles, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Schlick, widow of Henry N. Schlick, late second lieutenant, Company K, First Regiment New York Dragoons, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Troutt, widow of James A. Troutt, late of Company K, Seventeenth Regiment Connecticut Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Bowman, widow of Francis M. Bowman, late of Company L, Eleventh Regiment Illinois Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella B. Atwater, widow of William H. Atwater, late of Company A, One Hundred and Sixty-ninth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Reynolds, widow of Hayden Reynolds, late of Company B, Fifth Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mariam Story, widow of Van Buren Story, late of Company I, Thirteenth Regiment Iowa Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth French, widow of William A. French, late of Company K, Seventh Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida M. Brewer, widow of Lafayette W. Brewer, late of Company I, Fourth and Twelfth Regiments Illinois Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva P. Black, widow of Erastus F. Black, late of Company F, Sixty-sixth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maella L. Morris, widow of James K. Morris, late Company A, One Hundred and Twenty-eighth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Estella Walton, widow of Washington R. Walton, late of Company B, Seventieth Regiment Indiana Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Agnes Hitchcock, widow of Albert Hitchcock, late of Company G, Nineteenth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret Evans, widow of John D. Evans, late of Company G, Twenty-eighth Regiment Iowa Infantry, and Company G, Twenty-third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Helen Lyman, widow of Smith P. Lyman, late of Company G, Eighth Regiment New York Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Gage, widow of Augustus M. Gage, late of Company H, One Hundred and Twenty-first Regiment New York Infantry, and One Hundred and Thirty-first Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah L. Mackey, widow of Matthew Mackey, late of Company A, One Hundred and Fifty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine Morris, widow of Theodore H. Morris, late of Company H, Fiftieth Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Frank, widow of Cyrus Frank, late of Company I, One Hundred and Forty-fifth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Jackman, widow of Richard O. Jackman, late of Company H, Fourth Regiment Michigan Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alzina McKey, widow of James A. McKey, late of Company C, Fiftieth Regiment Wisconsin Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CIVIL WAR PENSIONS

The Clerk called the next bill, H. R. 6902, granting increase of pensions to certain former widows of veterans of the Civil War.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws—

The name of Mary A. Warman, former widow of Alvin V. Reynolds, late of Company C, Seventy-first Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary B. Kaiser, former widow of William Bohne, late of the band, Seventy-first Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Victoria Gould, former widow of Russell M. Smith, late of Company G, Eighty-ninth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna E. Crawford, former widow of William D. Crawford, late of Company F, Thirty-fifth Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Miriam A. Williams, former widow of David N. Says, late of Company F, Thirtieth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melissa Endicott, former widow of Henry C. Grant, late of Company B, Ninety-second Regiment Ohio Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Sturm, former widow of Anthony Loudenburg, late of Company H, Ninth Regiment Pennsylvania Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Pickard, former widow of Frederick Wieber, late of Company A, One Hundred and Fifty-second Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda A. Button, former widow of John Hoil, late of Company D, Second Regiment California Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Samantha Midgett, former widow of William F. Taylor, late of Company G, Tenth Regiment Missouri Infantry, and Company I, One Hundred and Forty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lorena M. Haskins, former widow of Byron A. Straight, late of Company B, One Hundred and Twelfth Regiment New York Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia E. Laton, former widow of Samuel H. Harrison, late second lieutenant, Company D, and first lieutenant, Company G, Sixty-fifth Regiment United States Colored Infantry, and private, Company B, Seventh Regiment Minnesota Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Wetmiller, former widow of Samuel Hummel, late of Companies E and F, Fifty-fourth Regiment Pennsylvania Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Burley Van Fleet, former widow of Ideral K. Van Fleet, late of Company C, Thirty-third Regiment Kentucky Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rose A. Pettigrew, former widow of John P. Pettigrew, late of Company C, Sixteenth Regiment Kansas Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Ward, former widow of Asa Hassell, late of Company G, Eleventh Regiment Missouri Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Frances Davenport, former widow of Thomas M. Kelly, late of Company F, Thirty-eighth Regiment Indiana Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Adelia A. Truesdell, former widow of Lyman Barber, late of Company F, First Regiment New York Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### GRIZELDA HULL HOBSON

The Clerk called the next bill, H. R. 474, granting an increase of pension to Grizelda Hull Hobson.

Mr. HANCOCK and Mr. MOTT objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

#### ADELAIDE WESTOVER

The Clerk called the next bill, H. R. 4574, granting an increase of pension to Adelaide Westover.

Mr. GRANT of Indiana and Mr. MOTT objected and, under the rule, the bill was recommitted to the Committee on Invalid Pensions.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent for the consideration of Calendar No. 322.

Mr. HANCOCK. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. HANCOCK. Was it not agreed to dispense with further proceedings under the Private Calendar?

The SPEAKER pro tempore. The gentleman from Michigan asked unanimous consent to take up a bill that appears on the Private Calendar.

Mr. HANCOCK. It was thoroughly understood that we would dispense with further proceedings under the call of the Private Calendar with No. 306.

The SPEAKER pro tempore. That does not preclude the gentleman's submitting a unanimous-consent request.

Is there objection?

Mr. HANCOCK. Mr. Speaker, I object.

#### VARIABLE PAYMENT OF CONSTRUCTION CHARGE ON RECLAMATION PROJECTS

Mr. DEMPSEY, from the Committee on Rules, submitted the following resolution for printing under the rules:

#### House Resolution 242

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the considera-

tion of H. R. 6984, a bill to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes. That after general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Irrigation and Reclamation, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the roll of the committees.

#### BRIDGE ACROSS NIAGARA RIVER

Mr. BLOOM (when the Committee on Foreign Affairs was called). Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (H. R. 6928) to extend the times for commencing and completing the construction of a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., and for other purposes.

The Clerk read the title of the bill.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Niagara River, at or near the city of Niagara Falls, N. Y., and the city of Niagara Falls, Canada, authorized to be built by the Niagara Falls Bridge Commission by an act of Congress approved June 16, 1938, are hereby extended 1 and 3 years, respectively, from June 16, 1939: *Provided*, That the Niagara Falls Bridge Commission shall have received offers for the sale of its bonds and securities for the said bridge from responsible interested parties and the contract made as a result of such offers shall have the approval of the comptroller and the attorney general of the State of New York.

SEC. 2. That so much of section 4 of Public Resolution Numbered 117 of the Seventy-fifth Congress which reads as follows: "and said bonds and the interest thereon shall be exempt from all Federal, State, municipal, and local taxation" is hereby repealed.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, strike out all of section 2, and insert a new section, as follows:

"SEC. 2. That so much of section 4 of Public Resolution Numbered 117 of the Seventy-fifth Congress which reads as follows: 'The bridge constructed under the authority of this joint resolution shall be deemed to be an instrumentality for international commerce authorized by the Government of the United States, and said bridge and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation, and said bonds and the interest thereon shall be exempt from all Federal, State, municipal, and local taxation' is hereby repealed."

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Will the gentleman tell us the difference between this bill and the one vetoed by the President?

Mr. BLOOM. Mr. Speaker, this bill was perfected in committee after the President vetoed the previous bill. It is drawn now to conform with the President's veto. The gentleman from New York [Mr. ANDREWS], who originally introduced the bill, has been in communication with the different departments, and the bill has been perfected so as to meet the President's requirements in the matter. The gentleman from New York [Mr. ANDREWS] can tell you anything further about this matter.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PAYMENT OF BURIAL AND LAST-ILLNESS EXPENSES OF NATIVE EMPLOYEES IN GOVERNMENT SERVICE ABROAD

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (S. 1523) to authorize the payment of burial expenses and expenses in connection with last illness and death of native employees who die while serving in offices abroad of executive departments of the United



States Government, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. GRANT of Indiana. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BLOOM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 120]

Allen, Pa.	Delaney	Keefe	Reed, Ill.
Angell	DeRouen	Kelly	Reed, N. Y.
Ashbrook	Dickstein	Kennedy, Martin	Rees, Kans.
Austin	Dies	Kennedy, Michael	Richards
Ball	Dirksen	Keogh	Risk
Barton	Ditter	Kitchens	Rockefeller
Bates, Mass.	Douglas	Kleberg	Rogers, Mass.
Beam	Eaton, Calif.	Knutson	Routzohn
Bell	Edmiston	Landis	Sabath
Bender	Ellis	Lea	Sandager
Blackney	Elston	Lemke	Satterfield
Bland	Evans	McAndrews	Schliffier
Boehne	Fay	McDowell	Secombe
Boland	Fernandez	McGranery	Seger
Bolton	Fitzpatrick	McKeough	Shafer, Mich.
Boykin	Flaherty	McLean	Smith, Conn.
Bradley, Mich.	Flannery	McLeod	Smith, Ill.
Bradley, Pa.	Ford, Leland M.	McMillan, Thos. S.	Smith, W. Va.
Brewster	Ford, Thomas F.	McReynolds	Snyder
Brown, Ohio	Gamble	Marcantonio	Somers, N. Y.
Buckley, N. Y.	Gavagan	Marshall	Starnes, Ala.
Bulwinkle	Gifford	Martin, Ill.	Stearns, N. H.
Burch	Grant, Ala.	Mason	Sullivan
Burdick	Halleck	Massingale	Sumner, Ill.
Burgin	Hare	Mouton	Sumners, Tex.
Byrne, N. Y.	Harrington	Murdock, Utah	Sweeney
Byron	Harter, N. Y.	Myers	Vinson, Ga.
Cannon, Fla.	Hartley	Nichols	Vorys, Ohio
Cartwright	Hawks	Norton	Wallgren
Casey, Mass.	Healey	O'Brien	Walter
Clark	Hennings	O'Leary	Warren
Claypool	Hess	Oliver	Welch
Cole, Md.	Hinshaw	O'Neal	White, Idaho
Cole, N. Y.	Hobbs	Osmers	Wigglesworth
Connery	Hoffman	O'Toole	Williams, Del.
Crowe	Hull	Patrick	Wood
Crowther	Jacobsen	Pfeifer	Youngdahl
Culkin	Jarrett	Polk	
Curley	Jeffries	Rabaut	
Darrow	Jones, Ohio	Reece, Tenn.	

The SPEAKER pro tempore. Two hundred and seventy-two Members have answered to their names. A quorum is present.

On motion of Mr. BLOOM, further proceedings under the call were dispensed with.

#### EXTENSION OF REMARKS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address by the Honorable Louis Johnson, Assistant Secretary of War, delivered at the Institute of Public Affairs, University of Virginia, on July 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. BUCK]?

There was no objection.

#### PAYMENT OF BURIAL AND LAST-ILLNESS EXPENSES OF NATIVE EMPLOYEES IN GOVERNMENT SERVICE ABROAD

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from New York [Mr. BLOOM] asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the head of any executive department which maintains permanent staffs of employees in foreign countries is hereby authorized to pay out of any appropriation available to the department concerned for miscellaneous or contingent expenses, burial expenses, and expenses in connection with last illness and death, not in excess of \$100 in any one case, of the native employees of such departments in those countries with respect to which the Secretary of State shall determine it is customary for employers to pay such expenses; and the head of any executive department, which maintains permanent staffs of employees in foreign countries where such custom does not exist, is authorized, upon finding that the immediate family of

the deceased is destitute, to make such payments within the limitations prescribed above to the family, heirs-at-law, or persons responsible for the debts of the deceased, as the officer in charge of the office abroad in which the deceased was employed shall determine to be proper.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### CLASSIFICATION AND GRADING OF FOREIGN SERVICE PERSONNEL

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (H. R. 6836) to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York, Mr. BLOOM?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That paragraph (n) of section 26 of the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended, is amended to read as follows:

"(n) Any diplomatic secretary or consular officer who has been, or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of Ambassador or Minister, or appointed to a position in the Department of State, shall be entitled to all the benefits of this section in the same manner and under the same conditions as Foreign Service officers: *Provided*, That any officer now included under the act of May 24, 1924, and the amendment thereto of July 3, 1926, shall be entitled to the benefits of this section: *And provided further*, That hereafter an Ambassador or Minister, or a former Ambassador or Minister who is not otherwise entitled to an annuity under this section and who shall have served as such for the period mentioned in the following paragraph (1), shall nevertheless be entitled to the benefits thereof in the same manner and under the same conditions as Foreign Service officers, but subject to the following terms and conditions:

"(1) Any person who has served as Ambassador or Minister continuously or at different times for an aggregate period of 20 years or more, in which period may be included any periods of service in any of the capacities and as provided in paragraph (o) of this section, may become entitled to the benefits of this section as hereinafter provided by paying into the Foreign Service retirement and disability fund a special contribution equal to 5 percent of his annual salary for each year of such employment subsequent to July 1, 1924, with interest thereon to date of payment compounded annually at 4 percent.

"(2) Any Ambassador or Minister who becomes entitled to the benefits of this section as provided in the preceding paragraph (1) shall receive an annuity computed in accordance with paragraph (e) of this section, including the right to voluntary retirement as provided by paragraph (d) of this section: *Provided, however*, That in case any Ambassador or Minister is retired from active service at less than 65 years of age and with at least 20 but less than 30 years of service, computed in accordance with this section, and assuming that he shall have complied with the requirements of the law entitling him to such annuity, he shall receive an annuity computed in accordance with paragraph (d) of this section on the basis of the total period of service thus computed, including extra service credits as provided in paragraph (k) of this section, the fractional part of a month, if any, to be eliminated from such total period of service; or if he is over 65 years of age (unless he is retained in active service as provided in paragraph (d) of this section), or not in active service, on the effective date of this act such annuity shall begin on the date he complies with all the requirements of law to entitle him to such annuity."

With the following Committee amendments:

Page 2, line 10, after the word "Minister", insert "or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer."

Page 2, line 17, after the word "Minister", insert "or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer."

Page 3, line 3, after the word "Minister", insert "or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer."

Page 3, line 9, after the word "Minister", insert "or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer."

The Committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CLAIMS OF AMERICAN NATIONALS AGAINST THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS**

Mr. BLOOM. Mr. Speaker, I call up the joint resolution (H. J. Res. 315) to provide for the adjudication by a commissioner of claims of American nationals against the Government of the Union of Soviet Socialist Republics, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution as follows:

*Resolved, etc., That the President be, and he is hereby, authorized to appoint a Commissioner learned in the law to determine the validity and amounts of the claims of American nationals against the Government of the Union of Soviet Socialist Republics and to fill any vacancy in the same manner that the original appointment was made.*

SEC. 2. The salary of the Commissioner shall be at the rate of \$9,000 a year. He shall have a secretary and such additional legal, clerical, and other assistants as may be approved and appointed by the Secretary of State, and at such rates of compensation as may be fixed by him within the limits of appropriated funds. Such persons may be appointed without reference to civil-service laws and rules or the Classification Act of 1923, as amended.

SEC. 3. The Commissioner shall be allowed the necessary actual expenses of office rent, furniture, stationery, books, printing, travel expenses when on official business outside the city of Washington, and other incidental expenses which he may certify as necessary and which shall be approved by the Secretary of State.

SEC. 4. Before entering upon his duties the Commissioner shall take a solemn oath faithfully and impartially to examine the claims and to give his decisions in accordance with his best judgment and such principles of law as may be applicable. The decisions of the Commissioner shall be in writing and shall be final and conclusive as to the merits of all cases decided. No claim within the Commissioner's jurisdiction which shall not have been presented to him within 12 months from the date he enters upon the duties of his office shall be considered by him.

SEC. 5. (a) The Commissioner shall perform his duties in the city of Washington beginning within a period of 15 days from the date of his appointment. He shall as soon as practicable make all necessary rules and regulations not inconsistent with this resolution or the laws of the United States governing the method of procedure before him in carrying into effect the provisions of this resolution.

(b) For the purpose of any investigation which, in the opinion of the Commissioner, is necessary for carrying out the provisions of this act, he is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of books, papers, or other documents which he considers relevant to any case within his jurisdiction. Any person knowingly and willfully swearing or affirming falsely in any such proceedings shall be deemed guilty of perjury and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense when committed in its courts of justice.

(c) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing. Any failure to attend as a witness or to testify as a witness or to produce documentary evidence in an appropriate case may be regarded as a contempt of the authority of the Commissioner and shall be punishable in any court of the United States in the same manner as is provided by the laws of the United States for that offense when committed in its courts of justice.

SEC. 6. The work of the Commissioner shall be completed within 2 years from the date on which he undertakes the performance of his duties, at which time the authority vested in him by this resolution shall terminate.

SEC. 7. The Commissioner shall upon the completion of his work submit a written report to the Secretary of State. This report shall include a statement of the expenses of the Commissioner, a list of all claims presented to him, and his decision in each case.

SEC. 8. When the work of the Commissioner is terminated, the records, books, documents, and all property of the United States in the possession of the Commissioner or his staff shall be turned over to the Secretary of State.

SEC. 9. Appropriations are hereby authorized for the purpose of carrying into effect the provisions of this resolution.

SEC. 10. Any and all expenditures made in carrying out this resolution shall be a first charge on any moneys which have been received, or may hereafter be received, in settlement of the claims described in section 1.

Mr. FISH. Mr. Speaker, will the gentleman from New York kindly explain the bill a little in detail?

Mr. BLOOM. I shall be very pleased to do so. The gentleman from West Virginia [Mr. KEE], who reported the bill,

will explain it in detail, but before he does so I wish to state that the total amount of the claims between the United States and the Soviet Government is \$827,000,000. The claims of the United States amount to \$366,000,000, and the private claims amount to \$461,000,000.

This Commission, the life of which would run for 2 years, is merely to decide what the claims amount to and to adjudicate the claims of both sides. Some of these claims go back to 1919. The Soviet Government has been trying to settle these claims of both the United States Government and private citizens of the United States.

All the expenses incurred by the Commission which it is proposed to set up shall be a first charge against any moneys received by the claimants, so having these claims adjudicated will not cost the Government of the United States one penny.

The President and the Secretary of State have sent letters approving of this legislation and are very eager to get these claims out of the way. They believe that within 2 years from the time this Commission is appointed the various claims of private citizens of the United States and of the United States Government against the Soviet Government can be adjudicated.

Mr. FISH. Has the Soviet Government shown any disposition whatever to pay any of these claims?

Mr. BLOOM. I may say that there is a sum of money now in the United States Treasury that has been paid and we have certain assets that have been turned over by the Soviet Government to the Government of the United States. This money now remains in the Treasury of the United States. I do not know what the amount is, but I believe it is a substantial sum.

Mr. FISH. What I wanted to find out is, Will the Soviet Government pay for property they have seized from foreign nationals? Are they willing to do that?

Mr. BLOOM. That is what this Commission is supposed to be for, to find out what the claims are. Up to now they have never been able to determine what the claims really are or whether a claim is a just or a legal one. As the gentleman knows, there has never before been a commission established to determine what are rightful claims and the amount of the claims of our nationals against the Soviet Government. That is the purpose of this Commission. However, there is money in the Treasury today that has been paid over by the Soviet Government. This Commission is to determine the claims against not only the Soviet Government but previous governments.

Mr. FISH. And it is recommended by both the President and the Secretary of State?

Mr. BLOOM. That is so.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Michigan.

Mr. DONDERO. Are any of these claims for money loaned to Soviet Government by our Government?

Mr. BLOOM. I do not know. That is what this commission is for.

Mr. KEE. If the gentleman will yield, I will answer the inquiry of the gentleman from Michigan.

The claims of our Government against the Soviet Government are supposed to be included in the claims intended to be considered by the commissioner to be appointed under the terms of this resolution.

As has been stated by the acting chairman of our committee, this joint resolution briefly authorizes the appointment of a commissioner, who shall be, as it is expressed in the measure, "learned in the law," to determine the amounts of the claims of American citizens against the Government of Russia, officially known as the Government of the Union of Soviet Socialist Republics. The salary of the commissioner is to be \$9,000 a year. He is authorized to have a secretary and such additional legal and clerical and other assistance as may be approved by the Secretary of State, who is given the authority to fix the rate of compensation for such employees.

The joint resolution provides that the work of this commissioner shall be completed within 2 years from the date on which he undertakes the performance of his duties, and



that his office shall be terminated at that time. The Secretary of State advises us that there has already been filed with the Department of State a number of claims of individual American citizens against the Soviet Government. The Department of State has been very active for a number of years in an effort to secure from all the citizens of the United States having claims against the Soviet Government a statement of their claims together with proof of the amount and validity of such claims. However, as suggested by the State Department, it seems that a number of the citizens having these claims are of modest means and have refrained from going to the expense of perfecting their claims without some assurance of having some return from that expense.

In addition, there is at the present time no authority established in this country for the purpose of marshaling all these claims and determining their validity and aggregate amount. The figure given by the acting chairman a moment ago as the total of all these private claims is merely an estimate, because the private claims have not been filed, and it is impossible to estimate accurately just what the total is.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield to the gentleman from New York.

Mr. FISH. Does the gentleman know whether the Soviet Government proposes to offer as an offset the occupation of Archangel by American troops after the World War?

Mr. KEE. While negotiations have been in process between our Government and the Soviet Government for adjustment of these matters there has been no result from the negotiations except that back in 1933 the Soviet Government transferred to our Government a considerable amount of assets, to be applied upon the claims of our Government against the Soviet Government as well as the claims of our citizens. Part of those assets have been liquidated and covered into the Treasury in a special fund. Part of the assets are still in litigation, but as soon as the litigation is completed and anything collected from the assets, all the receipts will be turned into this same fund.

Mr. FISH. Suppose this commission is appointed, could the commission award money now in the Treasury to pay awards to American nationals under the decisions of the commission?

Mr. KEE. The commission is not given authority by this joint resolution to make payments, but only to determine the amount and validity of the claims. The result will be that when the amount and validity of these claims are determined, it will then be up to Congress to make provision for distribution of this fund equitably between the Government and our citizens, or to prorate the fund among them.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. KEE. I yield.

Mr. TABER. Could the gentleman tell us about how much money will be involved in appropriations out of the Treasury under this bill?

Mr. KEE. It is impossible, except I can tell the gentleman just what it contemplates in the way of employment of personnel; a commissioner at \$9,000 a year and a small office force at a rate of salary to be fixed by the Secretary of State, all of which is to terminate at the end of 2 years.

Mr. TABER. Would the gentleman object to a limitation in the bill, limiting the amount, say, to \$20,000 a year as the total?

Mr. KEE. Before accepting that, I think the committee would want to have some information from the State Department as to whether that would cover it or not. Twenty thousand dollars probably would not cover it, because the salary of the commissioner for 2 years would be \$18,000.

Mr. TABER. I mean \$20,000 a year, which ought to take care of all the office force they have. If we do not do this, they will come in here with a very elaborate set-up and have the set-up before they come in and will be all set to go, and our last chance to put on a limitation is right here.

Mr. KEE. I should think that would be a matter to determine when they come to the House for appropriations to meet these expenses.

Mr. BLOOM. If the gentleman will permit, this is simply an effort to collect some money and it does not come out of the Treasury eventually.

[Here the gavel fell.]

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KEE. Before yielding further, I would like to answer the gentleman from New York [Mr. TABER] by the statement that this measure provides that all of the expenses incurred shall be a charge against this fund, and as I understand, we have in the Treasury today, although I cannot give you the exact amount, sufficient funds to meet these expenses.

Mr. DONDERO. The gentleman has answered the question I was about to ask him.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. KEE. I yield.

Mr. COCHRAN. It is true, according to your report, that there are assets in the Federal Treasury that have been turned over to the United States Government by the Russian Government in connection with settlement of claims of our Government, but not of our nationals against Russia. You are now proposing to take part of that money that is now in the Treasury of the United States to pay the expenses in connection with an investigation of the claims of American nationals.

Mr. KEE. Oh, no; the expenses of this 2-year job during which this commissioner has to marshal these claims will be taken out of the fund after it is all collected from Russia.

Mr. COCHRAN. Is the gentleman really sincere in his belief that there will be a day when the Russian Government will pay this?

Mr. KEE. The Secretary of State indicates that negotiations are proceeding and that they are hopeful it will not be long until they will have some indication from the Russian Government, as they intimated in 1933, that they will pay these claims or a part of them.

Mr. COCHRAN. As the gentleman knows, we have had some mixed-claims commissions, so-called, that have gone on for a period of years and we have spent an awful lot of money in determining the claims of our nationals against certain governments, but can the gentleman tell us any instance where such governments have ever paid the claims of our nationals?

Mr. KEE. Oh, yes.

Mr. COCHRAN. Where?

Mr. KEE. We are collecting some money from Mexico now, \$500,000 a year, and they have been paying this for 5 years upon a special Mexican Claims Commission award.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. KEE. Yes.

Mr. STEFAN. I am very much interested in this bill and I notice the gentleman who is now speaking seems to be the only one who knows very much about it. I notice on my side of the aisle very few Members of the House Committee on Foreign Affairs seem to know very much about the details of this measure. There is nothing in this bill that is a limitation and there is nothing in the bill whatsoever which would assure Members of Congress that any of this money would be returned to us. I do not understand why some mention of this has not come to our Committee on Appropriations, especially those of us who are making appropriations for the State Department where we make appropriations for various commissions. This will come later, I understand, but I would like to see something in this bill that would act as a limitation.

Mr. KEE. You mean a limitation on how long they shall proceed?

Mr. STEFAN. No; there is a limitation in the measure as to the life of the commission, but here you have a bill

calling for the employment of a commissioner at \$9,000 a year, who will have a secretary, legal assistance, clerical assistance, and any amount of money for travel expense. The gentleman has not yet told us what in his opinion this is really going to cost, and there is nothing in the resolution which would limit the expense or assure us of something definite which would give Congress some assurance that we are going to get some of this money back.

Mr. KEE. Mr. Speaker, that was the question asked by the gentleman from New York [Mr. Fish] just a moment ago. The resolution distinctly puts a limit upon the salary of the commissioner, the office force that he is to have, and the time in which the service is to be completed.

Mr. STEFAN. But that is not a limit upon the money that is to be expended.

Mr. KEE. There is a limit on the time that they are employed, and the gentleman can figure that out as well as I can.

Mr. STEFAN. There is no limit as to the expense, and no assurance to Congress that we will ever get any of this money back. It is merely appointing another commission with all kinds of expense at its disposal. They can travel any place in the United States or all over the world.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has again expired.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the time be extended for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, section 10 provides as follows:

Any and all expenditures made in carrying out this resolution shall be a first charge on any moneys which have been received, or may hereafter be received, in settlement of the claims described in section 1.

Of course, it would be impossible to answer the gentleman's question and say what the expenses of this commission will be, because nobody knows what the claims are to be. This is the first time that any commission has ever been set up to settle these claims between the Soviet Government and the Government of the United States, and within 2 years after these claims have been made we can then determine what the amount will be.

Mr. STEFAN. When is the gentleman coming in to make application for the appropriation?

Mr. KEE. I could not tell when we will ask for the appropriation to pay this \$9,000 salary and the wages of the office force. I do not think the amount of these claims would have anything to do with the cost of this commission.

Mr. STEFAN. But the gentleman will have to come to the Appropriations Committee to get the appropriation.

Mr. LUTHER A. JOHNSON. The question of the appropriation will be brought before the Committee on Appropriations, and that committee will scrutinize any request very carefully. The appropriation will not be granted unless a good case is made out.

Mr. KEE. That is true. I know that the Committee on Appropriations will scrutinize the matter very closely.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. DONDERO. Would the committee accept an amendment to the effect that any expense on the part of this commission will be paid out of this money? The resolution simply says that the amount will be a charge against the money collected. I suggest that the words "and paid out" be added.

Mr. BLOOM. I do not believe that an amendment of that kind is necessary. If the gentleman thinks it is necessary, I have no objection to it.

Mr. DONDERO. If the language is sufficient, in the judgment of the committee, I do not care to offer it.

Mr. BLOOM. I again quote section 10:

Any and all expenditures made in carrying out this resolution shall be a first charge on any moneys which have been received, or may hereafter be received, in settlement of the claims described in section 1.

Mr. DONDERO. If that language is strong enough to make the payment out of that fund, I would have no objection to it.

Mr. BLOOM. The committee believes it is, but if the gentleman wishes to amend it in the manner suggested, I would be glad to accept the amendment, if he thinks it would make it stronger.

Mr. DONDERO. I suggest that we add to it that it shall not only be made a charge, but shall be paid out.

Mr. BLOOM. It says it shall be a first charge on any moneys which have been received. I do not believe that we can make it any stronger than that. However, I do not object to the amendment.

Mr. STEFAN. I think such an amendment should be in the bill, but I say to the gentleman from New York, the acting chairman of the Committee on Foreign Affairs, that if we have the same experience with Russia in respect to the collection of this money that we have had with other foreign nations, we will get nothing out of this.

Mr. BLOOM. If we do not start to do something to try to get this money and have a commission appointed to find out how much money is owing to the United States Government and to the citizens of the United States and vice versa, we will never get anything. At least let us make the gesture and try to find out how much is coming to us.

Mr. STEFAN. But we should know how much money we will have to pay out for the expense of this commission.

Mr. BLOOM. I do not believe it will be very much.

Mr. STEFAN. I guess it will run over \$200,000.

Mr. BLOOM. The Committee on Appropriations will have that in charge when the time comes. I think this is the sensible way of determining how much money is due the citizens of the United States and to the United States Government, so that we can determine and make these claims against that government.

Mr. TABER. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 4, line 16, after the word "resolution", strike out the period, insert a comma and the following: "not exceeding \$20,000 in any year."

Mr. TABER. Mr. Speaker, I am hopeful that the committee will accept this amendment. It is designed to limit the expenditures in any 1 year to \$20,000. The salary of the commissioner is \$9,000. He is entitled to a secretary, legal, clerical, and other assistants which may be approved. If we do not have any limitation on it we will have an elaborate set-up which will run into \$75,000 or \$100,000 a year. The only way we can put a limitation on these set-ups is by doing it at this time.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. BLOOM. Of course, I personally believe that \$20,000 is not a sufficient sum, but I agree with what the gentleman says, that there should be some limit. If the gentleman would make that \$25,000 so as not to hamper the commission in any way, I will be glad to accept it.

Mr. TABER. Mr. Speaker, I ask unanimous consent to amend my amendment to make it \$25,000.

The SPEAKER pro tempore (Mr. RAYBURN). Without objection the amendment will be amended as requested.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 2, line 3, after the word "funds", strike out the remainder of line 3 and all of lines 4 and 5.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I hope that the distinguished chairman of the Committee on Foreign Affairs will accept this amendment. In these days we hear a great



deal of talk in favor of the civil-service selective merit system for appointments which are made in the Government service. We have the Ramspeck bill pending, which would cover political spoils-system appointees into civil-service lifetime positions providing said appointees make a grade of 70 in a noncompetitive civil-service examination.

If we favor the merit system, we should act as well as talk about it.

If my amendment is adopted, the new positions created by this bill will not be exempt from the provisions of the civil-service merit system.

I sincerely hope that the chairman will accept this amendment.

Mr. BLOOM. Mr. Speaker, I do hope this amendment will not prevail. This commission must do its work within 2 years. It is limited in time. We have now limited the amount to \$25,000 a year. We are trying to do something so as to bring about a settlement of these claims. It may be that they would be compelled to have special service—people who are not on the civil-service list. I do not think the hands of the commission should be tied any more than has been done. It is a difficult task for these men to adjudicate or settle claims running up to nearly a billion dollars. You have allowed them \$25,000 a year to do this. They have only allowed them 2 years' time within which to do it. I think the commissioner should be entitled to select those people who are especially able and qualified to do this work.

Therefore, I do hope this amendment will not be agreed to.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were ayes 48 and noes 56.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present. This is a very important amendment.

The SPEAKER pro tempore. The Chair will count.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw the point of order.

So the amendment was rejected.

Mr. DONDERO. Mr. Speaker, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DONDERO: Page 4, after the comma in line 19, insert "and paid out of any such moneys."

Mr. DONDERO. Mr. Speaker, I do not intend to take the full 5 minutes on this amendment. My only purpose is to make sure that the appointment of this commissioner and whatever personnel he may require shall not be a charge against the taxpayers and Treasury of the United States, and that these moneys shall be paid out of this fund or moneys which may be collected. That is the only purpose of it.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. WADSWORTH. Suppose there are no recoveries?

Mr. DONDERO. Then apparently there will be no payment.

I trust the committee will accept this amendment. It is simply to strengthen the language and strengthen the bill in order to not make any charge against the taxpayers of this country, and to be sure that it is paid out of the moneys recovered.

Mr. BLOOM. Mr. Speaker, if the gentleman will recall, with reference to previous commissions of this kind it has cost \$100,000 or \$200,000 a year. There is no question about how the money is going to be paid out, and that the money is going to come back to the Government.

I think this will probably complicate the bill a great deal, and I hope the gentleman will not insist upon his amendment. We are trying to do a difficult job here for a very few dollars. But \$25,000 is asked for this commission. Other commissions doing similar work have cost the Government from \$200,000 to \$250,000. The gentleman's amendment would complicate things very much.

Mr. DONDERO. I have no desire to complicate the work of the commission. My aim and effort is not to add further to the burden of the taxpayers.

Mr. KEE. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from West Virginia.

Mr. KEE. Section 10 of this resolution provides that the expenses of this commission shall be a first charge on the moneys received. Ultimately these expenses will be paid out of that money. Should the gentleman's amendment be adopted, it would require that the Government every month pay the stenographers and other employees of the commission from this special fund. The gentleman will recall that a moment ago I mentioned the fact that Russian moneys had already been placed in a special fund earmarked for this purpose in the banks.

Mr. DONDERO. Does the gentleman think the language in the bill sufficiently broad to permit the Government to reimburse itself out of the fund?

Mr. KEE. Yes, indeed. It was inserted for that purpose.

Mr. BLOOM. That is provided for in the bill.

Mr. DONDERO. The gentleman from New York [Mr. WADSWORTH] has asked a very embarrassing question: In the event there is no recovery, where would the money come from to reimburse the commission.

Mr. BLOOM. The money is in hand now. It would be deducted from that money. It is in existence at the present time.

Mr. COCHRAN. Mr. Speaker, I rise in opposition to the amendment for the purpose of asking the chairman of the committee a question.

On the Private Calendar today was a bill commonly called the Russian shoe bill, for the relief of the International Sales Corporation, an outfit that wants to collect nearly \$1,000,000 from the United States Government. That bill passed the House and the Senate several years ago and was vetoed by the President. On a record vote in this House only four Members voted to override the President's veto. It came back to the House today not in the form of a direct appropriation from the Treasury, as before, but to refer the case to the Court of Claims to determine whether or not this corporation was entitled to be reimbursed by the Government. I assisted in sending this bill back to the committee today.

The claim grows out of the sale of shoes by this corporation to Russian municipalities. This corporation was doing business in Russia long before the World War. When the value of the Russian ruble fell to nothing, this corporation claimed that it was in possession of a very large amount of rubles paid for shoes that it had sold to the municipalities. It further claims, because the Federal Reserve Board had issued orders to Federal Reserve banks not to accept Russian rubles, the United States Government is responsible for their loss.

What I want to know from the chairman of the Committee on Foreign Affairs is: Does he feel this claim would be one for consideration of this commissioner? I want the information so that if the gentleman says it is such a claim I can use that information if an attempt is made to bring the bill back to the House at a future date. I want to use that as an argument in my effort to keep this bill from passing.

Mr. BLOOM. I cannot, of course, answer the gentleman's question offhand whether that claim would come within the purview of this bill; but I may say to the gentleman that every claim that is made by any citizen of the United States must under this bill have some consideration to find out whether it is a just claim. Should the commission find that it is not a just claim, they would discard it. If it be a just claim, it then goes to the Soviet Government or to the representative of any previous government before the Soviet Government. I hope the gentleman does not expect me to answer offhand whether this claim is permissible under this bill.

Mr. COCHRAN. I express the hope that it will be a claim that will come under the jurisdiction of this commission so we can get rid of it and so the United States Government will not be robbed by a lot of lawyers who have been trying

to get about \$1,000,000 out of the Treasury for the last 10 years.

Mr. BLOOM. The gentleman is right. That is what this commission is for, to do away with lawyers and find out what the just claims are.

Mr. COCHRAN. In view of what the gentleman says, I will tell the House, when the bill is called up again, that the acting chairman of the Committee on Foreign Affairs thinks it should be considered under the provisions of the bill now before us.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INTERNATIONAL STATISTICAL INSTITUTE

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up House Joint Resolution 320, to amend Public Resolution No. 46, approved August 9, 1935, entitled "Joint resolution requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939," and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the joint resolution as follows:

*Resolved, etc., That Public Resolution No. 46, approved August 9, 1935, entitled "Joint resolution requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939" be amended as follows:*

*After the word "hereby", insert the words "authorized and."*

*After the word "its", strike out the word "twenty-fourth" and insert the word "twenty-fifth."*

*After the word "year", strike out the figures "1939" and insert the following: "1940; and to invite foreign governments to be represented by delegates at that session."*

*"Sec. 2. That the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of participation by the Government of the United States in the meeting of the International Statistical Institute to be held in the United States in 1940, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and the Classification Act of 1923, as amended; communication services; stenographic, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); travel expenses; hire of motor-propelled passenger-carrying vehicles; transportation of things; rental of necessary equipment; entertainment; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith under the authorization of the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified."*

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### SAN DIEGO-CABRILLO QUADRICENTENNIAL

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up Senate Joint Resolution 124, authorizing the President to invite foreign countries to participate in the San Diego-Cabrillo Quadricentennial Celebration, to be held in 1942.

The Clerk read the joint resolution as follows:

*Be it resolved, etc., That the President is authorized to invite by proclamation, or in such other manner as he may deem proper, foreign countries to send naval (or merchant) vessels to San Diego, California, to participate in the San Diego-Cabrillo Quadricentennial Celebration, to be held in 1942, in commemoration of the discovery of California and the west coast of the United States by Juan Rodriguez Cabrillo, a native of Portugal, who, while in the service of the King of Spain, entered San Diego Harbor on September 28, 1542.*

The SPEAKER pro tempore. This bill is on the House Calendar.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. RICH. At the present time a fair is being held in California, the Treasure Island Fair. I understand Congress is to be asked for an additional \$600,000 contribution to this fair, an amount in addition to what Congress contributed several years ago.

They are going to ask for another fair to be held in San Diego.

Mr. BLOOM. This is a special exposition. It is not a fair.

Mr. RICH. What is the difference between an exposition and a fair?

Mr. BLOOM. This is celebrating a special event. This is not for an industrial exposition or fair. It is in celebration of a special event. This calls for participation in an event commemorating the discovery of California and the west coast.

Mr. RICH. California—where is that?

Mr. BLOOM. Can the gentleman from New York [Mr. FISH] tell us where it is? The gentleman from California [Mr. Izac] is sponsor of this bill.

Mr. RICH. I would like to have that question explained.

Mr. IZAC. I may say to the gentleman from Pennsylvania that several years before the *Mayflower* came to the east coast of the United States a gentleman by the name of Juan Rodriguez Cabrillo sailed around the Horn and came up into the Pacific Ocean and discovered land east of the Pacific Ocean. We on the west coast claim that from that day the history of California begins. That applies not only to California but to the whole west coast of the United States. It was discovered for the first time by a white man. And in commemoration of that we will celebrate 3 years from now the four hundredth anniversary of that discovery—the greatest, we think, that was ever made.

Mr. RICH. Let me ask the gentleman what it is going to cost the Federal Government to help the State of California celebrate this great exposition, since we know where it is now.

Mr. IZAC. It should not cost anything at all, because we are merely inviting foreign nations to send men-of-war or merchant vessels around to congregate there, celebrate the original discovery, and go through the motion of discovering California again.

Mr. RICH. Will the gentleman assure us he is not going to ask for any funds from the Federal Government for the celebration if we permit this bill to pass?

Mr. IZAC. That is a rather embarrassing question. At the present time there is no intention to ask for any funds for the participation.

Mr. RICH. At the present time you are not asking; but after a resolution of this kind goes through, the promoters of that resolution come back and ask us for funds to carry on the fair or exposition.

Mr. IZAC. The cost of this will be very small.

Mr. RICH. What does the gentleman mean by "small"?

Mr. IZAC. A million dollars or so.

Mr. RICH. A million dollars, small? Where are you going to get the money?

Mr. IZAC. That is only a celebration. It is not an exposition or fair of any kind. I am sure it will cost the Federal Government little, if anything.

Mr. RICH. The gentleman means a million dollars?

Mr. IZAC. I was being facetious, I may say to the gentleman.

Mr. RICH. If California is going to have this celebration and it will cost the Federal Government a million dollars, I think the chairman of the Committee on Foreign Affairs should be careful about bills and proposals of this kind which are being brought in here. All we have had during the past 6 years is bill after bill after bill calling for fairs. The statement has been made that they will not cost anything, but according to my knowledge the bills that have been brought in have been for a small amount, as the gentleman says, a million dollars at the minimum. May I say that a million dollars to me seems like a mountain. Where are you going to get all this money? You on that side have been spending and spending. You have brought in bill



after bill after bill, and all you think about is how to spend the taxpayers' money. The way you are doing you will ruin America and not honor it by a celebration of an event like this. I think it is time for the New Deal to stop bringing in a lot of bills of this kind that are cluttering up our calendar.

[Here the gavel fell.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RELIEF OF THE SUFFERERS FROM THE EARTHQUAKE IN CHILE

Mr. BLOOM. Mr. Speaker, I call up the bill (H. R. 5031) for the relief of the sufferers from the earthquake in Chile, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

Mr. FISH. Mr. Speaker, I think it would be better if we went into committee on this bill.

Mr. BLOOM. If the gentleman thinks so, we can do that.

Mr. FISH. I would like a little time, and, Mr. Speaker, I object.

The SPEAKER pro tempore. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5031, with Mr. ZIMMERMAN in the Chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. BLOOM. Mr. Chairman, may I ask the gentleman from New York if we can make an agreement on allowing less time for general debate than the 2 hours allowed under the rule? I do not believe the consideration of this bill will take much time.

Mr. FISH. I would suggest 20 minutes on a side.

Mr. BLOOM. I agree to that.

Mr. Chairman, this is a bill appropriating \$500,000 for the relief of the sufferers from the earthquake in Chile. According to the report, every other nation in the Western Hemisphere contributed very largely to the sufferers from this Chilean earthquake. The \$500,000 provided in this bill is to be expended as follows:

That the President is hereby authorized, through such agency or agencies as he may designate, to purchase in the United States and transport and distribute or make available for rehabilitation and relief in the earthquake area in Chile such materials, equipment, and supplies as he may determine to be needed. The President is hereby authorized to expend or cause to be expended, out of the funds of the United States Treasury not otherwise appropriated, a sum not exceeding \$500,000, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this act.

This is not an appropriation direct to the Chilean Government or to any other organization.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. SCHAFER of Wisconsin. I thought it was understood that we would not consider controversial bills today. I cannot imagine that the gentleman would without a quorum present call up a bill appropriating a half million dollars as a hand-out to a foreign country, in view of the almost bankrupt condition of our Federal Treasury. I sincerely hope the gentleman will withdraw his request for consideration of this highly controversial bill so that we may keep faith with Members who thought we would not have any controversial legislation considered this afternoon.

Mr. BLOOM. I do not know whether the gentleman was on the floor when I was asked previously what bills I was going to call up, but I may say that I have put aside several bills that I know are highly controversial. I took this matter up with the ranking minority member of the Committee on

Foreign Affairs, the gentleman from New York [Mr. FISH], and also with the minority leader. I hope the gentleman does not believe I have done anything that is contrary to my original thought of not bringing up any highly controversial bill.

This bill, Mr. Chairman, merely deals with something I believe a majority of the Members think should be done. The bill calls for the expenditure of \$500,000 on building materials to be sent to Chile to be used by the sufferers from the earthquake to build homes for themselves. This is not an outright gift. All the other countries in the Western Hemisphere have contributed handsomely to these sufferers in Chile, and I believe the United States should do something for them. Our neighbors to the south of us have been very friendly. We have friendly relations with all of them. This bill has the approval of the President of the United States and the State Department. The money is to be expended in this country.

The money stays here. I sincerely believe this bill should have favorable consideration, and I hope the gentleman does not believe I have done anything I should not have done as acting chairman of this committee in calling up this bill at this time.

By the way, all this material is to be sent from this country to Chile free of any cost or charges by the various steamship companies which serve that part of the world.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. RICH. Is this to be given to them in the form of commodities or in cash, so they can buy commodities?

Mr. BLOOM. No; this is to be given in commodities. The Government buys the building materials that are necessary in that part of that country and the materials are then sent to Chile, not the money. The money stays in this country. Not one dollar of this \$500,000 is to be spent out of this country. The building materials, whatever may be necessary to build these homes, are the only things the Chileans get. The money is spent in this country. Not one dollar of it goes for any other claim, not even for the payment of freight from the United States to Chile.

Mr. RICH. Where will you get the \$500,000 to buy the material?

Mr. BLOOM. From money in the Treasury not otherwise appropriated.

Mr. RICH. There is nothing in the Treasury not otherwise appropriated.

Mr. BLOOM. I may say to the gentleman from Pennsylvania there will be a lot by that time. A lot of money is going to be paid in.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. CHIPERFIELD. What was the date of that earthquake?

Mr. BLOOM. January 24.

Mr. CHIPERFIELD. Does not the gentleman believe it is very late now to do anything?

Mr. BLOOM. No; I do not believe it is too late now. Further, I may say to the gentleman, as he knows, we tried to bring this matter up on the floor on several occasions on the Consent Calendar. The bill was reported in April, I may say to the gentleman.

Mr. THORKELOSON. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. THORKELOSON. Does not the gentleman believe we are extending this good-neighbor policy too far? I understand the Chilean Government is now going to expel all American interests from Chile, even the copper companies. Why should we put ourselves out and provide material for them when they are going to take our property away from us?

Mr. BLOOM. I doubt if any Member of this House believes we can extend the good-neighbor policy too far. I do not believe there is any distance to the good-neighbor policy, not only as it applies to the Chileans but to all the peoples of the world if there is affliction anywhere. The

United States has always shown its good-fellowship and friendliness to everyone.

Mr. THORKE. Yes; but does not the gentleman believe it is a good idea to extend that policy to our own people?

Mr. BLOOM. I believe, with the gentleman, that we should extend it to our own people, but at the same time we should not forget our neighbors.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to yield.

Mr. COOLEY. The gentleman made the statement that this bill does not provide for an outright gift. Did the gentleman mean by that statement that it is not an outright gift of money, but is the appropriation of money with which to buy materials which will be given outright?

Mr. BLOOM. Yes; that is true. The materials are to be contributed to the sufferers in Chile, but the money is to be spent here. The materials are to go to Chile free. There is no question about that.

Mr. Chairman, I reserve the balance of my time.

Mr. FISH. Mr. Chairman, I yield myself 10 minutes.

Mr. BLOOM. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from New York has 8 minutes remaining.

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes of my time out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman—

Mr. RICH. Mr. Chairman, reserving the right to object, we are only to have 20 minutes on this bill, which proposes to spend \$500,000 of the taxpayers' money. When the people of this country are suffering from taxation we certainly ought to give a little more than 20 minutes of consideration to a matter involving that amount of money.

Mr. FISH. I am going to oppose the bill, I may say to the gentleman.

The CHAIRMAN. The gentleman's objection comes entirely too late. The gentleman from New York is recognized.

Mr. FISH. Mr. Chairman, I have asked for this time as this is the first opportunity I have had to make a statement as to why I voted for the Bloom bill on final passage.

In the consideration of the Bloom bill I stated on the floor that if section 3 were stricken out and the Verys arms embargo amendment was adopted I would vote for it as a compromise measure, and in order to keep my word I reluctantly voted for the final passage of the bill, although I much prefer the existing neutrality law to the Bloom bill as amended, and I am as much opposed to the Bloom bill in its original form, as reported to the House and before amendment, as I have ever been.

President Roosevelt has been releasing columns to the press as to what he proposed to do to force the unneutral Bloom bill through Congress in its original form. The Bloom bill, with its attempt to wipe out the arms embargo and entangle us in the eternal wars of Europe, is a dead cock in the pit. The American people have expressed to Congress their opposition to this interventionist and war-making proposal. They will have none of it, and are opposed to the sale and export of arms and ammunition to warring nations as being the first step toward sending our youth to be slaughtered on the battlefields of Europe.

The American people do not trust President Roosevelt on account of his interventionist views, and do not agree with him that our participation in another World War is a "virtual certainty." The Congress is determined to exert its constitutional prerogative to keep America out of foreign wars unless we are attacked.

The continued pressure on the Congress by the President to obtain greater interventionist powers to police and quarantine the world with American blood and treasure will have no more effect on the Senate than it did on the House of Representatives. The Congress does not propose to per-

mit President Roosevelt to usurp its constitutional power to declare war by entering into entangling alliances with any group of nations.

The American people went to war once to oust the Kaiser and opened the way for Hitler, and are not disposed to send our soldiers to throw out Hitler and establish communism in Germany, Italy, and all of Europe.

If we must go to war, let it be in defense of America, but not in defense of the munitions makers, war profiteers, Communists, to cover up the failures of the New Deal, or to provide an alibi for a third term.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RICH. May I ask the gentleman who is the author of this bill to give \$500,000 worth of supplies to Chile? Who made the request?

Mr. FISH. I will tell the gentleman the whole story. I put in the first bill soon after the earthquake in Chile, one of the most disastrous earthquakes in the history of the world. My bill provided for an appropriation to purchase foodstuffs and medical supplies for the victims of this disaster, which I think would have been a very wonderful gesture some 6 months ago when the earthquake occurred. I was unable to get a hearing on the bill and then, later on, the gentleman from New York [Mr. Bloom] put in this bill. I am opposed to this bill because the emergency of the disaster has passed and it is no longer necessary to provide foodstuffs, medical supplies, or clothing to the earthquake victims in Chile.

I am opposed to the principle involved in this bill, because it establishes an entirely new precedent. These relief measures are emergency measures, to help the destitute and the needy and the sufferers from acts of God. We have done this before repeatedly. We did it in Japan, in Italy, and in other countries, but this bill, as it was introduced and as it now comes before you, provides \$500,000 to build houses, to provide concrete or steel or whatever may be necessary to build houses in Chile.

I think this is a wrong precedent to establish. This can no longer be considered as an emergency measure and for immediate relief of sufferers from the earthquake. Building new permanent homes for them is not emergency relief for sufferers from earthquakes.

Chile is a great country, and being a Pan-American I want to trade with Chile and I would, in such an emergency, vote for a bill to provide medical supplies, foodstuffs, and clothing. But I will not support this bill.

Another reason I do not intend to vote for this bill is the fact that Chile has repudiated \$200,000,000 of bonds she has sold the American people. She is not paying us 1 cent of interest on those \$200,000,000 worth of bonds. Instead of paying interest on them, she is buying up the bonds herself at \$10, or 10 cents on the dollar, at the expense of American investors; and it seems to me, in view of that situation, and the fact that we will have established a most unfortunate precedent which will plague us in the future, we should not pass this legislation. We should have acted at the time of the emergency. A stitch in time saves nine. It was an emergency, and it would have been a fine gesture of good will. Other nations in South America did the same thing, but they did it at the time; and I beg of the House now not to establish such a precedent, 6 months after the emergency has passed, not giving them food, medical supplies, and clothing, but housing material, steel, concrete, and so forth, to build houses for the future. If we are to build houses, let us build houses in the United States of America for our own citizens. [Applause.]

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. RICH. Did not the American Red Cross at the time of this disaster send medical supplies there to assist Chile?

Mr. FISH. Yes; they sent a number of airplane loads of medical supplies, which were very much needed at the time. Of course, food and clothing and medical supplies were needed, but they are no longer required. If we had acted at



the time it would have been a fine gesture on our part, but I think this will be very unfortunate now.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FISH. Certainly.

Miss SUMNER of Illinois. Does the gentleman know that 3 weeks ago we had a hurricane in Indiana and Illinois, which Members probably read of and saw pictures of in the news reels, and that when requests came through for help to the department here we were told that there was no provision under our law to build up the houses that were torn down in that hurricane area in this country?

Mr. FISH. Mr. Chairman, that is a very logical and strong reason why we should not build houses 5,000 miles away when we ought to be building them back home.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MARTIN of Massachusetts. I might say that the administration took the same attitude when the hurricane occurred in New England.

Mr. FISH. Mr. Chairman, am I in control of the time?

The CHAIRMAN. The gentleman from New York has control of the time.

Mr. CARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. Would a motion that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out be in order at this time, or must we wait until debate closes?

The CHAIRMAN. The Chair rules that the motion is not in order at this time.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, I am opposed to this bill for the reason that the emergency has passed. This hurricane took place on January 24 last, at which time American Army planes, by direction of the President, flew at the first possible moment to Chile, carrying urgently needed medicines and medical supplies. The American Red Cross did considerable work there, and in addition to that made a cash contribution to the Chilean Red Cross, and appealed for further donations on the part of the American people, who I am informed, sent considerable money to Chile. In addition to that, the American people doing business in Chile contributed considerable money and supplies and did considerable relief work there. If gentlemen will take the report and look on page 2 they will find that this half million dollars is to be used for the purpose of building permanent homes in Chile. The report itself tells that. We have 10,000,000 people out of jobs in America. We have our slums. You heard a little while ago one of your colleagues tell you that aid was refused in our own country, in two States, where we had hurricanes and storms and where houses were destroyed. In my own district some of my own people need permanent homes, and I feel that during the Chilean emergency America and the American people and the American Red Cross matched what some other countries had done to help the Chilean people when the help was actually needed. There is no evidence here that Chile is asking for this money.

Now that the emergency has passed, we are asked to go a little further with this good-neighbor policy by dipping into the people's Treasury to the tune of half a million dollars to send materials into a foreign country to build permanent homes at a time when our own people need homes.

Now, this foreign policy of ours is a good policy up to a certain point. I am not opposed to all of it. I am not going to take the floor today and say anything derogatory about Chile and what she has done about defaulting of millions of dollars worth of her bonds, held by Americans, but I want to call attention to the report on page 2, where it is stated that the additional aid which could now be furnished under the authority of this bill would not only be a form of aid which may properly be extended to a friendly

nation and to a neighbor in distress, but that this assistance would likewise strengthen even more the very close ties which unite the two countries.

Now, let us be fair about this. Let us be sane. Let us be fair to the American taxpayers. We want to be friends. We are going to do business with our South American neighbors, but in my personal opinion this goes too far. It means that we go into permanent home building in a foreign country.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. CURTIS. I want to make one observation in connection with the help needed for homes in this country. In my district we had a flood which occurred in 1935, which swept away people's homes and buildings and ruined their farms. At least 110 people were drowned. That valley has not been taken care of yet. I am opposed to this bill, for the spending of huge sums to rehabilitate the country of Chile, when we have portions of our own country that have been neglected as the Republican valley in Nebraska has.

Mr. STEFAN. Of course the gentleman is right. There are delegations from my own district here today who say they cannot get money to save their homes. They are losing them by foreclosures. There are Indians in my district who live in homes where three or four families live in one little house. We cannot get the money to build permanent homes for our own people. I wish I had time to tell you what is happening to the farmers in my district who are forced off their farms.

Mr. Chairman, this sort of good neighborhood policy business is going too far. Here we have a bill asking that we spend half a million dollars of taxpayers' money to build permanent homes for people in Chile. You will recall that we stopped an effort only recently to spend many thousands of dollars to translate all kinds of agriculture books and other pamphlets into foreign languages and send them broadcast into Latin America to teach the farmers down there how to grow more beef, more corn, more wheat, more cotton, and other farm commodities which come to our country to compete in the market which belongs to our own farmers. In this bill we go further in spending money than what we do for our own people. Do not forget that every penny of this money will have to be borrowed and American taxpayers will have to pay this money sometime. We American people are not heartless. We feel sorry and we do help our neighbors when they are in distress. This earthquake occurred 6 months ago. The report itself says that they do not need anything in the way of emergency help. The report says that they now have plenty of food, clothing, medicine, and supplies. You know that in Chile the climate is temperate. It does not get as cold as it does in Nebraska. What the bill really asks is that we take this money and build permanent homes for the people in Chile. We have already sent money there. We have sent medicine, food, and supplies, and the American Red Cross has sent money and other necessary things. Private people in America have given money. Our own Government has sent supplies. Why are we now suddenly asked to do permanent building work down there? Is it because somebody feels that it would make Chile feel more friendly toward us? I think those people appreciate what we have already done. That was not begrudged by us. I think this is overdoing it and is not necessary, especially at a time when we need this money ourselves. I am sincere in telling you that today—at this very moment—I am being called upon by a delegation of Winnebago Indians who live in my district. They are headed by Mr. Frank Beaver, who is chairman of the Winnebago tribal council. These people tell me of the bad conditions under which some of our own people must live. They do not have enough houses. Their wells are dry and they need water and many other things which we deny them. They are American citizens. Other people in my district would be glad if this Government would build them a permanent home. When

we consider that we have already done much for the people of Chile in a time of distress we should consider the distress of our own people and begin permanent charity at home. There must be a limit to these expenditures which I feel are not absolutely necessary. I hope the chairman of the committee will withdraw this bill. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAYBURN] having resumed the chair, Mr. ZIMMERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5031, had come to no resolution thereon.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the bill H. R. 5031 be withdrawn from the calendar of bills for consideration at this time.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FOUR HUNDREDTH ANNIVERSARY OF THE EXPLORATIONS OF FRANCISCO VASQUEZ DE CORONADO

Mr. BLOOM. Mr. Speaker, I call up the bill (H. R. 6852) authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vasquez de Coronado, establishing a commission for that purpose, and authorizing an appropriation therefor, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. RICH. Mr. Speaker, I object.

Mr. BLOOM. Mr. Speaker, I ask that Senate bill 2197, an identical bill, be considered in lieu of the bill H. R. 6852.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Mr. Speaker, I object.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6852, with Mr. Lewis of Colorado in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. BLOOM. Would it be possible to agree upon time with reference to this matter?

Mr. RICH. Mr. Chairman, reserving the right to object, there will be objection unless I can have the gentleman answer a question.

Mr. BLOOM. You can ask all the questions you want.

Mr. RICH. I want to know what the object of this Committee on Foreign Affairs is, in bringing in all these bills for the expenditure of additional funds?

Mr. BLOOM. Is that a parliamentary question?

Mr. RICH. With reference to this bill you are asking for \$250,000 to take care of this celebration.

Mr. LUTHER A. JOHNSON. Mr. Chairman, the regular order.

Mr. SCHIFFLER. Mr. Chairman, I make the point of order that there can be no agreement as to time.

Mr. BLOOM. We just agreed upon time on the other bill.

Mr. SCHIFFLER. I beg to differ with the gentleman. My understanding was that we were to take the time allowed by the rule, and we might terminate that in less time if the speakers did not want the time.

The CHAIRMAN. The gentleman is entitled to an hour and the gentleman from New York [Mr. Bloom] is entitled to an hour.

Mr. BLOOM. I understand that. The gentleman is entitled to an hour and I am entitled to an hour, but I am

asking the gentleman if we cannot agree on less time so we can get through with this bill. If the gentleman desires to use his full hour, then he does not want to agree on time. That is up to him.

Mr. SCHIFFLER. But we cannot agree at this time.

Mr. DOWELL. Mr. Chairman, that agreement should have been made in the House instead of in Committee of the Whole. We are now under the rule. That is a rule of the House and the time should have been fixed in the House before the House went into Committee.

The CHAIRMAN. The Committee can limit time by unanimous consent if it so desires.

Is there objection to the request of the gentleman from New York?

Mr. HOOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby established a commission, to be known as the United States Coronado Exposition Commission (hereinafter referred to as the Commission), to be composed of the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of an exposition and celebration during the observance and commemoration of the four hundredth anniversary of the exploration of the States of New Mexico, Arizona, Colorado, Texas, Oklahoma, and Kansas by Francisco Vasquez de Coronado.

SEC. 2. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the Commission in the procurement, installation, and display of exhibits, and to lend to the Commission and to the Coronado Cuarto Centennial Commission, established by an act of the Legislature of the State of New Mexico, for exhibition during the period of such observance and commemoration such articles, materials, documents, specimens, exhibits, or papers in the possession of the Government which the Commission shall deem to be in the interest of the United States and in keeping with the purposes of such commemoration and observance and which relate to the exploration of such States, or illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, or demonstrate the nature of our institutions, particularly with regard to their adaptation to the needs of the people. Any such articles, materials, documents, specimens, exhibits, or papers so lent shall be lent only under such conditions as will assure their return in good condition and without expense to the Government.

SEC. 3. The Commission is authorized and directed to prepare, print, bind, and distribute a pamphlet on the explorations of Francisco Vasquez de Coronado, and for such purpose is authorized to have printing, binding, photolithography, and other work done at establishments other than the Government Printing Office.

SEC. 4. The Commission is authorized to procure advice and assistance from any governmental agency and to procure advice and assistance from and cooperate with individuals and agencies, public or private. The Commission is authorized to accept and utilize voluntary and uncompensated services of any person and, without additional compensation, the services of such experts, consultants, research assistants, clerks, and stenographers as may be detailed by the heads of the various executive departments and establishments of the Government for the purpose of assisting the Commission to carry out the provisions of this act.

SEC. 5. There is hereby authorized to be appropriated the sum of \$250,000 for the purpose of carrying out the provisions of this act, and such sum when appropriated shall remain available until expended. Subject to the provisions of this act and any subsequent act appropriating the money authorized herein, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this act and to allocate such sums to the said Coronado Cuarto Centennial Commission for expenditure as the Commission deems necessary and proper in carrying out the purposes of this act for (1) the erection of monuments; (2) the erection and enlargement of museum facilities for the housing of historical and anthropological material and material illustrative of the native arts and crafts of such States; (3) the preparation and publication of historical pamphlets; (4) aiding in defraying the expenses of National, State, and local programs in celebration of such anniversary; and (5) aiding in defraying any other expenses incurred in properly observing and commemorating such anniversary.

All amounts and vouchers covering expenditures shall be approved by such person as the Commission may designate, but this provision shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, nor to permit any obligations to be incurred in excess of the amount authorized to be appropriated herein. In the construction of buildings and exhibits requiring skilled and unskilled labor,



the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

Sec. 6. The Commission shall transmit to Congress on or before January 3, 1941, a detailed statement of the manner of expenditure of any funds appropriated pursuant to the authorization contained in this act.

The CHAIRMAN. The gentleman from New York is recognized for 1 hour.

Mr. BLOOM. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, this bill provides for Federal participation in the four hundredth anniversary of the expedition of Coronado into Arizona, New Mexico, and the Panhandle of Texas and Kansas. Of all the brilliant and heroic exploits of human history few surpass this unique expedition in its thrilling human interest. Likewise, the results which flowed from this opening up of the northern borderlands of New Spain to Spanish settlement and culture was of great historical moment. This exposition, then, in its full significance, will probably be considered one of the most important ever held on these shores, for Coronado's expedition brought to that part of the world, which is now the southwestern corner of the United States, the first horse, the first cow, and the first sheep. It brought something greater than all that; it brought Christianity to our Southwest. The soldiers of the Cross achieved greater results than did the soldiers of the King.

This bill has the approval of the Director of the Budget; it has the strong endorsement of the Secretary of State. It was reported unanimously by the Foreign Affairs Committee of the House and received the unanimous approval of the Foreign Relations Committee of the Senate, and passed that body by unanimous consent. I cannot conceive any opposition to an exposition celebrating the four hundredth anniversary of an event as important as this. The historical significance in itself would justify the very small appropriation we are asking the Federal Government to contribute. The South American countries have been invited to participate and have accepted.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. PARSONS. Is not this the second four hundredth-anniversary celebration, preceded only by the Columbian Exposition in Chicago in 1893?

Mr. DEMPSEY. The gentleman is correct. This exposition is naturally second in point of time and otherwise is second only in importance to that of Columbus.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. LUTHER A. JOHNSON. This is not to be a fair or an exposition; it is merely a celebration of this great historic event; and the total amount the Federal Government is to appropriate, as I understand, is \$250,000. How much has the State of New Mexico appropriated for this purpose?

Mr. DEMPSEY. As the gentleman from Texas states, this is not an affair that is to be commercialized. There will be no side shows, or things of that kind. We are marking the trail that Coronado and his followers traversed, marking it by monuments. We are building a small building to house certain relics. There will be pageants and other events of educational value.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. CHIPERFIELD. Is this the same celebration to which the gentleman from California [Mr. IZAC] referred a few moments ago?

Mr. DEMPSEY. Not at all; it is quite different.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. RICH. The gentleman from New Mexico was asked how much money the State of New Mexico had already appropriated for this purpose.

Mr. DEMPSEY. I am very happy the gentleman asked me that question.

Mr. RICH. Will the gentleman tell me about that?

Mr. DEMPSEY. Yes. At the session of our legislature in January the question of appropriation for this event came up. It is largely a matter of building roads and trails. The State Legislature of New Mexico appropriated \$6,000,000 to build roads and trails, not all of which will be used in connection with this, but whatever amount is necessary to be used will be used.

Mr. RICH. What is the significance of building roads and trails for the celebration?

Mr. DEMPSEY. The gentleman should keep in mind that it is quite significant to us who appreciate the great good done by this expedition to know of the route traveled and to mark that very historic trail for all time to come. To us it means a great deal. I do not know what it means to the gentleman from Pennsylvania, but even when I lived in Pennsylvania myself it meant something to me.

Mr. RICH. If the gentleman will yield for a further question, how much money is being spent by the C. C. C. camps in the State of New Mexico to build roads and trails, and what part of that is applicable to this exposition?

Mr. DEMPSEY. None of it. When the gentleman talks about C. C. C. camps in the State of New Mexico I would remind him that the Federal Government owns 55 percent of all the acreage of the entire State of New Mexico. Were I the owner of property I would certainly do something to improve it. The Federal Government is not doing anything to improve the land it owns in New Mexico but the carrying out of this plan will certainly do so.

Mr. RICH. Mr. Chairman, will the gentleman yield further?

Mr. DEMPSEY. I shall be very happy to yield.

Mr. RICH. Suppose we give all that land back to the State of New Mexico so they will own it; would not that be the best thing the Federal Government could do?

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 5 additional minutes to the gentleman from New Mexico.

Mr. DEMPSEY. We would be very happy if that were done, because we have very valuable oil lands in New Mexico owned by the Federal Government. The royalty from these oil lands goes to the Federal Government. We have forestry and grazing lands all owned by the Federal Government. While the Federal Government participates to some extent in the building of roads in New Mexico, as it does in other States, the burden of maintaining the roads in the State devolves upon 45 percent of the total acreage.

What we are asking, I may say to the gentleman from Pennsylvania, is not in any sense charity. I should think this House would be happy and proud to have the United States contribute to such an undertaking as this.

Mr. RICH. If the gentleman refers to the State of New Mexico, and the interests of the Federal Government in the State, the Federal Government contributed \$5,000,000 to continue and make worth while a project started by the President of the United States out of W. P. A. funds. It seems to me we are doing pretty well by New Mexico.

Mr. DEMPSEY. I am sorry the gentleman brings up such questions in connection with this bill. We are discussing an entirely different proposition. Any Member who thinks this important historic event should not be celebrated should vote against this bill, but I cannot conceive such a thing. So long as I am a Member of the House, irrespective of where the event may be, I shall vote for the Federal Government to participate in such celebrations.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. HOPE. May I say to the gentleman that there are other States besides New Mexico interested in this celebration, because the route of Coronado traversed six States in all, as I understand it? May I ask the gentleman whether it is his understanding that under the provisions of the pending bill some of the money might be spent in other States which are on the route traversed by Coronado in his exploration?

Mr. DEMPSEY. That is my understanding. I may say to the gentleman that there is a representative on this Com-

mission from the gentleman's State of Kansas, Mr. Jones. It is also my understanding that the Commission as set up can use this money where and how it sees fit, provided it conforms to the authorization. May I say further that in my experience in the House I have never met anyone who has been more generous to New Mexico than that splendid man from Pennsylvania [Mr. RICH] and I deeply appreciate it. [Applause.]

Mr. HOUSTON. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Kansas.

Mr. HOUSTON. I may say to the gentleman that I was on a committee that has been very interested in this celebration, which includes the State chambers of commerce, industrial organizations, and so forth. May I say to the gentleman that I expect to support this worthy cause and the only question that occurs to me is whether the \$250,000 is enough.

Mr. DEMPSEY. Personally I do not think so, but the Director of the Budget thought it was. I was in the position where I thought I better dicker with him.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. It is my privilege to know something about this great celebration in Arizona, New Mexico, and other States. I know and highly regard several of the leading men back of this move. Is it not one of the greatest educational proposals which has been offered this country for many years?

Mr. DEMPSEY. I think it is. It is rather embarrassing to me to note that there is so little known of the great things that these Spanish explorers have done to advance our country. They deserve credit far beyond that which my use of words can express.

Mr. CURTIS. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Nebraska.

Mr. CURTIS. What permanent benefit, if any, will come from the educational standpoint from this commemoration of the journey of Coronado?

Mr. DEMPSEY. There will be this building which will house all these relics. We have the uniforms worn out there by the Spanish explorers going back several hundred years. The monuments will mark the trail and the whole history will be reopened, reviewed, and impressed.

Mr. CURTIS. Will there be any compilation and publications of the valuable records pertaining to this journey?

Mr. DEMPSEY. We have been working for several years to bring up-to-date the literature in order that the people of this continent may be better informed of the importance of that expedition and of the Spanish phase of our American history.

Mr. CURTIS. Part of this money will be used for that purpose?

Mr. DEMPSEY. Yes.

Mr. CURTIS. I am very much interested in this bill. There is good authority for the statement that Coronado reached southwest Nebraska. Such is the conclusion of Mr. Addison E. Sheldon, historian of Lincoln, Nebr., in his book Nebraska, Its Land and People, published in 1931.

Mr. JONES of Texas. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Texas.

Mr. JONES of Texas. It is my understanding that the idea is to mark out the entire route that Coronado took?

Mr. DEMPSEY. Yes.

Mr. JONES of Texas. During his journey throughout this entire southwestern area?

Mr. DEMPSEY. Yes.

Mr. JONES of Texas. The journey was made before the Pilgrim Fathers landed in America?

Mr. DEMPSEY. A long time before that. This was made in 1540.

Mr. JONES of Texas. And covered practically all the territory in that great southwestern area. It goes back into the early history of that section of the country and brings to life in more vivid form that area, does it not?

Mr. DEMPSEY. Yes. That is the purpose.

Mr. COFFEE of Washington. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Washington.

Mr. COFFEE of Washington. It might be helpful to know what route that great Spaniard, Coronado, covered.

Mr. DEMPSEY. Coronado entered what is now the United States from Mexico in the southeastern part of Arizona. From there he entered the western part of New Mexico and traveled across and located near where Albuquerque now stands, where he made his headquarters for a long time. From there he went over into what is now known as the panhandle of Texas, thence into Kansas and back into Colorado.

Mr. COFFEE of Washington. Did he start from Mexico City?

Mr. DEMPSEY. From Mexico City; yes.

Mr. PARSONS. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. PARSONS. I understand there are a lot of old records that have never been translated, on which they are working now, written in Italian and Spanish. Does the gentleman know whether those records are being explored?

Mr. DEMPSEY. They are being explored and recently copies of some very old records have been brought to the museum at Santa Fe, N. Mex., where is located what was formerly known as the Palace of the Governor. It is situated at the plaza in Santa Fe, N. Mex.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I take this occasion to answer the gentleman from Pennsylvania [Mr. RICH], when he asked why we are at this time bringing in this bill from the Committee on Foreign Affairs. May I say that I personally took this matter up with the ranking minority member of the Committee on Foreign Affairs, the gentleman from New York [Mr. FISH]. I told him what bills we expected to call up and asked him if there were any bills to which he had objection and if he would let me know those bills to which he objected I would not call them up, realizing there are many Members out of town who may be interested in certain bills or anything that may be controversial. That is the reason these bills were brought up today and they were brought up with this understanding. The gentleman from New York [Mr. FISH] agreed that these bills could be brought up, and also that agreement, I may say, was made with the minority leader.

I can assure you that it was not the intention of the Committee on Foreign Affairs to bring up anything that is controversial. As soon as I saw that one measure was controversial I immediately withdrew it.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I do not want the gentleman to imply that I passed on whether or not these bills are controversial.

Mr. BLOOM. No; I did not say that, and if I did I want to correct the statement. I said I took this matter up with the minority leader and told him we would not bring up any bills that are controversial. There are several bills that are very controversial and we did not want to bring them up at this time.

Mr. MARTIN of Massachusetts. Is that why the gentleman is going to withdraw this bill now?

Mr. BLOOM. I am not going to withdraw this bill. I would not have brought up the other bill if I had known that the gentleman from New York [Mr. FISH] is opposed to it. The gentleman from New York told me he was not opposed to the Chilean bill. If I had thought he was opposed to it I would not have brought it up at this time.

Mr. MARTIN of Massachusetts. I did not know but that the gentleman, having found that controversy had developed among other Members of the House, was ready to withdraw the bill.

Mr. BLOOM. I am not going to withdraw this bill. I know this bill is going to prevail.



Mr. MARTIN of Massachusetts. Does the gentleman maintain a bill is not controversial when he thinks he can pass it?

Mr. BLOOM. I should be very pleased to argue this question at some other time with the minority leader, but I do not care to do it now.

[Here the gavel fell.]

Mr. SCHIFFLER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I hold in high esteem the acting chairman of this committee and my good friend the gentleman from New Mexico [Mr. DEMPSEY], who has introduced this bill. They are both fine fellows; but we go beyond the point of being fine fellows when we agree to everything that is brought up on the floor of the House and permit it to be passed just because some good fellow would like to have passed a particular bill in which he is interested.

My principal objection to this bill at this particular time is that it will require the expenditure of \$250,000 of Federal funds in order to have this celebration. When we asked the gentleman from New Mexico how much his State has expended directly for carrying on this exposition his reply was, "\$5,000,000 for building roads." Spending \$5,000,000 for building roads ought to be a good thing for the State of New Mexico. It would be mighty fine for them to spend \$5,000,000 for that particular purpose. However, that money will not be spent directly on the celebration on which we are asked here to spend \$250,000. If it were, that would be a different proposition; but the \$5,000,000 is for the direct benefit of the people of the State of New Mexico.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. I call the attention of the gentleman to the fact that this celebration is for the benefit of not only the people of New Mexico and Arizona but the people of the entire United States who may come there and see the pageant that will be put on in many places in those two States, showing a real picture of what took place there 400 years ago. This celebration will not only be entertaining but will be educational, and will bring to life a large part of the history of our country that has never received very much prominence.

Mr. RICH. Will this celebration be put on in the same form as if it were being put on in the good old "horse and buggy" days, or will it be put on as we would figure it ought to be put on now, with automobiles and airplanes?

Mr. DEMPSEY. I may say to the gentleman it was the good old horse but there were no buggies.

Mr. RICH. They did not have any buggies? Did you go beyond the period of the good old "horse and buggy" days?

Mr. DEMPSEY. That is right.

Mr. RICH. What would the President of the United States have to say about that?

Mr. DEMPSEY. I do not know about that.

Mr. RICH. Thank goodness, we are going to get back to the good old horseback days, and I think that is what we ought to do.

Let us just see how much money we can afford to spend for this celebration. The past 6 years this administration has made a lot of promises. Here is a promise that was made by Franklin D. Roosevelt in his Budget message of January 3, 1934. I quote:

Furthermore, the Government during the balance of this calendar (1934) year should plan to build its 1936 expenditures, including recovery and relief, within the revenues expected within the fiscal year 1936. We should plan to have a definitely balanced Budget for the third year of recovery and from that time on seek a continuing reduction of the national debt.

That is what the President of the United States said in 1934, but what have been the results since then? We have had the largest national deficit since that time this country has ever known. In the last fiscal year, which ended on the 30th of June, we were over \$3,600,000,000 in the red, although the President promised not only a balanced Budget but a reduction of the national debt.

The newspapers carried in headlines the other day, trying to make excuses, that the deficit this past year was not as great as was anticipated. They thought that was a real achievement. When the President thought he would be over \$3,600,000,000 in the red, it was a real achievement for the deficit to be under \$4,000,000,000. Achievement? There is just nothing to that claim. That was one of the most outstandingly disgraceful expenditures of Government funds that ever occurred in the history of this Nation, yet the newspapers of Washington would have you believe that we are achieving something under this administration.

If they are trying to fool or hoodwink the people of this country any longer by such headlines, I can tell you now that the taxpayers of this country are not going to stand for it. The taxpayers of this country are becoming so fed up, they are becoming so disillusioned about the things that you men on that side are proposing, they are now ready to say they want no more of it.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. RICH. And if you are going to continue to bring in all these bills that require the expenditure of Government funds which means an increase of our national debt more and more annually, then I believe the people of this country ought to say that you can go so far and no farther; and they will say this in 1940. You just mark that.

I now yield to the gentleman from California.

Mr. GEYER of California. Is the gentleman accusing the newspapers of being pro-New Deal? If so, that is interesting.

Mr. RICH. I refer to the newspapers that speak of this as an achievement and refer with some satisfaction to the fact that we are only going into debt \$3,600,000,000 this year. I say to you that when anyone can find any satisfaction in a matter of that sort, there is something wrong with him from the neck up.

Mr. GEYER of California. Then, evidently, they see the handwriting on the wall and want to be on the winning side. Is that the gentleman's interpretation?

Mr. RICH. These newspapers, I think, are being subsidized to use such propaganda as that.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. JOHNS. I think the interpretation the gentleman has been giving us of these deficits should be changed. You know that has all been changed now so that they are investments rather than deficits. Does not the gentleman understand that?

Mr. RICH. If anybody can see where there is an investment in any deficit, I must say that I fail to see it myself. I was never brought up in that way. I have always believed that if you saved your pennies, after a while you would begin to accumulate a few dollars, and when you are spending your pennies and your dollars and have nothing, you are bound to come to ruin, and if this policy of government is continued they are going to bring everybody in this country to a condition of want, and, eventually, we are going to wreck our present system of government.

Mr. JOHNS. I suppose the gentleman understands that the President has said that now we have reached the point where these deficits are investments?

Mr. RICH. The President of the United States knows nothing about financing. He has always been in the red, and I sometimes think he is punch drunk from his spending.

Mr. JOHNS. But from now on, all the money we borrow is going to be self-liquidating.

Mr. RICH. I cannot understand how the President can get any foundation for a statement of that kind.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. SCHAFER of Wisconsin. And it will not be very long before our American dollar and our American Government bonds will be about as worthless as the Camco Slot Machine stock, which our President peddled before he went into the White House.

Mr. RICH. I presume that stocks that are worthless will be no more worthless eventually than our Government bonds will be if we continue the course we have followed during the past 6 years of this administration.

Mr. SCHAFER of Wisconsin. And about as worthless as the German inflation marks that our ex-international banker President peddled prior to entering the White House.

Mr. RICH. Let me call your attention to the President's statement on October 19, 1932, in Pittsburgh:

Taxes are paid in the sweat of every man who labors. \* \* \* If excessive, they are reflected in idle factories, tax-sold farms and, hence, in hordes of the hungry tramping the streets and seeking jobs in vain. Our workers may never see a tax bill, but they pay in deductions from wages, in increased cost of what they buy or (as now) in broad cessation of employment. \* \* \* Our people and our business cannot carry its excessive burdens of taxation.

[Here the gavel fell.]

Mr. SCHIFFLER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. RICH. The President, before the election, having made such fine statements with respect to the carrying on of our Government, I cannot understand how he can permit the Director of the Bureau of the Budget to grant all of the requests that Members of Congress make of that Bureau. Gentlemen seem to think that it is a great achievement when the Bureau of the Budget recommends a certain thing. I think we ought to have an investigation of the Bureau of the Budget, because apparently they are giving no consideration to the amount of income in comparison to the amount of outgo. It is no honor, nor is it any achievement, to have the Bureau of the Budget say that he approves of these expenditures because they are only leading to this great downfall that surely will come. If Members on the Democratic side of the aisle ask for these bills carrying these expenditures then they must assume the responsibility, but as for me, I want no part in it, notwithstanding the fact that my good friend from New Mexico [Mr. DEMPSEY] is one of the finest fellows in the House of Representatives and that he wants to take something more down to his State. We cannot hate him for that, although he has gotten more things for the State of New Mexico and has done more for that State than any Representative in any year, that I know of. He is a fine fellow and an honorable gentleman, but the time has come when we should say to our friend that we have gone so far, and that we cannot go any farther.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to close debate upon this bill in 1 hour, 30 minutes on a side.

The CHAIRMAN. Is there objection?

Mr. HOOK. Mr. Chairman, I object.

Mr. BLOOM. I thought that that was acceptable to the other side. I move that we close debate in 1 hour.

Mr. TABER. Oh, Mr. Chairman, I make the point of order that the gentleman cannot do that.

Mr. SCHIFFLER. Mr. Chairman, we have no objection to closing debate within 1 hour, so far as this side is concerned, the time to be equally divided.

Mr. HOOK. Mr. Chairman, I understand that unless there is unanimous consent the time cannot be changed.

The CHAIRMAN. That is correct.

Mr. HOOK. Mr. Chairman, I object unless the gentleman withdraws the bill.

Mr. SCHIFFLER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Chairman, sometimes I believe that we are losing our perspective and fail to understand exactly what \$500,000 or \$250,000 or the \$350,000 such as was appropriated for a South Pole expedition the other day, while the House was not looking, really means. When I think of the \$250,000 in this bill for a little folderol, as I would call it, when I think of the \$500,000 embodied in the bill brought up by the genial acting chairman of the Committee on Foreign Affairs for donation to Chile, a country which has reneged on millions of bonds due American people; when I think of the \$350,000 put through Congress the other day with very few Members of the House even knowing anything about it, although we were present, I think of what we

could have done with all of that money frittered away up in our State. Just the other week we had a severe storm, killing 12 or 15 people back in Minnesota, doing \$1,000,000 worth of damages, or better. My colleague came in here asking for some money to help those people, my people and your people, in the way of rehabilitating themselves, and we received what? Thirty-five thousand dollars to help people reestablish their homes, which had been blown over by a tornado. Yet here you are asking for \$250,000 to have a little pageant or something of that kind, for 1 day's time, to be forgotten next week—in my opinion, money merely thrown away, doing no permanent good. If the gentleman from Virginia [Mr. WOODRUM] were here, I would be glad to ask him by what right the \$350,000 is to be used for an expedition to the South Pole, without it being brought up for your attention and my attention for debate here in the House. I would like to have asked him what that same money was for, which was being slipped through, as you might say, on slides greased with soap, so quietly that nobody knew it was going through.

You and I know if that particular item to finance a trip to the South Pole had been voted on its merits, it would never have passed. That may be parliamentary procedure, the way this affair was handled, but it means far more than that to me. It means the squandering of money that the farmers back in the State of Minnesota, many of whom do not have a decent place to live, many of whom cannot afford to paint their buildings, have to pay eventually in taxes. It means to me that thousands of those people now without a decent living could have been provided with useful work at decent wages. It means that this \$1,000,000 we are speaking of in these three so-called small items would have helped two or three thousand old people to the extent of \$30 or \$40 a month, to give them the bare necessities of life, for at least 1 year or more.

I repeat in conclusion, as I stated in the beginning, I sometimes think that we are losing our perspective in this House of Representatives and in this Congress. [Applause.]

[Here the gavel fell.]

Mr. CURTIS. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made in committee today.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEE. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, on first reading of the bill, not knowing quite the parliamentary situation, I rose to offer an amendment to the House bill. This was the amendment I proposed:

On page 4, line 6, after the word "act," insert the following: "including the expenditure of not more than \$10,000 for the erection of a suitable monument at or near a point on the international boundary between the United States and Mexico where Coronado first entered what is now the United States."

I hope to offer that amendment later at the proper time.

Members of the Committee, a few weeks ago up in New England, for the first time in my rather mature life, I looked with awe upon Plymouth Rock where some of the fathers of this country landed in the year 1620. On day before yesterday, with my family, I journeyed south several hundred miles to Jamestown and spent an hour or two on the 3d of July examining that historic island, that ivy-covered tower of the old church, in which the House of Burgesses met to establish representative government in America in the year 1619.

As a student of history, I was awed and deeply impressed at Plymouth Rock and again at that old ivy-covered tower at Jamestown, for I assure you that in my study of American history I have imbibed much from the early sources of the founding of this Nation. My history has its beginning at Jamestown and at Plymouth Rock. It took a long while for our forefathers in covered wagons to pass from the Atlantic coast westwardly, as the star of empire moves, until they reached the Pacific. Some of them stopped on the way, and some were brought back, in the backwash of the tide of migration, into the interior country which I represent, Arizona.



I assure you that I have recently revised my history greatly, and I find that at an earlier date than the landing of the Pilgrim fathers, or the heroic efforts of Capt. John Smith on the Atlantic coast, the Spaniards entered this land from the south. I want to remind you that our southwestern culture is today a composite picture, a mixture of Anglo-Saxon and Spanish-American elements. It took our Spanish forbears in the Southwest about as long—in fact, a little longer—to come by way of the oxcart from Mexico City northward to Phoenix, or to that part of Arizona where I live, as it took our Anglo-Saxon forebears moving westward in covered wagons to reach that same locality.

We are proud all through the Southwest of our heroic past. Remember, Arizona, California, New Mexico, and Texas were fringes and northern border lands of New Spain. They were Spain's outposts of empire in a wilderness of barbarism. I want to assure you gentlemen that in American colleges and universities little has been taught of that remarkable phase of American history which is even now being written in textbooks by such authors as the California School of Historians, headed by Dr. Herbert Bolton, of the University of California at Berkeley, Calif.; Dr. Leonard, in southern California; Dr. Zimmerman, of the University of New Mexico, and many of their disciples, of which I count myself one, men who are searching the archives in Spain and Mexico, translating manuscripts. Oh, what a glamorous story this is.

Of course, California is not included in this particular celebration, but it is a part of the whole sweep of Spanish history on this continent. Four hundred years ago those Spaniards came to our Southwest. My friends over on the left side of the aisle say, "Why can we not celebrate this without the expenditure of a lot of money?" We can and I will suggest one way.

For more than a year I have been trying to get a postage stamp issued to commemorate the coming of the first white man, Fray Marcos de Niza, who came into Arizona in April 1539, just a year before the coming of Coronado himself. We can celebrate that by the mere issuing of a commemorative postage stamp. This humble Franciscan monk was the forerunner of a great host of "soldiers of the cross" who brought civilization and Christianity to this beautiful, but barbarous land. Many times in Spain's long career of conquest, when the soldiers failed the padres prevailed. Their work should not be forgotten.

You ask: What is the value of such an effort as this? Why should we spend money on it? I assure you that this is to be something more than a pageant. My friend from Pennsylvania asked, "What are you going to do, build roads and trails?" That is part of the program, not only in New Mexico but in Arizona, and I assure you that Arizona has put up as much money as has New Mexico. About a year ago I made it a point to drive with my wife and son over the Coronado Trail, over the White Mountains, from Springville, Ariz., to Clifton, Ariz. The White Mountains are the Alps of America. No more magnificent scenery can be found on earth, and I make no exception whatever. I traveled many miles over the White Mountains along the course that Coronado took. On what kind of roads? I feared for my life all the time. I take off my hat to Coronado and the men who first covered that trail nearly 400 years ago.

They did not have horses and buggies, they had only horses; and right in this connection, it was Coronado who introduced horses into the Southwest, horses, cows, sheep, and hogs; and I want to tell you that the mission fathers, who founded the missions all over California, Arizona, New Mexico, and Texas, as well as in Sonora, brought to the Southwest citrus and other fruits, especially oranges. They planted vineyards, and they developed that which is now the Sunkist glory of the Southwest. This certainly is of some pecuniary importance as well as of cultural importance. But the thing I am speaking of now particularly is the cultural aspect.

We Anglo-Americans, having been brought up on the Jamestown-Plymouth Rock variety of history, have been entirely too narrow in our conception of the civilizing influences in this country. We look across the Atlantic to one small portion of Europe as the source and fountain of all of our culture. This is too narrow, for a vast portion of this continent received contributions from the south of Europe, coming by way of New Spain or Mexico. We have not properly appraised our history until we learn what the Spanish conquerors, the Spanish padres, did in bringing all the elements of their culture and planting it with indelible impress upon our portion of the Americas. It is more or less to give this particular form, but particularly to emphasize it in our schools and colleges and to make it a vital, living part of our history that I ask you to vote this appropriation to make this celebration possible. Remember, man does not live by bread alone. We cannot value these things in dollars and cents. You cannot value the work of the soldiers and conquerors who brought civilization to this country on a dollars-and-cents basis.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. TAYLOR of Tennessee. How many men were in Coronado's company?

Mr. MURDOCK of Arizona. Coronado brought several hundred souls into this country; he brought many who never went back. He spent about 2 years in this country. He entered southern Arizona in the spring of 1540, coming by way of Tucson, by way of what is now Safford, Ariz., entered the White Mountains near Clifton, crossed over into New Mexico, and spent about a year there. While in northern Arizona he sent Pedro de Tovar west to the Grand Canyon, the first white man ever to lay eyes on that great natural spectacle in Arizona. The Spaniards were astonished at the humpback cattle, as they called the buffalo; and I assure you that the humpback cattle were no more queer to the Spaniards than were the Spanish horses to the Pueblo Indians. Those Indians had never seen a horse before. They thought that horse and rider were all one piece and were astonished at the man-animal.

Coronado after spending 2 years in fruitless search for the seven cities of gold, crossing the Panhandle of Texas returned to Mexico. They say it was a fruitless search, but it opened up the Northern Mystery, as the unknown region to the north was called, to Spanish exploration and settlement. The text of our history books must be revised to eliminate from the elementary text the thought that the Spaniards did nothing but run around and search for gold. This notion is far from true. On the other hand they left an indelible impress upon our civilization which extends all the way from where I live southward to Cape Horn, an indelible impress. Spain did not fail as a colonizer. It is true her colonies broke away from her just as the Thirteen Original Colonies broke away from our mother country; but what, after all, is a mother for if not to bring forth children? Spain surely takes her place in the family of nations as one of the greatest mother countries of the world.

Mr. SHANLEY. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. SHANLEY. The gentleman referred to a great Hispanic scholar. Did he have reference to Dr. Irving Leonard?

Mr. MURDOCK of Arizona. Yes; I mentioned Dr. Leonard among others. I spoke of Dr. Bolton, who is the father of the movement in which so many students are now engaged, the study of Mexican and Spanish diaries for the purpose of reconstructing a picture which has never been adequately presented.

Mr. SHANLEY. I thank the gentleman for his observation as I know the House recognizes him as one of the outstanding scholars on the Spanish contributions to the making of Colonial America. Your mention of the high caliber of Dr. Leonard's attainments are particularly pleasing to me for

I spent some very treasured moments with Dr. Leonard. We were in the same high school and worked together in the New Haven Public Library. While under a common teacher, Miss Warren, we learned values that have been immeasurable to us. Only recently I have had the occasion to read chapter 9 of the Colonial Society by Irving A. Leonard, and I am sure that that chapter is one of high scholastic attainment.

Mr. MURDOCK of Arizona. The gentleman is entirely correct. Dr. Leonard is, I believe, one of the disciples of Dr. Bolton and certainly one of the leaders of this new school of historical research.

Mr. GEYER of California. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. GEYER of California. The gentleman from Arizona is a school man. He can tell us whether it is true or not that in our schools up to the sixth and seventh grade in the matter of social studies most of the time is spent in studying this Spanish phase of American history.

Mr. MURDOCK of Arizona. That is a correct statement for the States of the Southwest. That is certainly true in my State and is quite generally true in the other States which have received the impress of Spanish culture. [Applause.]

[Here the gavel fell.]

Mr. SCHIFFLER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, there are a great many recreational and educational things that we might devise for the people of this country, if we would only stop spending long enough to work ourselves into a position where we could afford them.

Since coming here I have just about decided that the difference between a liberal and a conservative is that the conservatives are the "whys" and the liberals are the "why not's." But the real distinction, perhaps, is in the way they look at the taxpayers. The liberals seem to look at taxpayers as sheep in ogres' clothing, or as goats. A conservative looks at the taxpayers as lambs. We conservatives want our lambs to grow and thrive. We encourage them to do so in order that we may shear them yearly. But we do not wish to slaughter them.

Mr. Chairman, \$250,000 is a fortune. How many people do you know who have made \$250,000 in their lifetime? It would be difficult to do so since 1928. Unless one had the kind of glamour which can be liquidated either in Hollywood or in Washington.

When I think of the man who has made \$250,000 I think of the fellow who wears a suit until his wife has to burn it, a man who never thinks he has enough money to go to fairs.

When I think of taxpayers I do not think of the people on Wall Street, because there are not any rich people in the district I have the honor to represent. Our taxpayers are home owners and farmers. The railroads now ask you to bail them out, with the rest of the taxpayers having to pay the bill. I think that it would be better at present to save our pennies so that we may later afford to do these things which we would like to do for our people. I doubt if our people at home feel like celebrating just at present. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, the fact that this celebration really goes back to the pre-"horse and buggy" days is best attested by the fact that the modest sum of only \$250,000 is being asked. If we were to celebrate an event of the historical importance of the journeys of Coronado on the basis of other similar events, we would be asking a good deal more on this occasion than \$250,000.

I agree with what has been said by preceding speakers that this phase of the history of our country has been very much neglected. This is a part of our history that goes back long before the Pilgrims landed on Plymouth Rock, long

before the State of the gentleman from Pennsylvania was founded, long before William Penn or William Penn's father was born. It was then that Coronado was making history out on the plains of the Southwest.

This is not a local celebration that will be held in commemoration of this great journey, one of the greatest land journeys of all time. It is a national celebration. There are six States which were included in the journeys of Coronado. The celebration that I understand is contemplated is not one that will necessarily be confined to the State of New Mexico. It may embrace parts of all these six States and, more than that, it will be a national celebration for the benefit of the people of the entire United States. Its benefits will not be so much to the people of the Southwest who are already familiar with that important part of our history, but to the people of the entire country because it will make available to them the story of these great journeys which contributed very much to the history of this country.

There is another phase of this matter that I think ought to be considered. The journey of Coronado was part of the great Spanish explorations. The history of the Southwest is a history that we have in common with all of the nations to the south of us and in this day, in view of the international situation, it is important that we build up and maintain a spirit of good will and amity with those people. A celebration of this kind can do more than can be counted in dollars and cents toward bringing about better international relations.

I agree with the gentleman from Minnesota that sometimes we do lose our perspective and I think we are losing it today if we regard this expenditure in any other light than as a great expenditure for education, because that is what it is. We are losing our perspective if we hesitate when it comes to spending the small sum of \$250,000 for this purpose. That is approximately one-fifth of a cent for everyone of 125,000,000 or 130,000,000 people in the United States. Just a small fraction of a cent to perpetuate in the minds and hearts of the people of this country the memory of one of the great exploratory journeys of all time.

[Here the gavel fell.]

Mr. SCHIFFLER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, I have the highest regard and respect for the gentleman from New Mexico [Mr. DEMPSEY]. I know of no man in the House whom I regard with more respect. He is able, lovable, and energetic. The State of New Mexico should be proud of their Representative and should return him as long as he wishes to present himself for their consideration. I think he is a wonderful Member of Congress, and I would like to be able to go along with him on this bill. But it just so happens that I am getting thoroughly disgusted with the actions of some of the so-called economy bloc and their double-dealing as has happened in this House lately. I have had occasion to check on some of the behind-the-scene actions of some of the spokesmen of the so-called economy bloc. The revelations have been amazing. I feel it is about time to stop and expose what they are actually doing. There is no one on the floor of the House who would have the audacity to say that I have not been liberal. I have been, I am, and I intend to continue to be a liberal. That kind of a liberal that acts and speaks in the open with the cards on the table. The kind of liberal that will oppose the expenditure of any money not necessary to the proper administration of government and the welfare of the great mass of people in the interest of the taxpayer. We have problems in this Nation that need more attention than celebrations and centennials.

There are people in this Nation who actually need jobs to clothe and feed their families. Let us study the problem of recovery so that every able-bodied man and woman will be employed, but in the interim extend to them the necessary relief. What we ought to do is use more money for the purpose of studying out a program of recovery. I have a bill before this Congress, H. R. 933, which will if put into effect by this Congress provide 9,000,000 jobs in this Nation



and at the same time cost less than the present relief program. It will bring recovery with a program of abundance, and not scarcity. But the great self-styled economy Members are not interested from that angle. Let this House pass this bill and end our unemployment problem. I sat on the floor of this House and witnessed the great program of the friendly enemies, the gentleman from Virginia and the gentleman from New York, in their comedy act of the hands-across-the-aisle. I witnessed a great program of what was supposed to be economy by a coalition between the gentleman from Virginia and the gentleman from New York. Above their walls and cries of economy I heard the pleas of the needy, the jobless, that fell on deaf ears of these two gentlemen. Last Friday, June 30, I had occasion to stand in the rear of this Chamber and beg for recognition from both the gentleman from New York and the gentleman from Virginia to ask for information with regard to conference reports that they submitted to the House. We did not have time to read their reports, and in view of all the false economy that had been preached on the floor of this House by them I wanted to know whether or not the reports on the relief bill or the report on the deficiency-appropriation bill carried the sum of \$340,000 for the purpose of sending Admiral Byrd to the South Pole to try to discover coal. Of course, the admiral hails from Virginia, the home State of the Democratic end of the New York-Virginia economy axis. It is my understanding that there was not enough information from the last Byrd expedition submitted to the State Department on which that Department could take any worth-while action. I note that among the managers on the part of the House was named the great economist the gentleman from Virginia, C. A. WOODRUM. I am informed that the Appropriations Committee in the House refused to approve this item, and it was inserted in the Senate and then accepted in conference and slipped by the House in a very clever move of the steamroller tactics.

If such actions as this are the basis of their idea of a program of economy, I do not know what economy is. Both of these gentlemen refused even to yield for a question. After it was put through, I read in the conference report that amendment No. 9, proposed by the Senate, inserts an appropriation of \$340,000 to enable the Division of Territories and Island Possessions of the Department of the Interior to conduct an investigation and survey of the natural resources of the land and sea areas of the Antarctic regions. In other words another expedition to be headed by a great Virginian proposed by another Virginia economist.

We came in here this afternoon with a bill for \$500,000 proposing to send materials to Chile to build homes for the people of that country. I believe in the good-neighbor policy but we should take care of our own citizens first. Now it is proposed that we appropriate another \$250,000 to celebrate a four hundredth anniversary of the explorations of Coronado. No doubt at the proper time we should recognize the part played by this great explorer in the development of the Southwest. A wonderful historical event. Probably when we have reached the days of recovery, the days when men will not be begging for jobs, we can properly, fairly, and honestly celebrate these occasions; but I say if we are going to have economy let us have economy in the best interests of the preservation of democracy, in the interest of general welfare, as is proposed by our great President, and not by hands across the aisle, as was done on the relief bill and on some of the appropriation bills. I understand that the two gentlemen to whom I have referred knew that the Appropriations Committee had turned down the \$340,000 appropriation. I should like to have those two great economists explain some of that economy to this House.

[Here the gavel fell.]

Mr. SCHIFFLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we are now considering a bill authorizing the appropriation of \$250,000. We have had thrown up here an intimation that some items were included in the deficiency bill that perhaps the House might not have approved of. Let me say that I did not have the

floor while that bill was under consideration. No one would have any trouble finding out just exactly what was in it.

When you go to conference you cannot control everything that you bring back to the House. I believe that as far as dollars and cents go, as a general proposition the deficiency committee has brought back to the House fewer increases in items added by the Senate than any other committee that has gone over to deal with them.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. TABER. Not at this time.

With reference to this particular item, if we are going to take care of every celebration that anyone asks us to on a liberal basis we are doing it out of money that may come into the Treasury and that has not yet been borrowed. We are not doing it out of money that is in the Treasury. This is something we must think about. Forever and ever in these days there has been a demand on the House that it appropriate large sums of money to do all sorts of things that are not even thought of in good times. I believe our expenditures in the last 6 years for such activities as this have been 3, 4, and perhaps 10 times as large as they have been in ordinary, normal times; and the Treasury is empty, the people are broke, and we are doing nothing constructive to get them out of that condition.

Let us begin not by saying that this Coronado proposition is not as good as something else but by saying that we are setting our face toward the rising sun and are not going further to deplete the Treasury of the United States for things that do not have to be done at this time. [Applause.]

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I wish every Member of the House might have heard my friends, the gentleman from New Mexico [Mr. DEMPSEY] and the gentleman from Arizona [Mr. MURDOCK], as well as some of the other Members, who described in detail what this particular celebration means. I am thoroughly in accord with the thought that we should not spend money uselessly; on the other hand, you cannot hold a nation or a people together or build a nation on mechanical things alone. I love the rocks and the hills and the vales and the mountains and the springs and the rivulets and the rivers of this country. I glory in our material wealth. But most of these can be duplicated in other lands. You cannot build strong character, a strong people, and a strong nation, without taking into consideration something besides silver and gold.

I recall as a boy in school reading of the hanging-out of the lantern in the old North Church as a signal to Paul Revere. I said then I would rather see the old North Church than any other spot in North America, and I have kept that feeling through the years. That is where the whole thing started. A few years ago I had the privilege of visiting the old North Church and standing in the same spot where stood the man who gave those signals. I believe we get something out of the sentiment, the tradition, the history, and the background that build a nation and hold together and cement the lives of a people.

This is a very small sum to be spent in a great project like this. Some of the Members who spoke against it, I recall, were very ardent in their support of the provision for memorializing the Lewis and Clark expedition, a celebration that commemorated the conquest of the great Northwest and the bringing of that country into our land and into the activities of the National Government, making it a part of the development of this broad, big country. I am glad that was done. I believe such commemorations help us to be what we are and what we should be in the future of this country of ours. We have said that it is all right to spend a great many millions of dollars in commemorating happenings in various sections of the country, and we have done that. We have spent large sums for the New York World's Fair. We have spent a considerable sum in helping the world's fair in San Francisco. We have built monuments and markers all over America. I do not know of anything particularly that has been done in the

great Southwest in the way of marking or memorializing the historical background of that great section, whose history began as early as that of the other sections of the country.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes; I yield to my friend.

Mr. RICH. Does the gentleman think it is necessary to have so many of these celebrations in 1 or 2 particular years? Instead of having the four hundredth anniversary, why do we not celebrate the four hundred and fiftieth year and scatter them over a longer period of time?

Mr. JONES of Texas. Perhaps there are too many, but why pick on the least expensive of them all and yet one of the most important. They may want to have a celebration a hundred years from now, but the gentleman and I will not be here to arrange it. This is the four hundredth anniversary of this particular event, one of the oldest in American history, one that commemorates the discovery and the exploration of one great section of the United States of America.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Kansas.

Mr. HOPE. Does not the gentleman think we have waited quite a while, inasmuch as we have waited 400 years to celebrate this event, while in Pennsylvania they waited only 100 years to celebrate the centennial or 150 years to celebrate the sesquicentennial of the signing of the Declaration of Independence?

Mr. JONES of Texas. And I think if a people never go back in their minds and get their anchoring places, a country is headed for the downhill grade rather than uphill, and so long as they maintain the ties that bind them in the tradition and in the background and in the bottom and the mudsills of the building of their country, they have hope for the future. This Republic is anchored in the sentiment and patriotism that are inspired by the heroism of the pioneers and trailblazers of the early days.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. PARSONS. In reply to the gentleman from Pennsylvania [Mr. RICH] we cannot very well turn the clock back for a few years or wait for some future time to have such a celebration.

Mr. JONES of Texas. No; and it seems that these gentlemen waited for a long time, and the people have been very modest in their request for funds to commemorate a great event that is of special significance to the people of Arizona and the great Southwest, who have a part in our national history as well as the other sections of the country. After all, if we are going to simply say that we shall worship at the shrine of silver and gold alone or that we are going to depend wholly on material things, may I say that a country cannot be any more held together in that way than an engine can be made to run without steam. It may be the most perfect engine in the world, it might have all the painting they have been talking about, it may have the pistons ground, it may have had all the workshop efforts placed upon it to make it a most perfect engine, and you might write all the theories about running an engine you could think of or conceive and pile them into the firebox and still it would not run. It takes something in the mind and heart of folks to build a country and hold it solid, especially in troublous times. I believe the small amount the gentleman has asked is modest enough to commemorate an event that marked the beginning of a section of the country that if you will get your map you will find means a large portion of the United States.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JONES of Texas. And if we make the appropriations for the other celebrations and turn down the one in which all the South American countries have manifested an interest and in which they have a great sentiment themselves, it would seem like a slap at those countries. We are intimately linked with the South American countries. We are

at peace with them. Much of the commerce and trade of the future will be with them. We are touched by the same geography. We are joined in many respects by a common interest. That interest has been sealed for a hundred years by the Monroe Doctrine. Is it too much to hope that it will continue through the coming centuries?

I hope the House, notwithstanding it may be economy-minded, will not undertake to start on this great celebration. [Applause.]

Mr. SCHIFFLER. Mr. Chairman, I announced a few moments ago that we had concluded, but I find that a member of our committee, the gentleman from Massachusetts [Mr. TINKHAM] would like to have 3 minutes, and I would like to yield him that time now.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 3 minutes.

Mr. TINKHAM. Mr. Chairman, the House of Representatives on Friday last, by a decisive vote, repudiated the foreign policy of intervention in the political affairs of other nations which President Roosevelt and Secretary of State Hull have been pursuing for the last 6 years. At last, the House of Representatives has declared its independence of Executive domination.

By that decisive vote, the President and Secretary of State Hull were given a mandate that the foreign policy of the United States must continue to be one of genuine neutrality, the traditional foreign policy which for 150 years kept this country out of foreign wars.

If President Roosevelt and Secretary of State Hull persist in following a foreign policy which is unneutral and in contradiction to American traditions they are not representing the American people. They are working in the interest of alien governments.

The decisive vote of the House of Representatives on Friday last means three things:

First, it means that the United States refuses to join the London-Paris-Moscow axis or group of powers, as well as the Rome-Berlin-Tokyo axis or group of powers, both of which axes or groups of powers are now in conflict, not in support of principles of government or of morality, but wholly to gain their own selfish, material, imperialistic ends.

Second, it means that the United States refuses in time of war to arm other nations for a wholesale slaughter of the human race; and

Third, it means that the United States intends to stand steadfastly as a monument to peace in a warring world, as it has stood resolutely since the declaration of its independence as a monument to liberty and freedom. [Applause.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I yield now to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, as Representative of the Nineteenth Congressional District of Texas, a portion of the great Southwest, I have been very much interested in this proposed celebration and heartily endorse the bill. I hope that we may pass it by a very substantial vote. I predict that we will, and in view of the very appropriate remarks already made concerning this matter I shall not undertake to say more.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. BLOOM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and Mr. RAYBURN having resumed the chair as Speaker pro tempore, Mr. LEWIS of Colorado, chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 6852, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. BLOOM. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.



The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the bill S. 2197, a similar bill, be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that on the final passage the bill, S. 2197, be substituted for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair is informed that there is an omission in the printing of the Senate bill respecting the date on which the commission shall transmit a statement of expenditure. Is there objection to an amendment being made to correct that omission?

There was no objection.

Mr. BLOOM. Mr. Speaker, I offer the following amendment to the Senate bill which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Bloom to the Senate bill 2197: Page 5, line 4, after the word "before" insert "January 3," and after the figures "194" insert the figure "1", so that it will read: "The Commission shall transmit to Congress on or before January 3, 1941, a detailed statement of the manner of expenditure of any funds appropriated pursuant to the authorization contained in this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the passage of the Senate bill.

The question was taken; and on a division (demanded by Mr. SCHIFFLER) there were—ayes 52, noes 24.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A House bill, H. R. 6852, was laid on the table.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. EATON of California, for 1 week, on account of illness.

To Mr. PATRICK, for 1 day, on account of official business.

To Mr. FERNANDEZ, for 10 days, on account of important official business.

To Mrs. ROGERS of Massachusetts, indefinitely, on account of illness in family.

#### EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein certain letters from people, which letters are very short.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. KEE. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD and include therewith a brief editorial from the Baltimore Sun.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Washington Daily News.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio colloquy between ex-Congressman Charles G. Binderup and Etta Russel.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a brief editorial from the Washington Post.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an article from the July issue of Amerasia, entitled "The United States Still Continues to Arm Japan."

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an address delivered by our distinguished minority leader, Mr. MARTIN of Massachusetts, at Springfield on last Saturday.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein quotations from an article in the American Magazine by Herbert Hoover.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### WICHITA, KANS., THE LOGICAL SITE FOR AN AERONAUTICAL RESEARCH LABORATORY

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, it has been conclusively shown by the testimony of Colonel Lindbergh, General Arnold, and others having a comprehensive understanding of the operations of our air force and those of foreign countries that there is a very definite need for new research facilities for the National Advisory Committee for Aeronautics.

The development program now being carried on at Langley Field should be supplemented by at least two new laboratories, one on the west coast and the other in the interior, and Wichita, Kans., is the logical location for the interior research center.

Wichita's geographical location between the mountain chains provides for remoteness from aerial attack; its terrain and landing facilities are suitable for flight testing, and its climate affords a high percentage of flying days.

Wichita is now the center of a great civil airway network; it now possesses commercial research and production facilities and general cooperative facilities; it offers a minimum hazard of sabotage and espionage; it has the type of labor required for such facilities, and it has the transportation systems, utility resources, housing, and available sites for the laboratory, all of which make it the strategic interior point for the facilities needed for national defense.

#### WICHITA, A LEADING INTERIOR INDUSTRIAL CENTER

Wichita is Kansas' greatest city and one of the leading industrial cities of the Southwest. The leading industry classifications—in addition to her livestock, grain, broomcorn, and dairy markets—are meat packing, poultry packing, dairy manufacturing, petroleum refining, milling, airplanes, grain storage, electric and gasoline household appliances, foundry and metal products, steel fabrication, oil-field equipment, food products, railroad cars, building materials and specialties, woodworking, air-conditioning equipment, printing and publishing.

Wichita's population of 125,000 is more purely American than that of any other metropolitan city, being 91.9 percent native white, 2 percent foreign-born white, 5.1 percent Negro, and 1 percent all others.

#### STRATEGICAL LOCATION OF WICHITA

Wichita's location in the center of the United States, between the country's mountain chains, situated in the Great Plains region, is a strategical and logical location for an N. A. C. A. research center. Wichita is more remote from aerial attack and more convenient to all aircraft manufacturers than any other metropolitan city.

## CENTER OF CIVIL AIRWAY NETWORK

Wichita is at the hub of the civil airway system, and her municipal airport, or an aerodrome in conjunction with a research center, could be utilized as a central refueling base in the transcontinental movement of group or squadron operations. Practically all direct transcontinental flights could well use Wichita as a central or middle refueling base.

If it is advisable to locate an N. A. C. A. research center in conjunction with a military flying field, there is ample justification for a central refueling base at Wichita, and the two could be planned for the same aerodrome at the same time so that future development would not conflict as it has at Langley Field.

## MINIMUM HAZARD OF SABOTAGE AND ESPIONAGE

Wichita's 91.9 percent native white population with its agricultural and pioneer background, and her excellent police department guarantees a minimum hazard from sabotage and espionage.

## TERRAIN AND LANDING FACILITIES SUITABLE FOR FLIGHT TESTING

The nature of the terrain in the vicinity of Wichita is especially adaptable to flying activities that are likely to require emergency landings. Wichita is situated in the Great Plains region and the surrounding area is smooth and gently rolling and suitable landing areas can be found on practically every square section of ground.

## WICHITA RANKS NEAR THE TOP IN NUMBER OF FLYING DAYS

Municipal airport records show 356 days of active operation during 1938, with only 9 days of limited operations. There are various ways of recording flying days. A detailed study of Weather Bureau records for 1938, based on Civil Aeronautics Authority contact-flying requirements of visibility of over 2½ miles, and ceiling of over 1,000 feet, showed that the visibility was greater than 2½ miles 96.5 percent of the total hours in 1938 and that the ceiling was greater than 1,000 feet during 93.65 percent of the total hours during 1938. The ceiling and visibility of Wichita are mainly affected by precipitation rather than heavy fogs, and as a result, periods of low ceiling and poor visibility are of short duration.

The winters are mild to a degree, permitting aviation activities practically every day of the year. The few snows are of slight duration and the summers are tempered with constant breezes with an average velocity of 10 miles per hour. The relative humidity is low, averaging 78 at 7 a. m., 53 at 12 noon, and 56 at 7 p. m. The average mean temperatures of the extreme months are: January, 32°; February, 33.8°; July, 79.2°; August, 78.6°. The average annual rainfall is 30.14 inches.

## ALTITUDE OF WICHITA WILL NOT MATERIALLY INCREASE MATHEMATICAL COMPUTATIONS IN RESEARCH STUDIES

Wichita and vicinity has an altitude averaging around 1,350 feet. Even though a laboratory were located at sea level there are very few days when standard sea-level conditions exist, that is, when the barometer is 29.92 and the temperature is 15° C. It is necessary, therefore, to make corrections to standard sea-level conditions, whether the laboratory is located at sea level or at an altitude of 1,350 feet. The results obtained in most wind-tunnel operations are independent of altitude, inasmuch as they are set up in a nondimensional coefficient form. The effect that this altitude might have on the Reynolds number can be compensated for by increasing slightly the size of the wind-tunnel model.

## COMMERCIAL RESEARCH AND PRODUCTION FACILITIES

Wichita has four aircraft-manufacturing plants, namely, the Beech Aircraft Corporation, Cessna Aircraft Co., Stearman Aircraft Division of the Boeing Airplane Co., and the Swallow Airplane Co., all of which maintain extensive production and research facilities. Due to the location of these plants in Wichita there has developed many local sources of supply and services that would be a distinct aid and convenience to a research facility.

Wichita is also the center of the petroleum-refining industry in Kansas and all local and area refineries maintain commercial research laboratories that would be of assistance in the development of aircraft engine fuels.

## GENERAL COOPERATIVE FACILITIES AND ACTIVITIES AVAILABLE

The Wichita Public Library (the largest library in the State of Kansas) and the Wichita Municipal University Library maintain extensive files of magazines, publications, and scientific books on aviation, petroleum, and chemistry, which are available for reference by a research staff.

Many national scientific societies function through local branches in Wichita, including the American Chemical Society, American Institute of Electrical Engineers, American Petroleum Institute, American Society of Automotive Engineers, American Society of Mechanical Engineers, Kansas Academy of Science, Wichita Engineers Club, and others that would be of particular interest to personnel connected with a research center.

## THE FINEST OF LABOR AVAILABLE

Practically all Wichita labor is native to this region, being of pioneer parentage and is progressive, patriotic, loyal, steady, reliable, and has a relatively high degree of education.

The diversified nature of Wichita industries provides a good supply of labor in practically all classifications of trades. The vocational department of the Wichita Board of Education is set up to train semiskilled workers in such classifications as current demands warrant. Labor difficulties are unheard of in Wichita. There has not been one strike since the passage of the Wagner Labor Disputes Act. Open-shop conditions prevail throughout the manufacturing industries. The type of workmen found in Wichita do not readily lend themselves to labor agitation. The efficiency of Wichita labor is high due to characteristics of workers, climatic conditions, good housing, excellent recreation facilities, and low living costs.

## WICHITA CAN COPE WITH ANY UTILITY NEEDS

The Kansas Gas & Electric Co. has a total generating capacity of 89,000 kilovolt-amperes, of which 26,000 kilovolt-amperes is available through a stand-by plant located within the city limits of Wichita. This company also has interconnections with a capacity available totaling 44,000 kilovolt-amperes.

The Gas Service Co. and the Consolidated Gas Utilities Co. serve Wichita with industrial and domestic gas and can supply unlimited quantities of natural gas at rates running as low as 12 to 15 cents per thousand cubic feet of 1100 British thermal unit gas.

The city of Wichita and the Wichita Water Co. has under construction a new soft-water plant capable of supplying water for over 100,000 additional population, which assures an ample supply of good water.

## LOW CONSTRUCTION COSTS

Construction costs in Wichita and vicinity run from 15 to 20 percent less than construction costs in most metropolitan districts, especially when reinforced concrete is the basis of the structure. This would mean quite a saving to the Federal Government in case of a large construction program.

## TRANSPORTATION SYSTEM FITS CENTRAL LOCATION

Wichita transportation facilities are equal to those of most any other city in the Middle West in relation to production and supply centers. Her railway lines connect her with practically all of the important railway termini west of a line drawn from Chicago through St. Louis, Memphis, Birmingham, and Pensacola, which makes available fast and convenient freight, parcel post, and express service to and from all parts of the United States. Bus and truck lines connect directly with such production and supply centers and gateways as Chicago, St. Louis, Dallas, Denver, Omaha, and Los Angeles.

Wichita enjoys the most convenient air mail, passenger, and express service of any city in the Nation through Transcontinental and Western Airlines, Inc., Braniff Airways, Inc., and Continental Airlines, Inc.

## WICHITA CAN MEET REASONABLE HOUSING DEMANDS

Wichita has many fine residential areas being developed in practically every direction from the city, and without



question, convenient housing facilities could be provided by private enterprise in the vicinity of a research center.

#### LIVING CONDITIONS UNSURPASSED

Wichita, with her pure American population, ranks fourth from the lowest tax rate of the country's major cities; is one of the five lowest in the cost of living, according to American Magazine survey; has efficient and responsive government; unexcelled police and fire protection; low insurance rates; low utility costs; 5-cent bus fare; no back-of-the-yards districts; 83 percent live in single and two-family detached houses; and with her nationally famous park system and unsurpassed public-school system, providing instruction from kindergarten to a college master's degree, is one of the most wholesome cities in the Nation in which to live and do business.

#### WICHITA MUNICIPAL AIRPORT IDEAL FOR INTERIOR REFUELING BASE

The mile-square Wichita Municipal Airport, with its hard-surface runways under construction; Department of Agriculture Aerological Station, 24-hour service; Civil Aeronautics Authority Airways Communication Station, a junction of two circuits; airway radio and radio-range facilities, and freedom from obstructions, together with excellent climatological conditions in this area, is probably the finest location in this interior region for a refueling base, which would permit mass movement of aircraft through this center region.

#### EXCELLENT SITES AVAILABLE

There are many excellent sites that can be made available for either a research center or a combination research center and interior refueling station. The following is a description of a number of available sites:

First. One hundred and forty-seven acres, on which is located an aircraft plant containing 37,000 square feet of ground-floor space and 15,000 feet of second-story floor space, located adjacent to one of Wichita's exclusive residential districts.

Second. Two hundred and eighty acres one-half mile north of Wichita Municipal Airport, which contains a group of buildings formerly used as the Sedgwick County poor farm.

Third. If traffic on the municipal airport would not interfere, a tract of 60 acres on the airport, or a tract of 160 acres adjacent to the airport could be made available, which would also provide an airdrome suitable for the largest of military equipment.

Fourth. Six hundred and forty acres, located approximately 3 miles from the city limits and 5 miles from the Wichita Municipal Airport.

There is, without question, need for additional research facilities, and a portion of these facilities should be located in the interior in the interests of national economy and encouraging the aircraft industry to expand into the interior.

On May 18, 1939, I introduced H. R. 6399, a bill authorizing an appropriation of \$10,000,000 for the construction and equipment at Wichita of research facilities for aeronautical research, and I earnestly ask the support of my colleagues for passage of this bill, back of which there is no profit motive whatever, as a group of prominent Wichita civic air-minded citizens have offered as a gift to the Federal Government a tract of land valued at \$75,000 for the site of this proposed laboratory. The establishment of this facility will, I can honestly assure you, be in the public interest.

#### EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks by including a letter from a constituent of mine with reference to woolen and paper makers' felts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 28. An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.; to the Committee on Military Affairs.

S. 163. An act directing the Secretary of the Interior to issue to Albert W. Gabbey a patent to certain lands in the State of Wyoming; to the Committee on the Public Lands.

S. 507. An act to provide allowances for inactive-status training and for uniforms and equipment for certain officers of the Officers' Reserve Corps; to the Committee on Military Affairs.

S. 878. An act to amend the act of August 26, 1937; to the Committee on the Public Lands.

S. 1398. An act to amend the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such act; to the Committee on the Judiciary.

S. 1442. An act for the relief of Max J. Mobley; to the Committee on Claims.

S. 1672. An act authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation; to the Committee on Military Affairs.

S. 1723. An act to correct the military record of George M. Ruby; to the Committee on Military Affairs.

S. 1918. An act relating to the retired pay of certain retired Army officers; to the Committee on Military Affairs.

S. 1955. An act to authorize the Secretary of Agriculture to delegate certain regulatory functions, and to create the position of Second Assistant Secretary of Agriculture; to the Committee on Agriculture.

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin; to the Committee on Claims.

S. 2174. An act to provide for the appointment of James W. Grose as a sergeant 1st class (master sergeant), United States Army; to the Committee on Military Affairs.

S. 2176. An act for the relief of the Delaware Dredging Co.; to the Committee on Claims.

S. 2227. An act for the relief of John B. Jones; to the Committee on World War Veterans' Legislation.

S. 2236. An act for the relief of Benjamin F. Longenecker; to the Committee on Military Affairs.

S. 2316. An act for the relief of Emil Navratil; to the Committee on Military Affairs.

S. 2336. An act to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.; to the Committee on Military Affairs.

S. 2350. An act to amend the act of Congress approved May 3, 1935, entitled "An act to promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia, to prescribe penalties for the violation of the provisions of this act, and for other purposes"; to the Committee on the District of Columbia.

S. 2370. An act for the relief of Corinne W. Bienvenu (nee Corinne Wells); to the Committee on Military Affairs.

S. 2399. An act for the relief of certain former employees of the Farm Security Administration; to the Committee on Claims.

S. 2467. An act authorizing cash relief for certain employees of the War and Navy Departments in the Canal Zone not coming within the provisions of the Civil Service Retirement Act; to the Committee on Civil Service.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2310. An act to provide national flags for the burial of honorably discharged former service men and women;

H. R. 4674. An act to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif.;

H. R. 5722. An act for the relief of Evelyn Gurley-Kane; and

H. J. Res. 133. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

THE LATE HON. HARRY W. GRISWOLD

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, it is with deep regret and personal sorrow that I announce, on behalf of our Wisconsin delegation, the death of our esteemed and beloved colleague, the distinguished gentleman from Wisconsin, Hon. HARRY W. GRISWOLD.

Mr. GRISWOLD was a man of exemplary character, exceptional ability, and devotion to the public service. He was born on a farm near West Salem, Wis., on May 19, 1886, and he was an expert on farm problems. His great soul was not satisfied with the dead past, its glooms and its shadows. He dealt with realities, not fancies. Life to him was an objective; he saw things as they were. He did not fashion them by the more subtle forces of the brain and live in the realm of dreams. In his passing his district, our State, and the Nation have suffered a distinct and irreparable loss.

We read in Holy Writ:

Greater love hath no man than this, that a man lay down his life for his friend.

Our departed colleague did lay down his life in the service of his country and his countrymen.

He was an able, diligent, and conscientious legislator, who unstintingly devoted his energies toward the solution of the distressing and perplexing problems confronting our country. In his zeal he disregarded the physical limitations of an ordinary man, and he laid down his earthly life as a sacrifice on the altar of his country's welfare.

HARRY GRISWOLD was loved by his constituents and his colleagues, regardless of their party affiliations, as he was ever looking for an opportunity to perform some kind deed or act for others.

His devotion to his wife and children and to their welfare was unexcelled, and I know that the sympathy of the entire membership of this House goes out to them in this, their sad hour of bereavement.

Our colleague has passed into the great beyond, but his spirit will forever dwell in the hearts of his countrymen. Although we shall miss him in our councils, we know that while his earthly body is dead, he has just commenced to live in the mansions prepared by our Heavenly Father. He had the works of godliness as well as faith in God, and we know that he who dies in the name of the Lord shall have everlasting life.

Mr. Speaker, at a later date it is my purpose to ask the indulgence of the House for sufficient time to speak at greater length on the character and public service of our departed colleague.

Mr. THILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THILL. Mr. Speaker, in the death of HARRY W. GRISWOLD this Nation has lost a conscientious student of legislation and a true statesman. His loss is more keenly felt in Wisconsin, where he devoted so many years of his life to State affairs. It was my good fortune to know HARRY GRISWOLD and my life was enriched by his counsel and legislative wisdom.

HARRY GRISWOLD religiously and indefatigably sought information and factual data, then he analyzed and arranged his thoughts in logical order to substantiate his conclusions. With keen intelligence and high-mindedness he approached the legislative problems facing this country. His judgment

was to be relied upon because it was based upon profound study and intellectual honesty.

We mourn the passing of a great and sincere soul. HARRY GRISWOLD left behind him a gleaming record of devotion and service to State and country.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Speaker, I was shocked this morning when on my way back to Washington I picked up a paper at the Pittsburgh Airport and learned of the sudden death of my colleague, HARRY GRISWOLD.

I have known HARRY GRISWOLD for many years. He has been a devoted servant to the people of his State of Wisconsin, having represented his district in the State senate for 4 years prior to his election to the Congress of the United States. He was a young man, in his prime, and was devoted to his work in the Congress.

It is true, of course, that the shadows which have been falling to the West for him, had turned and for 3 years were passing to the East, but he was in good health, and it was a shock to all of his friends to learn that he had passed on so suddenly. As I reflect on those who have preceded him here in the House since I came here on the 1st of January, I feel that it behooves all of us to be prepared for these sudden changes that take us away from our friends.

HARRY GRISWOLD is going to be greatly missed here in the House among his colleagues, and especially by the delegation from Wisconsin. He is going to be more missed in his home State, and in his home city of West Salem, where he is so well and favorably known.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Speaker, I was greatly shocked when last evening I heard over the radio news of the sudden death of HARRY GRISWOLD.

I had the honor and pleasure of serving with HARRY GRISWOLD in the Wisconsin State Senate, and that is where I learned to respect and love him. Although we were oftentimes on opposite sides of the different issues before the Wisconsin Senate, he was the type of man who never held anything against another because the other opposed him. He was honest, he was honorable, he was sincere; and above all, he was loyal to the people he represented. As I said before, though we were oftentimes opposed to each other, at the same time we were the best of friends.

I shall miss HARRY GRISWOLD perhaps more than anyone else, because he was my colleague in the State senate and he was a colleague here. I shall never forget his memory.

Mr. SCHAFER of Wisconsin. Mr. Speaker, in respect to the memory of our departed colleague, I offer a resolution which I have sent to the Clerk's desk.

The Clerk read as follows:

#### HOUSE RESOLUTION 243

*Resolved*, That the House has heard with profound sorrow of the death of Hon. HARRY WILBUR GRISWOLD, a Representative from the State of Wisconsin.

*Resolved*, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair appoints as members of the funeral committee Mr. SCHAFER of Wisconsin, Mr. MURRAY, Mr. JOHNS, and Mr. HULL.

The Clerk will report the further resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until tomorrow, Thursday, July 6, 1939, at 12 o'clock noon.



## COMMITTEE HEARINGS

## COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m., Thursday, July 6, 1939, for the consideration of H. J. Res. 341.

## COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs at 10:30 a. m., Thursday, July 6, 1939, for the consideration of H. R. 6942, to authorize the attendance of the Marine Band at a memorial concert for the benefit of the families of the victims of the United States submarine *Squalus* disaster at Rye, N. H., July 30, 1939, and for other purposes.

## COMMITTEE ON THE JUDICIARY

On Friday, July 7, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Board; and for other purposes.

## COMMITTEE ON IRRIGATION AND RECLAMATION

A meeting of the Committee on Irrigation and Reclamation will be held at 10 a. m., Thursday, July 6, in room 128, House Office Building, for the consideration of H. R. 6629.

## COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Thursday, July 6, 1939, at 10:30 a. m., the meeting to be an executive session of the committee on Senate private bills.

## COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m., Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

949. A communication from the President of the United States transmitting a supplemental estimate of appropriation for the Securities and Exchange Commission for the fiscal year 1940 amounting to \$102,000 (H. Doc. No. 388); to the Committee on Appropriations and ordered to be printed.

950. A communication from the President of the United States, transmitting the draft of proposed provisions pertaining to the appropriation "Salaries and expenses, branch supply, Procurement Division," Treasury Department, fiscal year 1940 (H. Doc. No. 389); to the Committee on Appropriations and ordered to be printed.

951. A letter from the Attorney General, transmitting the draft of a proposed bill to prohibit the maintenance of gambling establishments within the admiralty and maritime jurisdiction of the United States; to the Committee on the Judiciary.

952. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 23, 1939, submitting an interim report, together with accompanying papers and illustrations, on survey of Brazos

River and its tributaries, Texas (Whitney Dam), authorized by the River and Harbor Act approved August 26, 1937, and the Flood Control Act approved August 28, 1937 (H. Doc. No. 390); to the Committee on Rivers and Harbors and ordered to be printed, with four illustrations.

953. A letter from the Chairman, Civil Aeronautics Authority, transmitting a report on all contracts entered into under authority conferred by the first proviso of the act of June 23, 1938 (Public, No. 706, 75th Cong.); to the Committee on Expenditures in the Executive Departments.

954. A letter from the Acting Secretary of Agriculture, transmitting the draft of a proposed bill to authorize the Secretary of Agriculture to eradicate, suppress, control, or prevent the spread of injurious and noxious pests; to the Committee on Agriculture.

955. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 2, 1939, submitting a report, together with accompanying papers, on a preliminary examination of Tombigbee River, Ala., from vicinity of Jackson Landing south, and between lock and dam No. 1 and Sunflower Bend, authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

956. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 2, 1939, submitting a report, together with accompanying papers, on a preliminary examination and review of reports on, Keyapaha River, S. Dak., authorized by the Flood Control Act approved August 28, 1937, and requested by resolution of the Committee on Flood Control, House of Representatives, adopted August 18, 1937; to the Committee on Flood Control.

957. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 2, 1939, submitting a report, together with accompanying papers, on a preliminary examination of Fourche La Pave River, in Perry, Yell, and Scott Counties, Ark., and The Narrows on Fourche La Pave River in Scott County, Ark., authorized by the Flood Control Act approved August 28, 1937; to the Committee on Flood Control.

958. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 2, 1939, submitting a report, together with accompanying papers, on a preliminary examination of Sans Bois Creek, in Haskell and Latimer Counties, Okla., authorized by the Flood Control Act approved August 28, 1937; to the Committee on Flood Control.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLMAR: Committee on Rules. House Resolution 241. Resolution providing for the consideration of H. R. 6634, a bill amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes; without amendment (Rept. No. 1026). Referred to the House Calendar.

Mr. DEMPSEY: Committee on Rules. House Resolution 242. Resolution providing for the consideration of H. R. 6984, a bill to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes; without amendment (Rept. No. 1027). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. S. 1871. An act to prevent pernicious political activities; with amendment (Rept. No. 1028). Referred to the House Calendar.

Mr. SECREST: Committee on the Library. House Joint Resolution 123. Joint resolution to provide for the utilization of a part of the unfinished portion of the historical frieze in the rotunda of the Capitol to portray the story of aviation; without amendment (Rept. No. 1029). Referred to the House Calendar.

Mr. PIERCE of Oregon: Committee on Agriculture. H. R. 2418. A bill to extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests; without amendment (Rept. No. 1030). Referred to the Committee of the Whole House on the state of the Union.

Mr. PIERCE of Oregon: Committee on Agriculture. H. R. 5404. A bill to extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Ochoco National Forest, Oreg.; without amendment (Rept. No. 1031). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 125. Joint resolution authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery; without amendment (Rept. No. 1032). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 219. Joint resolution to provide for the erection of a monument to the memory of the patriot priest, Father Pierre Gibault; with amendment (Rept. No. 1033). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. H. R. 4872. A bill to establish the Benjamin Harrison Commission to formulate plans for the construction of a permanent memorial to the memory of Benjamin Harrison, twenty-third President of the United States; without amendment (Rept. No. 1034). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. COFFEE of Washington: Committee on Claims. H. R. 5151. A bill for the relief of the Growers Fertilizer Co., a Florida corporation; with amendment (Rept. No. 1035). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. S. 1322. An act for the relief of Dorothy Clair Hester, daughter of E. R. Hester; without amendment (Rept. No. 1036). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 2056. An act for the relief of N. F. Clower and Elijah Williams; with amendment (Rept. No. 1037). Referred to the Committee of the Whole House.

#### ADVERSE REPORTS

Under clause 2 of rule XIII.

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 232. Resolution requesting the President to transmit information to the House of Representatives. (Rept. No. 1025). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUTHER A. JOHNSON:

H. R. 7077. A bill to amend the Social Security Act approved August 14, 1935; to the Committee on Ways and Means.

By Mr. SUTPHIN:

H. R. 7078. A bill to authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

By Mr. WALTER:

H. R. 7079. A bill to provide for the appointment of additional district and circuit judges; to the Committee on the Judiciary.

By Mr. MAGNUSON:

H. R. 7080. A bill amending paragraph "Fourth," section 3244, of the Revised Statutes, as amended (U. S. C., 1938 Cumulative Supplement, title 26, sec. 1394 (a), (b), (c), and (d)); to the Committee on Ways and Means.

H. R. 7081. A bill authorizing the Secretary of the Treasury to sell certain surplus land owned by the United States in Bremerton, Wash.; to the Committee on Naval Affairs.

By Mr. MONKIEWICZ:

H. R. 7082. (By request.) A bill to revise and codify the naturalization laws of the United States; to the Committee on Immigration and Naturalization.

By Mr. RANDOLPH:

H. R. 7083. A bill to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases; to the Committee on the District of Columbia.

H. R. 7084. A bill to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937; to the Committee on the District of Columbia.

By Mr. SCHULTE:

H. R. 7085. A bill relating to the sale of milk and certain milk products in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. VREELAND:

H. R. 7086. A bill to provide for insanity proceedings in the District of Columbia; to the Committee on the District of Columbia.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAM:

H. R. 7087. A bill for the relief of John and Brigita Nastar; to the Committee on Immigration and Naturalization.

By Mr. CROSSER:

H. R. 7088. A bill to enroll a certain person on the citizenship rolls of the Apache Tribe; to the Committee on Indian Affairs.

By Mr. THOMAS of Texas:

H. R. 7089. A bill to provide for the presentation of a medal to Howard Hughes in recognition of his achievements in advancing the science of aviation; to the Committee on Coinage, Weights, and Measures.

#### PETITIONS, ETC.

Under clause of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4165. By Mr. GROSS: Petitions of citizens of York County, Pa., to the Seventy-sixth Congress, for the enactment of the improved General Welfare Act (H. R. 11) as perfected by House bill 5620; to the Committee on Ways and Means.

4166. By Mr. HARTER of New York: Petition of 69 railroad men favoring House bill 2313; to the Committee on Interstate and Foreign Commerce.

4167. By Mr. MICHAEL J. KENNEDY: Petition of the Emergency Committee for Preserving the Fair Labor Standards Act, opposing proposed changes in the act; to the Committee on Labor.

4168. Also, petition of the firm of Trowbridge & Livingston, of New York City, opposing erection of the Battery-Brooklyn Bridge by the Triborough Bridge Authority; to the Committee on Rivers and Harbors.

4169. Also, petition of the United Wholesale and Warehouse Employees of New York, Local 65, pertaining to the 1940 relief bill; to the Committee on Ways and Means.

4170. Also, petition of Local 933-4, Deck Scow Captains Union, opposing the enactment of the Wheeler-Lea bills for the regulation of water transportation; to the Committee on Interstate and Foreign Commerce.

4171. Also, petition of the United Home Owners of Illinois, urging enactment of House bill 6971, containing amendments to the Home Owners' Loan Corporation Act of 1933; to the Committee on Banking and Currency.



4172. Also, petition of the Brotherhood of Railroad Trainmen, representing 135,000 members, opposing the resolution which calls for an investigation of the National Labor Relations Board; to the Committee on Labor.

4173. Also, petition of the employees of the Shamrock Towing Co., Inc., of New York City, recording their objection to passage of Senate bill 2009, or any substitute measure designed to regulate water carriers by placing them under the jurisdiction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

4174. Also, petition of the United Marine Division, Local 333, of the International Longshoremen's Association, having a membership of 5,500 members, opposing enactment of the Wheeler-Lea bills for the regulation of water transportation; to the Committee on Interstate and Foreign Commerce.

4175. Also, petition of the New York State Industrial Union Council, of New York City, favoring passage of the Wagner-Rogers bill pertaining to the admission of German refugee children; to the Committee on Foreign Affairs.

4176. Also, petition of New York City central committee of the International Workers Order, pertaining to the passage of the Bloom neutrality bill; to the Committee on Foreign Affairs.

4177. By Mr. KEOGH: Petition of Local 933-4, Deck Scow Captains Union, International Longshoremen's Association, New York City, opposing the passage of the Wheeler-Lea bills; to the Committee on Interstate and Foreign Commerce.

4178. Also, petition of Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, concerning an investigation of the National Labor Relations Board and its administration of the Wagner Act; to the Committee on Labor.

4179. By Mr. PATMAN: Petition of the Cass County Agricultural Association, Cass County, Tex., favoring House bill 193, a bill providing for the payment of the 1935-36 cotton certificates presented by Frank W. Thompson; to the Committee on Agriculture.

4180. By Mr. PFEIFER: Petition of the New York State Farm Federation, Ithaca, N. Y., concerning House bill 6208, to amend the Agricultural Marketing Agreement Act; to the Committee on Agriculture.

4181. Also, petition of the Deck Scow Captains Union, International Longshoremen's Association, Local 933-4, New York City, opposing the Wheeler-Lea bills; to the Committee on Interstate and Foreign Commerce.

4182. Also, petition of the United Marine Division, Local 333, International Longshoremen's Association, New York City, opposing the Wheeler-Lea bills; to the Committee on Interstate and Foreign Commerce.

4183. Also, petition of the Eberhard Faber Pencil Co., Brooklyn, N. Y., opposing the business-privilege tax in the District of Columbia, House bill 6577; to the Committee on the District of Columbia.

4184. Also, petition of the American Manufacturing Co., Brooklyn, N. Y., urging support and passage of Philippine legislation limiting importation of cordage and twine; to the Committee on Insular Affairs.

4185. Also, petition of the Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, opposing the resolution for an investigation of the National Labor Relations Board; to the Committee on Interstate and Foreign Commerce.

4186. By the SPEAKER: Petition of George Walsh, of San Francisco, Calif., and others, petitioning consideration of their resolution with reference to House bill 6470, Works Progress Administration appropriation; to the Committee on Appropriations.

4187. Also, petition of the Sheffield Board of Trade, Sheffield, Ala., petitioning consideration of their resolution with reference to the Tennessee Valley Authority Act of 1933; to the Committee on Military Affairs.

## SENATE

THURSDAY, JULY 6, 1939

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Unworthy though we be, with thoughts unsanctified and full of doubts and fears, we come to Thee, O Righteous Father, for Thou alone canst make us worthy. We can find purity and peace only at Thy feet; we can see light only as we stand in the light of Thy countenance. Take, Thou, our hand in Thine and lead us where Thou wilt; e'en though the way be long and the shadows deep we cannot be afraid when Thou art near, and only with Thee can we find strength and know the meaning of our life. May it be our chief concern, as servants of our country, to lead men unto Thee and to fight in Thy battle for righteousness, with the courage and the tenderness of Christ, that we may find our joy as He found His in being and in doing good. We ask it in His name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, July 5, 1939, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Schwartz
Ashurst	Ellender	Lee	Schwellenbach
Austin	George	Lodge	Sheppard
Bailey	Gerry	Logan	Shipstead
Bankhead	Gibson	Lucas	Slattery
Barbour	Gillette	Lundeen	Smathers
Barkley	Glass	McKellar	Stewart
Bilbo	Green	Maloney	Taft
Bone	Guffey	Mead	Thomas, Okla.
Borah	Gurney	Miller	Tobey
Bridges	Hale	Minton	Townsend
Bulow	Harrison	Murray	Truman
Burke	Hatch	Neely	Tydings
Byrd	Hayden	Norris	Vandenberg
Byrnes	Herring	Nye	Van Nuys
Capper	Hill	O'Mahoney	Wagner
Chavez	Holman	Overton	Walsh
Clark, Idaho	Holt	Pepper	Wheeler
Clark, Mo.	Hughes	Pittman	White
Connally	Johnson, Calif.	Radcliffe	Wiley
Danaher	Johnson, Colo.	Reed	
Davis	King	Russell	

Mr. MINTON. I announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Utah [Mr. THOMAS] are absent on important public business.

The Senator from Nevada [Mr. McCARRAN] is detained on official business.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY] is absent because of illness, and that the Senator from North Dakota [Mr. FRAZIER] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House

had passed without amendment the following bills and joint resolutions of the Senate:

- S. 12. An act for the relief of Dica Perkins;
- S. 129. An act for the relief of Howard Arthur Beswick;
- S. 216. An act for the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams;
- S. 510. An act to authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;
- S. 556. An act for the relief of Catherine Humler;
- S. 633. An act for the relief of Ray Wimmer;
- S. 661. An act for the relief of Ida A. Deaver;
- S. 681. An act to give proper recognition to the distinguished services of Col. Ernest Graves;
- S. 746. An act to authorize Maj. Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered;
- S. 1001. An act for the relief of Albert Pina Afonso, a minor;
- S. 1186. An act for the relief of Herbert M. Snapp;
- S. 1452. An act for the relief of Loyd J. Palmer;
- S. 1517. An act for the relief of F. E. Perkins;
- S. 1523. An act to authorize the payment of burial expenses and expenses in connection with last illness and death of native employees who die while serving in offices abroad of executive departments of the United States Government;
- S. 1692. An act for the relief of J. Vernon Phillips;
- S. 1778. An act authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land;
- S. 1847. An act for the relief of Naomi Straley and Bonnie Straley;
- S. 1894. An act for the relief of Ivan Charles Grace;
- S. 1895. An act for the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes;
- S. 2126. An act authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Inc.;
- S. J. Res. 2. Joint resolution providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased; and
- S. J. Res. 124. Joint resolution authorizing the President to invite foreign countries to participate in the San Diego-Cabrillo Quadricentennial Celebration, to be held in 1942.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the enrolled bill (H. R. 3325) to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised, and it was signed by the Vice President.

#### MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a memorial from Alfred M. Kunze, of New Rochelle, N. Y., remonstrating against the enactment of the so-called Bloom neutrality bill, which was referred to the Committee on Foreign Relations.

Mr. WALSH presented a telegram from the Massachusetts Women's Political Club, of Boston, Mass., signed by Florence Birmingham, president, embodying a resolution adopted by that club protesting against the enactment of the so-called Bloom neutrality bill, which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 2413) for the protection of the water supply of the city of Ketchikan, Alaska, reported it without amendment.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 2348) relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters, reported it with an amendment and submitted a report (No. 728) thereon.

He also, from the same committee, to which was referred the bill (S. 1677) to make better provision for the government of the Army and the Navy of the United States by the suppression of attempts to incite the members thereof to disobedience, reported it without amendment and submitted a report (No. 732) thereon.

Mr. GILLETTE, from the Committee on Naval Affairs, to which was referred the bill (S. 2482) authorizing the President to present a Distinguished Service Medal to Rear Admiral Harry Ervin Yarnell, United States Navy, reported it with an amendment and submitted a report (No. 729) thereon.

Mr. SMATHERS, from the Committee on Claims, to which was referred the bill (H. R. 2903) for the relief of Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Jr., reported it without amendment and submitted a report (No. 730) thereon.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 1008) to provide for the reincorporation of The National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, reported it without amendment.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1919) to provide for the acquisition by the United States of the estate of Patrick Henry in Charlotte County, Va., known as Red Hill, reported it with amendments and submitted a report (No. 733) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 154) increasing the limit of expenditures for the investigation of profit-sharing systems (submitted by Mr. HERRING on June 27, 1939), reported it without amendment.

#### INVESTIGATION OF ECONOMIC AND INDUSTRIAL CONDITIONS IN PUERTO RICO—REPORT OF A COMMITTEE

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the concurrent resolution (S. Con. Res. 18) providing for an investigation of economic and industrial conditions in Puerto Rico (submitted by Mr. KING on June 1, 1939), reported it with amendments, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 2749. A bill to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

S. 2750. A bill granting a pension to Annie Joyce (with accompanying papers); to the Committee on Pensions.

By Mr. OVERTON:

S. 2751. A bill to authorize the transfer of certain lands in Rapides Parish, La., to the State of Louisiana for use in connection with certain State highways across a portion of the Federal property occupied by the Veterans' Administration facility, Alexandria, La.; to the Committee on Public Lands and Surveys.

By Mr. WALSH:

S. 2752. A bill for the relief of Irving Kilburn Bills; to the Committee on Naval Affairs.

By Mr. SHIPSTEAD:

S. 2753. A bill to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; to the Committee on Interstate Commerce.



By Mr. BAILEY:

S. 2754. A bill to amend section 4471 of the Revised Statutes of the United States as amended (U. S. C., 1934 edition, title 46, sec. 464); and

S. 2755. A bill to amend section 4488 of the Revised Statutes of the United States as amended (U. S. C., 1934 edition, title 46, sec. 481); to the Committee on Commerce.

By Mr. SHEPPARD:

S. 2756. A bill relating to the funeral costs and transportation of bodies of certain deceased veterans; to the Committee on Military Affairs.

#### AUTHORIZATION FOR RIVER AND HARBOR WORKS—AMENDMENT

Mr. OVERTON submitted an amendment intended to be proposed by him to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

#### MISSISSIPPI RIVER BRIDGE NEAR MEMPHIS, TENN.—AMENDMENTS

Mr. McKELLAR submitted amendments intended to be proposed by him to the bill (S. 2242) creating the Memphis and Little Rock Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Memphis, Tenn., and for other purposes, which were ordered to lie on the table and to be printed.

#### AMENDMENT OF THE SOCIAL SECURITY ACT—AMENDMENTS

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. WALSH. Mr. President, I submit amendments intended to be proposed by me to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes. I also present copy of a letter from Rt. Rev. Msgr. Michael J. Ready, general secretary of the National Catholic Welfare Conference, addressed to the chairman of the Committee on Finance, with copies to other members of the Finance Committee, relative to the amendments.

I ask that the amendments be printed and the letter and amendments printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendments were ordered to be printed and the letter and amendments were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendments intended to be proposed by Mr. WALSH to the bill (S. 6635) to amend the Social Security Act, and for other purposes, viz: On page 37, to strike out lines 17 to 25, inclusive.

On page 59, line 17, after "(8)", to insert "In the case of the tax imposed by section 1410."

NATIONAL CATHOLIC WELFARE CONFERENCE,  
Washington, D. C., June 16, 1939.

The Honorable PAT HARRISON,  
Chairman, Committee on Finance,  
United States Senate, Washington, D. C.

DEAR SENATOR HARRISON: The administrative board of the National Catholic Welfare Conference desires to place before your committee its views with regard to H. R. 6635, a bill to amend the Social Security Act.

The purpose of the United States Congress in enacting Public No. 271, Seventy-fourth Congress (H. R. 7260), the Social Security Act, approved August 14, 1935, as stated in the act, is:

"To provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes."

Among its provisions the Social Security Act establishes three activities. Title II provides a Federal system of old-age benefits for workmen employed in industry and commerce and an excise tax on their employers. Title IX levies a second tax on employers of eight or more in industry and commerce, with certain credits allowed to employers contributing to a State plan of unemployment compensation.

Under this act not all persons gainfully employed are covered by either the unemployment compensation system or by the old-age benefits system.

Titles II, VIII, and IX of the Social Security Act exclude from the benefits of this act any worker employed in the service of a nonprofit charitable, educational, or religious institution.

The principal benefit provided by the old-age benefits system is a monthly pension payable to a worker in a covered employment after he has attained the age of 65. The bill now before your committee substitutes for lump-sum benefits monthly benefits for widows and children. Thus a worker in a noncovered employment, a nonprofit religious, charitable, or educational institution, etc., is entitled to no benefit at all; a worker who has at times received wages in a noncovered employment and at times in a covered employment is entitled to a benefit based solely on the wages he received in a covered employment.

This provision of the Social Security Act places the worker in a noncovered employment at a serious economic disadvantage as compared with the worker in a covered employment, unless the noncovered organization employing the worker has made some equivalent provision for him in his old age. No practical plan for providing such protection has been recommended. Especially is this true in the case of workers in the lower wage brackets, and these workers are precisely those who need this kind of protection most.

In his message of January 16, the President emphasizes the "desirability of affording greater old-age security." The President holds that the extension of the old-age benefits system "to as large a proportion as possible of our employed population is necessary in order to avoid unfair discrimination." The administrative board of bishops is desirous of gaining for the lay workers in Catholic institutions the benefits which accrue to employees generally under the Social Security Act. The administrative board wishes to assist in removing discrimination against workers in our charitable, educational, and religious institutions.

The Advisory Council on Social Security, in its final report of December 10, 1938, makes the following recommendation:

"1. The employees of private nonprofit religious, charitable, and educational institutions now excluded from coverage under titles II and VIII should immediately be brought into coverage under the same provisions of these titles as affect other covered groups.

"The council believes that there is no justification in social policy for the exclusion of the employees of such organization from the protection afforded by the insurance program here recommended. Further, no special administrative difficulties exist in the coverage of the employees of such organizations under the system."

The administrative board agrees with the general meaning of that recommendation and would accept it unequivocally if all payments under the Social Security Act were segregated in an insurance fund and not collected as taxes in the general fund.

Workers now in excluded employments but not permanently bound to such employments may at later periods acquire benefit rights by working in such employments that are not excluded. The rights they could thus acquire, however, would not be as complete and extensive as they would be had they been working continuously in a covered employment. Thus the worker in the employment of a nonprofit organization is practically reduced in his old age to a condition of economic inferiority as compared with one who works in an employment operating for profit.

As workers become conscious of this fact and are made to feel the loss in the value of their old-age benefits, it will become increasingly difficult to find satisfactory workers willing to make the sacrifice of a part of their old-age benefits. Thus it becomes apparent that excluded employments may find the exclusion a burden rather than a benefit.

The employees of tax-exempt institutions do not enjoy the exempt status of the institutions for which they work but are subject to income and other taxes—Federal, State, and local. There is no essential difference between the services rendered under the Social Security Act by the old-age benefits system and other public services such as public education, etc.

The administrative board, therefore, pleads for a formula of participation of workers in the old-age benefits of the act without prejudice to the tax-exempt status of the nonprofit, religious, charitable, and educational institution. These institutions at the same time desire that any amendment extending to their employees the coverage of old-age benefits recognize and safeguard their traditional status of exemption from general laws of taxation.

Our nonprofit institutions of charity, education, and mercy are religious foundations. In these institutions members of the clergy and of religious orders of men and women devote their lives freely and generously to the cause of education, religion, and charity. Education and charity traditionally are fields in which the church has had an important place. The clergy and religious devote their lives to education and works of mercy without regard to compensation other than what is necessary for life. They administer and operate these institutions. To that extent they are self-employed. They should continue to be exempt as they now are under titles II, III, VIII, and IX of the act. The general welfare does not require that the coverage of old-age benefits or unemployment compensation be extended to include them.

With regard to title IX, which levies a tax on employers of eight or more in commerce and industry, the administrative board of the National Catholic Welfare Conference feels that since unemployment in religious, charitable, and educational institutions is not seasonal, there is no unemployment problem as far as they are concerned, and that here, too, their traditional tax-exempt status should be recognized.

The administrative board expresses the earnest hope that an adequate formula be written to grant coverage under the Social Security Act to the lay employees of our charitable, educational, and religious institutions. In summary, the administrative board recommends:

"(1) That lay employees of Catholic institutions be included under the provisions of the Social Security Act on the basis of a contribution on the part of the employee, but not on the part of the employer.

"(2) That the present status of our institutions as tax exempt be kept unimpaired.

"(3) That unemployment coverage be not extended to employees of religious institutions, because, since unemployment in such institutions is not seasonal, there is, generally speaking, no unemployment problems as far as they are concerned.

"(4) That clergy and religious be not included in the category of employees but in the category equivalent to the family relationship as provided in the act.

"(5) That all payments be segregated as an insurance fund rather than as a general fund constituted of taxes."

With sentiments of esteem, I remain

Respectfully yours,

MICHAEL J. REIDY,  
General Secretary.

#### AMENDMENTS TO SOCIAL-SECURITY LAW—ADDRESS BY SENATOR WALSH

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address on the subject of amendments to the social-security law, delivered by him on July 1, 1939, which appears in the Appendix.]

#### THE RIGHT TO HEALTH—AND HOW TO WIN IT—ADDRESS BY SURGEON GENERAL PARRAN

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Surgeon General Thomas Parran at the sixty-sixth annual meeting of the National Conference of Social Work, at Buffalo, N. Y., on June 20, 1939, which appears in the Appendix.]

#### THE LOUISIANA PURCHASE—ADDRESS BY JUDGE WILLIAM C. HOLMES

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by Judge William C. Holmes before the Louisiana Historical Society on April 30, 1939, on the occasion of the celebration of the one hundred and thirty-sixth anniversary of the signing of the Treaty of Paris; which appears in the Appendix.]

#### CONSIDERATION OF UNOBTAINED-TO BILLS ON THE CALENDAR

The VICE PRESIDENT. Morning business is closed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning where we left off last Friday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The clerk will state the first bill on the calendar under the unanimous-consent agreement.

The first business on the calendar under the unanimous-consent agreement was the bill (S. 1949) for the relief of Indian war veterans who were discharged from the Army because of minority or misrepresentation of age.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

HARRY W. ROBERTSON

The bill (S. 1936) for the relief of Harry W. Robertson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and any laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Harry W. Robertson, late of Company C, Eleventh Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on December 3, 1903: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

#### PORT OF CASCADE LOCKS, OREG.

The Senate proceeded to consider the bill (S. 255) authorizing the Secretary of War to convey to the port of Cascade Locks, Oreg., certain lands for municipal purposes, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the word "lands", to strike out: "Commencing at a point, not monumented, on the left bank of the Columbia River, 1,206.3 feet north from the center of section 12, township 2 north, range 7 east, Willamette meridian, in Wasco County in the State of Oregon; this point being on the southerly boundary line of the R. G. Atwell, D. L. C.; thence from said initial point by metes and bounds, east 125 feet to a point; south 203.5

feet to an 8-inch by 8-inch stone with iron plug marked 'U. S.'; south 41°15' west 578.6 feet; south 29°30' east 60 feet; south 29°45' west 75 feet; south 29°13' west 58.51 feet; south 40°0' west 135.5 feet; south 37°30' west 100 feet; south 36°20' west 100 feet; south 34°15' west 101 feet; south 31°50' west 100 feet; south 30°20' west 100 feet; south 30°10' west 2,228.4 feet; south 26°20' west 414.1 feet; south 0°30' east 490 feet; south 21°15' west 990 feet; south 46°34' west 438.1 feet; north 0°6'20" west 215.58 feet; north 28°0' east 1,247.4 feet; north 7°0' west 354.42 feet; north 18°45' east 561 feet; north 19°15' west 1,237.5 feet; north 28°0' east 286.44 feet; north 11°0' west 343.2 feet; north 46°0' east 1,171.5 feet; north 88°0' east 726 feet; north 49°0' east 907.16 feet; south 55.4 feet to the point of beginning, which is on the southerly boundary of the R. G. Atwell, D. L. C."; and to insert: "Commencing at a point, not monumented, on left bank of Columbia River, 1,206.3 feet north from center of section 12, township 2 north, range 7 east, of the Willamette meridian, in Hood River County in the State of Oregon, this point being on the southerly boundary line of the R. G. Atwell, D. L. C.; thence from said initial point by metes and bounds east 125 feet to a point; south 203.5 feet to an 8-inch by 8-inch stone with iron plug marked 'U. S.'; south 41°15' west 578.6 feet; south 29°30' east 60 feet; south 29°45' west 75 feet; south 29°13' west 58.51 feet; south 40°0' west 135.5 feet; south 37°30' west 100 feet; south 36°20' west 100 feet; south 34°15' west 101 feet; south 31°50' west 100 feet; south 30°20' west 100 feet; south 30°10' west 1,590.1 feet; north 59°50' west 200 feet; north 47°15' west 950 feet; north 28°0' east 286.44 feet; north 11°0' west 343.2 feet; north 46°0' east 1,171.5 feet; north 88°0' east 726 feet; north 49°0' east 907.16 feet; south 55.4 feet to the point of beginning, which is on the southerly boundary of the R. G. Atwell, D. L. C."; so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War is authorized and directed to convey, by quitclaim deed, to the port of Cascade Locks, Oreg., all right, title, and interest of the United States in and to the following-described lands: Commencing at a point, not monumented, on left bank of Columbia River, one thousand two hundred and six and three-tenths feet north from center of section 12, township 2 north, range 7 east, of the Willamette meridian in Hood River County in the State of Oregon, this point being on the southerly boundary line of the R. G. Atwell, D. L. C.; thence from said initial point by metes and bounds east one hundred and twenty-five feet to a point; south two hundred and three and five-tenths feet to an eight-inch by eight-inch stone with iron plug marked "U. S."; south forty-one degrees fifteen minutes west five hundred and seventy-eight and six-tenths feet; south twenty-nine degrees thirty minutes east sixty feet; south twenty-nine degrees forty-five minutes west seventy-five feet; south twenty-nine degrees thirteen minutes west fifty-eight and fifty-one one-hundredths feet; south forty degrees no minutes west one hundred and thirty-five and five-tenths feet; south thirty-seven degrees thirty minutes west one hundred feet; south thirty-six degrees twenty minutes west one hundred feet; south thirty-four degrees fifteen minutes west one hundred and one feet; south thirty-one degrees fifty minutes west one hundred feet; south thirty degrees twenty minutes west one hundred feet; south thirty degrees ten minutes west one thousand five hundred and ninety and one-tenth feet; north fifty-nine degrees fifty minutes west two hundred feet; north forty-seven degrees fifteen minutes west nine hundred and fifty feet; north twenty-eight degrees no minutes east two hundred and eighty-six and forty-four one-hundredths feet; north eleven degrees no minutes west three hundred and forty-three and two tenths feet; north forty-six degrees no minutes east one thousand one hundred and seventy-one and five-tenths feet; north eighty-eight degrees no minutes east seven hundred and twenty-six feet; north forty-nine degrees no minutes east nine hundred and seven and sixteen one-hundredths feet south fifty-five and four-tenths feet to the point of beginning, which is on the southerly boundary of the R. G. Atwell, D. L. C.

SEC. 2. The Secretary of War is further authorized and directed to convey to the port of Cascade Locks, Oreg., in addition to the lands described in the first section of this act, all right, title, and interest of the United States in and to the following: All buildings and permanent fixtures, and any material, supplies, and sundry equipment abandoned by the War Department on such lands, together with the water systems, water mains, distribution lines, and water rights located on or connected with such lands.

SEC. 3. The lands and other property authorized to be conveyed by this act shall be used by the grantee for a municipal park and dock, and for other municipal purposes. The deed executed by the Secretary shall contain the express condition that if the grantee shall cease to use such land for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

The amendment was agreed to.



The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TRESPASS UPON LANDS OF THE UNITED STATES

The bill (S. 2619) to provide a measure of damages for trespass involving timber and other forest products upon lands of the United States was announced as next in order.

Mr. KING. Mr. President, will the Senator from Colorado [Mr. ADAMS] explain the bill?

Mr. ADAMS. Mr. President, the bill was introduced at the instance of the Interior Department to provide a measure of damages for trespass on the public domain. They advised me that there was a gap in the civil-damage processes of the law. This bill merely provides for civil damages. It does not entirely meet their desire. The committee reduced the rate of damages for innocent trespass.

Mr. KING. I invite the Senator's attention to section 2. It seems rather to imply that persons having valid mining claims upon the public domain might be subjected not only to harassment but to suits, and to civil if not criminal prosecution. It seems to me there ought to be some recognition of the fact that a mining claim, when the law is complied with, transfers the equitable title to the occupant, and the legal title, of course, to the patentee. It seems to me this measure imposes too great a burden and hardship upon the locators of mining claims upon the public domain. The Senator knows that the courts recognize the validity of valid locations of mining claims, and protect the person who has made the application against trespasses by the Government or by anyone else, for that matter.

Mr. ADAMS. Does not the last part of section 2, saying that—

Nothing in this act shall interfere with or take away any right, authority, or privilege under any existing law of the United States to cut or remove timber from any public lands—

Obviate the objection of the Senator?

Mr. KING. I should like to have the Senator let the bill go over. I think it is pregnant with danger.

Mr. ADAMS. I shall be very glad to have it go over.

The VICE PRESIDENT. The bill will be passed over.

#### FISH HATCHERY, GLACIER NATIONAL PARK

The bill (S. 770) to authorize the addition to Glacier National Park, Mont., of certain property acquired for the establishment and operation of a fish hatchery, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to administer as a part of the Glacier National Park, in the State of Montana, subject to all laws and regulations applicable thereto, the lands, or interests in lands, within the State of Montana, in township 28 north, range 20 west, Montana meridian, which may be acquired by the United States for the establishment and operation by the National Park Service of a fish hatchery for restocking the waters of the said park.

#### CORONADO NATIONAL FOREST, ARIZ.

The bill (S. 2152) to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That hereafter mining locations made under the mining laws of the United States upon lands within 400 feet of the center line of the Catalina Highway, Coronado National Forest, Ariz., which highway begins at the south boundary of said national forest near the southeast corner of section 7, township 13 south, range 16 east, Gila and Salt River base and meridian, and runs in a general northerly direction for a distance of about 25 miles to Soldier Camp, shall confer on the locator no right to the surface of the land described in his location other than the right to occupy and use, under the rules and regulations relating to the administration of the Coronado National Forest, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resource other than the mineral deposits, or the occupancy of said land for any purpose other than prospecting and mining; and each patent issued thereafter under the United States mining laws upon a mineral location made upon lands within 400 feet of said center line shall convey title only to the mineral deposits within said land and the right, subject to rules and regulations relating to the national forests, to occupy and use the surface of the land for prospecting and mining only: *Provided, That* valid mining claims within said

lands existing on the date of enactment of this act and thereafter maintained in compliance with the laws under which they were initiated and the laws of the State of Arizona may be perfected in accordance with the laws under which they were initiated.

#### LIMITATION OF COST OF CONSTRUCTION OF BUILDINGS IN NATIONAL PARKS

The Senate proceeded to consider the bill (S. 2624) to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 8, after the word "to", to strike out "\$5,000" and insert "\$3,000", so as to make the bill read:

*Be it enacted, etc.,* That the limitation of cost upon the construction of any administration or other building in any national park without express authority of Congress, contained in the act approved August 24, 1912 (37 Stat. 460), as amended by the act of July 1, 1918 (40 Stat. 677), is hereby increased from \$1,500 to \$3,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ARIZONA STATE ELKS ASSOCIATION HOSPITAL

The bill (S. 5) to grant certain lands to the Arizona State Elks Association Hospital was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Executive Order No. 2295 and dated January 1, 1916, as modified by the Executive Order No. 6971 and dated February 19, 1935, is hereby further modified by the elimination from the provisions of said Executive order as modified of a certain tract of land particularly described as follows, to wit: The north 200 feet northwest quarter northwest quarter section 10, township 14 south, range 13 east, Gila and Salt River base and meridian; in all, an area approximately 200 feet wide by approximately 1,315.28 feet long.

SEC. 2. The Secretary of the Interior is hereby authorized and directed to issue patent covering the lands described in section 1 hereof to the Arizona State Elks Association Hospital.

#### ENROLLMENT OF MENOMINEE INDIAN CHILDREN

The Senate proceeded to consider the bill (H. R. 4497) to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That, regardless of the act of June 15, 1934 (48 Stat. L. 965), upon receipt of proper birth certificates the names of unenrolled living Menominee Indian children born prior to that date of an enrolled parent or parents residing on the reservation at the time of their birth, and the names of children born thereafter otherwise qualified under section 4 of said act but irrespective of the derivation of their Menominee blood, shall be automatically placed upon the official roll approved on December 27, 1935; and such children shall be entitled to participate in any tribal payments made between the time of their birth and enrollment.

SEC. 2. The Secretary of the Interior is hereby authorized and directed on or before June 30, 1941, to investigate and determine the correct degree of Menominee Indian blood of every person whose name appears on the basic official roll as originally approved December 27, 1935. The determination made by the Secretary of the Interior shall be final and conclusive for enrollment purposes under the act of June 15, 1934, as modified herein, and any changes necessary to conform to such determination shall be made in the appropriate column of said roll.

Mr. KING. Mr. President, may I have an explanation of the bill from the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. LA FOLLETTE. Mr. President, this is a House bill which has already passed the House. It is designed to correct certain inequalities that exist with respect to the present Menominee Indian rolls.

The measure is drawn to accomplish the following results:

First. To permit the names of certain Menominees who by mistake were not placed on the Menominee Tribe roll to be placed thereon.

Second. To permit children of enrolled members to be automatically placed on the tribal roll as they are born.

Third. To permit the correction of certain erroneous entries in the tribal roll.

The committee, after giving the measure consideration, felt that it was entirely justified, and there were no indications of opposition by anyone. The enactment of the bill will not involve any expense to the Government itself. It is simply

to correct erroneous entries on the tribal rolls and to accomplish the other results which I have already suggested.

Mr. KING. I have no objection.

The VICE PRESIDENT. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF EMPLOYEES' COMPENSATION ACT

The Senate proceeded to consider the bill (S. 607) to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 6, after the word "amended" to insert "or any other act relating to tribal timber and logging operations on the Menominee Reservation", so as to make the bill read:

*Be it enacted, etc.,* That section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, is amended by inserting after the words "Panama Railroad Co." the following: "and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the act entitled 'An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin', approved March 28, 1908, as amended, or any other act relating to tribal timber and logging operations on the Menominee Reservation."

Sec. 2. Any award heretofore made by the United States Employees' Compensation Commission under such act of September 7, 1916, to persons coming within the purview of the first section hereof, for disability or death resulting from a personal injury sustained prior to the enactment of this act, shall be valid, if such award would be valid if made in respect to an injury or death sustained after the enactment of this act. Any claim for disability or death to any person coming within the purview of the first section hereof, if such disability or death occurred prior to the enactment of this act, may be filed at any time within 1 year after the enactment hereof.

Mr. KING. Mr. President, I note that the Acting Secretary of the Interior is opposed to this bill.

Mr. LA FOLLETTE. Mr. President, that is not my understanding. The bill has been amended in accordance with the suggestions made by the Acting Secretary of the Interior.

I may say to the Senator that for 20 years prior to 1936 the employees on the Menominee Indian Reservation—and, as the Senator from Utah and other Senators know, they have a mill in operation there—were held by the United States Employees' Compensation Commission to be civilian employees of the Government. In 1936 the Commission reversed its ruling. It seems in all justice that the status of the employees has not changed, and that they are entitled to come under the United States Employees' Compensation Act.

The Committee on Indian Affairs has incorporated in the bill the amendments suggested by the Acting Secretary of the Interior; and it is my understanding that with these amendments the bill meets the approval of the Secretary.

Mr. KING. Does it deal exclusively with the Indians upon the reservation?

Mr. LA FOLLETTE. Exclusively with those upon the Menominee Reservation. I desire further to reassure the Senator by stating that a similar measure had consideration in a previous session of Congress, was favorably reported and passed the Senate, but did not reach the House of Representatives in time to be acted upon in that session of Congress.

Mr. KING. The Senator, then, gives us the assurance that the objection made by the Acting Secretary of the Interior has been met by the amendments?

Mr. LA FOLLETTE. That is my understanding.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM F. PACK

The Senate proceeded to consider the bill (S. 1618) granting an annuity to William F. Pack, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, after the words "rate of", to strike out "\$1,800" and insert "\$1,200", so as to make the bill read:

*Be it enacted, etc.,* That in recognition of the years of distinguished and conspicuous service of William F. Pack to the United States in the Philippine Islands as Governor of Benguet Province from November 15, 1901, to March 15, 1909, and as Governor of the Mountain Province from March 15, 1909, to December 31, 1912, and in further recognition of the fact that as the result of his unselfish devotion to duty under most trying and dangerous conditions during such years caused him to be permanently and totally disabled, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William F. Pack, an annuity at the rate of \$1,200 per annum, in monthly installments, the first installment to be due and payable on the 1st day of the month following the date of enactment of this act.

Sec. 2. The annuity provided for by this act shall be in addition to any pension, compensation, or disability benefits payable to the said William F. Pack on account of services in the military or naval forces of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN WEST VIRGINIA

The Senate proceeded to consider the bill (S. 1750) authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "Virginia", to insert "subject to the reservations and conditions hereinafter contained, all right, title, and interest of the United States in and to"; on page 4, line 16, after the word "on", to strike out "such" and insert "said"; in line 17, after "3-A", to insert: "There is expressly excepted and reserved to the United States of America an easement of way for all right-of-way purposes whenever the same may be required, on, over, in, and across each of the two tracts hereinabove described, for the use and benefit of the United States of America, its successors and assigns, and there is likewise hereby excepted and reserved to the United States of America the perpetual easement and right to flood such part or parts of each of the two tracts of land hereinabove described as may be necessary so to do, from time to time, in the interests of navigation or flood control"; on page 5, line 5, after the words "nine and", to strike out "fifty" and insert "fifty-one"; in line 23, after the word "to", to strike out "(1)"; and on page 6, line 2, after the word "them", to strike out "(2) make such conveyance subject to the reservations and exceptions contained in subparagraphs (a), (b), (c), (d), and (e) of the decree title obtained by the United States in the condemnation proceeding referred to in subsection (b) of the first section of this act, but only to the extent that such reservations and exceptions are applicable to or affect such tracts of land; (3) reserve to the United States an easement to maintain a right-of-way over such tract No. 1; and (4) reserve to the United States the right to flood such tracts of land, from time to time, in the interests of navigation", so as to make the bill read:

*Be it enacted, etc.,* That (a) the Secretary of War is authorized and directed to convey, by quitclaim deed, to the town of Marmet, W. Va., subject to the reservations and conditions hereinafter contained, all right, title, and interest of the United States in and to two tracts of land situated on the west side of the Great Kanawha River, at lock and dam No. 2, in Marmet, W. Va., and described as follows:

Tract No. 1. Beginning at an iron pin in the eastern right-of-way line of the old county road at the southwest corner of the A. J. Baker land (now the property of the United States); thence from said point of beginning and running along and with said eastern right-of-way line north twenty-six degrees fifty-seven minutes west one hundred and seventy-one feet to an iron pin in said line; thence continuing along and with said eastern right-of-way line north twenty-three degrees fifty-eight minutes west two hundred and eleven and five one-hundredths feet to an iron pin in said



right-of-way line at the southerly corner of the lands of Mary B. Meyers and the northwest corner of the said A. J. Baker land; thence, along and with the Meyers-Baker boundary line, north sixty degrees thirty-two minutes east one hundred and twenty-one and eighteen one-hundredths feet to an iron pin in the intersection of the westerly right-of-way boundary line of the Charleston Interurban Railroad Co.; thence, and running with and along the said Charleston Interurban Railroad right-of-way line, south twenty-four degrees thirty-two minutes east two hundred and sixteen and thirty one-hundredths feet to an iron pin in said right-of-way line; thence, continuing with and along said right-of-way line, south twenty-seven degrees east one hundred and sixty-six and fifty-two one-hundredths feet to the point of intersection with the boundary line between the said A. J. Baker land and the H. H. Smallridge and Industrial Center subdivision of the town of Marmet; thence, with and along said Baker-Industrial Center boundary line, south sixty-one degrees twenty-three minutes west one hundred and twenty-three and eighteen one-hundredths feet to the point of beginning, containing one and seven one-hundredths acres, more or less, and designated on United States Army engineer's plat, "Kanawha River Locks & Dam No. 2, Real Estate, U. S. Engineer Office, Huntington, W. Va., March 1935 (File No. 023-L2-11/1)", as "3-B."

Tract No. 2. Beginning at the point of intersection of the eastern boundary right-of-way line of the Charleston Interurban Railroad Co. and the northerly boundary line of the A. J. Baker land, and on the right-of-way line between said Charleston Interurban Railroad and the West Virginia State Highway Route No. 61; thence from said point of beginning, and along and with said Baker line, north sixty degrees thirty-two minutes east four hundred and twenty and sixty-nine one-hundredths feet to a point in said Baker line; thence south twenty-nine degrees twenty-eight minutes east three hundred and thirty-eight and ninety-one one-hundredths feet to the intersection of the north line of a fifty-foot street (now unnamed); thence, with the line of said street, south sixty-one degrees twenty-three minutes west three hundred and seventy-nine and thirty-nine one-hundredths feet to a point in said street line; thence north eighty-seven degrees thirteen minutes west seventy-four and eighty-eight one-hundredths feet to a point in the right-of-way boundary line between the said Charleston Interurban Railroad Co. and the West Virginia State Highway Route No. 61, said point being eighty-nine and seven one-hundredths feet distant, in a northerly direction, from the southerly boundary line of the A. J. Baker land; thence, running with and along said right-of-way boundary line, north twenty-seven degrees west seventy-seven and forty-five one-hundredths feet to a point in said boundary line; thence, continuing with said right-of-way boundary line, north twenty-four degrees thirty-two minutes west two hundred and sixteen and seventy-five one-hundredths feet to the point of beginning, containing three and three hundred seventeen one-thousandths acres, more or less, and being a part of the portion of the nine-acre Baker tract designated on said United States Army Engineers' plat as "3-A." There is expressly excepted and reserved to the United States of America an easement of way for all right-of-way purposes whenever the same may be required on, over, in, and across each of the two tracts hereinabove described, for the use and benefit of the United States of America, its successors and assigns, and there is likewise hereby excepted and reserved to the United States of America the perpetual easement and right to flood such part or parts of each of the two tracts of land hereinabove described as may be necessary so to do, from time to time, in the interests of navigation or flood control.

(b) The two tracts of land described in subsection (a) of this section are parts, and come out of, that certain lot, piece, and parcel of land containing nine and fifty-one one-hundredths acres, more or less, which was acquired by the United States through a condemnation proceeding had in the United States District Court for the Southern District of West Virginia, sitting in the city of Charleston, W. Va., on November 9, 1933, and styled United States of America against A. J. Baker and others, a copy of the final decree in such proceeding being recorded on November 18, 1933, in the office of the clerk of the county court of Kanawha County, W. Va., in Deed Book No. 390, at page 527 thereof, to which reference is made for a more complete description.

SEC. 2. The two tracts of land, the conveyance of which is authorized by the first section of this act, shall be held and used by the grantee for the purposes of a public park and recreational site and for similar and related municipal purposes. The deed of conveyance of such tracts of land to be executed by the Secretary of War shall contain appropriate provisions to provide for a reversion of such tracts of land to the United States in the event the grantee shall fail to use, or shall cease using, them for such purposes, or shall alienate, or attempt to alienate, any part of them.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MICHAEL J. QUINN

The bill (S. 2031) authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions of the act of May 26, 1928, the Secretary of War is authorized to pass upon the recommendations now in the War Department for the

award of the Silver Star citation to Michael J. Quinn, late of Battery B, Seventh Regiment United States Field Artillery, and, if such recommendations are found sufficient under the law governing the award of the Silver Star to award such decoration to Michael J. Quinn.

#### BILL PASSED OVER

The bill (S. 1836) to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on farms, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill, being the unfinished business, will be passed over.

#### WIDOW AND CHILDREN OF DR. JOE M. FERGUSON

The Senate proceeded to consider the bill (S. 753) for the relief of the widow and children of Dr. Joe M. Ferguson, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Veterans' Administration is hereby authorized and directed to cancel an alleged overpayment in the sum of \$7,051.94 charged against Dr. Joe M. Ferguson for disabled emergency officers' retirement payments received by him and to pay to the widow and children of Dr. Ferguson the sum of \$7,666.21, representing the net balance payable of the proceeds of insurance policy K-18334 issued to Dr. Ferguson, and the civil-service retirement fund credited to Dr. Ferguson at the time of his death on September 21, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, I observe that Mr. Hines, the Administrator, reports adversely on this bill. In view of his adverse report, I should like an explanation of the bill.

Mr. SCHWARTZ. Mr. President, I will make a brief explanation of the bill.

The bill is entitled "A bill for the relief of the widow and children of Dr. Joe M. Ferguson." When Dr. Ferguson died, he had a war-risk insurance policy of some ten-thousand-and-odd dollars. Dr. Ferguson was found by an investigating committee to have filed a certain false affidavit in aid of his claim for compensation under the World War Veterans' Act of 1924. For that reason he was charged with the sum of \$2,983.82, which had been paid to him, and which was forfeited under the provisions of section 504 of the World War Veterans' Act.

The doctor filed an affidavit signed by the name of another physician, and there was a controversy as to how that affidavit came into existence. It was the doctor's contention that he had prepared an affidavit for the other physician stating that his first treatment of the doctor was in January 1920, and that he had left it with the doctor or with the notary for the doctor's signature. Dr. Ferguson was called away and was not present when the affidavit was executed. He says in his own defense that he prepared this form of affidavit for the doctor to sign—I do not recall the other doctor's name—and that the other doctor prepared an affidavit and signed it, which changed the dates, or some of them, but for some reason or other the notary public who had the two affidavits attached his jurat to the one which had been prepared as a form, according to Dr. Ferguson. However that may be, the committee has recommended that the \$2,983.82 that was paid to Dr. Ferguson under the World War Veterans' Act should be deducted from the insurance.

Under the act of March 24, 1928, which was the Emergency Officers' Retirement Act, Dr. Ferguson again submitted an application. In the meantime he had been from time to time examined by various physicians in the Veterans' Administration, and there was no doubt of his disability, and no doubt of the extent of his disability. Under the Emergency Officers' Retirement Act he received a total, prior to his death, of \$7,051.94.

The difference between the committee and the Veterans' Administration is that the Administration appears to be of opinion that, notwithstanding the fact that there is no penalty provision in the Emergency Officers' Retirement Act, still the fact that the doctor was found guilty of having submitted a false affidavit under the World War Veterans' Act presented a difficulty which followed the doctor into the subsequent legislation of March 24, 1928.

The committee is of opinion that that holding is not correct, that there is no provision in the Emergency Officers' Retirement Act such as section 504 of the World War Veterans' Act, and that the doctor's prior delinquency, or wrongful act, under the World War Veterans' Act, should not be carried along and follow him into the Emergency Officers' Retirement Act.

In view of these matters the committee was of opinion, and so recommended, that of the total credits due Dr. Ferguson's heirs, his wife, and his two children, \$10,699.03, there should be deducted the \$2,983.82 and the pension of \$49, leaving a net balance to which they are entitled of \$7,666.21. After consideration, the committee has so reported.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the widow and children of Dr. Jo M. Ferguson."

BARNET WARREN

The bill (S. 2271) for the relief of Barnet Warren was announced as next in order.

Mr. KING. Let the bill go over.

Mr. LOGAN. Mr. President, will not the Senator withhold his objection for a moment so that I may explain the bill?

Mr. KING. I am very glad to do so.

Mr. LOGAN. I may say that this is an emergency case, and that is why I make the request. I never object to a bill in which I am interested going over.

Mr. President, this is a case where negligence has been admitted. The young man involved has been so seriously injured that he has been in the hospital for several months. His sister, whom I happen to know very well, spent all the money she had, some \$2,500 or \$3,000, having her brother treated. It is necessary that he leave the hospital, because his sister cannot pay any more money.

The negligence is admitted. The Senator from Wyoming [Mr. SCHWARTZ], one of the most careful members we have on the committee, went into this matter most carefully, and made the recommendation which appears in the report.

Mr. KING. I assumed we were considering Calendar No. 703. I have no objection to this bill.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2271) for the relief of Barnet Warren, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Barnet Warren the sum of \$2,459.34, and the additional sum of \$100 per month in an amount not to exceed \$5,000, in full settlement of all his claims against the United States growing out of any damages or personal injuries suffered by him when a Civilian Conservation Corps truck, operated at the time by the National Park Service, collided with the said Barnet Warren, who was riding a bicycle north on United States Highway No. 1 near Ojus, Fla., on March 17, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER PETERSEN

The bill (S. 2156) for the relief of Walter Petersen was announced as next in order.

Mr. KING. Mr. President, Mr. Hanes, the Acting Secretary of the Treasury, has voiced his opposition to this bill, and I ask that it go over.

Mr. SCHWARTZ. I did not hear what the Senator had to say.

Mr. KING. I called attention to the fact that the Assistant Secretary of the Treasury, Mr. Hanes, did not approve the bill, and suggested that this man be remitted to his action in the courts. In view of that recommendation, I think the bill ought to go over.

Mr. SCHWARTZ. I think possibly a short explanation might meet the objection the Senator has in mind.

Mr. KING. I am merely relying on Secretary Hanes.

Mr. SCHWARTZ. Let us assume for a moment that the bill is meritorious except for the fact that the Department was of opinion that the claimant had not exhausted all his legal remedies before coming to Congress.

The fact is that this claimant was denied relief below, and referred to the Comptroller's office. The record shows that the Comptroller's office has held that there is no power in the War Department to pay for damages incident to delay.

Mr. KING. I call the Senator's attention to the statement of Mr. Hanes, Acting Secretary of the Treasury, a man of very great courage and very great devotion to his duty, as follows:

The contractor's failure to present any claim also leaves the Department without information to verify the correctness of the amount claimed. It seems probable that the alleged losses of \$5,300 are excessive, and it would be necessary for the contractor to submit detailed information and evidence before the Department could approve any amount in settlement of the claim.

For these reasons the Department feels that the contractor should be left to the pursuit of his existing remedies and does not recommend the enactment of this bill.

Mr. SCHWARTZ. Reading further from the same report, we find that the Acting Secretary of the Treasury says:

It appears to the Department that the contractor is entitled to an "equitable adjustment" of the contract price pursuant to article 3, above quoted, to compensate for any expense incident to delay in connection with the changes here in question.

All the changes being made by the Government.

Although further action by the Department is precluded by the final settlement of the contract, claims of this type have been allowed by the General Accounting Office, and it appears that the claimant's existing remedies have not been exhausted.

Following that the claimant went to the General Accounting Office, and he was advised there that—

While the act of June 6, 1902, applicable to Treasury Department contracts, provides for the remission, under certain conditions, of liquidated damages for delays from whatever cause, there is no statute providing for payment by the United States to the contractor of losses by reason of delays.

There is more to the same effect. So, as a practical matter, the claimant has no further remedy, he has exhausted all remedies available to him below, and it seems to me that the sole question, under the circumstances, is as to the merit of his claim.

Mr. KING. Mr. President, I think we had better have further explanation from the Secretary.

The PRESIDENT pro tempore. The bill will be passed over.

LE ROY BREITHAUP

The bill (S. 1839) for the relief of Le Roy Breithaupt was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General is authorized and directed to cancel the charges against Le Roy Breithaupt, of Corvallis, Oreg., in the sum of \$1,302.78, representing the unpaid balance of the claim of the United States against said Le Roy Breithaupt (U. S. claim No. COL-0665045) for refund of sums received by him from the United States as compensation for services as an agent in the Oregon Cooperative Extension Service during the period he was employed upon a per diem basis by the Farm Credit Administration.



## ALLEGHENY FORGING CO.

The bill (H. R. 3673) for the relief of the Allegheny Forging Co. was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

## BRUNO ARENA

The Senate proceeded to consider the bill (S. 1445) for the relief of Bruno Arena, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "\$5,000" and insert "\$2,112.40"; and on page 2, line 2, to strike out "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000"; and to insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bruno Arena, of Providence, R. I., the sum of \$2,112.40, in full satisfaction of all claims against the United States for damages for personal injuries and medical expenses sustained by him when he was struck by a United States mail truck in the service of the United States Post Office Department, operated by William Conlon, an employee of the United States Post Office Department, on Promenade Street, Providence, R. I., on February 20, 1933: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## EDITH EASTON AND ALMA E. GATES

The bill (S. 2607) authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Edith Easton and Alma E. Gates, of Sacramento, Calif., for \$250, as the reasonable value of 25,000 board feet of lumber removed without authority from their land in Calaveras County, Calif., during July and August 1933, by members of the Civilian Conservation Corps, camp F-88, Dorrington, Calif., and to allow in full and final settlement of the claim the sum of not to exceed \$250. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, for payment of the claim: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

## CITIZENS STATE BANK OF MARIANNA, FLA.

The Senate proceeded to consider the bill (S. 1810) for the relief of the Citizens State Bank of Marianna, Fla., which had been reported from the Committee on Claims with an amend-

ment, on page 1, line 11, to insert "*Provided,* That the Comptroller General of the United States is authorized and directed to credit the account of the Treasurer of the United States with the sum of \$692.09, representing the total amount of checks numbered 35862, 37109, 41815, 5829, and 28808," so as to make the bill read:

*Be it enacted, etc.,* That all claims of the United States against the Citizens State Bank of Marianna, Fla., in the amount of \$692.09, such sum representing five checks fraudulently negotiated by forged endorsements to such Citizens State Bank by an agent of the United States Seed Loan Department, and such checks having been cleared through the usual channels and charged back to the Treasurer of the United States by the General Accounting Office, shall be held and considered to have been satisfied as of the date of the enactment of this act: *Provided,* That the Comptroller General of the United States is authorized and directed to credit the account of the Treasurer of the United States with the sum of \$692.09, representing the total amount of checks Nos. 35862, 37109, 41815, 5829, and 28808.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (S. 1989) to provide for the alteration of certain bridges over navigable waters of the United States for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes, was announced as next in order.

Mr. HATCH. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

## GEORGE H. EISWALD

The bill (S. 2157) for the relief of George H. Eiswald was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, George H. Eiswald (C-2317652) shall be held and considered to have served for 90 days, between the dates of April 21, 1898, and July 4, 1902, in the United States Navy during the War with Spain and to have been honorably discharged from such service: *Provided,* That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its enactment.

## SGT. MAJ. EDWIN O. SWIFT

The Senate proceeded to consider the bill (H. R. 4511) to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men.

Mr. KING. Mr. President, may we have an explanation of the bill?

Mr. WALSH. Mr. President, Sgt. Maj. Edwin O. Swift served 30 years in the Marine Corps, and retired with the rank of sergeant major. There is a general law which provides that an officer in the Navy, Marine Corps, or the Army, may retire at the highest rank he has at any time held. Sergeant Major Swift for a few months during the World War held the rank of second lieutenant in the Marine Corps. The bill provides that he may be considered to have retired with that rank. It does not increase his retirement pay or his allowances, and results in no extra cost to the Government. The passage of the measure is recommended by the Navy Department.

Mr. KING. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (S. 1708) to amend section 51 of chapter 2, title 45, of the Code of Laws of the United States of America, was announced as next in order.

Mr. AUSTIN. Mr. President, I ask for an explanation of the bill. If we can have no explanation at this time, I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

## HOURS OF EMPLOYMENT ON WIOTA-FORT PECK RAILROAD

The Senate proceeded to consider the bill (S. 2639) relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana, which was read as follows:

*Be it enacted, etc.,* That the provisions of the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, as amended, shall not be applicable with respect to the service and employment of persons employed in connection with the operation or maintenance of the Government-owned Wiota-Fort Peck Railroad in the State of Montana; but the hours of labor or service of such persons shall be limited to the same extent that such hours of labor or service would be limited, if the United States in the operation of such railroad were a common carrier subject to the provisions of the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, as amended.

SEC. 2. Any officer or agent of the United States whose duty it shall be to employ, direct, or control any person employed in connection with the operation or maintenance of such railroad who shall intentionally require or permit such person to be employed for hours of labor or service in violation of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Mr. KING. Mr. President, let the bill be passed over.

Mr. MURRAY. Mr. President, will the Senator withhold his request in order that I may make an explanation of the bill?

Mr. KING. I withhold my request.

Mr. MURRAY. The bill is intended to relieve a very embarrassing situation in connection with the construction work going on at Fort Peck Dam, Mont. The Government operates a small railroad there in connection with the work. The railroad is used in connection with the construction work and also for the purpose of carrying materials and supplies to the site of the dam. The Attorney General has issued an opinion to the effect that the railroad in question is not a common carrier, and therefore the Federal law limiting the hours of work for the men employed on this railroad to 8 hours a day is applicable. The bill is intended to relieve the railroad from the provisions of that act, and to make it possible for the men to work longer than 8 hours a day in order to transact the business in connection with the construction of the dam.

Mr. KING. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. KING. Does the measure extend the principle indefinitely?

Mr. MURRAY. No; it is only intended to apply to the work on the dam during the time the railroad will be in operation. It allows the men to work more than 8 hours a day in order to expedite the work of the dam.

Mr. KING. Who is constructing the dam?

Mr. MURRAY. Private contractors, but the Government owns the line and is operating it as a Government line. The railroad performs work in connection with the construction of the dam, and also carries the materials and supplies to the site of the dam.

Mr. KING. Would these employees be the employees of the Government?

Mr. MURRAY. And the Government has wholly limited the hours of employment to 8 hours. The pending measure will permit the men to work longer than 8 hours, just as on a common carrier.

Mr. KING. Very well.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RIGHT-OF-WAY FOR BONNEVILLE PROJECT

The Senate proceeded to consider the bill (S. 2634) to reserve to the United States for the Bonneville project a

right-of-way across certain Indian lands in the State of Washington, subject to the consent of the individual allottees and the payment of compensation, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment, on page 2, line 2, after the word "tribal" to strike out "council" and insert "council," so as to make the bill read:

*Be it enacted, etc.,* That there is hereby reserved to the United States for the Bonneville project a right-of-way in the nature of an easement not to exceed 300 feet in width across allotted and tribal lands on the Yakima Indian Reservation, in the State of Washington, for the construction, operation, and maintenance of electric transmission lines, with the right of ingress and egress, and such additional area as may be necessary for a substation.

SEC. 2. This reservation is subject to the consent of the individual allottees and the tribal council, to the approval of a map of definite location by the Secretary of the Interior, and to the payment of such compensation as he may determine. Should any allottee refuse to give his consent, condemnation under the provisions of the act of August 1, 1888 (25 Stat. 357), is hereby authorized. The right is reserved to the Indians to cultivate or otherwise utilize the right-of-way in such manner as will not be inconsistent with the use thereof for transmission-line purposes.

Mr. KING. Mr. President, I should like to inquire whether or not the Indian tribe or representatives of the tribe have assented to the measure, and whether they are to be paid for any damage to their land? We want to take care of the Indians.

Mr. BONE. Mr. President, I may explain the measure to the Senator from Utah and to other Senators. All the negotiations for the easements across the land have been concluded and the price agreed on. It so happens that the statute authorized other forms of private utilities to pass over the land, but by a peculiar construction of the statute it does not authorize the Bonneville line to go across the land. All the arrangements have been made, all the contracts with the Indians have been closed for other lines. The Indians are satisfied with the payments which have been negotiated through the proper officials.

Mr. KING. I have no objection if the Indians are properly protected and paid for the lands which are being taken.

Mr. BONE. As a matter of fact some of them have almost obtained their money. Agreements have been made which are satisfactory to all.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (S. 2185) to provide for the appointment of additional district and circuit judges was announced as next in order.

Mr. KING. Mr. President, it will take some time to consider that bill. I object to its consideration today.

The PRESIDENT pro tempore. The bill will be passed over.

## ACQUISITION OF ADDITIONAL LANDS FOR MILITARY PURPOSES

The Senate proceeded to consider the bill (S. 2586) to authorize the acquisition of additional land for military purposes, which was read as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to acquire, in such order or priority as he may determine, title to additional land, or interest therein, or right pertaining thereto, to the extent of the approximate areas hereinafter set forth, for the establishment, enlargement, and essential improvement of the following military reservations, posts, and facilities:

Fort Ethan Allen Artillery Range, Vt., 4,451 acres, more or less.  
Antiaircraft Firing Range, Mohave Desert, north of Barstow and Baker, Calif., 749,440 acres, more or less.  
Fort Bliss, Tex., 51,300 acres, more or less.  
Fort Devens, Mass., 6,448 acres, more or less.  
Fort Dix, N. J., 1,750 acres, more or less.  
Fort Knox, Ky., 51,342 acres, more or less.  
Leon Springs, Tex., 13,253 acres, more or less.  
Camp McCoy, Wis., 1,000 acres, more or less.  
Fort George G. Meade, Md., 10,000 acres, more or less.  
Pine Camp, N. Y., 1,670 acres, more or less.  
Seventh Corps Area Training Center, south central Iowa, 40,000 acres, more or less.



Fort Meade, S. Dak., 7,680 acres, more or less.  
 Fort Lewis, Wash., 2,830 acres, more or less.  
 Maxwell Field, Ala., 100 acres, more or less.

Sec. 2. In order to accomplish the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated to be expended under the direction of the Secretary of War, the sum of \$5,000,000, approximately one-half of which is authorized to be appropriated in each of the fiscal years 1941 and 1942.

Mr. KING. Mr. President, I should like to inquire whether the War Department approves of the bill, and whether provision can be made for the payment.

Mr. SHEPPARD. Mr. President, this is an authorization bill.

Mr. KING. How much will it cost?

Mr. SHEPPARD. The total authorization is \$5,000,000, but the money will be appropriated as the Appropriations Committee considers each particular project and passes upon it. The War Department favors most of the projects contained in the bill.

Mr. KING. Mr. President, we have now passed bills for the War Department appropriating \$1,000,000,000. One bill carried \$165,000,000, and my understanding is that provision was made in it for the acquisition of land. Then we passed a bill carrying sixty-odd million dollars.

Mr. SHEPPARD. Those bills related mainly to construction. I shall be glad to give the Senate a brief explanation of the measure under consideration.

Mr. KING. I think the bill had better go over in view of the enormous appropriation we have already made for the War Department. The bill calls for \$5,000,000 more.

Mr. SHEPPARD. I think it is due to the committee that I be given an opportunity to explain why the committee favorably reported the bill.

Mr. KING. I have no objection.

Mr. SHEPPARD. Mr. President, the War Department requested authorization of \$5,000,000 to acquire additional land at 11 military reservations for training purposes. In detail the reasons for this land acquisition are:

First. Advances in mechanization and motorization require additional maneuver areas.

Second. Increased ranges of modern weapons and ammunition demand the expansion of existing target ranges in order to safeguard life and property.

Third. Existing antiaircraft target ranges are makeshift in character and entirely inadequate for tactical training since firing is limited to small arcs over land and water.

The War Department states in its report that additional land is required at many other military posts but has refrained from requesting authorization for all the land needed at all posts because of budgetary restrictions.

The committee has added in the bill additional land for three other posts, viz:

#### Cost

Fort Meade, S. Dak., 7,680 acres	\$12,000
Fort Lewis, Wash., 2,830 acres	100,000
Maxwell Field, Ala., 100 acres	100,000

The additional land for Fort Mead, S. Dak., is needed to provide for training activities of the South Dakota National Guard. The guard of the State is without a permanent State camp. The most economical solution is to provide a suitable maneuver area at Fort Meade.

Fort Lewis, Wash., requires additional land for the improvement of range facilities and expansion of maneuver areas. The troops at this post are handicapped for range facilities because of excepted tracts of land inside the present reservation owned and operated by farmers, and it is to relieve this condition that 2,830 acres are desired.

Maxwell Field, Ala., requires about 100 acres of additional land in order to improve sanitary conditions at this reservation. This land is occupied by dwellings which have no sewage or plumbing facilities.

The bill carries the authorization desired by the Department and the additional items inserted by the committee. The measure meets fundamental and immediate needs. I hope the Senator will permit the bill to pass.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. Are we not confronted with the situation that it is costing the Government money not to purchase this land for the reason that it is absolutely necessary that the troops have a certain amount of training and carry on a certain number of maneuvers each year, as well as target practice, and today we are being forced to spend a great deal of money in transporting and moving troops over great areas so that they may have the necessary training and target practices, whereas if we bought this land we would save great transportation costs? In other instances we are being forced to rent land. Those rentals run into high figures. They would be saved by the purchase of the land in question. Is it not true that the War Department went over the question of the need for land and combed it and recombined it, and has sent these items here after exhaustive study; that the sum of \$5,000,000 provided in the bill was approved by the Bureau of the Budget; and that the bill is only an authorization bill, and no money is being appropriated at the present time?

Mr. SHEPPARD. The Senator from Alabama is quite correct. I hope the Senator from Utah will allow the bill to pass.

Mr. KING. Mr. President, any appeal which may be made to the Senate or the House for that matter—if I may be permitted to refer to the House—for larger appropriations for military purposes, or for naval purposes, meets with most generous response. There seems to be no opposition to such appeals. Before we adjourn we shall have provided more than \$2,000,000,000 for military and naval purposes for the next fiscal year. Perhaps we may appropriate as much as two and one-half billion dollars. Therefore, \$5,000,000 seems to be quite an insignificant sum. It would appear unimportant when compared with the \$2,000,000,000 plus which we have already appropriated or authorized. I suppose in view of the enormous spending spree indulged in both by the Army and the Navy we had better let the measure pass.

Mr. SHEPPARD. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONSTRUCTION WORK FOR THE ARMY

The Senate proceeded to consider the bill (S. 2562) to facilitate certain construction work for the Army, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That to enable the Secretary of War to accomplish without delay or excessive cost those public-works projects for which appropriations are available or may become available, to be located outside the continental limits of the United States, he is hereby authorized to enter into contracts upon a cost-plus-a-fixed-fee basis after such negotiations as he may authorize and approve and without advertising for proposals with reference thereto. Approval by the President shall be necessary to the validity of any contract entered into under authority of this section. The fixed fee to be paid the contractor as a result of any contract entered into under authority of this section shall be determined at or before the time such contract is made, and shall be set forth in such contract. Such fee shall not exceed 10 percent of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War. Changes in the amount of the fee shall be made only upon material changes in the scope of the work concerned as determined by the Secretary of War, whose determination shall be conclusive.

(b) Negotiations under this section shall be between the Secretary of War, or a duly authorized representative, and three or more reputable and qualified contracting individuals, firms, or corporations regularly engaged in work of comparable magnitude and class to that contemplated by the negotiations, as determined by the Secretary of War, and contracts may be made with any such individual, firm, or corporation, or with any two or more of them jointly, upon such terms and conditions as the Secretary of War may determine to be fair and equitable and in the interests of the national defense. For each contract entered into under authority of this section the Secretary of War may detail an Army officer to duty, without additional compensation, as an executive representative of the contracting officer. The contract shall provide that the officer so detailed shall have the right to attend any meetings of the board of directors or other executive or administrative board or committee of any corporation, partnership, firm, or syndicate which is or may become a party thereto for the purpose of submitting propositions, propounding questions, and receiving information relative to any matter within the purview

of the contract with the intent and for the purpose of safeguarding the interests of the United States, coordinating efforts, and promoting mutually beneficial relationships, and making decisions within the scope of his delegated authority and not in conflict with any provision of the contract.

(c) In any project the contract for which is negotiated under authority of this section, the Secretary of War may waive the requirement of a performance and a payment bond and may accept materials required for any such project at such place or places as he may deem necessary to minimize insurance costs.

(d) The Secretary of War shall report annually to the Congress all contracts entered into under authority of this section, including the names of the contractors and copies of the contracts concerned, together with the amounts thereof.

SEC. 2. Whenever deemed by him to be advantageous to the national defense, and providing that in the opinion of the Secretary of War the existing facilities of the War Department are inadequate, the Secretary of War is hereby authorized to employ, by contract or otherwise, outside architectural or engineering corporations, firms, or individuals for the production and delivery of the designs, plans, drawings, and specifications required for the accomplishment of any public-works or utilities project of the War Department without reference to the Classification Act of 1923 (42 Stat. 1488), as amended (5 U. S. C., ch. 13), or to section 3709 of the Revised Statutes of the United States (41 U. S. C. 5). In no case shall the fee paid for any service authorized by this section exceed 6 percent of the estimated cost, as determined by the Secretary of War, of the project to which such fee is applicable.

Mr. KING. Mr. President, let us have an explanation of that measure.

Mr. SHEPPARD. Mr. President, this is a bill, first, to authorize the Secretary of War to make contracts for the execution of construction projects in foreign possessions under terms at variance with the usual procedure followed in making contracts for work of a similar nature in the continental United States. Second, to authorize the Secretary of War, whenever deemed by him to be advantageous to national defense, to contract with or employ individuals, firms, or corporations for the production of designs, plans, drawings, and specifications for construction of public works without reference to the Classification Act of 1923 or to section 3709, Revised Statutes of the United States.

Very material speeding up of all public works in foreign possessions in planning and execution when the interests of national defense require such expedition.

Section 1 of the bill would permit cost-plus-fixed-fee contracts beyond the continental limits of the United States, and this authority would serve four purposes:

(a) It would permit initiating the work at the earliest practicable date, since complete plans and specifications would not be necessary under such an arrangement.

(b) It would permit the work to be carried on at a faster rate, since necessary changes in the design and construction procedures which are inevitable in work of this character would be made with a minimum of delay.

(c) It would result in lower ultimate cost to the Government.

(d) It would permit a much greater degree of secrecy as to the details of the improvements constructed, since public advertising for bids would not be necessary.

Section 2 of the bill would give authority to contract with or employ individuals, firms, or corporations for the production of designs, plans, drawings, and specifications of public works or utilities without reference to the law which requires advertising and competitive bidding whenever in the opinion of the Secretary of War such procedure would be advantageous to national defense.

The experience of the War Department has shown that it is impracticable to obtain competitive bids from reliable and experienced contractors on work at outlying stations except at substantially increased prices. This arises from the fact that unusual hazards, the uncertainty of weather conditions, the distance from material and labor markets, and the cost of overcoming unforeseen construction difficulties all contribute to the element of uncertainty which requires that a prudent bidder include in his bid a very large item for contingencies. If these contingencies do not arise the Government will pay an excessive profit to the contractor.

The principle of noninsurance of Government property is firmly established. The procedure embodied in section 1

represents no more than an extension of that principle, in that the Government in effect carries the insurance for contingencies which, under ordinary circumstances, would be carried by the contractor and indirectly paid for by the Government.

For work within the continental limits of the United States, where it is practicable to obtain competitive bids and where the contingency item is not large, the usual procedure of competitive bidding is to be preferred. However, in the case of work at outlying stations the procedure recommended in section 1 would be more advantageous to the Government.

Expansion of the Army in an emergency must of necessity be preceded by field investigations and the preparation of plans and specifications for the erection of structures and the provision of public utilities.

Past experience has shown that to achieve such expansion the War Department must avail itself of the services of private individuals and organizations. Thus expansion of the professional and engineering forces within the War Department cannot be accomplished expeditiously. The current emergency-construction program has demonstrated that neither the personnel nor the space required for their work can be obtained quickly.

The obvious alternative is to engage the services of private engineering and architectural firms or individuals to supplement the work of the War Department. In such manner the War Department could not only expedite the preparation of plans and specifications for important construction work, but could also obtain the services of the country's outstanding specialists.

It is desired to eliminate advertising for engineering and architectural services, as is required by section 3709 of the Revised Statutes, for two reasons: First, because such advertising would delay the initiation of the work; and, second, because responding to advertising for professional services of this character is considered to be unethical. The American Society of Civil Engineers and the American Institute of Consulting Engineers have gone on record as being opposed to this practice.

Furthermore, it is as illogical to advertise for the services of an architect or engineering specialist as it would be to advertise for the services of a medical specialist. Standard fees have been established by reputable professional societies for various kinds of engineering and architectural work; so the question of the magnitude of the fee does not enter into the selection of an engineering or architectural firm. The question in each case should be decided upon the special qualifications of the firms under consideration.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from Texas yield to the Senator from Utah?

Mr. SHEPPARD. I yield.

Mr. KING. Does the bill contain an authorization for the purchase of land?

Mr. SHEPPARD. None at all.

Mr. KING. However, there is no limitation upon the amount which may be expended under the contracts which may be entered into.

Mr. SHEPPARD. That would depend upon the appropriations made and the authority given.

Mr. KING. Then the bill would not increase the authority of the Government other than to employ specialists outside of continental United States?

Mr. SHEPPARD. That is the point exactly.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN BUILDING AND LOAN ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

The bill (H. R. 5288) to amend section 691-a of the Code of Law of the District of Columbia, approved March 3, 1901, and of any act or acts amendatory thereof relating to foreign building and loan associations doing business in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.



The PRESIDING OFFICER. Calendar No. 642, being Senate bill 1908, is an identical bill. Without objection, Senate bill 1908 will be indefinitely postponed.

DR. ANITA NEWCOMB MCGEE—CONGRESSIONAL MEDAL OF HONOR

The Senate proceeded to consider the joint resolution (S. J. Res. 107) authorizing the President of the United States to award the Congressional Medal of Honor to Dr. Anita Newcomb McGee, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, after the words "award a" to strike out "Congressional Medal of Honor in the name of the Congress of the United States" and insert in lieu thereof "gold medal of appropriate design"; and at the top of page 2 to insert:

There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this joint resolution.

So as to make the joint resolution read:

*Resolved, etc.,* That the President of the United States is authorized to award a gold medal of appropriate design to Dr. Anita Newcomb McGee in recognition of her splendid service to the United States in organizing a corps of trained nurses for the United States Army during the period of the Spanish-American War and the Philippine Insurrection.

There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this joint resolution.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the President of the United States to award a gold medal of appropriate design to Dr. Anita Newcomb McGee."

#### OHIO RIVER BRIDGE, SHAWNEETOWN, ILL.

The Senate proceeded to consider the bill (H. R. 4499) authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky, which had been reported from the Committee on Commerce with an amendment, in section 4, page 3, line 15, after the word "including", to strike out "reasonable interest and" and insert in lieu thereof: "interest at a rate of not to exceed 5 percent and reasonable", so as to make the section read:

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including interest at a rate of not to exceed 5 percent and reasonable financing cost, and the cost of the acquisition of any ferries as hereinabove provided, as soon as possible, under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Mr. KING. Mr. President, I am wondering about the question of interest. Why should the Government be concerned with that question?

Mr. LUCAS. Mr. President, I shall be glad to answer the question. I did not quite understand the Senator's question with regard to the bill.

Mr. KING. Is the bridge to be merely a private bridge, involving no obligation on the part of the Government?

Mr. LUCAS. The Senator is correct. The bridge is being constructed by the county of Gallatin in the State of Illinois, at the Shawneetown, across from Union County, Ky.; and the Government is not financially involved in any way whatsoever.

Mr. KING. Why should there be a provision relating to interest, if interest on the bonds is chargeable only to the county and not to the Government? I ask for information. Why should the Government be interested in determining the rate of interest which the county must pay?

Mr. LUCAS. I will say to the Senator that I cannot answer that question. The amendment was inserted by the Committee on Commerce of the Senate. I have no way of knowing why the Committee on Commerce inserted the amendment.

Mr. OVERTON. Mr. President, as a member of the Senate Committee on Commerce I can offer an explanation. The purpose of lowering the rate of interest on the bonds is to do away as rapidly as possible with toll bridges. The bridge is to remain a toll bridge until a sufficient amount has been collected from the tolls to retire the bonded indebtedness, principal, and interest. If the rate of interest is high, either the tolls must be too high or else the toll program must continue for too long a time. The purpose of reducing the rate of interest is to keep down the tolls and retire the debt as rapidly as possible.

Mr. KING. Does the county object to the bill?

Mr. OVERTON. There is no objection on the part of the county.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. OVERTON. I shall be very glad to yield.

Mr. LUCAS. Does the evidence before the Senator's committee disclose what rate of interest was to be charged upon the bonded indebtedness?

Mr. OVERTON. No. We have adopted a uniform policy in the Commerce Committee of providing that the rate of interest on all toll-bridge bonds shall not exceed 5 percent per annum.

Mr. LUCAS. That is the uniform rate?

Mr. OVERTON. That is the uniform rate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### MEMPHIS AND LITTLE ROCK BRIDGE COMMISSION

The bill (S. 2242) creating the Memphis and Little Rock Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Memphis, Tenn.; and for other purposes, was announced as next in order.

Mr. AUSTIN. Mr. President, reserving the right to object, I should like to inquire if those who have sponsored this bill can answer whether it involves any financial obligation on the part of the Federal Government?

Mr. LEE. Mr. President, is the Senator addressing his remarks to me?

Mr. AUSTIN. I cannot hear what is said; I cannot even identify who is speaking.

Mr. LEE. I cannot hear the Senator either. If he will repeat his question, I will try to catch it this time.

Mr. AUSTIN. The question is whether Calendar No. 723, Senate bill 2242, carries any financial obligation on the part of the Federal Government?

Mr. LEE. No.

Mr. DANAHER. Mr. President, I should like to ask the Senator whether or not the language on page 15, "but shall be chargeable solely to the funds herein provided," refers to funds which are to be provided by the Congress?

Mr. LEE. I will ask the Senator please to repeat his question. I could not hear it.

Mr. DANAHER. On page 15 of the bill, in lines 11 and 12, the Senator will find that the words "the funds herein provided" are used. Does that language refer to funds which the Congress is to be called upon to provide?

Mr. MILLER. Mr. President, will the Senator from Oklahoma yield to me?

Mr. LEE. I yield to the Senator from Arkansas.

Mr. MILLER. Mr. President, answering the question of the Senator from Connecticut, in all probability those words should be stricken out. The bill has been materially amended since it was originally introduced. It originally provided for the issuance of bonds and to secure payment of

the bonds tolls to be collected were pledged. Under the amendments offered by the Senator from Tennessee and adopted by the committee the provision for tolls and the provision for the issuance of bonds by the Bridge Commission have been eliminated from the bill. So the bill as it now stands merely gives authority to the Bridge Commission to erect a bridge across the Mississippi River, without providing any funds from any source, except it does provide that Federal aid may be extended out of money allocated to the State of Tennessee and to the State of Arkansas, with the consent of the highway commissions of those States. So I think the point made by the Senator is a perfectly valid one, and that those words should be stricken from the bill, because no funds are provided by it.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. DANAHER. I inquire if the Senator has the bill before him.

Mr. MILLER. I have.

Mr. DANAHER. Will the Senator not amend it by striking out the language commencing in line 11 "but shall be chargeable solely to the funds herein provided"?

Mr. AUSTIN. Mr. President, I suggest that the bill go over. There are other points of inquiry involved.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

#### BILLS PASSED OVER

The bill (S. 2110) to provide for purchase of fish (including shellfish) and products thereof by the Federal Surplus Commodities Corporation was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1996) to amend the National Stolen Property Act was announced as next in order.

SEVERAL SENATORS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### TRANSMISSION OF FRANKABLE MATTER THROUGH THE MAILS

The Senate proceeded to consider the joint resolution (S. J. Res. 134) to amend section 6 of the Post Office Department Appropriation Act, 1940, approved May 6, 1939, relative to the transmission of certain matter through the mails free of postage, which had been reported from the Committee on Appropriations, with amendments, on page 1, line 6, after the word "amended" to strike out "by adding after the last word thereof the words 'or to the Federal, State, or other public authorities', so as to make the entire section, as amended, read", and inserting "to read as follows":; on page 2, line 3, after the word "correspondence", to insert "including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States"; on line 8, after the word "blanks", to insert "and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations"; in line 12, after the word "independent", to strike out "establishment" and insert "establishment"; in line 14, after the word "law", to insert "or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject."; on page 3, line 5, after the word "agricultural", to strike out "bulletins or of" and insert "bulletins"; and, on line 7, after the word "Documents", to insert "or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act", so as to make the joint resolution read:

*Resolved, etc.*, That section 6 of the Treasury and Post Office Departments Appropriation Act, fiscal year 1940 (Public, No. 65, 76th Cong.), approved May 6, 1939, is hereby amended to read as follows:

"SEC. 6. On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United

States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within 30 days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or to Federal, State, or other public authorities."

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2259) to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes was announced as next in order.

Mr. WHITE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### OFFICERS' COMPETENCY CERTIFICATES CONVENTION

The bill (H. R. 3576) to make effective the provisions of the Officers' Competency Certificates Convention, 1936, was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That title 52 of the Revised Statutes is amended by inserting after section 4438 thereof a new section designated section 4438a, to read as follows:

"Sec. 4438a. (1) That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention No. 53, 'concerning the minimum requirement of professional capacity for masters and officers on board merchant ships'), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled, and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

"(a) Ships of war;

"(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

"(c) Wooden ships of primitive build, such as dhows and junks;

"(d) Unrigged vessels;

"(e) All vessels of less than 200 gross tons.

"(2) All laws in effect on the effective date of this section covering the issuance, duration, renewal, suspension, and revocation of licenses of masters, mates, chief engineers, and assistant engineers be, and they are hereby, made applicable to the issuance, duration, renewal, suspension, or revocation of licenses of masters, mates, chief engineers, and assistant engineers of all vessels to which the Officers' Competency Certificates Convention, 1936, and this section apply, to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided*, That examinations for licenses of masters, mates, chief engineers, and assistant engineers of fishing vessels, not subject to the inspection laws of the United States, shall be oral: *Provided further*, That applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels not subject to the inspection laws of the United States shall not be required to obtain a certificate from the United States Public Health Service based upon the subject of ship sanitation, and first aid.

"(3) Any license issued (whether before, or on, or after the effective date of this section) to a master, mate, chief engineer, or assistant engineer of a vessel to which this section applies shall be deemed to be a certificate of competency for a master or skipper, navigating officer in charge of a watch, chief engineer, or engineer in charge of a watch, respectively.

"(4) No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of



master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties, issued in accordance with the provisions of subsection 2 of this section: *Provided*, That a license as master, mate, chief engineer, or assistant engineer of vessels subject to this section may be issued without examination at any time prior to October 29, 1941, to any applicant who has had sufficient practical experience in the position for which he applies to be licensed and has no record of any serious technical error against him: *Provided further*, That no person to whom a license as master, mate, chief engineer, or assistant engineer is issued without examination may serve under authority of that license as master, mate, chief engineer, or assistant engineer on any vessel subject to the inspection laws of the United States.

"(5) It shall be unlawful to engage or employ any person or for any person to serve as a master, mate or engineer on any such vessel who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

"(6) If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to the high seas from a port in the United States or any Territory over which the United States exercises jurisdiction, except the Philippine Islands and the Panama Canal Zone, in violation of any provision of this section or of any provision of the Officers' Competency Certificates Convention, 1936, he may, by written order served on the master or officer in charge of such vessel, detain her until such time as this section shall have been complied with. Clearance shall be refused to any vessel which shall have been ordered detained. If the vessel be ordered detained the master may, within 5 days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

"(7) Foreign vessels to which the Officers' Competency Certificates Convention, 1936, applies shall be subject to such inspection, within the jurisdiction of the United States, except the Philippine Islands and the Panama Canal Zone, as may be necessary to determine that there has been a compliance with the terms of the convention, and in case of any breach of the provisions of the convention by such vessel the collector of customs may, by written order served on the master or officer in charge of such vessel, detain her and refuse clearance to her until such time as the convention shall have been complied with; the collector shall also immediately notify the consul of the country in which the vessel is registered. If the vessel be ordered detained, the master may, within 5 days, appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of the collector.

"(8) No provision of the Officers' Competency Certificates Convention, 1936, or of this section, shall apply to any vessel of the United States of less than 200 gross tons, nor shall any provision of that convention or this section be deemed to alter, amend, or repeal any statute of the United States in effect on the effective date of this section with regard to any such vessel.

"(9) The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this section by any officer of the United States authorized to enforce the navigation or inspection laws of the United States.

"(10) The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine or penalty incurred under this section or any regulation thereunder.

"(11) No provision of the Officers' Competency Certificates Convention, 1936, nor of this section, shall apply to any vessel, however propelled, navigating on the Great Lakes.

"(12) Where used in this section—

"(a) The term 'high seas' means all waters outside the line dividing the inland waters from the high seas, as defined in section 2 of the act of February 19, 1895.

"(b) The term 'unrigged vessel' means any vessel that is not self-propelled.

"(13) Nothing contained in the Officers' Competency Certificates Convention, 1936, nor in this section, shall be deemed to extend any provision of section 2 of the act of March 4, 1915, as amended (U. S. C., 1934 ed., Supp. IV, title 46, sec. 673), or to alter, modify, or repeal any statute of the United States in effect on the effective date of this section, except as hereinbefore provided.

"(14) This section shall become effective on October 29, 1939: *Provided*, That licenses may be issued by boards of local inspectors in accordance with the provisions of this section at any time prior to such date.

"(15) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

#### BILL PASSED OVER

The bill (H. R. 4983) an act to amend sections 712, 802, and 902 of the Merchant Marine Act, 1936, as amended, relative to the requisition of vessels, was announced as next in order.

Mr. WHITE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### INVESTIGATION OF METHODS OF HANDLING EXPRESS AND FREIGHT TRAFFIC

The resolution (S. Res. 146) submitted by Mr. WHEELER and Mr. REED on June 19, 1939, was considered and agreed to, as follows:

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed

to make a full and complete investigation and study with respect to (1) the nature and legality of the methods now employed by common carriers by railroad subject to the Interstate Commerce Act for the handling of their express traffic, their forwarder or consolidated carload freight traffic, and their freight traffic in less-than-carload lots; and (2) the possibility of improving the methods of handling such classes of traffic in the interest of economy and of better service to the public. The committee shall report to the Senate, at the beginning of the next regular session of the Congress, the results of its investigation and study, together with its recommendations, if any, for legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to request the Interstate Commerce Commission and any of the executive departments or other agencies of the Government to furnish to it clerical and expert assistance in the conduct of, and any information in their possession with respect to matters within the scope of, such investigation and study.

#### BILLS PASSED OVER

The bill (S. 2611) authorizing the purchase of a site and the erection of a building in the State of Massachusetts for use as a radio-monitoring station, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2635) to amend the Federal Crop Insurance Act was announced as next in order.

Mr. KING. Let the bill go over.

Mr. AUSTIN. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. The Senator from Utah has asked that the bill go over.

Mr. KING. Let the request of the Senator from Vermont be complied with.

The PRESIDING OFFICER. The Senator from Vermont has requested an explanation of the bill.

Mr. AUSTIN. In the absence of an explanation, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 577) extending civil service to certain postmasters was announced as next in order.

Mr. AUSTIN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### PROCUREMENT OF DIVORCES BY MAIL SOLICITATION

The bill (S. 2245) to prohibit the use of the mails for the solicitation of the procurement of divorces in foreign countries was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That every written or printed card, circular, letter, book, pamphlet, advertisement, or notice of any kind, giving or offering to give information concerning where or how or through whom a divorce may be secured in a foreign country, and designed to solicit business in connection with the procurement thereof, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

SEC. 2. Nothing herein contained shall be construed to preclude criminal prosecution under the provisions of section 338, title 18, United States Code (Criminal Code, sec. 215), in any case in which the mails are used by any person in furtherance of any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises.

#### BILL PASSED OVER

The bill (S. 2246) to amend section 194 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. KING. Let us have an explanation of the bill.

The PRESIDING OFFICER. The Senator from Utah requests an explanation of this bill.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### ANNUAL AND SICK LEAVE FOR POSTAL SUBSTITUTES

The Senate proceeded to consider the bill (H. R. 5479) granting annual and sick leave with pay to substitutes in the Postal Service which had been reported from the Com-

mittee on Post Offices and Post Roads with amendments at the top of page 2 to insert three new sections, as follows:

SEC. 2. No substitute shall be entitled to sick leave for an illness or disability incurred while such substitute is not on active duty or on annual leave.

SEC. 3. In no event shall a substitute employee be granted more than 15 days' annual and 10 days' sick leave allowed by existing law to regular employees.

SEC. 4. No substitute shall be entitled to the benefits of this act until he has served 2,448 hours.

And on page 2, line 10, to change the section number from "2" to "5"; so as to make the bill read:

*Be it enacted, etc.,* That hereafter substitutes in the Postal Service shall be rated as employees and each substitute postal employee in the classified civil service shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time actually employed. Sick leave shall be computed on the basis of illness or disability incurred during the period of actual employment in the Postal Service.

SEC. 2. No substitute shall be entitled to sick leave for an illness or disability incurred while such substitute is not on active duty or on annual leave.

SEC. 3. In no event shall a substitute employee be granted more than 15 days' annual and ten days' sick leave allowed by existing law to regular employees.

SEC. 4. No substitute shall be entitled to the benefits of this act until he has served 2,448 hours.

SEC. 5. The Postmaster General is authorized and directed to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

Mr. KING. Mr. President, I notice that the Bureau of the Budget states that this bill is not in accord with the program of the President.

Mr. MEAD. Mr. President, I will be glad to answer any question.

Mr. KING. I called attention to the fact that the Acting Postmaster General apparently reports unfavorably on the bill.

Mr. MEAD. The Postmaster General reported unfavorably on the House bill. The Senate committee considered and approved three amendments, one of them specifically recommended by the Postmaster General. All three of them, in the opinion of the Senate committee, will receive the approval of the Post Office Department.

The bill as it passed the House of Representatives would give to postal substitutes sick leave and vacation allowance from the time they were originally appointed as substitutes. The bill as reported to the Senate requires that they shall put in 2,448 hours before they shall be entitled to any consideration so far as sick leave and vacation allowance is concerned. The Senate bill further provides that no sick-leave time shall be credited to them unless the sickness or illness or disability occurred while in the active performance of their duties.

The third amendment was suggested by the Department itself. It provides that under no circumstances shall a substitute receive in excess of 15 days' vacation or 10 days' sick leave in any one year.

So the Senate Post Office Committee believe their amendments will receive the approval of the Post Office Department. The Senate committee also believe that these faithful employees of the Postal Service—some of them with 8, 9, and 10 years of service—are really postal employees. The bill is designed to get around a decision of the Comptroller General which holds that substitutes are not postal employees but are employees of the postmaster. As the result of a decision of the Comptroller General, the legislative efforts of the Congress over a period of 10 years on many occasions, aimed to benefit the substitutes' condition of employment, have been nullified.

The bill will make these substitutes bona fide postal employees and will give them the benefits of sick leave and vacation time in proportion to the amount of time put in by them in actual service, and no more. We give the same consideration to W. P. A. employees and to the emergency employees of the various bureaus. I believe these postal employees are entitled to equal consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

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The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

S. A. ROURKE

The bill (S. 324) for the relief of S. A. Rourke was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, on yesterday the House of Representatives passed an identical bill, House bill 733. I ask unanimous consent that the Senate consider the House bill instead of the Senate bill.

The PRESIDING OFFICER. The clerk informs the chair that the House has not yet sent the bill to the Senate.

Mr. THOMAS of Oklahoma. Under those conditions, I presume it would not be proper to ask for consideration of the Senate bill, because efficiency would dictate that this body consider the House bill.

The PRESIDING OFFICER. The bill may go over until the Senate receives a message from the House transmitting the House bill.

Mr. THOMAS of Oklahoma. It may be that the House bill will be messaged over before the present session adjourns. If so, I reserve the right to call up the bill at that time.

The PRESIDING OFFICER. The bill will be temporarily passed over.

HELEN M. CROWLEY

The Senate proceeded to consider the bill (S. 119) for the relief of Helen M. Crowley, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helen M. Crowley, of Waterbury, Conn., the sum of \$2,000, in full settlement of all her claims against the United States for the death of her husband, Ralph L. Crowley, late electrician's mate, first-class, United States Coast Guard, who died March 28, 1930, as a result of injuries sustained in line of duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, let the bill go over. I see that there is an adverse report, as I interpret it, from the late Secretary of the Treasury on the bill.

Mr. MALONEY. Mr. President, did the Senator from Utah ask for an explanation of the bill or request that it go over?

Mr. KING. I just happened to pick up the report of the late Secretary of the Treasury in opposition to the bill.

Mr. MALONEY. I call the attention of the Senator, if I may, to the fact that the report of the then Secretary of the Treasury admits the finding of the Claims Committee that the man was killed while in active service and in the line of duty. The Secretary of the Treasury found that the condition claimed was true, that the man lost his life as the result of a situation for which the Department was at fault. I call the Senator's further attention to the fact that the recommendation of the Department against the passage of the bill is routine and customary. It admits that everything claimed is true; that the man did lose his life in active service as a result of negligence on the part of the Government; and, of course, the Claims Committee unanimously reported the bill. If we are to follow the recommendations of the Treasury Department or other Departments on bills of this sort we shall never have them passed, because the Departments always, as a matter of procedure, simply on the ground that the bills establish a precedent, recommend against their passage.

Mr. KING. Under the Senator's statement I have no objection to the consideration of this bill, but if he will pardon me, an examination of hundreds of reports convinces me that the Departments are pretty generous in some of their recommendations.



Mr. MALONEY. I thank the Senator for his willingness to see the bill passed, or for withdrawing his objection; but the Department has not been so generous in this instance. The Claims Committee cut down considerably the amount appropriated by the bill; and the finding of the then Secretary of the Treasury is in accord with the finding of the Claims Committee.

I thank the Senator.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KING. Mr. President, if the Senator from Connecticut will pardon me, in corroboration of my statement a moment ago, I desire to say that I have before me two reports, one with respect to Senate bill 2491, Calendar No. 743, in which the Department recommends enactment of the bill, and one with respect to Senate bill 1953, Calendar No. 744, in which the Department recommends enactment of the bill. So I think I am correct in stating that the departments are sometimes pretty generous.

Mr. MALONEY. I will not say that the departments are not sometimes pretty generous, but in connection with this bill I do not think anybody has been generous.

Mr. KING. I understood the Senator's statement to be a little too broad—that the departments, because enactment of the bills might establish a precedent, always report adversely. I note by examination of hundreds of reports that they make many favorable recommendations.

Mr. MALONEY. If I said "always," I meant to say "customarily."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD J. GEBHART

The Senate proceeded to consider the bill (S. 2491) for the relief of Edward J. Gebhart, which had been reported from the Committee on Claims with amendments, on page 2, line 3, after the word "disability", to insert "alleged to have been", and at the end of the bill to add a proviso, so as to make the bill read:

*Be it enacted, etc.,* That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended and supplemented, are hereby waived in the case of Edward J. Gebhart, of Orient, S. Dak.; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within 1 year after the date of enactment of this act, by the said Edward J. Gebhart for compensation under the provisions of such act of September 7, 1916, as amended and supplemented, for disability alleged to have been due to injuries sustained by him on February 6, 1937, in the performance of his duties as a rural carrier at Orient, S. Dak.: *Provided,* That no benefits shall accrue prior to the approval of this act.

Mr. KING. Mr. President, this bill has the favorable recommendation of the Department. Let it go through.

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. A. R. BARNARD AND OTHERS

The bill (S. 1953) for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and Mrs. Vern A. Needles was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. A. R. Barnard, Portland, Oreg., the sum of \$672.80; to Charles A. Stephens, Newport, Oreg., the sum of \$352; and to Donald W. Prairie, Portland, Oreg., the sum of \$300; in all, \$1,324.80, in full settlement of all their claims against the United States for loss of the motorboat *M. W. Sloan*, which was capsized and destroyed while rendering assistance to the disabled Coast Guard motor lifeboat No. 4473 and crew of the Siuslaw Station, Florence, Oreg., on March 7,

1938; and to Mrs. Vern A. Needles, Newport, Oreg., widow of Vern A. Needles, the sum of \$5,000, in full satisfaction of her claim against the United States for the death of her husband who, as a member of the crew of the motorboat *M. W. Sloan*, was drowned when such motorboat was capsized and destroyed as aforesaid: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The PRESIDING OFFICER subsequently said: The Chair is informed that the Senate, during the call of the calendar today, passed Senate bill 1953, for the relief of Mrs. A. R. Barnard and others. Subsequently, the House transmitted to the Senate an identical bill, House bill 5346, passed by it on yesterday. Without objection, the House bill will be considered as having passed in lieu of the Senate bill, and the vote on the passage of the Senate bill will be reconsidered, and the bill indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

JOHN CHASTAIN AND MOLLIE CHASTAIN

The Senate proceeded to consider the bill (H. R. 3541) for the relief of John Chastain and Mollie Chastain, his wife, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Chastain and Mollie Chastain, his wife, of Soledad, Monterey County, Calif., the sum of \$3,500. The payment of such sum shall be in full settlement of all claims of the said John Chastain and Mollie Chastain, his wife, against the United States for the death of their minor son, Thomas Chastain, on August 11, 1937, when he was struck down and killed by a truck, the property of the United States, in the service of the Civilian Conservation Corps, on the Salinas River Bridge on Highway No. 101, 1 mile south of Soledad, Monterey County, Calif.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, this bill also has a favorable recommendation from the Department.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

PARKER M'KEE, SR., AND LOUISE M'KEE

The bill (S. 2083) conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee, of Woodbury, N. J., against the United States for damages for the death of their son, Parker McKee, Jr., as the result of a landslide which occurred at official project No. 165-22-3018 of the Works Progress Administration, in Woodbury, N. J., on April 7, 1937.

SEC. 2. In the determination of such claims the United States shall be held liable for the acts of its officers and employees to the same extent as if it were a private person, except that any judgment rendered on such claims shall not be for any amount in excess of \$5,000.

SEC. 3. Suit upon such claims may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

CITY OF LEAVENWORTH, KANS.

The Senate proceeded to consider the bill (S. 1289) for the relief of the city of Leavenworth, Kans., which had been reported from the Committee on Claims with amendments,

on page 1, line 6, after the word "of", to strike out "\$66,552.30. Such sum represents the actual contract cost to the city of Leavenworth, Kans." and insert "\$14,000, in full settlement of all claims against the United States growing out", and at the end of the bill to insert a proviso, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Leavenworth, Kans., the sum of \$14,000, in full settlement of all claims against the United States growing out of the construction during 1938 of a new intake from the Missouri River and of certain sewer extension work made necessary by such new intake. Such new intake was made necessary by the diversion of the water of the river from the old intake in the carrying out of a Federal project to make the river a navigable stream: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, let us have an explanation of this bill.

Mr. CAPPER. Mr. President, I read from the report of the committee. The committee went very thoroughly into the merits of the measure:

The bill, as amended, provides for the payment of \$14,000 to the city of Leavenworth, Kans., in full settlement of all claims against the United States growing out of the construction during 1938 of a new intake from the Missouri River and of certain sewer extension work made necessary by such new intake. Such new intake was made necessary by the diversion of the water of the river from the old intake in the carrying out of a Federal project to make the river a navigable stream.

On March 25, 1938, a resolution was adopted by the Committee on Rivers and Harbors, House of Representatives, requesting the Board of Engineers for Rivers and Harbors to review the reports on the Missouri River from Kansas City, Mo., to Sioux City, Iowa, with a view to determining whether the waterworks improvements at the city of Leavenworth had been damaged by navigation improvements, the extent of such damages, and the advisability of taking remedial action or of making reimbursement therefor.

The views and recommendations of the Board of Engineers for Rivers and Harbors, are as follows:

"The Board concurs with the division engineer that the damage to the water intake at Leavenworth, Kans., traceable to navigation improvements, is \$14,000. The Board invites attention to the navigable status of the Missouri River. Structures built in a navigable river are subject to the paramount right of the Federal Government to improve navigation. The intake has been in operation since 1883 and is reported to have functioned properly until the dikes were built. These navigation-improvement works were necessary and have been prosecuted under authority of acts of Congress. The damages are incident to the legitimate and proper exercise of governmental powers for the improvement of navigation. There is no legal liability upon the Government to make reimbursement for the damage. The Board therefore reports, in response to the committee resolution, that the waterworks improvement at the city of Leavenworth, Kans., has been damaged by navigation improvements; that the extent of such damage is \$14,000; and that in view of long-established precedents and practices in like cases it is unable to recommend remedial action or reimbursement therefor."

The Board of Engineers admit that the waterworks improvement at the city of Leavenworth has been damaged by navigation improvements; that the extent of such damage is \$14,000, but that there is no legal liability upon the Government to make reimbursement for the damage.

After reviewing all the facts—

And I repeat that the committee went into the merits of the matter very carefully and thoroughly—

the judgment of your committee is that the claim contains such elements of equity as to warrant favorable action by the Congress, and it is accordingly recommended that the city of Leavenworth be paid the sum of \$14,000, which is the amount of damage as ascertained by the Board of Engineers.

Personally, I think the city should have had the full amount of \$66,000; but the Committee on Claims recommended the payment of the reduced amount.

Mr. KING. Mr. President, will the Senator yield?

Mr. CAPPER. I yield.

Mr. KING. The Acting Secretary of War reports adversely on the bill.

Mr. CAPPER. Only on the ground that there is no legal liability. He does not say that in equity and justice

the claimants are not entitled to relief. As a matter of fact, it is a fair and reasonable claim, and the award should have been for the full amount.

Mr. KING. I would have no objection to remitting the matter to the Court of Claims for the establishment of the equitable right to recovery.

Mr. CAPPER. I do not believe there would be any different finding than has been reached by the Committee on Claims.

Mr. KING. Mr. President, I have no objection to the bill passing, with the understanding that if, after further communication with the War Department, I desire to do so, I may move to recommit.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GRADING AND CLASSIFICATION OF FOREIGN-SERVICE CLERKS

The bill (S. 2663) to amend the act entitled "An act for grading and classification of clerks in the Foreign Service of the United States of America and providing compensation therefor," approved February 23, 1931, as amended, was announced as next in order.

Mr. GEORGE. Mr. President, an identical bill passed the House on yesterday, but has not yet been messaged to the Senate. I ask unanimous consent that Senate bill 2663 go over, and that when the message is received from the House of Representatives the bill then be considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### PRINTING OF EXECUTIVE JOURNALS OF THE SENATE

The resolution (S. Res. 153) authorizing the printing of the Executive Journals of the Senate, was considered and agreed to as follows:

*Resolved,* That 500 copies of the Executive Journal from the beginning of the Seventy-second Congress up to and including the end of the first session of the Seventy-sixth Congress be printed under the direction of the Secretary of the Senate, with suitable indexes to each volume; and that hereafter the same number of copies of the Executive Journal with proper indexes be printed at the close of each regular and special session of the Senate; and be it further

*Resolved,* That the Executive Journals herein referred to shall not be made public except by the order of the Senate.

#### EXCHANGE OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN MATERIALS

The Senate proceeded to consider the bill (S. 2697) to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad, which had been reported from the Committee on Banking and Currency with amendments.

Mr. AUSTIN. Mr. President, I wish to inquire of the Senator from South Carolina concerning two or three provisions of the bill. I do not intend to obstruct its consideration. On page 1, line 5, I find the word "agreement." Why is that word used instead of "treaty"?

Mr. BYRNES. While the instrument is in the form of a treaty it does represent an agreement. Even outside of the language of the treaty there are some agreements to be made which are provided for in the treaty, and the legislative draftsman thought the word "agreement" would be the most comprehensive word.

Mr. AUSTIN. Is it, then, the intention of the Senator that agreements to be entered into in the future shall also have the approval of the Senate?

Mr. BYRNES. It certainly is. So far as any one now in position to answer is concerned, it is the intent to have any agreement in the nature of a treaty approved by the Senate, and I am certainly very strongly of the opinion that that should be done.

Mr. AUSTIN. On page 2, line 5, and surrounding lines, a board is proposed to be set up. I ask the Senator whether he is disposed to coordinate this bill with the bill already enacted into law relating to strategic materials and stock piles.



Mr. BYRNES. Mr. President, the Senator from Vermont inquired of me a few days ago with reference to that matter, and I think he is correct in suggesting that that should be done, and I intend to offer two amendments which will accomplish the purpose he has in mind.

Mr. AUSTIN. My next question is with respect to the agricultural commodities referred to in line 10. Does the Senator intend to limit the power granted by the bill to procure quantities of agricultural commodities for use in exchange for strategic materials?

Mr. BYRNES. It is limited by the language of the bill, but the particular language in line 10 was intended to apply to the purposes set forth in the measure, so that there would be no doubt that it did not have reference to any other agricultural commodity, but only to such commodities as were essential to carry out a treaty between the two countries.

Mr. AUSTIN. I thank the Senator.

Mr. BYRNES. I send to the desk amendments which I ask to have considered in order to perfect the bill as suggested by the Senator from Vermont.

Mr. GURNEY. Mr. President, I have been requested by the junior Senator from Connecticut [Mr. DANAHER] to ask that this bill go over.

Mr. BYRNES. The Senator from Connecticut has requested that it be passed over?

Mr. GURNEY. He has requested that it be passed over; yes.

Mr. BYRNES. There is nothing I can do about it, then.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

#### RESTORATION OF BENEFITS TO WORLD WAR VETERANS

The Senate proceeded to consider the bill (H. R. 2296) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 1, line 6, after the word "disability", to insert the words "and who was in receipt of compensation therefor on March 19, 1933"; on page 2, line 3, to strike out "1934" and insert "1934, as amended by section 5 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937"; on line 9, after the words "Provided further," to strike out "That where a World War veteran dies or has died from disease or injury, and service connection for such disease or injury is established under the provisions of this act, the surviving widow, child, or children, and/or dependent parents shall be entitled to receive compensation at the rates prescribed in Veterans Regulation No. 1 (a), part I, paragraph IV, and amendments thereto: *Provided further*, That for the purposes of awarding compensation under this act, service connection of disability may be determined or redetermined in any cases where claim has been or is filed by the veteran, widow, child, or children and/or dependent parent or parents", and insert "That where a World War veteran dies or has died from disease or injury, service connection of which is or would have been reestablished under the provisions of this act, his surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law No. 484, Seventy-third Congress, as amended"; on page 3, after line 2, to strike out section 2, as follows:

Sec. 2. In the administration of the laws granting benefits for service-connected disabilities or deaths, any increase of disability during World War service shall be deemed aggravation in the application of the rules, regulations, and interpretations of the Veterans' Administration.

On page 3, line 8, after the word "Payments", to insert "to veterans restored to the rolls"; on line 10, after the word "act", to insert "and payments to widows or children shall be effective the date of enactment of this act", so as to make the bill read:

*Be it enacted, etc.*, That on and after the date of enactment of this act any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability, and who was in receipt of compensation therefor on March 19, 1933, may be awarded compensation under the laws and interpretations governing this class of cases prior to the enactment

of Public Law No. 2, Seventy-third Congress, March 20, 1933, subject, however, to the limitations, except as to misconduct or willful misconduct, contained in sections 27 and 28 of Public Law No. 141, Seventy-third Congress, March 28, 1934, as amended by section 5 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937: *Provided*, That the language herein contained shall not be construed to reduce or discontinue compensation authorized under the provisions of section 26 of Public Law No. 141, Seventy-third Congress: *Provided further*, That where a World War veteran dies or has died from disease or injury, service connection of which is or would have been reestablished under the provisions of this act, his surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law No. 484, Seventy-third Congress, as amended.

Sec. 2. Payments to veterans restored to the rolls under the provisions of this act shall be effective the date of enactment of this act and payments to widows or children shall be effective the date of enactment of this act or the date of filing claim therefor, whichever is the later.

The amendments were agreed to.

Mr. GEORGE. Mr. President, this is a House bill, and as the bill passed the House it included all cases of the character described in the bill, and all cases where the veteran had sustained disabilities of the character described in the bill. The Senate Committee on Finance has amended the bill so as to restrict its application to those veterans who were on the rolls on March 19, 1933, and who were eliminated from the rolls by the Economy Act. By the language of the amendment it will appear that it is applicable only to those World War veterans "suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability," and so forth.

The blind veterans have already been restored to the rolls. Their classification is simply repeated here, because they were in the same class with other veterans whose disabilities had progressed to the point where they were totally and permanently disabled as the result of paralysis, paresis, or total blindness, and were bedridden patients.

The bill as amended will apply only to those World War veterans who were on the rolls as of the date stated. It is not as broad as the bill passed by the House. The cost to the Government under the bill, of course, will be considerably reduced.

The payments to veterans whose disabilities are presumptively service-connected will be reduced from what the law formerly provided to 75 percent of the compensation where there is direct proof of service connection.

The bill will apply to approximately 1,100 World War veterans—that is to say, 1,100 World War veterans were cut off the rolls by the Economy Act. Of course, many of them are dead. The rights of the dependents of those who have passed away are preserved, and the dependents will take as the veterans were authorized to take under the law as it stood prior to the enactment of the economy law.

While the bill does not affirmatively carry the approval of the Veterans' Administration, nevertheless the Veterans' Administrator attended the hearings and has been consulted and advised with in the preparation of a bill which it is hoped may meet with the approval of the President if it is passed.

Mr. President, the bill covers the cases which are most appealing in that they are all cases of permanent total disability, and is confined, as I have just stated, by the Senate Finance Committee to those cases which were on the rolls on March 19, 1933.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. Has there been any adverse recommendation by the Administrator, General Hines?

Mr. GEORGE. None has been made to our committee. General Hines, as I understand, stated that he was not in position to give affirmative approval to the bill, but as amended the committee believed, at least, that he would recommend the approval of the bill by the President.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## EXTENSION OF CIVIL SERVICE RETIREMENT TO CERTAIN POSTMASTERS

Mr. O'MAHONEY. Mr. President, I ask unanimous consent to revert to Calendar 734, Senate bill 577. The bill was passed over in my absence.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 577) extending civil service to certain postmasters, which was read, as follows:

*Be it enacted, etc.,* That section 3 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is amended by striking out all of that portion of section 3 beginning with paragraph (g) thereof and continuing to the end of the section, and inserting in lieu thereof the following:

(g) Postmasters of the first, second, and third classes who have been or may be appointed under the provisions of the act of June 25, 1938, and postmasters of the fourth class.

This act shall not apply to such employees of the Lighthouse Service as come within the provisions of section 6 of the act of June 20, 1918, entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," nor to members of the police and fire departments of the municipal government of the District of Columbia, nor to such employees or groups of employees as may have been before the effective date of this act excluded by Executive orders from the benefits of the act of May 22, 1920, and amendments thereof.

The provisions of this act may be extended by Executive order upon recommendation of the Civil Service Commission, to apply to any employee or group of employees in the civil service of the United States not included at the time of its passage. The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration.

Mr. O'MAHONEY. Mr. President, the title of the bill is a misnomer. It was amended by the committee to express the purpose of the bill, which is merely to extend the privileges of the Civil Service Retirement Act to all postmasters who may be appointed without term under the provisions of the civil-service law.

As the law now stands, postmasters of the fourth class who are appointed under the civil-service law have the privileges of the Retirement Act. Postmasters of the first, second, and third classes who may be appointed without term in compliance with the civil-service law do not have the privilege of the Retirement Act, and the purpose of the bill is merely to extend that privilege to such postmasters.

Mr. LODGE. Mr. President, I inquire whether the bill has received a unanimously favorable committee report?

Mr. O'MAHONEY. There was no objection. The bill came out of the committee without objection.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WALSH. Will the Senator point out to the Senate what is the length of service required in order that fourth-class postmasters may be entitled to the retirement privileges?

Mr. O'MAHONEY. Fourth-class postmasters serve without term.

Mr. WALSH. I know that; but what is the number of years of service required before they are eligible to retirement?

Mr. O'MAHONEY. I cannot say as to that.

Mr. WALSH. The Senator from Maryland [Mr. TYDINGS] says it depends upon age. In any event, whatever the period may be, under the provisions of the pending bill the retirement privilege is made applicable to postmasters of the first, second, and third class?

Mr. O'MAHONEY. Yes.

Mr. WALSH. So all postmasters who have served for a certain number of years and have reached a certain age may retire?

Mr. O'MAHONEY. Yes.

Mr. WALSH. Will the Senator from Wyoming place the report of the committee in the RECORD at this point? This proposal is of special public interest.

Mr. O'MAHONEY. I shall be glad to ask that that be done. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the report of the committee on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 682) is as follows:

The Committee on Post Offices and Post Roads of the Senate, to whom was referred the bill (S. 577) extending civil service to

certain postmasters, having considered the same, beg leave to report said bill back to the Senate with the recommendation that, upon amending the caption of the bill as hereinafter shown, said bill do pass.

The amendment recommended by your committee is as follows: In the caption of said bill, after the word "service", insert the word "retirement", so that the caption will read "Extending civil-service retirement to certain postmasters".

The purpose of the bill is clearly set out in the report of the Post Office Department, and a letter from the Civil Service Commission, both of which Departments recommend its passage. The letter of the Acting Postmaster General, dated March 3, 1939, and of the President of the United States Civil Service Commission, dated April 14, 1939, recommending said bill, are set out in full as follows:

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., March 3, 1939.

HON. KENNETH MCKELLAR,  
Chairman, Committee on Post Offices and Post Roads,  
United States Senate.

MY DEAR SENATOR: The receipt is acknowledged of your letter of January 14, 1939, requesting a report upon S. 577, a bill extending civil service to certain postmasters.

The act of May 29, 1930, commonly known as the Retirement Act, excludes from the operation thereof all postmasters except postmasters of the first, second, and third classes who have been promoted, appointed, or transferred from the classified civil service.

This bill provides that the act of May 29, 1930, be amended by striking out all of that portion of section 3 beginning with paragraph (g) and inserting in lieu thereof a provision that postmasters of the first, second, and third classes who have been or may be appointed under the provisions of the act of June 25, 1938, and postmasters of the fourth class, be brought under the Retirement Act.

There are approximately 45,000 post offices of which number approximately 30,000 are of the fourth class. The Department feels and so advised the Civil Service Commission some time ago that any amendment to the Retirement Act to include postmasters should include all classes. It is recognized that there will be considerable difficulty in bringing fourth-class postmasters under the provisions of this act in the consideration of deductions, the benefits to be derived under the act, etc., due to the small compensation received by so many of these postmasters. However, there should be no discrimination.

So many of the postmasters at fourth-class offices draw an annual compensation of less than \$200 and there is an average turnover in these offices of around \$200 per month. It will be an administrative difficulty in handling these fourth-class post offices, but it is noted that in its proposed report on the measure the Civil Service Commission expresses the belief that the situation can be taken care of by Executive order, should such action be necessary. If the Commission has reference to the final sentence of S. 577 reading: "The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the civil service whose tenure of office or employment is intermittent or of uncertain duration," there would seem to be some doubt as to the legality of applying that authority to a category of employees expressly covered by S. 577. The sentence quoted is a repetition of a provision already incorporated in existing law and it may be that a proper construction of the act would make this power applicable only to classes of employees designated in general terms and not to the specific position of postmaster expressly placed by the bill under the retirement system.

This Department has no objection to the proposed legislation.

It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

Very truly yours,

W. W. HOWES,  
Acting Postmaster General.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., April 14, 1939.

HON. KENNETH MCKELLAR,  
Chairman, Committee on Post Offices and Post Roads, United States Senate.

DEAR SENATOR MCKELLAR: Further reference is made to your letter of January 14, 1939, transmitting copy of S. 577, a bill to amend the Civil Service Retirement Act of May 29, 1930, as amended.

This bill would extend the provisions of the Civil Service Retirement Act of May 29, 1930, to include postmasters of the first, second, and third classes appointed under the act of June 25, 1938, and postmasters of the fourth class.

Section 3 of the act of May 29, 1930, specifically excludes from the operation of the retirement law all postmasters except those of the first, second, and third classes who have been promoted, appointed, or transferred from the classified civil service. The proposed amendment would not affect the retirement status of such so-called service postmasters, as section 3 (d) of the act of May 29, 1930, would operate to accord a retirement status where continuity of service with classified employment exists.

The Commission feels that the employees covered by this bill should be included within the operation of the Retirement Act and recommends that favorable action be taken thereon. It is anticipated, however, that considerable administrative difficulty



will arise in cases of fourth-class postmasters, particularly those whose pay is very small.

The Bureau of the Budget advises that there would be no objection to the presentation of this report to your committee.

Very sincerely yours,

HARRY B. MITCHELL, *President.*

Mr. KING. Mr. President, I ask the Senator from Wyoming if the bill would apply to postmasters who are now serving and who were appointed at the request of a Representative or Senator or the political representative of some political party, and are we now trying to place on the retirement list a number of political officials?

Mr. O'MAHONEY. No, Mr. President, I do not think that would be a correct inference. The measure extends the benefits of the Civil Service Retirement Act only to those postmasters who are appointed under the civil-service law. It is true that postmasters who were originally selected and confirmed by the Senate before the passage of the civil-service law for postmasters may qualify under the civil-service law, but I see no reason why they should not receive the benefits of the retirement act inasmuch as they are appointed without term.

Mr. KING. Will the Senator advise us what would be the retirement benefits, for instance, of the postmaster of Boston or the postmaster of New York, where salaries are very large?

Mr. O'MAHONEY. The bill makes no provision whatsoever with respect to the retirement benefits. It merely brings the postmasters under the general provisions of law in that respect. No change whatever is made and no special privileges are extended.

Mr. KING. Suppose they have made no contribution whatever to the retirement fund?

Mr. O'MAHONEY. Oh, they would have to make their contribution exactly as anyone else coming in under it.

Mr. KING. Then, would the services of those who have been serving several years and who have made no contributions, but would now come under the bill, be determined from the date they began making contribution or from the date of their appointment several years ago?

Mr. O'MAHONEY. It is my understanding that they would come in from the date of their qualification under the civil-service law and not from the date of their original appointment. It applies only to those who are appointed under the civil-service law and for the period during which they serve under the civil-service law.

Mr. KING. Have those who have been appointed under civil-service law been making contributions to the fund?

Mr. O'MAHONEY. No. Because under the present law postmasters are excluded.

Mr. KING. Then, they would receive compensation upon retirement for a period when they made no contribution to the funds?

Mr. O'MAHONEY. Oh, not at all. They would receive compensation merely for the period during which they serve as civil-service postmasters, and nothing else. They come under the retirement law as any new employees would come under the retirement law.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HUGHES. I understand that fourth-class postmasters have this privilege now?

Mr. O'MAHONEY. That is correct.

Mr. HUGHES. And it is proposed to extend it to first-, second-, and third-class postmasters?

Mr. O'MAHONEY. When they are appointed under the civil-service law, and only then.

Mr. HUGHES. They would have the privilege the fourth-class postmasters now have.

Mr. O'MAHONEY. Exactly. The Senator is correct.

Mr. DAVIS. Mr. President, as I understand, the Committee on Post Offices and Post Roads unanimously favorably reported the bill?

Mr. O'MAHONEY. The Senator from Pennsylvania is correct.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WALSH. If my information is correct the law now provides for the retirement of postmasters at the age of 68, if they have been certified by the Post Office Department to have rendered faithful and loyal service. A method of claiming the benefits of the retirement law has been resorted to by postmasters who have at one time held a civil-service position as clerk or carrier, by resigning or being demoted, and then obtaining the benefit of the retirement law. I approve of the Senator's bill, for I understand it makes no difference between postmasters and any other Government officials.

Mr. O'MAHONEY. Exactly.

Mr. WALSH. It puts them all under the general retirement law.

Mr. O'MAHONEY. I may say that the bill was drafted by the experts of the Civil Service Commission.

Mr. WALSH. Mr. President, the Senator will be interested in an experience I have had recently in connection with a career postmaster who was 66 years of age. Had he been 64 he could have resigned and been appointed clerk. He had worked up in the service, and had been in the service for 48 years. Had he resigned, as I have said, he could have been appointed clerk and retired. But he was 66 years of age. Therefore he could not be appointed clerk. The retirement age is fixed at 68 years. He was between 66 and 68 years, and could not receive the benefits of either law. He could not receive retirement benefits until finally a method was provided of retiring on disability rather than obtaining the benefit under the Retirement Act.

Mr. O'MAHONEY. I am very much obliged to the Senator from Massachusetts for his statement.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill extending civil-service retirement to certain postmasters."

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 221. An act for the relief of Anthony Coniglio;

S. 431. An act for the relief of Mrs. Quitman Smith;

S. 875. An act for the relief of Andrew J. Crockett and Walter Crockett;

S. 1291. An act for the relief of William Carl Laude;

S. 1384. An act for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim;

S. 1387. An act for the relief of Ida May Lennon;

S. 1487. An act for the relief of the Postal Telegraph-Cable Co.;

S. 2167. An act to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island; and S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vasquez de Coronado.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 289. An act for the relief of the West Virginia Co.;

S. 1385. An act for the relief of the Barkman Lumber Co.; and

S. 1629. An act for the relief of the Canvas Decoy Co.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 542. An act for the relief of Anna Elizabeth Watrous;

H. R. 543. An act for the relief of Imogene Enley;

H. R. 733. An act for the relief of S. A. Rourke;

H. R. 777. An act for the relief of Banks Business College;  
 H. R. 1177. An act for the relief of Bessie Bear Robe;  
 H. R. 1436. An act for the relief of William H. Keesey;  
 H. R. 1456. An act for the relief of Maj. Herbert A. Jacob;  
 H. R. 1693. An act to confer jurisdiction on the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment upon the claims of certain claimants who suffered loss by flood at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, during the month of March 1934;  
 H. R. 1875. An act for the relief of the Women's Board of Domestic Missions;  
 H. R. 2102. An act for the relief of Ada Fuller;  
 H. R. 2234. An act for the relief of W. E. R. Covell;  
 H. R. 2452. An act for the relief of George Slade;  
 H. R. 2480. An act for the relief of the estate of John B. Brack;  
 H. R. 2514. An act for the relief of G. E. Williams;  
 H. R. 2610. An act for the relief of G. W. Netterville;  
 H. R. 2948. An act for the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim;  
 H. R. 3081. An act for the relief of Margaret B. Nonnenberg;  
 H. R. 3084. An act for the relief of Violet Dewey;  
 H. R. 3094. An act for the relief of Luise Ehrenfeld;  
 H. R. 3104. An act for the relief of Kyle Blair;  
 H. R. 3157. An act for the relief of Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased;  
 H. R. 3161. An act for the relief of the estate and minor children of Dale W. and Gladys M. Guise, Sally C. Guise, and Martha G. and Arnold E. Orner;  
 H. R. 3305. An act for the relief of Charles G. Clement;  
 H. R. 3337. An act for the relief of the estate of Arthur Weltner;  
 H. R. 3614. An act for the relief of Frank M. Croman;  
 H. R. 3623. An act for the relief of Capt. Clyde E. Steele, United States Army;  
 H. R. 3730. An act for the relief of John G. Wynn;  
 H. R. 3732. An act for the relief of Rosalia Cataudella Di Rosa and son, Georgio Di Rosa;  
 H. R. 4155. An act for the relief of Mary A. Brummal;  
 H. R. 4249. An act for the relief of Stephen Kelen;  
 H. R. 4260. An act for the relief of J. Milton Sweney;  
 H. R. 4264. An act for the relief of Corabell Wuensch, Jackie Lee Wuensch, and Mary Rainbolt;  
 H. R. 4391. An act for the relief of H. W. Hamlin;  
 H. R. 4440. An act for the relief of Mr. and Mrs. John Shebestok, parents of Constance and Lois Shebestok;  
 H. R. 4609. An act for the relief of Charles Enslow;  
 H. R. 4725. An act for the relief of William L. Rull;  
 H. R. 4762. An act for the relief of William S. Huntley;  
 H. R. 4847. An act for the relief of Leland J. Belding;  
 H. R. 4878. An act for the relief of Annie Reiley;  
 H. R. 4965. An act for the relief of J. Harry Walker;  
 H. R. 5056. An act for the relief of Nicholas Contopoulos;  
 H. R. 5149. An act for the relief of Isidore Cvitcovich;  
 H. R. 5156. An act for the relief of Adolph Ernest Helms;  
 H. R. 5301. An act for the relief of Adam Emanuel Tsagournis;  
 H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles;  
 H. R. 5494. An act for the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos;  
 H. R. 5743. An act for the relief of Walter C. Holmes;  
 H. R. 5827. An act to authorize the cancelation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder;  
 H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6409. An act to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife;  
 H. R. 6416. An act for the relief of Joaquim Santos Valente;  
 H. R. 6435. An act to authorize cancelation of deportation in the case of Louise Wohl;  
 H. R. 6836. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended;  
 H. R. 6897. An act granting pensions to certain widows of veterans of the Civil War;  
 H. R. 6898. An act granting pensions and increase of pensions to certain helpless and dependent children of veterans of the Civil War;  
 H. R. 6899. An act granting pensions to certain veterans of the Civil War;  
 H. R. 6900. An act granting pensions to certain former widows of veterans of the Civil War;  
 H. R. 6901. An act granting increase of pensions to certain widows of veterans of the Civil War;  
 H. R. 6902. An act granting increase of pensions to certain former widows of veterans of the Civil War;  
 H. R. 6928. An act to extend the times for commencing and completing the construction of a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., and for other purposes;  
 H. J. Res. 315. Joint resolution to provide for the adjudication by a commissioner of claims of American nationals against the Government of the Union of Soviet Socialist Republics; and  
 H. J. Res. 320. Joint resolution to amend Public Resolution No. 46, approved August 9, 1935, entitled "Joint resolution requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939."

## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as follows:

H. R. 542. An act for the relief of Anna Elizabeth Watrous;  
 H. R. 543. An act for the relief of Imogene Enley;  
 H. R. 777. An act for the relief of Banks Business College;  
 H. R. 1436. An act for the relief of William H. Keesey;  
 H. R. 1456. An act for the relief of Maj. Herbert A. Jacob;  
 H. R. 1693. An act to confer jurisdiction on the District Court of the United States for the western district of Missouri to hear, determine, and render judgment upon the claims of certain claimants who suffered loss by flood at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, during the month of March 1934;  
 H. R. 1875. An act for the relief of the Women's Board of Domestic Missions;  
 H. R. 2102. An act for the relief of Ada Fuller;  
 H. R. 2234. An act for the relief of W. E. R. Covell;  
 H. R. 2452. An act for the relief of George Slade;  
 H. R. 2480. An act for the relief of the estate of John B. Brack;  
 H. R. 2514. An act for the relief of G. E. Williams;  
 H. R. 2610. An act for the relief of G. W. Netterville;  
 H. R. 3081. An act for the relief of Margaret B. Nonnenberg;  
 H. R. 3084. An act for the relief of Violet Dewey;  
 H. R. 3104. An act for the relief of Kyle Blair;  
 H. R. 3157. An act for the relief of Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased;  
 H. R. 3161. An act for the relief of the estate and minor children of Dale W. and Gladys M. Guise, Sally C. Guise, and Martha G. and Arnold E. Orner;  
 H. R. 3337. An act for the relief of the estate of Arthur Weltner;  
 H. R. 3614. An act for the relief of Frank M. Croman;



H. R. 3623. An act for the relief of Capt. Clyde E. Steele, United States Army;

H. R. 3730. An act for the relief of John G. Wynn;

H. R. 4155. An act for the relief of Mary A. Brummal;

H. R. 4260. An act for the relief of J. Milton Sweney;

H. R. 4264. An act for the relief of Corabell Wuensch, Jackie Lee Wuensch, and Mary Rainbolt;

H. R. 4391. An act for the relief of H. W. Hamlin;

H. R. 4440. An act for the relief of Mr. and Mrs. John Shebestok, parents of Constance and Lois Shebestok;

H. R. 4609. An act for the relief of Charles Enslow;

H. R. 4725. An act for the relief of William L. Rull;

H. R. 4762. An act for the relief of William S. Huntley;

H. R. 4847. An act for the relief of Leland J. Belding; and

H. R. 5743. An act for the relief of Walter C. Holmes; to the Committee on Claims.

H. R. 2948. An act for the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim;

H. R. 3094. An act for the relief of Luise Ehrenfeld;

H. R. 3732. An act for the relief of Rosalia Cataudella Di Rosa and son, Georgio Di Rosa;

H. R. 4249. An act for the relief of Stephen Kelen;

H. R. 4878. An act for the relief of Annie Reiley;

H. R. 5056. An act for the relief of Nicholas Contopoulos;

H. R. 5149. An act for the relief of Isidore Cvitcovich;

H. R. 5156. An act for the relief of Adolph Ernest Helms;

H. R. 5301. An act for the relief of Adam Emanuel Tsagournis;

H. R. 5494. An act for the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos;

H. R. 5827. An act to authorize the cancelation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder;

H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6409. An act to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife;

H. R. 6416. An act for the relief of Joaquin Santos Valente; and

H. R. 6435. An act to authorize cancelation of deportation in the case of Louise Wohl; to the Committee on Immigration.

H. R. 1177. An act for the relief of Bessie Bear Robe; and

H. R. 4965. An act for the relief of J. Harry Walker; to the Committee on Indian Affairs.

H. R. 3305. An act for the relief of Charles G. Clement; to the Committee on Military Affairs.

H. R. 6897. An act granting pensions to certain widows of veterans of the Civil War;

H. R. 6898. An act granting pensions and increase of pensions to certain helpless and dependent children of veterans of the Civil War;

H. R. 6899. An act granting pensions to certain veterans of the Civil War;

H. R. 6900. An act granting pensions to certain former widows of veterans of the Civil War;

H. R. 6901. An act granting increase of pensions to certain widows of veterans of the Civil War; and

H. R. 6902. An act granting increase of pensions to certain former widows of veterans of the Civil War; to the Committee on Pensions.

H. R. 6928. An act to extend the times for commencing and completing the construction of a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., and for other purposes; to the Committee on Commerce.

H. J. Res. 315. Joint resolution to provide for the adjudication by a commissioner of claims of American nationals against the Government of the Union of Soviet Socialist Republics; and

H. J. Res. 320. Joint resolution to amend Public Resolution No. 46, approved August 9, 1935, entitled "Joint resolution

requesting the President to extend to the International Statistical Institute an invitation to hold its twenty-fourth session in the United States in 1939"; to the Committee on Foreign Relations.

#### BENEFITS TO WORLD WAR VETERANS AND THEIR DEPENDENTS

The Senate proceeded to consider the bill (H. R. 5452) to provide certain benefits for World War veterans and their dependents and for other purposes, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert the following:

That section 1 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended to read as follows:

"SECTION 1. (a) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, who, while receiving or entitled to receive compensation, pension, or retirement pay for 10 percent disability or more presumptively or directly incurred in or aggravated by service in the World War, dies or has died from a disease or disability not service connected shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(b) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was honorably discharged after having served 90 days or more (or who, having served less than 90 days, was discharged for disability incurred in the service in line of duty), who dies or has died from a disease or disability not service connected and at the time of death had a disability directly or presumptively incurred in or aggravated by service in the World War for which compensation would be payable if 10 percent or more in degree, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(c) Payment of compensation under the provisions of this act shall not be made to any widow without child, or a child, whose annual income exceeds \$1,000, or to a widow with a child or children whose annual income exceeds \$2,500. In determining annual income, payments of war risk term insurance, United States Government life (converted) insurance, and payments under the World War Adjusted Compensation Act, as amended (U. S. C., title 38, ch. 11), and the Adjusted Compensation Payment Act, 1936, as amended, shall not be considered. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration; and in no event shall compensation herein authorized be effective prior to the date of enactment of this act."

SEC. 2. Section 2 of Public Law No. 484, Seventy-third Congress, as amended (U. S. C., title 38, sec. 504), is hereby amended to read as follows:

"SEC. 2. (a) The monthly rates of compensation shall be as follows: Widow but no child, \$30; widow with one child, \$38 (with \$4 for each additional child); no widow but one child, \$15; no widow but two children, \$22 (equally divided); no widow but three children, \$30 (equally divided) (with \$3 for each additional child; total amount to be equally divided).

"(b) The total compensation payable under this section shall not exceed \$64. Where such benefits would otherwise exceed \$64, the amount of \$64 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

SEC. 3. Section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended (U. S. C., title 38, sec. 506), is hereby amended to read as follows:

"SEC. 4. For the purpose of awarding compensation under the provisions of this act, as amended, service connection of a disability at the date of death, and degree thereof where required, may be determined in any case where a claim has been or is filed by the widow, child, or children of a deceased World War veteran. Proof of disability at the date of death, and degree thereof where required, and evidence as to service connection, may be filed at any time after the date of enactment of this act or the date of death. Evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs."

SEC. 4. In the administration of laws pertaining to veterans, retired officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard who served honorably during a war period as recognized by the Veterans' Administration, shall be, and are, entitled to hospitalization and domiciliary care in Veterans' Administration facilities on parity with other war veterans and subject to those provisions of paragraph VI (A) of Veterans Regulation No. 6 (c), which provide for reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care.

SEC. 5. Effective on the 1st day of the month next following the date of enactment of this act, the rates of death compensation

payable under the provisions of existing laws or veterans' regulations to a surviving widow, child, or children, and/or dependent mother or father now on the rolls or hereafter to be placed on the rolls as the surviving widow, child, or children, and/or dependent mother or father of any World War veteran who died as the result of injury or disease incurred in or aggravated by active military or naval service in the World War, shall be as follows:

Widow, age under 50 years, \$38; widow, age 50 years or over, \$45; widow with one child, \$10 additional for such child up to 10 years of age, increased to \$15 from age 10 (with \$8 for each additional child up to 10 years of age, increased to \$13 from age 10) (subject to apportionment regulations); no widow but one child, \$20; no widow but two children, \$33 (equally divided); no widow but three children, \$46 (equally divided) (with \$8 for each additional child, total amount to be equally divided); dependent mother or father, \$45 (or both), \$25 each. As to the widow, child, or children, the total compensation payable under this section shall not exceed \$83. The amount of compensation herein authorized shall be paid in the event the monthly payment of compensation under Veterans' Regulation No. 1 (g) and the monthly payment of yearly renewable term of automatic insurance does not aggregate or exceed the amount of compensation herein authorized.

As to the surviving widow, child, or children, and/or dependent mother or father on the rolls on the date of enactment of this act, any increased award herein authorized shall be effective from the date of enactment of this act and in all other cases, except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937, effective dates of awards shall be governed by the provisions of veterans' regulations promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933.

Sec. 6. Subparagraph (k) of paragraph II, part I, of Veterans' Regulation No. 1 (a), promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933, is hereby amended to read as follows:

"(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of the use of only one foot, or one hand, or one eye, the rate of pension provided in part I, paragraph II (a) to (j), shall be increased by \$35 per month."

Sec. 7. On and after the date of enactment of this act, the rate of interest charged on any loan secured by a lien on United States Government life (converted) insurance shall not exceed 5 percent per annum.

Mr. GEORGE. Mr. President, this is a House bill. I will state the material changes which it makes in existing law. Under the existing law the widow or children dependents of a World War veteran, who had a service-connected disability amounting to 10 percent or more, are entitled to pensions as provided in the law.

This bill adds another class of widows and dependents. It brings in all widows or dependents of veterans who served prior to November 12, 1918, or who were in the Russian expeditionary force, and in service prior to a specified date in 1920, and who died of any disease, or who had a service-connected disability which, if it had amounted to 10 percent or more, would have been compensable. In other words, the dependents of the World War veterans in all cases where the veterans had disability that was service-connected under the law as it exists, and which would have been compensable if it had amounted to 10 percent or more in degree, are given benefits under this measure but not at the same rate.

The present rate of pension now payable to a widow is \$30 per month if she is under 50 years of age. That is raised \$8 by the pending measure, and there is a corresponding raise of \$7.50 if she is between 50 years and 65 years.

There are also some changes made in behalf of the dependent children.

The widow of a World War veteran who had a service-connected disability, but not compensable, is given a pension at \$30 per month and \$4 for each child.

There is a difference in the pension allowance. The House bill provided for a pension to the dependent father and mother. Since the House bill practically provided for service pensions, in the opinion of the committee, and since in the case of service pensions provision has not heretofore been made for dependent fathers and mothers, in determining dependents the committee restricted the House bill to the widow and children of the surviving veteran or persons who served in the World War or in Russia prior to March 1920. That is the principal change made in the bill.

A subsequent section of the bill increases the statutory pensions now fixed in the law from \$25 to \$35 for the anatomical loss of only one foot, one hand, or one eye, or the loss of the

use of the foot, hand, or eye. The House bill provided that no veteran who had sustained the anatomical loss of an arm, a foot, or an eye should receive a total compensation of less than \$100 per month. The Finance Committee thought it best to preserve the general principle of disability and to compensate for the disability actually existing; so the committee recommended that the statutory allowance in such case be stepped up from \$25 to \$35. So a veteran who has lost a foot, and who is now rated under the rating schedule at 40-percent disability, I believe, and who under the existing law receives \$40 plus \$25, or \$65 per month, will receive \$75 per month under the provisions of the amendment made by the Senate committee.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. GEORGE. I yield.

Mr. AUSTIN. Has any estimate been made of the increased cost to the Government due to this proposed change in the law?

Mr. GEORGE. If the Senator will pardon me and let me explain just one other feature, I will come back to that question.

Another section of the bill, which has been added by the Senate committee and which was not in the House bill, provides for hospitalization and domiciliary care for veterans of the World War, the Spanish-American War, the Boxer Rebellion, and the Philippine Insurrection. That provision was recommended by the Veterans' Administration.

Another section of the bill, which is the same as passed by the House, reduces from 6 percent to 5 percent per annum the interest rate on loans made to veterans on insurance policies. That provision does not affect the Treasury. It merely affects all other veterans who hold like insurance, and is estimated to reduce the total dividend earning approximately \$150,000 a year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. VANDENBERG. Did the Veterans' Administration recommend the reduction in the insurance-loan rate?

Mr. GEORGE. The Veterans' Administration did not make a specific recommendation. It did not interpose any objection. It merely pointed out that the reduction would not affect the Treasury, but would reduce the benefits to veterans who hold insurance and who do not borrow upon their insurance.

Mr. VANDENBERG. Obviously, it is a favor to the borrowing veteran at the expense of the nonborrowing veteran.

Mr. GEORGE. Obviously, that is true; but the House passed it, and the Senate did not make any change.

The Senate's attention should be called to an important provision by the House which has been stricken out by the Senate amendment: Under the terms of the House bill any veteran of the World War who sustained or suffered from any wound, although it was not disabling in any degree, was given a 10-percent-disability rating. That provision was very strongly resisted by the Veterans' Administration. Obviously, such rating does not necessarily relate at all to the disability suffered by the veteran. In that connection, as shown by the report, the Veterans' Administration agreed with the committee to re-rate all the veterans of the World War who suffered wounds during the war, and also agreed to establish, by order, a board out of the Board of Veterans Appeals—a subcommittee of that board, so to speak—so to rate all wound cases that there will be uniformity throughout the country, which does not now exist, inasmuch as a rating board in one State may consider as being 10-percent disabling a wound which would not be regarded as 10-percent disabling by a rating board in another State. Of course, that situation might be corrected if the matter were brought to the Veterans' Administration; but the Veterans' Administrator has announced his purpose to set up a special board in Washington to rate all cases of veterans suffering from any wound. That provision in the House bill was estimated to cost considerably more than the entire cost of the present bill.



The Senate Finance Committee has entirely eliminated that provision, leaving the cases of veterans suffering from wounds to be rated and compensated upon the basis of the degree of disability, as in all other cases.

Coming to the question of additional cost—

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. Before the Senator leaves that point, does not the present law make provision for compensation to all those who are suffering disabilities as a result of their service?

Mr. GEORGE. That is true if the disability is disabling to the extent of 10 percent or more. The House bill would have given all veterans suffering from any wound, however slight, a 10-percent-disability rating, and would have cost the Government about \$10,000,000 to \$11,000,000 a year, according to the estimates furnished the committee. The Senate committee has eliminated that provision.

Mr. KING. Even though the disabilities were unimportant?

Mr. GEORGE. That is correct.

Mr. President, the total cost of the bill, as estimated by the Veterans' Administration, will be approximately \$6,470,000.

Mr. KING. Per annum?

Mr. GEORGE. Yes; for the next fiscal year.

It is believed that the bill as recommended by the Finance Committee meets with the approval of the Veterans' Administration insofar as he is authorized to commit the administration upon legislation.

Mr. KING. What would be the cost per annum of the first bill?

Mr. GEORGE. Less than \$1,000,000.

Mr. WALSH. Mr. President, I commend the Senator from Georgia [Mr. GEORGE] for his excellent explanation of the bill. The House bill would, in the opinion of the Senate committee, meet with the disfavor of the Veterans' Administration; and the Senate bill, while restricting some of the broadening features of the House bill, has in other instances made the increased benefits to veterans more equitable, and more likely to receive the approval of the Veterans' Administration.

Mr. GEORGE. The Senator from Massachusetts is quite correct. The committee is authorized to say that the bill will have the favorable recommendation of the Veterans' Administration. We were assured that we could not hope to secure the approval of the bill as it passed the House, carrying with it an increased cost of some \$17,000,000 or \$18,000,000 a year.

Mr. President, may we have action on the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. GEORGE. Mr. President, on behalf of the committee I move to strike out, in the committee amendment on page 12, at the beginning of line 4, the word "of" and insert in lieu thereof the word "or." It is merely a typographical error.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. GEORGE], on behalf of the committee, to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### GRADING AND CLASSIFICATION OF FOREIGN SERVICE CLERKS

Mr. SHIPSTEAD. Mr. President, a short time ago the Senator from Georgia [Mr. GEORGE] asked that Senate bill 2663 be passed over to await House bill 6836, an identical bill coming over from the House. House bill 6836 has now come over, and I ask unanimous consent that it be substituted for Senate 2663, and that it be given consideration at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

There being no objection, the bill (H. R. 6836) to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931, as amended, was read twice by its title, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That paragraph (n) of section 26 of the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended, is amended to read as follows:

"(n) Any diplomatic secretary or consular officer who has been, or any Foreign Service officer who may hereafter be, promoted from the classified service to the grade of Ambassador or Minister, or appointed to a position in the Department of State, shall be entitled to all the benefits of this section in the same manner and under the same conditions as Foreign Service officers: *Provided*, That any officer now included under the act of May 24, 1924, and the amendment thereto of July 3, 1926, shall be entitled to the benefits of this section: *And provided further*, That hereafter an Ambassador or Minister, or a former Ambassador or Minister, or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer, who is not otherwise entitled to an annuity under this section and who shall have served as such for the period mentioned in the following paragraph (1), shall nevertheless be entitled to the benefits thereof in the same manner and under the same conditions as Foreign Service officers, but subject to the following terms and conditions:

"(1) Any person who has served as Ambassador or Minister, or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer, continuously or at different times for an aggregate period of 20 years or more, in which period may be included any periods of service in any of the capacities and as provided in paragraph (o) of this section, may become entitled to the benefits of this section as hereinafter provided by paying into the Foreign Service retirement and disability fund a special contribution equal to 5 percent of his annual salary for each year of such employment subsequent to July 1, 1924, with interest thereon to date of payment compounded annually at 4 percent.

"(2) Any Ambassador or Minister, or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer, who becomes entitled to the benefits of this section as provided in the preceding paragraph (1), shall receive an annuity computed in accordance with paragraph (e) of this section, including the right to voluntary retirement as provided by paragraph (d) of this section: *Provided, however*, That in case any Ambassador or Minister, or a person appointed to a position in the Department of State after serving as Ambassador, Minister, or Foreign Service officer, is retired from active service at less than 65 years of age and with at least 20 but less than 30 years of service, computed in accordance with this section, and assuming that he shall have complied with the requirements of the law entitling him to such annuity, he shall receive an annuity computed in accordance with paragraph (d) of this section on the basis of the total period of service thus computed, including extra service credits as provided in paragraph (k) of this section, the fractional part of a month, if any, to be eliminated from such total period of service; or if he is over 65 years of age (unless he is retained in active service as provided in paragraph (d) of this section), or not in active service, on the effective date of this act such annuity shall begin on the date he complies with all the requirements of law to entitle him to such annuity."

The PRESIDING OFFICER. Without objection, Senate bill 2663 is indefinitely postponed.

#### S. A. ROURKE

Mr. THOMAS of Oklahoma. Mr. President, a little while ago there was passed over Calendar No. 741, Senate bill 324, for the reason that the House on yesterday passed an identical bill which had not been messaged to the Senate. I ask unanimous consent to revert to that calendar number, and, as the House bill has now been received, that the Senate proceed to the consideration of the House bill instead of the Senate bill.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 733) for the relief of S. A. Rourke was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. A. Rourke, of Oklahoma City, Okla., the sum of \$1,377.06, in full settlement of all claims against the United States for storage in the Merchants Southwest

Fireproof Warehouse Building, Oklahoma City, Okla., of 800 cases of Old Reserve tonic from May 3, 1921, to July 6, 1923, which said tonic was stored and held in said warehouse by the United States marshal for the United States District Court for the Western District of Oklahoma pending certain proceedings concerning said tonic in said court: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. THOMAS of Oklahoma. I ask that Senate bill 324 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate bill 324 is indefinitely postponed.

#### PROMOTION OF FARM OWNERSHIP BY TENANTS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. BYRNES. Mr. President, I ask that the unfinished business be temporarily laid aside, and that the call of the calendar be proceeded with.

Mr. NEELY. Mr. President, a parliamentary inquiry. Does the request of the Senator from South Carolina require unanimous consent?

The PRESIDING OFFICER. It requires unanimous consent to lay aside temporarily the unfinished business.

Mr. NEELY. Mr. President, I am obliged to object. For 6 months I have been striving in vain to prevail on the Senate to consider S. 280, which is commonly known as the motion-picture anti-block-booking bill. Failure, on my part, to object to the unanimous-consent request of the distinguished and always courteous Senator from South Carolina [Mr. BYRNES] would aid the enemies of the bill, by further delaying its consideration. Therefore I insist upon my objection.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from South Carolina [Mr. BYRNES] has the floor.

Mr. BYRNES. Mr. President, I inquire what is the unfinished business?

The PRESIDING OFFICER. The clerk will state the unfinished business.

The CHIEF CLERK. A bill (S. 1836) to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on bonds, and for other purposes.

Mr. BYRNES. Mr. President, the Senator from Alabama not being present at the moment, and the Senator from Kentucky [Mr. BARKLEY] also being out of the Chamber, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Idaho	Hatch	Maloney
Ashurst	Clark, Mo.	Hayden	Mead
Austin	Connally	Herring	Miller
Bailey	Danaher	Hill	Minton
Bankhead	Davis	Holman	Murray
Barbour	Donahey	Holt	Neely
Barkley	Ellender	Hughes	Norris
Bilbo	George	Johnson, Calif.	Nye
Bone	Gerry	Johnson, Colo.	O'Mahoney
Borah	Gibson	King	Overton
Bridges	Gillette	La Follette	Pepper
Bulow	Glass	Lee	Pittman
Burke	Green	Lodge	Radcliffe
Byrd	Guffey	Logan	Reed
Byrnes	Gurney	Lucas	Russell
Capper	Hale	Lundeen	Schwartz
Chavez	Harrison	McKellar	Schwellenbach

Sheppard  
Shipstead  
Slattery  
Smathers  
Stewart

Taft  
Thomas, Okla.  
Tobey  
Townsend  
Truman

Tydings  
Vandenberg  
Van Nuys  
Wagner  
Walsh

Wheeler  
White  
Wiley

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

The clerk will state the amendment reported by the committee.

The Chief Clerk proceeded to state the amendment.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the rest of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none.

The amendment was to strike out all after the enacting clause and to insert:

That the Bankhead-Jones Farm Tenant Act is amended by inserting therein a new title to follow immediately after title I thereof and to read as follows:

#### "TITLE IA—FARM-TENANT MORTGAGE INSURANCE PROVISIONS

##### "DEFINITIONS

"SEC. 11. As used in this title—

"(a) The term 'mortgage' means a first mortgage on real estate, in fee simple; and the term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State, District, or Territory in which the real estate is located, together with the credit instruments, if any, secured thereby.

"(b) The term 'mortgagee' includes the original lender under a mortgage and his successors and assigns; and the term 'mortgagor' includes the original borrower under a mortgage and his successors and assigns, approved by the Secretary.

"(c) The term 'maturity date' means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

##### "FARM-TENANT MORTGAGE INSURANCE FUND

"SEC. 12. (a) There is hereby created a farm-tenant mortgage insurance fund (hereinafter referred to as the 'fund'), which shall be used by the Secretary of Agriculture (hereinafter referred to as the 'Secretary') as a revolving fund for carrying out the provisions of this title with respect to mortgages insured under section 13 as hereinafter provided. There shall be covered into such fund not exceeding 5 percent of the sums appropriated for the fiscal year ending June 30, 1940, pursuant to the authorizations for appropriations made by section 6, as the Secretary may deem it advisable to cover into such fund.

"(b) Moneys in the fund not needed for current operations shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations guaranteed as to principal and interest by the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of section 14. Such purchases shall be made at a purchase price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(c) All amounts credited to the fund shall be available for making payments required under this title.

"(d) The Secretary shall include in his annual report a complete statement with respect to the status of the fund.

"(e) There are hereby authorized to be appropriated to the fund for each fiscal year, beginning with the fiscal year ending June 30, 1939, such sums as when added to the sums covered into the fund under subsection (a) of this section will be adequate to carry out the provisions of this title.

##### "INSURANCE OF MORTGAGES

"SEC. 13. (a) The Secretary is authorized, upon application by the mortgagee, to insure prior to June 30, 1942, as hereinafter provided, any mortgage offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That the aggregate amount of principal obligations of all mortgages insured under this title and outstanding at any one time shall not exceed \$350,000,000, of which not to exceed \$50,000,000 shall be insured and outstanding prior to June 30, 1940, and not to exceed \$150,000,000 shall be insured and outstanding prior to June 30, 1941: *Provided further*, That the aggregate amount of the principal obligations of the mortgages upon property in any State insured under this title shall not be a greater percentage of such \$350,000,000 than the number of tenant farmers residing in such State is of the total number of tenant farmers residing in the United States.

"(b) To be eligible for insurance under this section a mortgage shall—

"(1) Have been made by a farmer who owns no interest in any real property (other than that covered by such mortgage or occupied by him as a residence and from which he does not derive any



substantial part of his livelihood) (A) as security for the purchase price, or part of the purchase price, of a farm upon which he is conducting, or proposes to conduct, farming operations, or (B) as security for the payment of an indebtedness incurred for the purpose of refinancing a mortgage covering a farm upon which he is conducting or proposes to conduct farming operations: *Provided*, That such mortgages shall not be accepted for insurance until rules and regulations with respect to the eligibility of mortgagors have been prescribed by the Secretary, with the approval of the President;

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall prescribe) not in excess of the reasonable value of the farm and necessary repairs and improvements thereon, as certified by the county committee pursuant to section 16;

"(3) Have a maturity satisfactory to the Secretary, but not to exceed 40 years from the date of the execution of the mortgage;

"(4) contain complete amortization provisions satisfactory to the Secretary requiring periodic payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Secretary, such periodic payments to be made to the Secretary as collection agent for the mortgagee;

"(5) bear interest at not to exceed 3 percent per annum on the amount of the principal obligation outstanding at any time;

"(6) provide, in a manner satisfactory to the Secretary, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest) to amortization of the principal of the mortgage;

"(7) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, variable payments, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may in his discretion prescribe;

"(8) be accompanied by an agreement by the mortgagee (not binding upon the Secretary as an assignee) that he will accept the benefits provided by section 14 in lieu of any right of foreclosure which he may have against the mortgaged property;

"(9) contain such covenants as the Secretary shall prescribe to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented; and

"(10) contain a covenant by the mortgagor not to mortgage, lease, or otherwise dispose of his interest in the mortgaged property to any person until the Secretary has approved the acquisition of such interest by such person.

"(c) The Secretary shall make no premium charge for the insurance of mortgages under this title, but shall be authorized to collect such charges, fees, and reserves as may be prescribed pursuant to paragraphs (2) and (7) of subsection (b) of this section. If the Secretary finds upon the presentation of a mortgage for insurance that the mortgage complies with the provisions of this section, such mortgage may be accepted for insurance by endorsement or otherwise as the Secretary may prescribe.

"(d) The Secretary shall promptly remit to the mortgagee under any mortgage insured under this title any sums collected by him as agent for the mortgagee. The Secretary shall promptly advise any such mortgagee of any default by the mortgagor.

"(e) If the Secretary finds, with respect to any locality, that the mortgage market there prevailing will not absorb mortgages eligible for insurance under this section, he shall be authorized, within the limitations of subsection (a), to accept such mortgages for the account of the farm mortgage insurance fund in exchange for, or with the proceeds of, interim debentures issued in the name of such fund. Such debentures shall have the same incidents as debentures issued under section 14, but shall have such maturities, bear such rates of interest, and be issued in such manner as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Any mortgages so accepted for the account of the farm mortgage insurance fund shall, as soon as a market therefor is found, be sold by the Secretary, with the approval of the Secretary of the Treasury, and the proceeds used to retire a corresponding amount of interim debentures, in which event such mortgages shall become subject to all of the provisions of this title as fully as though they had been originally insured pursuant to this section.

"(f) Any contract of insurance executed by the Secretary under this section shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of any holder thereof from the date of the execution of such contract, except for fraud or misrepresentation of which such holder has actual knowledge.

#### "PAYMENT OF INSURANCE

"Sec. 14. (a) In any case in which the mortgagor under a mortgage insured under section 13 shall be in default for not less than 6 months, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon assignment to the Secretary of (1) all rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance and all surety bonds and other guaranties and any and all claims thereunder; (4) any balance of the mortgage loan not advanced to the mortgagor; (5) any cash or property held by the mortgagee, or to which it is entitled, as deposit made for the account of the mortgagor and which has not been applied in reduction of the principal of the mortgage indebtedness; and (6) all records, documents, books, papers, and accounts relating to the mortgage transaction. Upon such assign-

ment the Secretary shall issue to the mortgagee debentures having a total face value equal to the value of the mortgage. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Secretary, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of default, the amount of all unpaid interest and the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, which are liens prior to the mortgage, and insurance on the property mortgaged, and by deducting from such total amount any amount received on account of the mortgage after such default. If the collections from any mortgagor who is making variable payments are less than the current periodic payment due under the insured mortgage, which deficiency is not covered by previous prepayments, and such mortgagor is not in default in his variable payments, and has complied with all of the terms and conditions of the insured mortgage, the Secretary, in lieu of issuing debentures, as hereinabove provided, for the full amount of such mortgage, shall pay to the mortgagee the amount of such deficiency, less the amount of any such prepayments, which payment shall be advanced out of the farm tenant mortgage insurance fund for the account of the mortgagor. Such advance shall be repaid to the fund out of the first available collections received from the mortgagor, with interest thereon at the rate fixed in the insured mortgage.

"(b) The Secretary may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instruments secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

"(c) Debentures issued under this section shall be in such form and denominations in multiples of \$50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed \$50, shall be adjusted by the payment of cash by the Secretary to the mortgagee.

"(d) The debentures issued under this section to any mortgagee with respect to mortgages insured under section 13 shall be executed in the name of the farm-mortgage insurance fund as obligor, shall be signed by the Secretary by either his written or engraved signature, and shall be negotiable. All such debentures shall be dated as of the date the mortgage was acquired by the Secretary and shall bear interest from such date at a rate determined by the Secretary, with the approval of the Secretary of the Treasury, at the time the mortgage was offered for insurance, but not to exceed 3 percent per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature 3 years after the 1st day of July following the maturity date of the mortgage in exchange for which the debentures were issued. Such debentures shall be fully and unconditionally guaranteed as to principal and interest by the United States. In the event that the Secretary fails to pay upon demand, when due, the principal or interest on any debentures issued under this section, the Secretary of the Treasury shall pay to the holders the amount thereof, which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures. The Secretary of the Treasury is authorized to purchase any interim debentures issued pursuant to section 13 (3), and for such purchases may use as a public debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any such purchases. All redemptions, purchases, and sales by the Secretary of the Treasury of such debentures shall be treated as public debt transactions of the United States.

"(e) In any case in which the mortgagor shall violate any covenant or condition of his mortgage, the Secretary may require an assignment of such mortgage, together with the incidents thereto as enumerated in subsection (a) of this section, in exchange for debentures to be issued in accordance with this section.

#### "PROCEDURE WITH RESPECT TO MORTGAGES ASSIGNED TO SECRETARY

"Sec. 15. (a) Upon accepting the assignment of any mortgage the Secretary shall ascertain whether or not the mortgagor desires to remain in possession of the mortgaged property. If the mortgagor does not desire to retain possession of the mortgaged property or if the Secretary is unable to make the findings prescribed by the sentence immediately following, the Secretary may proceed to foreclose the mortgage: *Provided*, That foreclosure proceedings shall not be instituted if the mortgagor conveys to the Secretary full title to the mortgaged property subject only to the mortgage lien. If the mortgagor desires to remain in possession of the mortgaged property and if the Secretary finds that the mortgagor (1) has made reasonable efforts to meet all defaulted payments and to comply with the other covenants and conditions of his mortgage and (2) will probably be able to meet such defaulted payments before, or within 5 years after, the maturity date, the Secretary shall enter into an agreement with the mortgagor providing for the payment of such defaulted payments, together with interest thereon, at such times not later than 5 years after the maturity date as the Secretary may deem to be within the probable future means of the mortgagor. Should any mortgagor with whom the Secretary has

entered into any such agreement thereafter fail to meet any payments the Secretary may proceed to foreclose the mortgage: *Provided*, That foreclosure proceedings shall not be instituted if the mortgagor conveys to the Secretary full title to the mortgaged property subject only to the mortgage lien.

"(b) Any property acquired by the Secretary pursuant to the provisions of subsection (a) shall be sold to farmers upon such terms as the Secretary may deem advisable. If, pursuant to the provisions of section 51, the Secretary shall bid for and purchase any property foreclosed under subsection (a), the net amount realized from the sale of any such property and in collecting such claims, after deducting all expenses incurred by the Secretary in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face value of the debentures issued and the cash paid for the assignment of the mortgage upon such property plus all interest paid on such debentures, then so much of such excess as does not exceed the total amount of the payments made by the mortgagor upon the purchase price of such property shall be paid to the mortgagor of such property, less any amounts owing to the Secretary under section 3 (e) of title I or otherwise.

#### "COUNTY COMMITTEES

"Sec. 16. (a) The county committee established under section 42 shall—

"(1) receive listings of farms in the county from any persons desiring to sell such farms to farm tenants;

"(2) receive applications from farm tenants desiring to finance the acquisition of farms by means of mortgages insured by the Secretary under this title and advise such farm tenants of the available listed farms; and

"(3) examine and appraise farms which farm tenants desire to acquire or the mortgage indebtedness upon which they desire to refinance by means of mortgages insured under this title.

"(b) If the committee finds that an applicant is eligible to receive the benefits of this title, that by reason of his character, ability, experience, and training he is likely to carry out successfully undertakings required of him under a mortgage which may be insured under this title, and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the insuring of a mortgage with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the reasonable value of the farm, and where advances are to be made by the mortgagee for the construction of repairs and improvements the amount of such advances which the committee finds is economically justified on the basis of the income which can be realized from the operation of the farm.

"(c) No certification under this section shall be made with respect to any farm in which any member of the committee or any person related to such member within the third degree of consanguinity or affinity has any property interest, direct or indirect, or in which they or either of them have had such interest within 1 year prior to the date of certification.

"(d) No mortgage made by any person or with respect to any farm shall be insured under this title unless certification as required under this section has been made with respect to such person and such farm by the committee: *Provided*, That no mortgage shall be insured with respect to any farm unless it is of such size as the Secretary determines to be sufficient to constitute an efficient farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be successfully carried on in the locality in which the farm is situated."

Sec. 2. (a) Subsection (b) of section 40 of the Bankhead-Jones Farm Tenant Act is amended by striking out "or title II, or both," and inserting in lieu thereof a comma and the following: "title IA, or title II,".

(b) Subsection (a) of section 42 of such act is amended by inserting after "title I" the following: "or title IA."

(c) Subsection (a) of section 50 of such act is amended by inserting after "title I" a comma and the following: "title IA."

Sec. 3. Section 3 of such act is amended by inserting therein a new subsection to follow immediately after subsection (d) thereof and to read as follows:

"(e) Mortgagors whose mortgages are insured under title IA may be granted loans under this title for (1) the construction of necessary repairs and improvements upon the mortgaged property, or (2) to enable such mortgagors to meet payments of principal and interest due upon such mortgages. Any such loan shall comply with all of the requirements of this title, except that the mortgage or deed of trust securing such loan may be junior to the mortgage insured under title IA."

Sec. 4. The last sentence of paragraph "Seventh" of section 5136 of the Revised Statutes, as amended, is further amended by inserting after the words "National Housing Act" the following: "or which are insured by the Secretary of Agriculture pursuant to title IA of the Bankhead-Jones Farm Tenant Act."

Sec. 5. Section 35 of chapter III of the act entitled "An act to regulate the business of life insurance in the District of Columbia," approved June 19, 1934 (48 Stat. 1152), is amended by inserting in paragraph 3 (a), after the words "Federal Housing Administrator", the following: "or which are insured by the Secretary of Agriculture pursuant to title IA of the Bankhead-Jones Farm Tenant Act."

Mr. BARKLEY. Mr. President, does the Senator propose to explain the amendment? Many Senators who have read the original bill have not been able to study the amend-

ment in detail, and I think it would be advisable for the Senator to explain it.

Mr. LEE. Mr. President, the purpose of the bill is to extend the principle of Government insurance to the purchase of farms for the rehabilitation of farm tenants. The total amount which can be insured over a period of 3 years is \$350,000,000. For the first year a limitation of \$50,000,000 is placed in the bill, and for the second year a limitation of \$150,000,000.

The bill does not change any of the principles or any of the regulations now governing under the Bankhead-Jones farm-tenant law. It merely extends that law by the device of insuring the mortgage, instead of appropriating money out of the Treasury for the purchase of farms.

The present Bankhead-Jones law has worked very satisfactorily. I desire to refer to two paragraphs from the Oklahoma Farm Stockman of July 1, 1939, with respect to the present law:

The program of the Farm Security Administration to lend tenants the money with which to buy farms in Oklahoma and Texas went over with a bang. The full allotment of money made to each State—namely, \$1,053,830 to Oklahoma and \$2,118,147 to Texas—was all used up before the dead line on June 30. This particular program, called the tenant purchase or T. P. program of the Farm Security Administration, was quickly and widely accepted in Texas and Oklahoma. Had time, money, and men been available, several times the amount of the sum available could have been used up in starting tenants upon farms bought by and for them. In the year which closed June 30, 181 tenants were financed to buy as many farms in Oklahoma. In Texas the number so bought was 380.

The present program is approved. It is satisfactory. This plan is simply to extend it without appropriation, but by using the plan, which has been followed in Federal housing, of insuring the farm mortgage.

Objection has been made in certain quarters to the fact that in contrast to the Farm Credit Administration Land Bank and Commissioner loans, and in contrast to the Federal Housing Administration insured mortgages, this bill would authorize Government guaranties of mortgages which may equal 100 percent of the value of the mortgaged farm.

To this objection there are two answers.

To require the making of down payments by farm tenants would defeat the whole purpose of the act. The number of farm tenants who are able to make down payments is so negligible that if assistance is to be limited to those who can make down payments, nothing will be done to meet the problem.

Furthermore, much of the criticism of 100-percent farm mortgages, as compared with 90-percent housing mortgages, is based on false analogies. The following elements of risk, necessarily involved in Federal Housing Administration financing, would not be present in the case of mortgages insured under the pending bill.

First. The 90-percent appraisal on F. H. A. loans is not 90 percent of the cost but 90 percent of the appraised value, which is permitted to include builder's profit, land subdivider's profit, architect's fees, and so forth. Hence, the F. H. A. insured mortgages normally represent 100 to 110 percent rather than 90 percent of the cost of the insured property, which would be the proper basis for comparison with the mortgages to be insured under the bill. Farm mortgages, on the other hand, would be appraised solely on the basis of income yield, with no "water" for miscellaneous profits, which may or may not be reflected in the actual income value of the security.

Second. Income to meet payments on F. H. A. mortgages is not derived from the mortgaged property. If neighborhoods deteriorate or industry moves away, payments will not be met, regardless of the initial cost of the dwelling. This risk would not apply to farm mortgages, since, with proper appraisal of income yield, payments will be assured out of income from the insured property itself.

Third. Federal Housing Administration mortgages cover property subject to depreciation. The mortgage must be paid off during the useful life of the building or else the Government must take a loss. Farm mortgages are not subject to this element of risk, since, with proper management, the



productive capacity of the farm and its security value will continue indefinitely. Such proper farm management, to prevent soil depletion and erosion, would be assured through appropriate covenants under which the Secretary would be authorized to prescribe proper farming management practices.

These considerations, of course, represent no criticism of the soundness of Federal Housing Administration loans, but are suggested merely to explain why the need for a down payment is not so important in the case of the farm mortgages as in the case of residential property subject to depreciation, neighborhood deterioration, and like risks.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. VANDENBERG. As I read the bill, it is proposed to insure 100 percent of the mortgage.

Mr. LEE. That is correct.

Mr. VANDENBERG. Is that the plan followed under the Federal Housing Administration?

Mr. LEE. That is the plan followed at the present time under the Bankhead-Jones farm tenant law.

As I have already stated, there are two main distinctions between the insurance of a Federal housing mortgage and a farm mortgage. One is that a Federal housing insurance plan includes the profit of the real-estate man or the one who opens a subdivision. It includes the profit of the constructor and builder; and most of it, of course, is a value which is placed on an improvement, which deteriorates much more rapidly than a farm. The other main difference is that the insurance of a home has no guaranty of an income, except as the person who lives in the home has a job somewhere; but the insurance of a farm is the insurance of a productive value which in itself can produce income to meet the required payments. The insurance of a residence in a community where there is an industry in which the persons who live in the residence work is dependent for its security upon the industry. If the industry in the community ceases to operate or closes, the people who live in the residences have no other way to secure an income with which to pay.

For these reasons this measure is different from the Federal Housing provision.

Mr. VANDENBERG. Does the Senator know of any activity whatever in connection with which the Government insures 100 percent of value?

Mr. LEE. Under the present Bankhead-Jones law the Government is lending 100 percent. Of course, this bill, like the present Bankhead-Jones law, provides that in the sale of farms, preference shall be given to farmers with down payment or with stock and equipment. One of the main reasons for the enactment of this bill, of course, is to rehabilitate people. There would be no purpose in our passing a law to set up a means to rehabilitate farm tenants and then put the requirements beyond their reach. Therefore, if we are to accomplish what we want to accomplish in this case, we must enact a law which will allow farmers to meet the requirements of the law.

Mr. VANDENBERG. As I understand the purpose of the bill, it is to transfer from the Public Treasury to private investment, if possible, the financing of tenant-farm mortgages through the device of insurance.

Mr. LEE. That is correct.

Mr. VANDENBERG. Does the Senator think private investment requires 100-percent guaranty in order to be protected? Would not private investment be attracted by a 90-percent guaranty, which would leave at least a 10-percent cushion between the Government and the total responsibility involved in the property?

Mr. LEE. I do not believe that would be appealing to the man who owned a farm in this particular case. The situation is different to that extent from the situation under the Federal housing law.

Mr. VANDENBERG. It seems to me a rather shocking contemplation that the Government is asked to accept 100 percent of the responsibility for private investment. I may not understand all the implications, but that does not sound like elementary common sense to me.

Mr. LEE. When the Senator closely examines the Federal Housing Act I think he will see that the difference between that measure and this one is that in this case there is a productive unit. In the case of the Housing Act there is not. As I explained a while ago, the 90-percent insurance in the case of the Housing Act includes certain profits. There is no watered figure in the insurance of a farm mortgage. All of it represents a value. If these farmers had 10 percent to pay down, they would already have farms, and be trying to pay for them; but if we are going to rehabilitate them at all it is necessary for us to provide a plan whereby they may become owners of farms.

Mr. VANDENBERG. The mortgage itself is 100 percent of the value of the farm. Is that correct?

Mr. LEE. That is correct.

Mr. VANDENBERG. So first the mortgage is issued on a 100-percent basis, and then it is guaranteed on a 100-percent basis. No margin of safety whatever is left at any point in the transaction.

Mr. ADAMS. Mr. President—

Mr. LEE. I yield to the Senator from Colorado.

Mr. ADAMS. Speaking of the Federal Housing Act, in that instance, of course, the insurance is limited to 90 percent. Then is not a charge made for writing the insurance?

Mr. LEE. That is correct. The charge is one-fourth of 1 percent, and the average price of the farms, for instance, in Texas and Oklahoma, in round figures, is \$5,000. One-fourth of 1 percent would be \$12.50 a year. If we can rehabilitate farmers for \$12.50 a year, that is much cheaper than allowing them to go to town and get on the W. P. A., and spend on them five or six hundred dollars a year, with the full knowledge that the money thus expended will all be gone.

Mr. ADAMS. Mr. President, will the Senator give me a little more information?

Mr. LEE. I yield.

Mr. ADAMS. There are one or two other provisions in the bill about which I wish to inquire. As I read the bill hastily this morning, it seemed to provide that anyone holding a mortgage on a farm might go to the fund and sell the mortgage.

Mr. LEE. I do not know what the Senator has in mind. Will he not go a little further with his question?

Mr. ADAMS. In section 13 it is provided:

The Secretary is authorized, upon application by the mortgagee, to insure prior to June 30, 1942, as hereinafter provided any mortgage offered to him which is eligible for insurance.

It would seem that any holder of a mortgage would want it insured, especially as it would not cost him anything and would not necessarily involve putting anyone on the land. Someone is already on the land, has borrowed money, and has given his mortgage. It is provided that the holder of the mortgage may have the mortgage insured, if I understand the provision correctly.

Mr. LEE. I do not believe that is what the bill provides. There are a number of conditions, beginning on line 23, page 19, which will have to be met before a mortgage is eligible for insurance.

Mr. ADAMS. I ask the Senator to explain another provision. As I read it, if the Government organization makes a loan, it becomes the owner of the mortgage, and if there is a default for more than 6 months, then there may be foreclosure. But as I read the bill it seems as though the man on the property could remain there for 5 years without making any payment; in other words, he could remain if he stated that he desired to remain. It seemed to me that was a rather long period of grace.

Mr. LEE. I believe the Senator will find that is in case the Secretary decides that the man has shown good faith.

Mr. ADAMS. True.

Mr. LEE. But because of something beyond his control, such as a drought, he can be granted an extension of time. Section 15 provides:

Upon accepting the assignment of any mortgage the Secretary shall ascertain whether or not the mortgagor desires to remain in

possession of the mortgaged property. If the mortgagor does not desire to retain possession of the mortgaged property or if the Secretary is unable to make the findings prescribed by the sentence immediately following, the Secretary may proceed to foreclose the mortgage: *Provided*, That foreclosure proceedings shall not be instituted if the mortgagor conveys to the Secretary full title to the mortgaged property subject only to the mortgage lien. If the mortgagor desires to remain in possession of the mortgaged property and if the Secretary finds that the mortgagor (1) has made reasonable efforts to meet all defaulted payments and to comply with the other covenants and conditions of his mortgage and (2) will probably be able to meet such defaulted payments therefor, or within 5 years after, the maturity date, the Secretary shall enter into an agreement with the mortgagor providing for the payment of such defaulted payments together with interest thereon at such times not later than 5 years after the maturity date as the Secretary may deem to be within the probable future means of the mortgagor.

Mr. ADAMS. My question was whether the 5-year period was not a rather unusual period of grace.

Mr. LEE. That is merely included as the maximum time which might be allowed to spread the principal payments and other payments over in order to give the tenant the full opportunity to become the owner of the place.

Mr. ADAMS. We are not to understand the foreclosure would be deferred 5 years if the man in possession made no payment and was merely scalping the land?

Mr. LEE. The Senator is correct; that would not be the case.

Mr. SHIPSTEAD. Mr. President, the bill provides for an insurance fund to insure mortgages under the law which permits tenants to become landowners. Is that the object?

Mr. LEE. That is correct.

Mr. SHIPSTEAD. It that all there is to it?

Mr. LEE. That is all there is to it. It is to help tenants to become landowners.

Mr. SHIPSTEAD. Are the hundreds and thousands of farmers who have been sold out by the Federal land bank eligible to purchase land under the proposed law, and to have their mortgages insured?

Mr. LEE. Yes; when they come within the provisions set forth in the bill.

Mr. SHIPSTEAD. Farmers who have been sold out under foreclosure and forced sale by other Federal agencies, which are now working overtime to close out and drive farmers into tenancy, will not be barred from coming under this insurance provision?

Mr. LEE. They will not.

Mr. SHIPSTEAD. I thank the Senator for that information.

Mr. LEE. They could be insured under the proposed law, and they would not be barred from their rights under the measure, provided they met the requirements any other farmer-tenant would have to meet.

Mr. SHIPSTEAD. But they could not get the benefits of the proposed law until they were sold out under foreclosure?

Mr. LEE. No; there is provision for refinancing. The Secretary is allowed to prescribe certain rules and regulations for refinancing.

Mr. SHIPSTEAD. Refinancing of those who have purchased land under the Tenant Act?

Mr. LEE. None of those who have purchased under the Tenant Act that I know of are in distress at the present time.

Mr. SHIPSTEAD. Is there any provision in the measure before us that farmers who have borrowed money from the Federal land bank, or have received so-called commissioner loans, can be refinanced and have their debts adjusted?

Mr. LEE. There is no language specifically referring to such farmers as different from any others.

Mr. SHIPSTEAD. This measure, then, and also the Bankhead-Jones measure, apply only to farmers who have no land; they can buy land, and under this measure their mortgages will be insured?

Mr. LEE. That is correct; but the measure also contains a provision for refinancing loans. It does not describe the beneficiaries; it does not limit the benefits to any class, either those who have borrowed from a mortgage

company or anyone else. It does not name them, nor does it name those who have borrowed from Government agencies, nor does it eliminate them. It does not refer to them, and does not name them.

Mr. SHIPSTEAD. Could a farmer who was being foreclosed for some deficiency in payment on commissioner loans or mortgages to the Federal land bank make application under the proposed act to be refinanced, and have his indebtedness adjusted?

Mr. LEE. I should say so. Let me read the provision, and the Senator can make his own deduction:

(b) To be eligible for insurance under this section a mortgage shall—

(1) have been made by a farmer who owns no interest in any real property (other than that covered by such mortgage or occupied by him as a residence and from which he does not derive any substantial part of his livelihood) (A) as security for the purchase price, or part of the purchase price, of a farm upon which he is conducting, or proposes to conduct, farming operations, or (B) as security for the payment of an indebtedness incurred for the purpose of refinancing a mortgage covering a farm upon which he is conducting, or proposes to conduct farming operations: *Provided*, That such mortgages shall not be accepted for insurance until rules and regulations with respect to the eligibility of mortgagors have been prescribed by the Secretary, with the approval of the President.

Mr. SHIPSTEAD. Does the Senator feel that under this measure relief would be afforded the farmer who has a mortgage on his farm to secure a loan by the Federal land bank, or to secure a Federal commissioner loan?

Mr. LEE. I feel that relief would be afforded to such farmers, and that is one of the purposes of the bill.

Mr. SHIPSTEAD. When the farmer is not a tenant?

Mr. LEE. As I conceive it, we do as much good when we prevent a farmer becoming a tenant as when we make a farm owner out of a tenant.

Mr. SHIPSTEAD. I wanted to know what would be done to prevent a farmer from becoming a tenant.

Mr. LEE. When in this bill we provide for refinancing it has all the possibilities of accomplishing that purpose.

Mr. SHIPSTEAD. Was that provision in the original Bankhead-Jones Act?

Mr. LEE. I do not believe so.

Mr. SHIPSTEAD. Is this a new provision?

Mr. LEE. This is a new provision.

Mr. SHIPSTEAD. Then the provision covers more than simply the insurance of mortgages.

Mr. LEE. It covers refinancing by the device of insuring mortgages.

Mr. SHIPSTEAD. By the way, what is the interest rate under the Bankhead-Jones Tenant Act?

Mr. LEE. Three percent. The same interest rate is provided in the pending bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BARKLEY. I notice that the bill provides for the refinancing of existing mortgages. I understood that the main object of the bill was to try to make farm owners out of tenants in order to help them buy farms. In view of the refinancing provisions in the Farm Credit Administration Act, I wonder to what extent the bill proposes to enter a field which would be competitive with the Farm Credit Administration in the refinancing of existing mortgages.

Mr. LEE. In the first place, it is very difficult always to spell a thing entirely out, but the Senator will see that that is safeguarded by the proviso in about the middle of page 20, line 11, which reads:

*Provided*, That such mortgages shall not be accepted for insurance until rules and regulations with respect to the eligibility of mortgagors have been prescribed by the Secretary, with the approval of the President.

Mr. BARKLEY. I do not think that bears on the question. The question is, If all the farm mortgages now held by the Farm Credit Administration should be eligible to be refinanced under this bill, would there be enough money available? Would not all those who have obligations leave the Farm Credit Administration and refinance their obligations under this measure and have them insured at 100 percent,



and get the benefit of a 3-percent rate of interest, whereas they now pay 4 or 5 percent under existing law?

Mr. LEE. I do not believe so. That is the reason for putting in the measure the words "with the approval of the President."

Mr. BARKLEY. That is, the rules and regulations must receive the approval of the President.

Mr. LEE. In formulating rules and regulations, with the approval of the President, in my opinion, rules and regulations would not be promulgated which would put one agency of the Government against another.

Mr. BARKLEY. That might be assumed; and yet, if the law is sufficiently broad to permit eligibility of all existing mortgages to be refinanced at a lower rate of interest, and guaranteed and insured 100 percent, I wonder if all those who might want to make application for refinancing would leave any money for the man who does not have a mortgage but who wants to buy a farm and give a mortgage. I am merely trying to feel my way through this maze, for it seems to me we might set up two competitive agencies by the Government dealing in refinancing farm mortgages.

Mr. LEE. I believe that is safeguarded in the bill. The Senator agrees with me that it is just as desirable to prevent a farmer from losing his farm and becoming a tenant as it is to rehabilitate one who has already become a tenant?

Mr. BARKLEY. Yes, I do; and yet there might be instances in which men who have never owned farms and never been able to buy farms and give mortgages on them might have some right to preference over those who have borrowed and found that they could not pay for the farms after they had bought them.

Mr. LEE. Such persons are prohibited from doing so by language to be found earlier in the bill describing the eligibility requirements. The borrower has to be a real dirt farmer and farming the farm for a living. So the class referred to by the Senator would be eliminated. The bill provides safeguards against speculation.

Mr. BARKLEY. The language in page 20, subsection 1, is a little involved. It reads:

In order to be eligible for insurance under this section a mortgage shall (1) have been made by a farmer who owns no interest in any real property other than that covered by such mortgage.

I can understand that. If he has any other real estate he has no right to come in under this measure and claim that he can buy himself a farm or refinance one out of the provisions of this bill.

Then the language continues:

(A) as security for the purchase price, or part of the purchase price, of a farm upon which he is conducting, or proposes to conduct, farming operations, or (B) as security for the payment of an indebtedness incurred for the purpose of refinancing a mortgage covering a farm upon which he is conducting, or proposes to conduct, farming operations.

That means that if he gets the benefit of this measure he must be trying to buy himself a farm upon which he is going to live and move and have his being, and cultivate as a dirt farmer. Is that not true? Or if he is seeking to refinance one, he has to be in the same relation to it? Is that not true? He has to be the owner of the farm, and operate on it as a farmer?

Mr. LEE. That is correct. There are several limitations. The first is the amount of money available. The amount of money available for mortgages is much less than the amount which will be applied for. Therefore the most needy and most worthy cases will be first considered by the county committees.

We have then the check of the county committee made up of three well and carefully selected farmers of each county. Then, as a check against them, of course, there is the Secretary of Agriculture or his agents or representatives, as advisers. Finally action depends upon the approval of the Secretary or his agents. Since the purpose is to rehabilitate farmers who will make good, why naturally such farmers are going to be given preference. The law spells it out in so many words that preference must be given to those farmers who are married, who are experienced farmers, and who can

make a little down payment. Preference is also given to those farmers who have livestock and machinery.

Mr. BARKLEY. Let me ask the Senator another question. Take two farmers in the same neighborhood. One of them owns a farm on which he has a mortgage. He wants to refinance that through the provisions of the bill. Take a farm tenant living in the same neighborhood. He wants to buy a farm and finance it and insure it under the terms of the bill. Both of those men apply to the county committee. Let us assume that they cannot both be accommodated. Has the committee, or the Secretary or any agency under him, the right and discretion under the bill to decide the respective merits of those two men as to whether the tenant who wants to buy a farm and become a landowner in such a case shall be preferred over the man who has already bought one and has a mortgage on it and wants to refinance it?

Mr. LEE. There is no language in the bill which seeks to choose as between the two. That is left to the county committee and to the Secretary.

Mr. BARKLEY. If the county committee prefers the farmer who already has a farm but wants to refinance a mortgage on it, and the committee accommodates him, but cannot accommodate the other one, land ownership in that community would not thereby be increased. It would be made impossible for the tenant to own a farm, but would be made possible for the farmer with a mortgage to refinance it.

Mr. LEE. Of course, if the committee made such a decision they probably would prevent the preferred farmer from becoming a tenant.

Mr. BARKLEY. There are degrees of merit which enter into all individual cases of that kind. I suppose the committee would have the right to take into consideration whether he was a prudent farmer, a diligent farmer, a hard-working farmer, whether he has tried to pay his debt rather than simply to help him refinance it in any event and thereby deny to some other man who had never owned any land the right and the opportunity to buy it and to insure his mortgage and refinance it.

Mr. LEE. The spirit if not the letter of the bill charges the Secretary with the duty of considering all those things.

Mr. HILL. Mr. President—

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. LEE. I yield.

Mr. HILL. The Senator from Kentucky raised the question that there might grow out of the enactment of the proposed legislation competition between the various governmental agencies. The Senator threw out a very thoughtful suggestion. As I understand, the bill will be administered by the Secretary of Agriculture.

Mr. LEE. That is correct.

Mr. HILL. And as I understand, under the reorganization the Farm Credit Administration now comes under the jurisdiction and control of the Secretary of Agriculture. Is that not true?

Mr. LEE. Yes; that is what I understand.

Mr. HILL. So the Secretary of Agriculture would therefore have the administration of the provisions of the pending bill, and the Bankhead-Jones Farm Tenant Act, as well as the Farm Credit Administration. The provisions of all three acts would have to be administered by the Secretary of Agriculture.

Mr. BARKLEY. They would be administered under separate laws, and they would be separate organizations, just as much so as they are now. The difference would be that there is an over-all administrator with different reins over these bureaus under him held in separate hands. But I do not know whether that eliminates possible competition between the two.

Mr. ADAMS. Mr. President, I may suggest a little difference. The Federal land bank is privately owned.

Mr. HILL. The Senator from Kentucky is correct, that the two divisions would be separate, but they would be sep-

arate divisions under one head, and the fact that we have the one central head, one central authority ought to go far toward eliminating anything like competition between the different branches or different divisions. Is that not true?

Mr. LEE. I believe there would be complete coordination.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. SHIPSTEAD. I wish to ask the Senator a definite question. Under the Jones-Bankhead Act money can be loaned only to people who do not own farms, but who are tenants, so as to permit them to become owners. And as I understand the Senator, the purpose of the pending bill is to insure the mortgages of those who have been tenants and want to become owners.

Mr. LEE. That is correct.

Mr. SHIPSTEAD. And it is limited to them, as I understood the Senator from the beginning?

Mr. LEE. I will say to the Senator again, it also provides for refinancing a farmer who has a mortgage on his farm.

Mr. SHIPSTEAD. To what section of the bill does the Senator refer?

Mr. LEE. To page 20, beginning in line 8.

Mr. SHIPSTEAD. That language reads:

as security for the payment of an indebtedness incurred for the purpose of refinancing a mortgage covering a farm upon which he is conducting, or proposes to conduct, farming operations.

That makes him a renter. He wants to purchase a farm. That does not mean a man who already has bought a farm and has title to it, but has a mortgage on it.

Mr. LEE. If the Senator will read on, he will come to the language I have in mind.

Mr. SHIPSTEAD. I read further:

*Provided*, That such mortgages shall not be accepted for insurance until rules and regulations with respect to the eligibility of mortgagors have been prescribed by the Secretary, with the approval of the President.

If a man owned a farm, and had title to it, but owed money on it, and that money had not been borrowed under the Bankhead-Jones Act, he would go to the new organization under the Bankhead-Jones Act and borrow money to pay off the mortgage which he owed someone else. If so, the bill does more than merely provide for insurance of mortgages. It also amends the Bankhead-Jones Act, so that money may be loaned to others than tenants. Is that correct?

Mr. LEE. No. The bill provides for an insurance of the mortgage which the farmer would give when he refinanced.

Mr. SHIPSTEAD. Where is he going to refinance? Is he going to get the money under the Bankhead-Jones Act? Will mortgages which have not been incurred under the Bankhead-Jones Act be insured?

Mr. LEE. The farmer could not break a contract. The provisions of the bill do not authorize him to violate a contract. He would have to have the permission of the original lender and the holder of the mortgage to refinance it under the provisions of the bill.

Let me take an example. Suppose a farmer is in distress because of his loan. He applies for a loan to refinance under this provision. The holder of the mortgage, realizing the difficulty of the mortgagor paying out, feels that it would be a good thing to have the mortgage refinanced. Although the interest rate might be lower, the payments would be sure, because they would be insured by the Government. Therefore, the holder of the mortgage might be in a favorable frame of mind to accept the provisions and the insurance of the Government, and reduce his interest. Of course, if the original holder of the mortgage is not willing, this provision offers no relief.

Mr. SHIPSTEAD. There is nothing in the record of the Farm Credit Administration to indicate that it would do anything of the kind on a real-estate mortgage. It has sold out something like 60,000 farmers in the past 3 years. In the past 10 years 1 out of every 3 farmers in the United States has been sold out under foreclosure.

Mr. LEE. Of course, I sympathize with the farmers in that situation.

Mr. SHIPSTEAD. Under present conditions, at least in my section of the country, the man who is a tenant or a renter is better off than the man who owns the land and has a mortgage with the Federal land bank, because under present conditions and present prices the latter has no chance at all.

Mr. LEE. One of the purposes of the bill, of course, is to reduce interest rates.

Mr. SHIPSTEAD. On the one hand, we have a Federal agency refusing to reduce the interest rates, refusing to adjust the indebtedness, driving farmers to foreclosure and selling them out at foreclosure. In many instances the property is sold for one-half or one-third the amount of the loan, destroying all equities in the neighborhood. I have in mind a farm on which there was a mortgage of \$6,000. It was sold at foreclosure for \$2,000. The buildings alone were worth very much more than \$2,000.

On the one hand we have a Federal agency driving farmers into tenancy. On the other hand we have a Federal agency lending money at 3 percent to rehabilitate the farmers whom another Federal lending agency has driven into poverty and put on relief. It reminds me very much of a farmer in Minnesota who wrote me a letter, in which he said, "There is so much bum thinking in this country that we do not know where we are going to land. There is too much forth and back, and we go from nothing to nothing."

If there is anything in the bill under which a farmer driven into the streets by the money-lending policies of the Federal land bank and the Farm Credit Administration can be rehabilitated at 3 percent on another farm with a mortgage, insured by the Government, of 100 percent of the value of the farm, that is one thing. That is what I should like to know. If the bill permits that to be done, it amends the Bankhead-Jones Act. Does the Senator mean to say the bill does that?

Mr. LEE. It would not provide cash for the payment of a mortgage. It would only refinance, as I explained, when the holder of the mortgage agreed to the refinancing.

Mr. SHIPSTEAD. A bill providing for the readjustment of Federal land-bank mortgages has been pending before the Banking and Currency Committee for 2 or 3 months. It was first referred to the Committee on Agriculture and Forestry of the Senate, but the Democratic leader said that was out of order, and that the bill would have to go to the Banking and Currency Committee. He himself was made chairman of the subcommittee. He gave us an hour, and promised us further hearings. Since that time we have been unable to obtain any hearings on the subject. However, officials of the Federal land bank and the Farm Credit Administration appeared in opposition to a bill of that kind.

Mr. LEE. I will say to the Senator that I am very much in sympathy with farmers in the situation he describes, and I should like to see that condition corrected. However, I believe we would do well to take one step at a time. I feel that this bill is a help. I do not claim that it solves all the farm tenants' troubles.

Mr. SHIPSTEAD. I am not talking about tenants. I am talking about the men who are now in danger of becoming tenants. I should like to know if there is any relief for them in the bill. If there is, the bill must be an amendment to the Bankhead-Jones Act.

Mr. LEE. Of course the whole bill is an amendment to the Bankhead-Jones Act. It provides an additional title, title I (a), to the Bankhead-Jones Act.

Mr. SHIPSTEAD. Then I misunderstood the Senator in the beginning when he said the bill was confined merely to the insurance of mortgages. It also extends the lending provisions of the Bankhead-Jones Act; does it not?

Mr. LEE. That is not correct.

Mr. SHIPSTEAD. Under the provisions of the Bankhead-Jones Act, loans are made only to tenants and to those who do not own farms. The Senator has repeatedly said this afternoon that a man who owns a farm, or has title to a



farm, and has a mortgage on it held by a bank, a life-insurance company, or the Federal land bank, may have the mortgage refinanced under the provisions of the bill. Is that true?

Mr. LEE. That is correct, provided the man who holds the mortgage is willing to accept the terms outlined in the bill. However, the bill does not provide for additional cash to pay off the mortgage and then refinance it. It provides only insurance of a mortgage.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TAFT. Is it not true that under the terms on page 20 of the bill, any farmer who has a mortgage on his farm may arrange to refinance the mortgage through an insured mortgage? If he has a mortgage on his farm, he may arrange to obtain a new mortgage which is insured.

Mr. LEE. Provided he meets the requirements, and provided the holder of the mortgage is willing.

Mr. TAFT. The holder of that particular mortgage may not be willing; but, as I read the bill, if he is paid off a new mortgage may be insured.

Mr. LEE. That would be true provided he could find someone to furnish the money to pay it off. However, the bill does not provide an appropriation to pay it off.

Mr. TAFT. No; but it assumes that persons are willing to lend money on farms at 3 percent if the Government guarantees the whole loan. They probably would be willing to do so. I do not see why they should not be willing.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BANKHEAD. If the Senator will indulge me, in answer to the Senator from Ohio [Mr. TAFT], who seeks information, I submit that as a member of the Banking and Currency Committee the Senator should be aware of the provisions authorizing the insurance of mortgages on existing property under the Federal Housing Administration. In the beginning, 70 percent of the mortgages insured were on existing property, and the insurance had no relation to the construction of the property. The Senator is well aware of that development, because he and I were in attendance upon the hearings where those facts were developed.

The same situation that the Senator recognizes as existing then still exists. With reference to the insurance of existing mortgages applied under this program it is as possible for a farmer to have his mortgage insured for the man who holds a mortgage on his farm, as it is in the case of a residence under the Federal Housing Administration. But that does not mean that the regulations will permit the insurance of every existing mortgage.

In answer to the Senator from Minnesota with reference to the extension under the pending bill of the authority granted under the Bankhead-Jones Act, the pending bill does go further and really covers the proposition the Senator from Vermont [Mr. AUSTIN] so well argued the other night and which the Senator from Minnesota is now submitting, that there is justification, there is reason, cogent reason, for coming to the relief of distressed farm owners who are on the verge of being required to turn their farms over possibly to absentee landowners. In order to avoid that consequence, and not require them to submit to foreclosure and displacement before applying under the tenant law, not to require them first to enter upon a farm as a tenant, if conditions justify, under regulations which are required to be issued under the bill before anyone can qualify, specifying that the farmer should be reliable, dependable, and a good worker, but because of drought, flood, insects, or because of low prices of commodities or unfavorable seasons he is about to lose his property, then, he may take advantage of the law, just as the Senator from Minnesota has in mind, and as the Senator from Oklahoma had in mind in the drafting of this bill.

Of course, we have got to risk somebody, as the Federal Housing Administration has to do. Under the law the

Administrator of the Federal Housing Administration has to see to it that the insurance of mortgages on existing property shall not be guaranteed unless such mortgages are insured under fair and reasonable regulations looking to carrying out the spirit of the law.

So it is here. This is an extension of the authority given under the Bankhead-Jones Act which does not contain authority to insure but only to make loans to tenants who had been selected by reason of their character and qualifications and experience, and on the approval by the committee of both the applicant and the farmer. Under those circumstances he could obtain a loan. This bill goes one step further. It does not propose to take the money directly out of the Treasury, as the farm-tenant law does, because there are a large group of farmers who must have the help provided by the bill. In cases where a farmer is on the border line, in possession of his own property, going along as a farmer, but cannot hold on by reason of conditions over which he has no control, though with some help he may hold on, under regulations which, doubtless, the Secretary will issue to protect the Government, for this fund is limited—it cannot be thrown wide open—any honorable, decent, fair Administrator would issue such regulations as would bring about, for the volume of money involved, relief to the largest number of worthy and distressed farmers.

So I submit, in answer to the Senator from Ohio and the Senator from Minnesota, that there is nothing unusual about this proposal. It does, I repeat, confessedly go one step farther, but we have placed a limitation on the amount of insurance which may be issued upon the mortgages.

Mr. LEE. I thank the Senator from Alabama.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

Mr. LEE. I yield.

Mr. SHIPSTEAD. Under the Tenant Act the farmer only pays 3 percent. The Federal Government, the Congress, has subsidized the interest payments of Federal land-bank borrowers, however, to the amount of \$130,000,000 in the last 4 years, and still they cannot carry the weight, the burden, of the mortgages under present conditions.

It seems to me that if we could amend the Bankhead-Jones Act to carry mortgages at 3 percent to relieve the Federal land banks of these mortgages and let the farmers have the money for 3 percent, and insure it by the Government, the chances are that they could continue as farm owners.

Mr. BANKHEAD. Mr. President, the Senator must recognize that that is a different program. The Federal land-bank system is intended for the financing of farmers who are a step higher in financial circumstances than is the farm tenant. That is intended for the group who can furnish 25 percent of the purchase money, a group who have property to some extent, or, at least, have a firmer and more secure position in the ownership of their farms.

Someone has asked me since I have been here today whether the Federal land banks are privately owned or Government owned. We all know there is a combined ownership. The farmers have a certain amount of interest and the Federal Government has a certain amount of interest. The Federal Government really controls the election of four out of the seven members of the board of each bank. That is not a situation to scramble and mix with the purely farm-tenant program; and I now want to make a statement in order to prevent anybody from encroaching upon or attempting to scramble other farm programs with the Bankhead-Jones farm-tenant program, which was established by the Congress after a long deliberation, and which is now meeting, in such a splendid and wholesome way, the approval of the people of this country. I do not think this program ought to be mixed with the Federal land-bank program. I know what is in the Senator's mind. I heard him before the Banking and Currency Committee make a most interesting statement. I share his sympathy for the farmers who are on the "ragged edge," who are barely holding on, and some of whom are not holding on. I should like very much to see

the Federal land-bank program reorganized on the basis of a longer amortization period and a lower rate of interest.

We have reduced the rates of interest on home construction in the towns and cities. We have fixed a longer period of amortization. Nearly all farm mortgages, however, are based upon very short periods of time. I should like to see the period extended, as the Senator has in his mind. But the pending bill is an intermediate step; it is an effort to extend—accelerate would probably be a better word—the administration and development of the farm-tenancy program under which farm tenants may be converted into farm-home owners, so that what they have heretofore paid in rent will hereafter constitute an investment and create an equity and ultimate ownership and title to their own farms. That is a different group. That is the group just above the rehabilitation group of farmers now being administered to by the Farm Security Administration with such noticeable public approval. We have, first, the farm-security group, the rehabilitation group who do not come directly into ownership. Then we have the farm-tenancy group under the Bankhead-Jones Act. Here is an acceleration of that program. It puts some of them in the status of home owners, and while doing so, as has been well developed by the Senator from Minnesota, we also prevent a number of farmers from being converted into the tenancy class. So let us keep the separate steps in mind. We are moving in an orderly way; we are making splendid progress; and I hope we will be permitted to proceed with these different programs and different agencies which have been well worked out and are now being ably administered.

Mr. LEE. Mr. President, I send to the desk an amendment to correct a typographical error. On page 27, line 12, the numeral "(3)" should be changed to read "(e)."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 23, line 12, it is proposed to strike out the numeral "(3)" and insert in lieu thereof the letter "(e)."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BORAH. Mr. President, I desire to occupy the floor for a few minutes.

Mr. LEE. I am ready for a vote on the bill if the Chair cares to put the question. Does the Senator from Idaho desire to speak on the pending bill?

Mr. BORAH. No; I merely wish to occupy the floor for a few moments, but if the Senator is ready to vote on the bill, of course, I do not want to interfere with that program. Do I understand that the Senator is ready to take a vote on the bill?

Mr. LEE. Yes.

Mr. BORAH. I do not desire to interfere with that being done.

SEVERAL SENATORS. Vote! Vote!

Mr. AUSTIN. Mr. President, I wish to offer an amendment to the amendment. I ask to have it stated, and thereupon I should like to explain it.

Mr. BORAH. Mr. President, I sought the floor on the theory that the bill was about to be voted on. I understand that the Senator from Vermont is not ready to have a vote taken on it.

Mr. AUSTIN. That is correct.

Mr. BORAH. I desire, then, if I may, to address the Senate on another subject.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. TYDINGS. Will the Senator allow me to suggest the absence of a quorum?

Mr. BORAH. I prefer not to have that done.

Mr. TYDINGS. There are very few Senators in the Chamber.

Mr. LEE. Mr. President, there will be no debate on the amendment of the Senator from Vermont so far as I am concerned. I have read the amendment and am willing to accept it. It is substantially the amendment which the Senator offered a day or two ago. It has been agreed to by

the House; and if we can accept the amendment and vote on the bill, I believe that will wind up the matter. If not, of course, the Senator from Idaho may then make the remarks he has in mind.

Mr. AUSTIN. If the Senator from Idaho will permit this amendment to be accepted, I will retire and make my explanation afterward.

Mr. BORAH. Mr. President, I certainly do not desire to stand in the way of an immediate vote. If the amendment of the Senator from Vermont is to be voted upon, I will wait until some other Senator offers an amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. It is proposed to add to the committee amendment a new section, as follows:

Sec. 6. Section 4 of said act is amended by adding at the end thereof the following words:

"Provided, That if the amount thus determined for any State or Territory, other than the Territory of Alaska or the District of Columbia, shall be less than \$100,000, the allotment for such State or Territory shall be increased to \$100,000 and the amounts determined for the remaining States and Territories shall be adjusted accordingly: *Provided further*, That the funds so allotted to any such State or Territory may be loaned to enable the borrower to refinance an existing mortgage or mortgages on a farm personally operated and occupied by him and for necessary repairs and improvements thereon, in cases where the Secretary determines that such refinancing is necessary and will enable the borrower successfully to operate the farm, and that the borrower cannot obtain credit for such refinancing from any other Federal agency or federally incorporated lending institution. Such loans shall comply with, and be subject to, all the provisions of this title."

Mr. AUSTIN. Mr. President, the purpose of the amendment is to allow a certain portion of the funds provided for farm security to be used for refinancing an existing mortgage. That is the difference between the amendment and the original Bankhead-Jones Farm Tenant Act, which allowed these loans to be made for the purpose of acquiring farms.

The particular section of the original law which this amendment proposes to amend is section 4, reading as follows:

In making loans under this title, the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

That is the end of the section. That is the whole of the section. It establishes a yardstick which does not work out equitably, because of the difference in the manner in which the inhabitants of different States have taken their titles to farms. Not many instances of farm tenancy are found in certain States of the Union. Thus we get a result in the allotments to the different States which is inequitable; and the purpose of the amendment is to cure that inequity.

I ask unanimous consent to insert in the Record a table showing the allotments according to the law as it is today, and the difference that the amendment I propose will make in the allotments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

*Adjustments in State allocations of tenant purchase funds required to give each State a minimum of \$100,000 annually out of \$50,000,000 appropriation*

Name of State	Allocation of \$50,000,000 on present basis	Allocation out of \$50,000,000 on basis of \$100,000 minimum per State	Gain or loss
Alabama	\$3,077,655	\$3,034,999	—\$42,656
Arizona	61,330	100,000	38,670
Arkansas	2,437,780	2,404,112	—33,668
California	454,815	448,294	—6,521
Colorado (Reg. X)	263,325	259,474	—3,851
Colorado (Reg. XII)	107,490	106,319	—1,171
Connecticut	35,975	100,000	64,025
Delaware	58,170	100,000	41,830
District of Columbia	435		



Adjustments in State allocations of tenant purchase funds required to give each State a minimum of \$100,000 annually out of \$50,000,000 appropriation—Continued

Name of State	Allocation of \$50,000,000 on present basis	Allocation out of \$50,000,000 on basis of \$100,000 minimum per State	Gain or loss
Florida	\$308,115	\$303,968	-\$4,147
Georgia	3,175,015	3,131,013	-44,002
Idaho	195,225	192,498	-2,727
Illinois	1,558,950	1,537,171	-21,779
Indiana	927,910	914,715	-13,195
Iowa	1,652,805	1,629,438	-23,367
Kansas (Reg. VII)	958,925	945,627	-13,298
Kansas (Reg. XII)	107,035	105,382	-1,653
Kentucky	1,670,300	1,646,768	-23,532
Louisiana	1,884,450	1,858,000	-26,450
Maine	43,870	100,000	56,130
Maryland	226,220	222,941	-3,279
Massachusetts	84,840	100,000	15,160
Michigan	549,760	541,897	-7,863
Minnesota	1,077,160	1,061,781	-15,379
Mississippi	3,202,975	3,158,647	-44,328
Missouri	1,580,790	1,558,715	-22,075
Montana	186,200	183,599	-2,601
Nebraska	985,525	971,855	-13,670
Nevada	7,625	100,000	92,375
New Hampshire	19,100	100,000	80,900
New Jersey	88,465	100,000	11,535
New Mexico	123,855	122,243	-1,612
New York	383,485	377,970	-5,515
North Carolina	2,637,930	2,601,204	-36,636
North Dakota	519,045	511,922	-7,123
Ohio	1,121,635	1,105,807	-15,828
Oklahoma (Reg. VIII)	2,116,785	2,087,030	-29,755
Oklahoma (Reg. XII)	22,810	21,076	-1,734
Oregon	185,830	183,130	-2,700
Pennsylvania	594,140	585,923	-8,217
Rhode Island	10,335	100,000	89,665
South Carolina	2,030,825	2,002,724	-28,101
South Dakota	569,295	591,075	21,780
Tennessee	2,080,955	2,051,903	-29,052
Texas (Reg. VIII)	4,236,295	4,177,339	-58,956
Texas (Reg. XII)	349,000	344,716	-4,284
Utah	70,910	100,000	29,090
Vermont	46,020	100,000	53,980
Virginia	1,069,835	1,054,756	-15,079
Washington	231,225	228,093	-3,132
West Virginia	499,075	492,251	-6,824
Wisconsin	663,085	653,836	-9,249
Wyoming	59,760	100,000	40,240
Hawaii	435,220	429,021	-6,199
Puerto Rico	471,820	465,085	-6,735
Alaska	2,595		
Total	47,500,000	47,504,337	4,337

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Nebraska?

Mr. AUSTIN. I yield.

Mr. NORRIS. Is this amendment the same one that we agreed to the other day on another bill, and which went out in conference?

Mr. AUSTIN. It involves the same principle, but it is different in respect of the amount. Let me explain that matter briefly.

In the amendment referred to by the Senator from Nebraska, which we accepted, it was provided that 10 percent of the funds already appropriated should be allocated to the use of refinancing existing mortgages. That provision excited some Senator to offer an amendment which added an appropriation of \$10,000,000 to the bill we were then considering. I desire today to avoid such an impasse. I have now offered an amendment which adds nothing in cost to the Federal Government. It provides only that in making the allotments to the different States, if there are States which now receive less than \$100,000 annually, to each of those States there shall be paid a sum sufficient to bring up the total to \$100,000, and it shall be found by taking it away from the States which have a large amount of allotment created by this yardstick which I say has worked inequitably. The table which I am putting in the RECORD shows from what States the money comes. It is taken from States which now have a large amount, and is given to those which have a small amount, in order more equitably to distribute the funds and to accomplish the special relief which was intended to be accomplished, namely, to save thrifty farmers from losing their farms by means of these

farm-security provisions, which are refinancing, servicing, inducing the creditor to reduce the debt, inducing the creditor to accept a lower rate of interest, and inducing the creditor to accept an extended time of payment, so that the amount per year which has to be met by the farmer will be less than it has been, and then this further service: Advice, expert advice regarding how the particular farm could be improved and how it could be better operated to produce an income wherewith to pay the debt.

The whole scheme is wonderful. Where I have observed its operations, it is doing well. My purpose is to support it and aid it; and this amendment will accomplish that purpose if it is accepted.

I hope the sponsors of the pending bill will accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The question is on agreeing to the amendment reported by the committee in the nature of a substitute, as amended.

Mr. TAFT. Mr. President, I wish to speak on the question of the adoption of the amendment as amended.

#### NEUTRALITY

Mr. BORAH. Mr. President, the vote of the House of Representatives on the neutrality bill aroused great interest in those countries whose governments have long planned in different ways to direct or control the foreign policy of this country. There has been no exception in this matter as to dictators or so-called democracies. All alike have assumed that they could control, or at least affect, the foreign policy of this Nation, and bend it to their selfish and sinister interests.

In France, persons of influence, and the press generally, denounced the action of the House of Representatives in terms seldom heard in international affairs, especially by nations professing to be friendly or pretending to be decent. The denunciation arose out of the fact that the duly elected Representatives of the American Congress failed to determine the question under consideration in harmony with the selfish interests of France. "Congress," said a leading industrialist newspaper, "distinguished itself again"—again, be it observed—"by voting an incoherent and inopportune measure." Another widely circulated newspaper declared: "Congress made no distinction between the democracies and the dictators." Their contention was that Congress made no distinction between France and certain other European countries with which France was in controversy, and made no distinction between countries with different policies and different theories and different conditions and different ambitions; but, upon the other hand, Congress presumed to pursue a course which seemed to the elected Representatives of this country to be in the interest of the Nation which they represented.

Many more quotations might be made from the newspapers; but all of them are of the same tone and thought.

In respect to such criticisms, such exceptional tirades, one might ask: What is the difference between the dictators and the democracies in Europe when questions touching international affairs are being considered? How would, or could, the United States distinguish in foreign affairs between these dictators and the so-called democracies? For illustration, what was the difference in policy between the dictators and the democracies at Munich? Wherein did they differ in their foreign policies or principles? We are not concerned with their internal policies. When the hour came for the dictators and the democracies to join in an international movement of stupendous moment, that is, to destroy, literally to murder, the one real democracy in Europe—what was the distinction in the principles applied by the dictators and the democracies? When it appeared to be in the interests of the dictators and the democracies to break treaties, to disregard all law, legal, moral, or divine, all principles supposed to obtain among all honorable and decent communities, what was the distinction? In what respect did they differ? Did the dictators and the democracies disagree as to the fact they were willing to destroy a

helpless nation? Did they disagree as to how it was to be done? Was there anything considered by all, or any of them, except purely selfish interests, brutal, criminal, selfish interests? Did not the democracies, even at the suggestion of the dictators, go at midnight and serve notice on the President of the Republic of Czechoslovakia that the time had come for the dismemberment of this republic—a nation denied a hearing, denied the slightest opportunity for defense, to offer up its very existence, and to do so in haste, as one of the messenger democracies had other matters which required its attention shortly. When the time approaches for the dictators and the democracies to serve their own particular interests, they never differ as to their foreign policy in Europe unless their interests differ.

It is not surprising, therefore, that the majority of the House did not make any distinction between dictators and democracies, but pursued the old system of considering alone the interests of the people of the United States. France might well consider the action of the House incoherent and inopportune, because it was American.

This attack upon the action of the House was probably inspired and greatly accentuated by reason of the public speech of the French Foreign Minister, Bonnet, made at the very time when the neutrality bill was being considered, in which he insisted that we abandon our traditional foreign policy, urged that it was the duty of the United States to become associated in the foreign affairs of Europe and the conflicts of European nations, and to disregard henceforth the teachings of Washington and Jefferson and their successors, and to follow the leadership and accept the noble principles born of the sublime deeds which now enshrine Munich in everlasting unforgetfulness.

Mr. President, you can search history in vain and you will not find such utter disregard of respect and decency upon the part of one nation toward another professing friendship, except perhaps in instances where a nation has wholly forfeited all self-respect or lost all regard for its own rights or is powerless as was Czechoslovakia to protect itself.

Thus we have this situation: The Representatives of the American people are considering one of the most important matters which could come before them. By a majority vote it is determined that a certain course of action should be taken, and the official representatives of a foreign country and its press denounce this action of the American Congress and call upon our people to repudiate the action of the Congress, to reject the traditional foreign policy of our country, and to accept the policy of a foreign power. And this request is made in terms of autocratic contempt.

Mr. President, let us next consider the statements and the actions of the totalitarian states; for instance, Italy and Germany. Professing to find in such action upon the part of the House something offensive to France, these states sought to gather comfort, and it is said they manifested their feelings by smiles and gleeful words. It seems to me we should be guided or affected by their smiles no more than by their frowns, for we must know that underneath either or both is bitter opposition to every principle upon which this Republic rests. But knowing that this is true and that it is beyond our power to adjust these everlasting controversies in Europe, we should pursue the course dictated by our own interests and which would leave us most free to adjudge the pressing problems of our people at home. If we have a policy tested by a century and more of experience, and which has proven of incalculable worth and happiness to the American people, we need not be disturbed, certainly not controlled, by the sadness nor the sorrow, the bitterness nor the contempt, of two European countries affected by reason of their own controversies.

When Washington declared his policy of neutrality, he was denounced because it was claimed such policy favored England, with whom we had lately been at war, and worked injury, great injury, to France, which had been associated with us in the American Revolution. Washington was denounced for his alleged ingratitude toward France and his favor to England. Undoubtedly, as history well records, this

policy of neutrality was vehemently denounced in France and most favorably accepted in England, although both France and England stood ready to destroy the new Republic. But Washington was considering neither friends nor foes. He was considering what he believed to be the interests of the new Republic, and the denunciation of one and the apparent approval of the other disturbed him not at all. In contemplation of his duty, he was seeking to establish a policy to prevent the young Republic from "being wrecked on the rock of foreign wars." The Americans most generally—I presume it may be said unanimously—abhor the soulless conception of fascism, and more than abhor the cruel conception of nazi-ism. But are we to be driven either by their threats or by their apparent rejoicings to surrender or give up our conception of neutrality or the proper course for the maintenance of liberty in these United States? Our policy is an American policy. It should be maintained for the interests of no foreign nation, for or in the favor of no foreign government, but for the best interests of the American people and against all the "isms" and schemes which would seek to destroy it.

If we determined our foreign policy because of the denunciation of European nations one toward another, we would be changing our foreign policy about every fortnight. It has not been many weeks since Hitler and Chamberlain were walking arm in arm before the world declaring their agreement, their friendship, their confidence in each other, and frowning upon all this talk about dictators and democracies. Dictators and democracies were then living in splendid accord, and would have continued had the pledges of the European system, which we are urged to enter into, been worth the paper its pledges are written upon.

In the magazine section of the New York Times of last Sunday will be found a most excellent selection of sayings from the writings of the Father of our Country. The individual who made this selection performed a real service to his countrymen at this particular time. On the subject of neutrality, Washington said:

Sympathy for the favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. \* \* \* Europe has a set of primary interests which to us have none, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.

There will be recalled the determined effort of France to prevent the establishment of permanent peace between Great Britain and the new Republic. While anxious to see Great Britain lose her colonies, France was equally anxious to see these colonies pass to the control of herself, and schemed in every way possible to effectuate that purpose. Then, as now, it was urged that there were liberal nations in Europe, and brutal, treacherous, aggressive nations. Then, as now, we were urged to throw our influence on the side of humanity and against the aggressor nations. Then, as now, European nations were in controversy between themselves, and then, as now, they were seeking to make use of this Republic to their own selfish ends. But Washington was determined to adopt a policy of neutrality, and to stand aloof from the schemes of both, or all, European nations. They were unable to swerve him, either by their arguments or their denunciations or their rejoicings, from his course. He listened to neither false promises nor false pretenses. He thought alone of America and American interests. Had he listened to either France or Great Britain at that time, we would not have long been a Nation; we would have had a country broken in pieces, and the territory thereof distributed between different powers. That was what both groups of nations were seeking. We can no more afford to listen to the selfish arguments of one group of nations today than we could then, or be influenced by the arguments, denunciations, or smiles of either the dictators or democracies. They all have in mind just one thing, and that is to make such use of the United States as it is possible to make to serve their own interests.



We are told, however, that Europe has changed, and especially England and France have changed, for the better. The insistent argument now is that inventions, speedy transportation, and so forth, have brought the two continents closer together. It is claimed that there is really no difference between the European system and the American system, except as to particular nations. Here permit me to read a paragraph or so from an article by Anne O'Hare McCormick, appearing in the papers on July 2 of this year. This writer is a student of international affairs of noted standing, spending much of her time in recent years in Europe, and is not, as I understand, an isolationist—that term of studied reproach sought to be applied to those who are supposed to be overzealous in their support of American principles.

I read a paragraph from her article:

Nothing in the history of this country is more striking than the change in our relation to Europe. It isn't merely a shortening of distance, dramatized in the last fortnight by the inauguration of two passenger air services that cross the Atlantic in a day.

#### WE WANT TO KEEP OUT

Still less is it a change of mind. Since 1776 the Old World has moved at a pace so much slower than ours that today, in every respect, it is far more like its former self than this great land is like the dependent colonies that had the nerve to proclaim their independence. These States were then, as they are now, politically more mature than Europe. They had the sense to neutralize their imported diversities and rivalries in a Federal Union. They had the wisdom not to twist and warp their free growth by tying up with older nations, even with their friends against their enemies—

#### Referring to France and England—

with their fellow revolutionists against the defenders of the status quo.

America feels the same way about Europe in 1939. The desire to live our own life, independent of endless quarrels for domination, was never stronger than at this moment.

To those who have visited Capitol Hill in recent days it is very evident that the mind of Congress is disturbed and influenced by this feeling. Consciously or unconsciously, the representatives of the people are moved to strike at the extraordinary powers of the President because the shadow of dictatorship hangs over the world. The House whittles to nothing the wider discretion desired by the administration in the event of war because the revised neutrality bill enlarges the mandate of the Executive, but especially because of a fear that he will pull us into the conflict.

The truth is that the United States is obsessed by Europe. Talk to any American, whether he hails from Kansas or South Carolina, works in a delicatessen shop or a gas station, and 9 times out of 10 his chief concern isn't about Tientsin or Bolivia, the devaluation of the dollar, or the revaluation of his packet of cigarettes. His mind is on what's happening in Europe.

In reality, our relation to Europe has altered enormously. We are more alien to the grooved mind and stale traditions of the Old World than our fathers of 1776. We like it less than we did in 1917 because we know it better. The close associations of war and the dark period that followed have made us more cynical. From experience we have learned a hundred good reasons for arguing that we cannot save Europe, and that the best way to save reason, freedom, the values America stands for, is to steer clear of "other people's wars" and pay the stiff price of absolute neutrality.

Mr. President, these remarks have been called forth by reason of the statements made in both the totalitarian states and the so-called democracies concerning a matter which we are soon to pass upon.

I ask to have printed in the RECORD at this point as part of my remarks the article to which I have referred in the magazine section of the New York Times.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times Magazine of July 2, 1939]

#### WASHINGTON'S WORDS—WORDS FOR TODAY

As we are about to celebrate another anniversary of the Declaration of Independence it is clear that problems which beset the infant Nation born of that act are with us still. Many of the issues most vital today were the earnest concern of our first President even before he assumed his high office 150 years ago. And George Washington's writings—especially his Farewell Address—show how that fervent believer in American ideals (also an unshrinking realist), while he dealt with the practical situation, insisted always on the long view and the maintenance of fundamental principles.

The field he covered embraces foreign policy, neutrality, defense, a wide range of domestic relations, religion, and education. If his view was broad as well as long, the conviction behind his conclusions was intense. Against certain perils he warned his fellow

citizens "in the most solemn manner." And what he has to say includes much that arrests attention all the more sharply at the moment, because the march of events has recreated for our Nation of 130,000,000 a situation with regard to Europe curiously like that which existed for the Nation of 3,000,000 as the eighteenth century passed into the nineteenth.

The following quotations, under 10 topical headings, reveal the man no less than his considered opinion. (H. I. B.)

#### LIBERTY AND UNION

"There are four things which I humbly conceive are essential to the well-being, I may even venture to say to the existence, of the United States as an independent power.

"First, an indissoluble union of the States under one Federal head;

"Secondly, a sacred regard to public justice;

"Thirdly, the adoption of a proper peace establishment; and

"Fourthly, the prevalence of that pacific and friendly position among the people of the United States, which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and in some instances to sacrifice their individual advantages in the interest of the community.

"These are the pillars on which the glorious fabric of our independence and national character must be supported. Liberty is the basis, and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration and the severest punishment which can be inflicted by his injured country." (Circular letter to the Governors of the several States, 1783.)

"The unity of government which constitutes you one people \* \* \* is the main pillar of your real independence; the support of your tranquillity at home; of your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize.

"And remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with perfect security and liberty, is indispensable. Liberty finds in such a government, with powers properly distributed, its surest guardian. It is indeed little else than a name, where government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in secure and tranquil enjoyment of the rights of person and property." (Farewell Address, 1796.)

#### FOREIGN POLICY

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible.

"Europe has a set of primary interests which to us have no, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise for us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations, and collisions of her friendships and enmities.

"Our detached and distant situation invites and enables us to pursue a different course.

"'Tis our policy to steer clear of permanent alliances with any portion of the foreign world: \* \* \* Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies." (Farewell Address.)

#### NEUTRALITY

"The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

"The inducements of interest for observing that conduct will be best referred to your own reflections and experience. With me a predominant motive has been the endeavor to gain time for our country to settle and mature its yet recent institutions and to progress without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

"Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

"Hence frequent collisions, obstinate, envenomed, and bloody contests. \* \* \* Sympathy for the favorite nation facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which are apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, and deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interests of their own country without odium, sometimes even with popularity." (Farewell Address.)

## DEFENSE

"The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility; it is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accoutrements, and military apparatus should be introduced in every part of the United States. No one who has not learned it from experience can conceive the difficulty, expense, and confusion which result from a contrary system, of the vague arrangements which have hitherto prevailed." (Circular letter to the Governors of the Several States.)

"There can be no greater error than to expect or calculate upon real favors from nation to nation. 'Tis an illusion which experience must cure, which just pride ought to discard." (Farewell Address.)

## PUBLIC CREDIT

"As a very important source of strength and security, cherish the public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate." (Farewell Address.)

## SUBVERSIVE TENDENCIES

"It is important \* \* \* that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another—the spirit of encroachment tends to consolidate the powers of all departments in one, and thus to create, whatever the form of government, a real despotism. \* \* \*

"If in the opinion of the people, the distribution or modification of the constitutional powers, be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary method by which free government is destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield. \* \* \*

"Toward the preservation of your Government and the permanency of your present happy state, it is requisite \* \* \* that you resist with care the spirit of innovation upon its principles, however specious the pretends \* \* \*. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions—that experience is the surest standard by which to test the real tendency of the existing constitution of a country—that facility of changes upon credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion." (Farewell Address.)

## PRESSURE GROUPS

"The basis of our political systems is the right of the people to make and alter their Constitution of government—but the Constitution which at any time exists, until changed by an explicit and authenticated act of the whole people, is sacredly obligatory upon all. \* \* \*

"All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of a party, often a small but enterprising minority of the community. \* \* \*

"However, combinations and associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion." (Farewell Address.)

## PARTY RULE

"The alternate dominion of one faction over another, sharpened by the spirit of revenge, natural to party dissensions, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation. \* \* \*

"Without looking forward to an extremity of this kind (which, nevertheless, ought not to be out of sight), the common and continual mischief of the spirit of party are sufficient to make it the

interest and duty of a wise people to discourage and restrain it." (Farewell Address.)

## RELIGION

"Of all the dispositions and habits which lead to political prosperity, religion, and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. \* \* \*

"And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason, and experience both forbid us to expect that national morality can prevail in exclusion of religious principles." (Farewell Address.)

"The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy; a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people; that another enjoyed the exercise of their inherent natural rights. For, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support." (Reply to address from the Hebrew Congregation of Rhode Island, 1790.)

## EDUCATION

"Promote \* \* \* as an object of primary importance institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." (Farewell Address.)

"It has always been a source of serious regret with me to see the youth of these United States sent to foreign countries for the purposes of education, often before their minds are formed or that they had imbibed any adequate idea of the happiness of their own, contracting, too frequently, not only habits of dissipation and extravagance but principles unfriendly to republican government, and to the true and genuine liberties of mankind, which thereafter are rarely overcome. \* \* \*

"For these reasons, it has been my ardent wish to see a plan devised, on a liberal scale, which would have the tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and State prejudices, so far as the nature of things would or, indeed, ought to admit, from our national councils. \* \* \*

"Looking forward anxiously to the accomplishment of so desirable an object as this is, in my estimation, my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a university in the central part of the United States to which the youths of fortune and talent from all parts thereof might be sent for the completion of their education in all the branches of polite literature, in the arts and sciences, in acquiring knowledge in the principles of politics and government, and, as a matter of infinite importance, in my judgment, by associating with each other, forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies which have just been mentioned, and which, when carried to excess, are never-failing sources of disquietude to the public mind and pregnant of mischievous consequences to this country." (Washington's will, written with his own hand, 1799.)

## PROMOTION OF FARM OWNERSHIP BY TENANTS

The Senate resumed the consideration of the bill (S. 1836) to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term, low-interest-rate loans on farms; and for other purposes.

Mr. TAFT. Mr. President, I wish to ask the Senator from Oklahoma [Mr. LEE] whether the \$350,000,000 and the \$50,000,000 which are to be spent during the next year are part of the expenditures suggested by the President in his recent letter to the Senator from South Carolina [Mr. BYRNES]. I notice that in the letter one of the items is farm-tenant program, total amount of all expansion of self-liquidating portion of the Farm Security Administration for tenant-farm purchases, rehabilitation program, loans for minor improvements and repairs, loans to resettlement cooperatives, and loans for water facilities, \$500,000,000. Loan disbursements for the fiscal year 1940, \$250,000,000.

Is this program part of that, or is it in addition to that, or has it any direct relation to that expenditure?

Mr. LEE. So far as I am able to say, it has no relation to it.



Mr. TAFT. Do I understand, then, that a bill will probably be brought in for an additional \$250,000,000 for tenant-farm purchases?

Mr. LEE. I cannot answer that question.

Mr. TAFT. The Senator is not advised. Does the Senator from South Carolina [Mr. BYRNES] have any more information regarding that matter?

Mr. BYRNES. I must say I did not hear the Senator's former question.

Mr. TAFT. I asked whether the \$350,000,000 under the pending bill was in addition to the \$500,000,000 suggested in the letter from the President to the Senator from South Carolina, which lists for the farm-tenant program \$500,000,000? Is this to be part of that \$500,000,000 or in addition to it?

Mr. BYRNES. Mr. President, I am unable to advise the Senator. My information is that if a bill of that kind is introduced it will be introduced by the Senator from Kentucky [Mr. BARKLEY]. I have not had any statement from the Senator from Kentucky about it, and I do not know what is intended.

Mr. TAFT. Mr. President, I am so much in accord with the purposes of the pending measure that I do not want to make any fight against it. I do, however, wish to make one statement. I do not think the Senate ought to adopt it under the theory that it provides for a duplicate of the Federal Housing Administration program. There are many differences between the two. There is a fundamental difference. It seems to me clear that the bill does not provide for insurance in any sense in which the word "insurance" may properly be used.

In the first place, in the bill, as I read it, the amortization period may be as long as 40 years, whereas under F. H. A. it does not exceed 25 years.

In the pending bill the interest rate is 3 percent. Under F. H. A. it is anywhere from 5 to 6 percent.

In the third place, the F. H. A., as pointed out, will only loan up to 90 percent in some cases and 80 percent in others, whereas under this bill the loan is 100 percent.

As I read the bill, the Secretary of Agriculture will service the law. He will collect the rents, the interest, and mortgage payments, instead of the mortgagee collecting those payments. In other words, the Government deals with the tenant and not the mortgagee.

Under the pending bill the mortgagee cannot foreclose. Under the F. H. A. the mortgagee forecloses, and then if there is a loss the Government, to some extent, takes care of it.

Under the pending bill the mortgagee cannot foreclose. If the lender is in default, the mortgagee simply acquires the Government debentures, and the Government takes over the mortgage and then carries the mortgage indefinitely and may extend it 5 years beyond the 40 years and spread the payments out much more thinly.

And finally in this case there is no premium charged for insurance. That is why I say it is not insurance at all. Insurance is a plan by which a number of people pay a premium in order that there may be finally payment for all loss. It is not insurance. It is a Government guaranty. There is no premium provided in this bill. It seems to me to be exactly the same as if the Government were loaning direct to the farm owner. I think we ought to consider it on that basis.

The F. H. A. is worked out on a scientific basis. The fund that will be built up from the insurance premiums, so far as we can see, will be sufficient to pay the losses that may occur.

Under the pending bill the Government assumes all such losses, and the Government itself loans the money.

So I think that in considering the bill we should realize that what we are doing is providing for additional Government loans.

I may say, thinking over the bill further, that I have rather changed my mind and would not say what I said a moment ago to the Senator from Oklahoma. I am a little

doubtful whether it is going to be effective at all. I doubt if there are many private individuals willing to loan money at 3 percent, even with a Government guaranty, when one takes into consideration all the trouble and the nuisance they are going to have in dealing with the Government in getting the mortgage insured and in working out the whole plan. I am doubtful of it. I think it is unfortunate that apparently the committee did not consult any banking experts on whether this kind of thing could be done or could not be done. Of course, the amount itself is not very large, and probably only the smaller amount is justified because the program is experimental.

I feel, however, so much in sympathy with the purpose of the bill that I hope that when it gets to the House it may either provide for a straight Government loan, or put the transactions on a strictly business basis, the way the F. H. A. is today. Certainly I do not want to take the time of the Senate in opposing the bill at this time.

The PRESIDING OFFICER. The question is in agreeing to the committee amendment as amended.

Mr. GURNEY. Mr. President, at this time I should like to give the Senate the advantage of the experience we have had in the State of South Dakota with a system similar to that outlined in the pending proposal. From a reading of the different sections of the bill it seems to me it is similar to the rural credits system with which we have had much painful experience in South Dakota. I do not want the Senate to feel that I am not in complete accord with the objectives of the bill; but I believe the Senate should have the benefit of the experience we have had in South Dakota.

In 1919 the people of South Dakota voted to amend the State constitution so that it would be possible to lend the credit of South Dakota to tenant farmers or prospective farmers who wanted to own farms in South Dakota. The credit of the State was loaned to the farmers to the tune of some \$60,000,000. Briefly, the outcome of that lending of the State's credit has been that up to the present time the State of South Dakota has sustained a loss of approximately \$40,000,000. It has sustained a loss in interest during the past 20 years, a loss due to the lesser value of the farms, and a loss on the principal amounts of the mortgages.

In the first place, the money was loaned in much the same manner as loans are proposed to be made under the provisions of the pending bill. The credit of the State of South Dakota was jeopardized to such an extent that the State had to turn over to the rural credits department one-half of the amount collected for a number of years from the State gasoline tax, which amounted to approximately \$1,000,000 per year. At the present time the State of South Dakota is indebted to the tune of approximately \$40,000,000 on account of the constitutional amendment of 1919, under which the credit of the State was loaned for the purchase of farms.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CALL OF THE ROLL

Mr. NEELY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Borah	Clark, Mo.	Gillette
Ashurst	Bridges	Connally	Glass
Austin	Bulow	Danaher	Green
Bailey	Burke	Davis	Guffey
Bankhead	Byrd	Donahay	Gurney
Barbour	Byrnes	Ellender	Hale
Barkley	Capper	George	Harrison
Bilbo	Chavez	Gerry	Hatch
Bone	Clark, Idaho	Gibson	Hayden

Herring	Lundeen	Pittman	Tobey
Hill	McKellar	Radcliffe	Townsend
Holman	Maloney	Reed	Truman
Holt	Mead	Russell	Tydings
Hughes	Miller	Schwartz	Vandenberg
Johnson, Calif.	Minton	Schwellenbach	Van Nuys
Johnson, Colo.	Murray	Sheppard	Wagner
King	Neely	Shipstead	Walsh
La Follette	Norris	Slattery	Wheeler
Lee	Nye	Smathers	White
Lodge	O'Mahoney	Stewart	Wiley
Logan	Overton	Taft	
Lucas	Pepper	Thomas, Okla.	

The PRESIDING OFFICER (Mr. HUGHES in the chair). Eighty-six Senators having answered to their names, a quorum is present.

#### PROHIBITION OF "BLOCK BOOKING" AND BLIND SELLING OF MOTION-PICTURE FILMS

Mr. NEELY. Mr. President, I move that the Senate proceed to consider Senate bill 280—to prohibit and to prevent the trade practices known as compulsory block booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce.

Let me assure the Senate that if my motion prevails and I obtain the floor, I shall yield for any unanimous-request proceedings that will not interfere with my discussion of the bill immediately after the approval of the Journal tomorrow.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. NEELY. I yield to the Senator from Arizona.

Mr. ASHURST. The Senator does not expect to vote on the bill this afternoon, does he?

Mr. NEELY. Mr. President, I assure the able Senator from Arizona that there will be no vote on the bill this afternoon.

Mr. ASHURST. The Senator's word is all I need.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 280) to prohibit and to prevent the trade practices known as compulsory block booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce.

#### EXCHANGE OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN MATERIALS

Mr. BYRNES. Mr. President, I ask the Senator if he will yield to me to ask that the unfinished business be temporarily laid aside so that the Senate may proceed to the consideration of Senate bill 2697, which I send to the desk?

Mr. NEELY. With the understanding that the Senator's bill will not interfere with the consideration of S. 280 tomorrow, I gladly yield.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the unfinished business for the purpose indicated by the Senator from South Carolina? The Chair hears none, and the unfinished business is temporarily laid aside.

The Senator from South Carolina has asked unanimous consent that the Senate proceed to the consideration of Senate bill 2697, the title of which will be stated.

The LEGISLATIVE CLERK. A bill (S. 2697) to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DANAHER. Mr. President, I do not object to the present consideration of the bill, but I should like to be heard in opposition to it.

The PRESIDING OFFICER. The Senator will have an opportunity to discuss the bill as soon as it shall be before the Senate. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2697), which had been reported from the Committee on Banking and Currency, with amendments.

Mr. DANAHER. Mr. President, may I now have the floor?

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DANAHER. Mr. President, as this bill is drawn, its sponsor, the Senator from South Carolina [Mr. BYRNES], tells me it is intended to give effect to the agreement which was entered into with Great Britain providing for the exchange of cotton for rubber. On the other hand, a reference to its provisions will disclose that it is general in its terms; that it applies to any possible future treaty; that it provides that the United States will dispose of the stocks of materials so acquired only in accordance with the terms of the applicable agreement, and that there are authorized to be appropriated sums of money to carry out the terms of agreements or treaties which have not as yet been concluded. Because of these general phases, constituting objections to the bill, I feel that this particular bill should be very definitely amended in order to present the issue involved in carrying into effect the treaty of June 23, 1939, with Great Britain.

But that is not the fundamental vice of the bill, Mr. President. Fundamentally, as I see it, this bill commits the Government of the United States to a brand new policy, and that is the policy of barter. By the terms of this bill we are entering into foreign markets and undertaking by virtue of agreements between representatives of our country and representatives of foreign countries to exchange our goods upon identically the same basis as Germany and Italy and other nations have been undertaking to exchange their goods, with reference to which policy condemnation has been voiced from one end of this country to the other; and yet now we find the United States adopting the very same policy.

Mr. President, I submit if in the effort to stimulate trade we merely dispose of a half million bales of cotton in return for which we take a certain number of thousand tons of rubber, and then we agree not to use that rubber for more than 7 years, and that we are not to dispose of it under any circumstances except as the treaty provides or except as agreements in the future may provide—and as this bill is drawn it does so provide—we by no means are gaining any advantage for this country in exchanging, on the one hand, stagnant stocks of cotton against, on the other hand, rubber or any other so-called strategic war material.

I believe that the very best thing this country can possibly do, as a matter of policy, is to undertake to stimulate its export trade in terms of dollars, in terms of gold, in terms of getting rid of the \$16,000,000,000 of gold which today are stagnant in this country, and which, were they used to acquire, in terms of purchase, supplies that we may need from other countries, would in turn make purchasing power available to the other countries and make it possible for them to buy all our merchandise insofar as any such country will need it at any time. By this type of arrangement, by a system of exchange, by a barter system, we not only are receiving no gains for our country but we are committing it to a policy as to which we should be willing to wait.

It may be worth saying, in passing, that only about 2 months ago we had before us a bill which proposed to authorize the use of a hundred million dollars to acquire strategic war materials. At that time the Senator from South Carolina [Mr. BYRNES] opposed the appropriation of \$25,000,000 a year, and, on his motion, the Senate voted that the amount should be reduced to \$10,000,000 a year, but when the bill reached the other House that body restored the authorization for \$25,000,000 a year, and when it came back to the Senate, over objection voiced by me and by others, the Senate restored the total authorization of \$100,000,000.

Mr. President, we have already committed this country in that bill to the acquisition of strategic war supplies and materials not indigenous to our soil. It seems to me that the full vice of this bill, committing this country to a barter system, ought to be recognized and with all its features in mind we should thereupon vote with reference to it.

I have no further argument to offer at the present time, but I believe that this bill is fundamentally objectionable for



the reasons already noted, but, particularly, if we are going to adopt the principle of carrying out the treaty agreement already entered into, then, at the very least, we ought to amend the measure in such fashion as to limit it definitely to making effective the treaty with Great Britain of June 23, 1939.

Mr. BYRNES. Mr. President, the purpose of this bill is to enable the Government to carry out the treaty obligation as entered into for the exchange of 600,000 bales of cotton for rubber. That treaty has been adopted unanimously by the Senate, and the good faith of this Government is now involved in its execution. In order to execute it, it is necessary to give to the Commodity Credit Corporation authority to transfer the cotton to which it acquires title in accordance with the terms of the treaty. The objection of the Senator from Connecticut—I know he would agree—should have been voiced against the ratification of the treaty.

The other objection the Senator makes, that this bill is general in its language, is not well taken, because, in the first three lines of the bill, it is specifically provided that "whenever the President, by and with the advice and consent of the Senate, has concluded an agreement" with another Government, the things thereafter set forth shall be done. It is only when this Government has entered into a solemn treaty with another Government that the terms of the bill are at all applicable. It was deliberately drawn so as to make certain that would be its effect.

Mr. President, I ask that the amendments which I have sent to the desk, and to which I referred earlier in the day, be now read and considered.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 1, line 7, after the word "are", it is proposed to strike out the word "now", so as to read:

Commodities produced in the United States which are held under loans made—

And so forth.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 3, it is proposed to strike out the word "and" and to insert a comma after the word "War."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 4, after the word "Navy", it is proposed to insert:

and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board.

Mr. BYRNES. Mr. President, that is the amendment suggested by the Senator from Vermont, which I readily agreed was proper, because it made this bill accord with the bill previously passed by the Congress.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 2, line 10, after the word "agricultural", it is proposed to strike out "commodities" and insert "commodities" followed by a comma.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 11, after the word "materials", it is proposed to insert "as may be necessary to accomplish the purposes of this act."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 20, after the word "available", it is proposed to insert the words "or disposed of."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 3, line 6, after the word "act", it is proposed to strike out the following:

and for this purpose, the amount of notes, debentures, bonds, and other obligations which the Commodity Credit Corporation is empowered to issue and to have outstanding at any one time, and which the Secretary of the Treasury is authorized to purchase, under existing law, is hereby increased by such amount as may be necessary to provide sufficient funds to carry out the purposes of this act.

The amendment was agreed to.

Mr. AUSTIN. Mr. President, I call the attention of the Senator from South Carolina to the position of the phrase "as may be necessary to accomplish the purposes of this act." I understood that that phrase would modify the words "agricultural commodities" in line 10. I ask the Senator if it was his intention to have it modify those words.

Mr. BYRNES. Mr. President, I do not think it would be wise to do that, because once the strategic or critical materials were received in accordance with the treaty it would be necessary for the Corporation to have power to rotate such surplus commodities. In the case of rubber, which is one of the strategic and critical materials, we wanted to make certain that the Corporation would have power to rotate the rubber.

Mr. AUSTIN. Mr. President, as I interpret this sentence, it would not help the case at all to put that phrase where it is located. The words "such reserve stocks of strategic and critical materials" are sufficiently precise in their reference to show that they are only those which are necessary to carry out the purposes of the act anyway; but the object of having that phrase in the bill is to limit the procurement of agricultural commodities. If this phrase is not to modify that expression, there is not any limit—the sky is the limit—to the amount of procurement of agricultural commodities; and we do not want to afford another means of acquiring agricultural commodities to be put into storage.

I supposed all the time that this was a bill designed purely for the purpose of effectuating the exchanges to which it refers, and therefore that no more agricultural commodities would be acquired than were necessary to carry out and accomplish the purposes of the act. If this phrase remains where it is, it changes the entire meaning of the bill, and it would change my attitude toward the bill.

Mr. BYRNES. Mr. President, the purpose of the bill is exactly that which is referred to by the Senator; but I do not agree with him in the opinion he expresses, that the language referred to by him should be transposed, because the language is a limitation upon the procurement of both agricultural commodities and strategic and critical materials. The purpose is to make this limitation as to the agricultural commodities and as to the strategic and critical materials. Therefore, the limitation should be at the end of the sentence. That is the only purpose of it.

Mr. AUSTIN. Then the Senator's answer originally given to my question was in error, I judge.

Mr. BYRNES. No; I do not think so, because the phrase is a limitation upon the procurement of agricultural commodities except for the purposes of this act; but I submit to the Senator that the fact that it follows the other words does not change the meaning that it is a limitation upon the procurement of agricultural commodities.

Mr. AUSTIN. Very well; if it fairly can be construed in that way I have no objection.

Mr. BYRNES. In my opinion there can be no justification for any other construction. So that the Record will show it I make the statement that there can be no question that that is the purpose of the phrase that it shall limit the procurement of agricultural commodities; but I want also to limit the procurement of strategic materials to the purposes of this act.

Mr. AUSTIN. Yes; I have no objection to that. I want the phrase to modify and limit both the acquisition of agricultural commodities and the acquisition of reserve stocks of strategic and critical materials.

Mr. BYRNES. The Senator's desire is my desire; and it is my belief that this language carries out that purpose. That is the object of the legislation.

Mr. DANAHER. Mr. President, will the Senator from South Carolina yield to me?

Mr. BYRNES. Yes.

Mr. DANAHER. In lines 20 and 21 on page 2 of the bill the committee has interpolated the words "or disposed of." May I ask whose language that is?

Mr. BYRNES. It was inserted at my suggestion, because of the fact that the words were:

Such reserve stocks of strategic and critical materials shall be made available—

But it was not clear to my mind that that language meant that they could be disposed of; and they must be disposed of, under the language of the bill, to the Army and Navy for storage purposes. It seemed to me it would be one thing to say the materials should be made available for disposition, but that does not say that they are disposed of; and it was necessary to make certain that the Commodity Credit Corporation could not only have the materials available for disposition, but could dispose of them to the Army and Navy for storage purposes, as was the purpose of the act.

Mr. DANAHER. And, in the case of this particular treaty with Great Britain, by its very terms, unless Great Britain gives her consent to the liquidation of the stock, we cannot liquidate it until 7 years shall have gone by. Is not that so?

Mr. BYRNES. The language of the treaty is that Great Britain cannot dispose of the cotton, nor can we dispose of the rubber, until the end of 7 years.

Mr. DANAHER. Will the Senator further yield?

Mr. BYRNES. Yes.

Mr. DANAHER. Will the Senator explain, as to lines 13 and 14 on page 3, what additional sums will be required to carry out the provisions of the bill, if the Senator knows?

Mr. BYRNES. The committee endeavored to secure an estimate. That phrase in the bill would cover the charges for the transportation of cotton from the places where it is stored in warehouses to the ports where it becomes the property of Great Britain; and it would cover, too, the charges for the transportation of rubber from Singapore to this country, because in the case of the rubber it becomes our property, and we pay the transportation charges. An estimate could not be secured, because the freight rates had not been considered.

Those are the only costs involved—the transportation charges upon cotton from the warehouses where it is now stored to the ports, and the freight charges upon the rubber we purchase. We are now paying \$4 a bale for storage of cotton; and I say to the Senator that as a result of this exchange, the rubber which is secured will be stored in warehouses of the Army and Navy. The Army and Navy advise me that they have warehouse facilities for the amount of rubber that we are to receive in the exchange, and that they are warehouses of such character that the insurance charges will be very small, if any at all. Consequently, on the exchange we shall save some money in storage charges.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. BYRNES. Yes.

Mr. DANAHER. I ask unanimous consent that the treaty with Great Britain be inserted in the RECORD at this point, so that its relation to the general context of the discussion will become apparent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty is as follows:

#### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM FOR THE EXCHANGE OF COTTON AND RUBBER

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to make arrangements for the exchange of cotton and rubber, have agreed as follows:

ARTICLE 1. The United States Government will supply to the Government of the United Kingdom, delivered on board ship, compressed to high density, at New Orleans, Louisiana, and at other Gulf and Atlantic deep-water ports to be agreed upon between the two Governments, 600,000 bales of raw cotton of the grades and staples which will be specified by the Government of the United Kingdom. The United States Government will make available in adequate quantities for such purpose cotton from the stock on which the United States Government has made advances to growers.

(A) The price will be fixed on the basis of the average market price as published by the Bureau of Agricultural Economics for middling  $\frac{3}{8}$ -inch cotton during the period January 1st–June 23rd,

1939, for spot delivery at New Orleans, plus 0.24 cents per lb. for cost of compression and delivery on board ship, with adjustments in price for other grades and staples according to differences above or below middling  $\frac{3}{8}$ -inch quoted in that period.

(B) The cotton will be inspected to determine its classification in accordance with the universal cotton standards for grade and the official standards of the United States for staple, and will be accepted, by experts appointed by the Government of the United Kingdom. Any disputes which may arise will be settled by Boards of Referees constituted of three members, of whom one shall be nominated by the Government of the United Kingdom.

(C) Samples representing the cotton of the grades and staples specified by the Government of the United Kingdom will be made available for inspection and acceptance during a period of six months beginning 15 days after the entry into force of this agreement, and such inspection and acceptance will be made within a reasonable time after the cotton is so made available. Delivery at the warehouse at the port of sailing with provision for free delivery on board ship at high density will be made within 15 days after inspection and acceptance, and storage and insurance charges will be borne by the United States Government for a period of two weeks but no more after delivery at the warehouse at the port of sailing.

(D) All cotton will be invoiced and accepted on gross weights at the time of delivery.

ARTICLE 2. The Government of the United States will supply to the Government of the United States, delivered on board ship at Singapore and, by agreement between the two Governments, at other convenient ports, rubber in bales, of the grades which will be specified by the Government of the United States, to a value equivalent to that of the total value of the cotton to be supplied in accordance with article 1 of this agreement. In determining such equivalent value, the rate of exchange between Straits Settlements dollars and United States dollars shall be deemed to be the average of the buying rate during the period January 1st–June 23rd, 1939, in the New York market, at noon, for cable transfers payable in Straits Settlements dollars, as certified by the Federal Reserve Bank to the Secretary of the United States Treasury and published in Treasury Decisions.

(A) The quantity of rubber will be calculated upon the average market price, as published by the Department of Statistics in the Straits Settlements, for No. 1 ribbed smoked sheets, during the period January 1st–June 23rd, 1939, for spot delivery at Singapore plus 0.25 Straits Settlements cent per lb. for cost of baling and delivery on board ship, with adjustments in price for other grades according to differences quoted in that period.

(B) The rubber will be inspected and accepted by experts appointed by the United States Government. Any disputes will be settled in accordance with the normal custom of the trade.

(C) The rubber will be made available for inspection and acceptance by experts appointed by the Government of the United States during a period of six months beginning at a date to be agreed upon by the two Governments, and such inspection and acceptance will be made within a reasonable time after the rubber is so made available. Delivery at the warehouse at the port of shipment with provision for free delivery on board ship will be made within a period of 15 days after inspection and acceptance, and storage and insurance charges will be borne by the Government of the United Kingdom for a period of two weeks but no more after delivery at the warehouse at the port of shipment.

ARTICLE 3. If either Government should find that delivery in accordance with the arrangements specified in articles 1 and 2 is likely to restrict supplies available to commercial markets unduly or to stimulate undue price increases, the two Governments shall consult with a view to postponing delivery or taking other action in order to avoid or minimize such restriction of supplies or such price increases.

ARTICLE 4. The intention of the United States Government and of the Government of the United Kingdom being to acquire reserves of cotton and rubber, respectively, against the contingency of a major war emergency, each Government undertakes not to dispose of its stock (otherwise than for the purpose of replacing such stocks by equivalent quantities insofar as may be expedient for preventing deterioration) except in the event of such an emergency. If, however, either Government should at any future date decide that the time has come to liquidate its stock of cotton or rubber, as the case may be, it may do so only after (A) consulting the other Government as to the means to be employed for the disposal of such stock and (B) taking all steps to avoid disturbance of the markets. In no case may either Government dispose of such stocks, except in the case of a major war emergency, before a date 7 years after the coming into force of this agreement.

ARTICLE 5. The Government of the United Kingdom will use their best endeavors to secure that the export is permitted under the International Rubber Regulation Scheme of an amount of rubber approximately equivalent to the amount of rubber to be supplied to the United States Government under this agreement in addition to the amount of rubber which would, under the normal operation of the scheme, be released to meet current consumption needs.

ARTICLE 6. Each Government undertakes, in shipping to its own ports the stocks of cotton and rubber, respectively, provided for in this agreement, so far as may be possible to distribute the tonnage equally between the ships of the two countries, provided that the shipping space required is obtainable at reasonable rates. Consultation for the purpose of giving effect to this article shall be between the Board of Trade and the Maritime Commission.



ARTICLE 7. Should the United States Government, before the delivery is completed of the cotton provided for in article 1 of this agreement, take any action which has the effect of an export subsidy, they will deliver to the Government of the United Kingdom an additional quantity of cotton proportionate to the reduction in price below that provided for in article 1 of this agreement caused by such action.

ARTICLE 8. This agreement shall come into force on a date to be agreed between the two Governments.

In witness whereof the undersigned, duly authorized thereto, have signed the present agreement and have affixed thereto their seals.

Done in London in duplicate this 23rd day of June 1939.

JOSEPH P. KENNEDY.

OLIVER F. G. STANLEY.

Certified to be a true copy of the foregoing agreement as received by the Secretary of State by cable from the American Ambassador at London.

CORDELL HULL,

Secretary of State of the United States of America.

JUNE 24, 1939.

Mr. DANAHER. Mr. President, I will ask the Senator one further question. Is there objection to amending the pending bill so that it may apply solely to the treaty with Great Britain?

Mr. BYRNES. I will say to the Senator that I considered that matter when I first had the bill under consideration, and I again call attention to the language. We determined, instead, that we would specifically limit the authority of the Commodity Credit Corporation to a treaty. It cannot apply to any other agreement unless the agreement is entered into as a treaty, by and with the advice and consent of the Senate, and I submit to the Senator that that accomplishes what he has in mind. If that were not done, it would mean that if by chance during the next session of Congress an agreement should be entered into, we would again have to give to the Commodity Credit Corporation the authority to go through the procedure of transferring any commodities received to the Army and Navy. This bill affords the protection the Senator has in mind, because this power is not available to the Commodity Credit Corporation unless there is a treaty ratified by the Senate. If a treaty is ratified by the Senate, then automatically the Congress will have to enact legislation to carry out the purpose of the treaty.

Mr. DANAHER. Mr. President, I submit that the answer of the Senator from South Carolina by no means meets the issue raised by the bill, for the reason that if we limit it to one product which has already been covered by the treaty of June 23, that is one thing, and we will carry out the agreement and make it effective; but if we have continuing statutes of general application, recognizing the principle of barter, then it is perfectly apparent that we are undertaking a course of action in foreign exchange in the course of which we are going to be bartering American goods for foreign goods, and it is to the barter principle of exchange that I object.

It is no answer to say that we are going to have control in the future over each and every separate treaty which comes along. I recognize that we can undertake to defeat each one, but we would still be leaving the door open for future negotiations and future treaties, and we are going to be asked to carry them out, apparently, because we have here a bill which will have a general application, as appears right on the face of the trade agreements we are making with other nations through our Secretary of State, with which I do not agree, I may go on record as saying. But that is another matter. The situation before us is that this bill is committing this country to an unprecedented course of action, against which I protest.

Mr. BYRNES. Mr. President, it will not commit the country to a course of action unless any treaty entered into is ratified by a two-thirds vote of the Senate, and if that is ever done, then the treaty will have to be carried out.

Mr. VANDENBERG. Mr. President, we now have various types of mentalities making these foreign arrangements of one sort or another. I wonder whether, if in line 5, page 1, the word "agreement" were changed to "treaty" it would not more accurately reflect what the Senator has in mind.

Mr. BYRNES. Mr. President, the Senator from Vermont [Mr. AUSTIN] suggested that amendment today, and I have not the slightest objection to it. It was our thought that

the word "agreement" carried out specifically what was intended. If it would satisfy the Senator to substitute the words "a treaty" for the words "an agreement," I have no objection.

Mr. VANDENBERG. I should prefer that, and I move that in line 5, after the word "concluded", the words "an agreement" be changed to "a treaty."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VANDENBERG. There is one other place in the bill where the same change should be made, on page 2, line 23, after the word "applicable", to strike out the word "agreement" and to insert "treaty."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. CROCKETT AND WALTER CROCKETT

The PRESIDING OFFICER (Mr. HUGHES in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 875) for the relief of Andrew J. Crockett and Walter Crockett, which was, in line 13, after the word "lands", to insert a colon and the following further proviso:

*Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. CHAVEZ. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### INSURANCE OF COTTON CROP

Mr. BANKHEAD. Mr. President, with the consent of the Senator from West Virginia, I ask that the unfinished business be temporarily laid aside and that Senate bill 2635, to amend the Federal Crop Insurance Act, be taken up for consideration. I should like to make a statement about the bill.

Mr. NEELY. Mr. President, unless the matter can be disposed of this afternoon, I hope the Senator will not press his motion. If it can be disposed of today, I will not object.

Mr. BANKHEAD. I will not interfere with the Senator's bill. I give him my assurance to that effect.

Mr. NEELY. In view of the statement just made by the Senator from Alabama, I have no objection.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill was read, as follows:

*Be it enacted, etc.*, That section 502 of the Federal Crop Insurance Act, as amended, is hereby amended by substituting the word "crop" for the word "wheat-crop" and by substituting the words "agricultural commodities" for the word "wheat."

Sec. 2. That section 506 (h) of said act, as amended, is amended by striking out the words "for wheat and other agricultural commodities."

Sec. 3. That section 508 of said act, as amended, is amended by striking out the first comma in subsection (a) thereof and inserting in lieu thereof the following: "and with the cotton crop planted for harvest in 1940."

Sec. 4. That section 508 of said act, as amended, is further amended by striking out the words "producers of wheat against loss in yields of wheat" in the first sentence and substituting in lieu thereof the words "producers of the agricultural commodity against loss in yields of the agricultural commodity."

Sec. 5. That section 508 of said act, as amended, is further amended by substituting the words "the agricultural commodity" for the word "wheat" in the third sentence of subsection (a).

Sec. 6. That sections 508 (b), (c), and (d) and 516 (a) of said act, as amended, are further amended by substituting the words "the agricultural commodity" for the word "wheat" wherever it appears.

Sec. 7. That section 508 of said act, as amended, is further amended by adding at the end thereof the following new subsection: "(e) In connection with insurance upon yields of cotton, to include provision for additional premium and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint

cotton for the same period of years as that used for computing yields and premium rates."

SEC. 8. That section 516 (a) of said act, as amended, is amended by striking out the figures "\$6,000,000" and substituting in lieu thereof the figures "\$12,000,000."

SEC. 9. That said act, as amended, is further amended by redesignating section 518 as section 519, and by addition thereto of the following new section:

"Sec. 518. 'Agricultural commodity' as used in this act means wheat or cotton, or both, as the context may indicate."

Mr. BANKHEAD. Mr. President, when the Agricultural Adjustment Act of 1933 was under consideration the crop-insurance plan as to the basic crop commodities, wheat and cotton, was under consideration. Finally, after the matter had been carefully considered and discussed in the Committee on Agriculture and Forestry, it was agreed, as members of the committee will uniformly testify, that we would support a plan for insuring the wheat crop and give it a demonstration and a trial. If it proved satisfactory and the Department desired to recommend the extension of the plan to cotton, it was agreed that the other agricultural representatives would support the program and put cotton on the same basis with wheat.

The Senate then passed the bill, and it went to conference. The Senate will doubtless recall how long the conference committee had the matter under consideration. The same subject arose in the conference, and there was a gentleman's agreement all the way around among those connected with the matter—and many know about it—that we would try the plan as to wheat, and then, as I stated, if it was satisfactory, we would include cotton.

The Department of Agriculture is satisfied with the administration of the wheat program, and the Department prepared the bill now before the Senate and brought it to me, with the statement that they wanted cotton put on the same basis with wheat. So we are merely asking that there be done with cotton what was done with wheat when the original bill was passed, and in line with the general understanding that that, of course, would not bind any one officially.

Mr. VANDENBERG. Mr. President, I think the Senator is entirely correct, that the understanding was that we were to experiment with wheat and see if the program would work, and that if it worked, we were to extend it further. Is the Senator suggesting that we have had a sufficient experience with wheat to have a right to an authentic conclusion as to the wisdom of the arrangement?

Mr. BANKHEAD. I would not go quite so far as the Senator has proceeded in his statement. I will, however, go so far as to say that the program has been carried out to the point where the Department are satisfied that it will successfully operate, and to the point where they are satisfied with the program, and have suggested that cotton now be included.

Mr. VANDENBERG. How long has the wheat insurance been in force?

Mr. BANKHEAD. One year.

Mr. VANDENBERG. Has it gone through one entire crop year?

Mr. BANKHEAD. Practically. We passed the bill in January 1938.

Mr. VANDENBERG. To what extent was wheat insurance taken out?

Mr. BANKHEAD. It was much better than anyone expected for the first year with an experimental program. I have figures which were sent to me. It seems that the Department has not gotten the complete reports, but the program is at an end, practically complete figures are available, and they figure that the number of policies issued to farmers will be 173,125.

Mr. VANDENBERG. Out of how many wheat farmers in the country?

Mr. BANKHEAD. I do not know, but it covers 56,687,976 bushels of wheat, on the insured-production basis. The estimated potential indemnities, are given as 8,071,807 bushels. So it has been a very substantial program, and for the first year has been received with a great deal more ap-

proval than was reasonably to be expected of a program of that kind.

With that in view, we want to have cotton included. We have not unduly hurried the administration, and did not even request action. They finally decided that they had gone far enough with wheat to understand that it was a worthy and commendable and probably a successful program. I recognize that there is never certainty about any insurable proposition; it is all more or less speculative, that is, not definite and certain. It looks as if there has been a widespread acceptance of the program.

Mr. VANDENBERG. What does a year's experience with the wheat insurance show to have been the net cost to the Federal Government?

Mr. BANKHEAD. The administrative cost, I understand, is approximately \$6,000,000.

Mr. VANDENBERG. Six million dollars?

Mr. BANKHEAD. The profit on the wheat-crop transactions appears to have been considerable. The premiums are much larger than the insured liability.

Mr. VANDENBERG. In other words, there is no insurable loss?

Mr. BANKHEAD. No. There is gain, apparently. So we believe it is fair to go along and let cotton be included. If we do not get action now, we will not get it this year. The bill has to go to the House for approval. Then it has to be budgeted and has to come back and be provided for in the deficiency appropriation bill before Congress adjourns. If we do not get cotton included now, and take the premiums out of this year's crop, we will have to go over for another entire year.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I yield.

Mr. AUSTIN. What estimate of actual risks did the committee find would be taken in the event cotton should be included among the insurable commodities?

Mr. BANKHEAD. There was no way to figure that, I will say, if I understand the Senator's question. As the Senator probably knows, cotton is not as risky a commodity as wheat. For a period of years the cotton crop has not fluctuated as much as has the wheat crop. In the cotton area there is not such drought as sometimes exists in the wheat areas. The cotton farmers do not have the same likelihood of loss, on the average, that the wheat producers have.

Mr. AUSTIN. Has not the Senator any estimate of the liabilities which he can present to the Senate?

Mr. BANKHEAD. We have as to wheat. We have no way that I know of to estimate what the situation may be with respect to cotton. The liability in the case of wheat, as I just stated, is, on an average, greater than it is in the case of cotton.

Mr. AUSTIN. The Senator must have some calculation of the experience with cotton over 10 years, we will say, with respect to losses on account of weather.

Mr. BANKHEAD. I do not have the figures available.

Mr. AUSTIN. And there is absolutely nothing to go on?

Mr. BANKHEAD. Nothing but the judgment of the Department that this program ought to be put into operation.

Mr. AUSTIN. On what basis do they calculate insurance premiums if they do not know anything about the risk?

Mr. BANKHEAD. I assume they do know. They know as much about cotton as they did about wheat when the wheat insurance law was passed.

Mr. AUSTIN. What does the Department say with reference to it?

Mr. BANKHEAD. I did not ask them in detail. They said they believed the same risk would be involved. It was on that basis that they felt the measure should be adopted. The actuarial experts have taken the wheat situation into consideration, I will say to the Senator.

Mr. AUSTIN. Can the Senator say what will probably be the premium?



Mr. BANKHEAD. I am unable to say. During the consideration of the measure relating to wheat a discussion similar to the present one arose. If the Senator will read the RECORD, he will find that the same sort of discussion was had at that time.

Mr. AUSTIN. Without having any special knowledge on the subject, I inquire for information.

Mr. BANKHEAD. I shall be glad to give the Senator whatever information I have on the subject. I am acting on the judgment of the Department, which has had experience in the case of wheat.

Mr. ADAMS. Mr. President, I inquire if the hearings had before the committee on this matter have been printed?

Mr. BANKHEAD. No. We have no printed hearings. We had no regular, set hearings.

Mr. ADAMS. It is slightly disturbing to some of us who regard this matter as of great consequence, and as possibly involving considerable expenditure.

Mr. BANKHEAD. The bill does not fix any rates.

Mr. ADAMS. But it brings other commodities under the insurance law and inevitably involves the raising and expending of money.

Mr. BANKHEAD. I am sure the Senator recognizes that in any program covering basic agricultural commodities cotton should be included. There is a greater population on the farms on which cotton is raised than on the farms involving any other agricultural commodity. Cotton farms contain about one-half of the total farm population.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. RUSSELL. I think it might reassure some of those who are inquiring with regard to the bill to state that this measure does not increase the limitation on the Government's obligation for the capital stock that is carried in the bill providing for the insurance of wheat.

Mr. BANKHEAD. That is true.

Mr. RUSSELL. The amount of capital stock we originally fixed for the insurance of wheat is deemed sufficient to cover both wheat and cotton. Therefore the bill does not increase the obligation of the Government as to the capital stock of the corporation.

Mr. BANKHEAD. It does not increase the obligation except in the matter of administration.

Mr. RUSSELL. I said the capital stock.

Mr. ADAMS. It increases the liability, does it not?

Mr. KING. Mr. President, may I ask the Senator from Georgia a question?

The PRESIDING OFFICER. The Senator from Alabama [Mr. BANKHEAD] has the floor.

Mr. BANKHEAD. I yield for that purpose.

Mr. KING. I ask the Senator from Georgia the amount of the capital stock to which he refers.

Mr. RUSSELL. It is my recollection that the Wheat Insurance Act, to which this bill is an amendment, authorized a capital stock of \$100,000,000 for the Corporation.

Mr. BANKHEAD. That is correct.

Mr. KING. And this would be included in that \$100,000,000?

Mr. RUSSELL. In the same \$100,000,000. It does not increase the total liability of the Government as heretofore authorized by the Congress.

Mr. KING. Something must have developed in the hearings to show there would be a great loss, to require the setting up of a corporation with \$100,000,000 of capital to be furnished by the Government.

Mr. RUSSELL. The Senator from Utah understands that the original legislation on this matter was admittedly in the nature of an experiment. No one knew exactly what the results of it would be. It involved rather a unique plan of co-operation among all the farmers who are producing a specific commodity. The payments are payable in kind, in the crops, and necessarily, in starting out on a new venture of this kind by the Government, the Congress did not undertake to make as clear definitions as might have been the case in other legislation. A great deal was left to the dis-

cretion of the Secretary of Agriculture in fixing the terms, based on a study of losses of crops due to adverse weather conditions and insect attacks over a long period of years.

The Senator from Alabama has just stated what was also my understanding, that the original venture in wheat insurance had proved very successful, and would result in a profit to the Government. There is no reason to believe there would be a greater loss in cotton than there would be in wheat, and the experience of the Department has caused them to conclude that the original capital stock which was provided by the Congress would be sufficient also to support the present legislation, which merely places cotton on the same basis and accords it the same protection through insurance that has been heretofore accorded to wheat.

Mr. KING. Mr. President, I wish to ask the Senator another question. Does the Senator anticipate that the \$100,000,000 will be lost?

Mr. RUSSELL. I will say that all we have to guide us in making a prediction is the year's experience we have had, and if we have the same experience over a period of years, not only will the Government have suffered no loss, but the Government will have a profit to add to the original capital stock.

Mr. KING. If there is no loss from the operations thus far, but in fact a gain, why should not a part of that \$100,000,000 be restored to the Treasury?

Mr. RUSSELL. Of course, the Senator from Utah has suggested a question that is not involved in the pending legislation. I think it should come up on its merits in a separate bill. The pending measure merely brings cotton into the scheme of insurance. The point I wanted to make clear was that it did not affect the original authorization for capital stock.

Mr. TAFT. Mr. President, do I understand that the Department has approved the measure? Nothing is said in the report about it.

Mr. BANKHEAD. The Department has approved it.

Mr. TAFT. The Department has approved it?

Mr. BANKHEAD. Yes.

Mr. TAFT. Was not the exceptional experience of last year simply due to the fact that we had a good crop of wheat, a better than average crop of wheat? Was that not the reason the venture happened to be successful last year?

Mr. BANKHEAD. I am unable to answer the Senator's question about that.

Mr. TAFT. That would, of course, make a difference. The Government would make money when there was a good crop and lose money when there was a poor crop.

Mr. BANKHEAD. That naturally would be true. That, however, all works out on a basis of averages as estimated by the actuaries.

Mr. BARKLEY. The same thing would apply in all experience with insurance. The life insurance companies would all make a great deal of money if no one ever died.

Mr. BANKHEAD. Yes.

Mr. BARKLEY. The theory is that if there is a crop failure the insurance is supposed at least partially to take care of the loss. There will be good years and bad years. If there were no bad years, no insurance would be needed.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. LEE. Is it not a fact that the premiums can be paid in cash or in kind?

Mr. BANKHEAD. Exactly.

Mr. LEE. And, depending on the law of averages, perhaps most of the premiums will be paid in cash, but when the Government goes to pay the policy, so to speak, the Government can pay in kind. If we insure cotton and the Government collects some of the premiums in cash and pays all that it has to pay out in cotton, it seems to me that, considering the present situation, there is very little chance for the Government to be the loser, particularly when the Government has made loans on so much cotton. It seems to me only fair to extend the insurance feature to the cotton farmer. The

privilege has been extended to the wheat farmer, and the Government is making money on it. The privilege should be extended to the cotton farmer.

Mr. BANKHEAD. I hope we can get action on the bill, Mr. President, and get it over to the House, because there are a number of steps yet to be taken before it can be put into operation.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. AUSTIN. I had not heard of this matter before, and I am asking for information, and I am not attacking the bill.

Mr. BANKHEAD. I understand the Senator.

Mr. AUSTIN. I may be for it. I do not know. It depends on the information I receive. We start off with the same capital to extend the insurance feature to another commodity; that is, we add cotton to it. I should like to know does the bill provide that the Secretary of Agriculture may include other commodities?

Mr. BANKHEAD. It does not.

Mr. AUSTIN. If the bill should become law the only new and different commodity taken under the protection of crop insurance would be cotton. Is that correct?

Mr. BANKHEAD. That is true. No commodity can be added except by direction of the Congress.

Mr. AUSTIN. Then the extension of the risk—or, to put it another way, the burden of support which the Government gives—is limited to wheat and cotton?

Mr. BANKHEAD. That would be true if the bill were enacted into law.

Mr. AUSTIN. Of course there would be a corresponding increase of income, but that might be of a character in kind; that is, cotton instead of wheat would be added to the supply.

Mr. BANKHEAD. Yes.

Mr. AUSTIN. Does the Government sell the property which is taken as premiums?

Mr. BANKHEAD. The Government may either sell it or deliver it to farmers who have a short crop and who are entitled to insurance. The farmers may be paid in kind. The wheat collected as premiums may be paid to farmers who have not produced a normal crop.

Mr. AUSTIN. Each farmer has a policy which shows the amount of cotton to which he would be entitled?

Mr. BANKHEAD. That is the wheat program. We have yet no program for cotton.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. TAFT. Can the Senator state how many wheat farmers were insured last year?

Mr. BANKHEAD. One hundred and seventy-three thousand.

Mr. TAFT. Is it fair to say that the program is no longer experimental in the field of wheat, as it was supposed to be in the beginning?

Mr. BANKHEAD. I think we have had a very representative experience with it. The Senator knows the probabilities as well as I do, and about how long it would take to make a certain test.

Mr. TAFT. My understanding is that the program was confined to wheat because it was regarded as a very experimental program.

Mr. BANKHEAD. It was.

Mr. TAFT. I wonder if we have now had sufficient experience to extend the program to another crop. As I understand, the insurance of cotton is much more complicated than the insurance of wheat.

Mr. BANKHEAD. As I stated to the Senator, based upon a long record of normal weather, I do not think there is as much risk in insuring cotton as there is in insuring wheat. The usual cause for loss in crops is abnormal weather. Except in 1 or 2 years, during the past 8 or 9 years we have had normal weather and normal crop conditions in cotton.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Pepper
Austin	Danaher	Johnson, Colo.	Pittman
Bailey	Davis	King	Radcliffe
Bankhead	Ellender	La Follette	Reed
Barbour	George	Lee	Russell
Barkley	Gerry	Lodge	Sheppard
Bilbo	Green	McKellar	Stewart
Bone	Guffey	Maloney	Taft
Byrd	Hatch	Mead	Thomas, Okla.
Byrnes	Hayden	Miller	Truman
Capper	Herring	Minton	Vandenberg
Chavez	Hill	Neely	Walsh
Clark, Mo.	Holman	Norris	White

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

Is there objection to the present consideration of the bill?

Mr. AUSTIN. Mr. President, I want it understood that the position I now take does not indicate that I shall ultimately be opposed to this bill; but I have tried to obtain specific information about such questions as the amount of risk involved in the legislation, the amount of premiums, the disposal of the product taken as premiums in kind, and other questions. Thus far I have been referred to some action or some discussion on the floor of the Senate a long time ago with respect to wheat, and at the same time I am told that cotton is a very different commodity in respect to the crop risk.

I think it is only fair to the Senate that we should take up this bill upon a basis of fact, and that we should have an estimate of the risk. We are dealing with insurance. It is a special kind of legislation, and it seems to me that to go at it blindly is not wise.

For these reasons, and for the purpose of getting before us something to move us to correct judgment, if possible, I am obliged to ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

Mr. BANKHEAD. I desire to give notice that immediately after the so-called Neely bill shall have been disposed of I shall make a motion to take up this bill. In the meantime I shall try to obtain the information desired by the Senator from Vermont [Mr. AUSTIN].

#### CANVAS DECOY CO.

The PRESIDING OFFICER (Mr. HUGHES in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1629) for the relief of the Canvas Decoy Co., which were, on page 1, lines 6 and 7, to strike out "the claim" and insert "all claims"; and on page 2, line 2, to strike out all after "Provided," down to and including "\$1,000" in line 13 and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. McKELLAR. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### POSTAL TELEGRAPH-CABLE CO.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1487) for the relief of the Postal Telegraph-Cable Co., which was, on page 2, line 2, to strike out all after "Provided," down to and including "\$1,000" in line 14 and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."



Mr. MEAD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REIMBURSEMENT TO MEMBERS OF COAST GUARD FOR LOSSES DUE TO  
NEW ENGLAND HURRICANE, 1938

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2167) to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island, which was, on page 4, line 10, after "\$29", to insert ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. PEPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FOUR HUNDREDTH ANNIVERSARY OF EXPLORATIONS OF FRANCISCO  
VASQUEZ DE CORONADO

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2197) authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vazquez de Coronado, which was, on page 5, line 4, to strike out ", 194—" and insert "January 3, 1941."

Mr. HATCH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WILLIAM CARL LAUDE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1291) for the relief of William Carl Laude, which was, to strike out all after the enacting clause and insert:

That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of William Carl Laude as of August 29, 1935, and that the warrant of deportation be canceled, and William Carl Laude shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing law.

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Mr. CAPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THE LEAGUE OF NATIONS

Mr. PEPPER. Mr. President, at this time, when the eyes of the world are chiefly centered on the international situation, I think it would be of interest to the American people to know how much is really being accomplished, in a totally nonpolitical way, by the nonpolitical phases of the League of Nations.

I have before me a copy of the Providence Sunday Journal, of Providence, R. I., the editor of which is Mr. Sevellon Brown, who is, I am informed, a good Republican, who has written a very fine editorial on the subject of the League's activities. This issue of the Providence Journal also carries a very splendid article on the subject "League's Successes Obscured by Politics."

I should like to emphasize the fact that the League of Nations must not be considered as dead merely because it has not been able to solve the political problems of the world. It is a going institution. It has in it the International Labor Organization and many other phases which are

contributing to a better understanding among the peoples of the world, and contributing vastly to the improvement of world conditions.

I ask leave to have printed in the RECORD an editorial appearing in this journal to which I have referred, entitled "One Ray of Hope", and also an article, "League's Successes Obscured by Politics", written by Mr. Winston Phelps.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Providence (R. I.) Journal of July 2, 1939]

ONE RAY OF HOPE

From the standpoint of international politics, there is no place in the world today for the League of Nations. Politically, it is impotent for collective security, which was the basis of its power to preserve peace, has been destroyed, and the democracies of Europe once more place their reliance on military cooperation—a return to power politics forced upon them by the dictators of Germany, Italy, and Japan.

But the League is not dead, and it will not die if the world's governments, our own among them, keep their faith in international cooperation in the economic and social fields. These, after all, constitute the real basis of lasting peace and good will, and it is in those fields that the League of Nations has done its most successful work.

It failed in Manchukuo, in Ethiopia, and in Spain. It could not prevent the destruction of Austria and Czechoslovakia. It no longer is a factor in the political field. But it has been exceptionally successful in the nonpolitical field, where it still operates with conspicuous success.

We mention this for two reasons: First, the League of Nations, as it doggedly pursues its great work in nonpolitical matters, keeps alive a small spark of that international cooperation which ultimately must save the world; second, because the League needs help badly in this work, and the United States can and should respond with an offer of permanent financial aid on a yearly basis.

We know, of course, that the League of Nations is anathema to a large group of American politicians and to many American citizens. But this opposition is purely political, based entirely on the traditional belief that we must abjure all entangling alliances with Europe. There never has been American opposition to the League's economic and social work, as our periodic participation in such activities has demonstrated. And we have benefited greatly from these actions.

Elsewhere in this section we print an analysis of the League's work in these fields. We show, for example, that the League developed the only effective opium-control organization the world has known. It greatly curtailed the world-wide traffic in drugs. It checked white slave traffic. It organized a health service on a world basis, and halted epidemics in various countries.

But this work, so essential to international good will, is in danger of destruction because of a lack of funds. Member after member has withdrawn from the League, for one reason or another, and that has cut its revenue by \$1,000,000 annually. Somehow or other, this revenue must be restored. We believe the United States should assume a full share of this burden.

[From the Providence (R. I.) Journal of July 2, 1939]

LEAGUE'S SUCCESSSES OBSCURED BY POLITICS—GENEVA'S VALUED HUMANITARIAN PROJECTS ARE THREATENED AS INCOME, PRESTIGE DECLINE—UNITED STATES HAS BEEN BENEFICIARY OF WORK

(By Winston Phelps)

In spite of its dismal political failures, the League of Nations is not yet ready to be scrapped.

It failed to stop Japan in the Orient. It failed to halt Italy in Ethiopia. It failed to bring a quick end to the civil war in Spain, and it didn't even bother to raise a finger when Germany snatched Austria, Czechoslovakia, and Memel.

But that isn't the whole picture. For every one of its political failures the League can point to a successful accomplishment in a nonpolitical field. Unhappily the League's successes have not been publicized as widely as its failures and that fact is responsible for the widespread belief that the League is dead.

Actually the League is a long step away from the cemetery. It faces difficulties and its future may be dubious, but it still has a half dozen machines running smoothly and efficiently to make the world a better place for all humanity.

It has, for example, the only effective opium-control organization the world has ever known. It has an international labor bureau, a health bureau, and other subdivisions, each with a long list of accomplishments to its credit.

DRUG TRAFFIC IS REDUCED

Thanks to the League, the enormous world-wide traffic in drugs has been reduced to a trickle. Thanks to the League, the white-slave trade has been checked, epidemics have been halted, new medicines have been developed, and a forum has been provided where the nations could gather to discuss their problems of housing, child welfare, and other topics.

Battered and bruised as it may appear, the League still is the only effective world organization struggling to promote peace, cooperation, and good will.

All these nonpolitical activities have been carried along successfully while the League was suffering political rebuffs. Recently, however, the League's loss of prestige and loss of revenue have affected the nonpolitical agencies. Activities have been curtailed. The prospect is that they may have to be curtailed again.

At the last session of the League Council the Secretary General reported the League's revenue had been reduced by \$1,000,000 annually and that as a result 87 of the League's 600 staff employees had been dismissed and the budgets of several of the departments had been trimmed.

Now the League's principal revenue comes from the dues of members. That source of revenue has fallen off because the members have been resigning in droves.

Here are the recent changes:

Resigned because of political differences: Japan, Germany, and Italy.

Eliminated when their independence was suppressed: Austria, Ethiopia, Czechoslovakia, and Albania.

Resigned out of sympathy for the Rome-Berlin axis: Hungary and Spain.

Dropped out for other reasons: Chile, Venezuela, Salvador, and Peru.

The loss of these 13 members reduced the League's annual revenue from about \$6,000,000 to about \$5,000,000. Adding to the League's plight is the fact that some nations, China for example, want to pay their dues but may be compelled to drop out because the money is needed desperately for other things.

#### NONPOLITICAL AFFILIATION

Regardless of what the United States and other nations may think about the League's political activities, all agree that the nonpolitical activities are worth while. Thus Germany has resigned from the League, but still cooperates with the League's opium-control organization.

And although the United States is not a member of the League and never has been, this country not only cooperates in all the nonpolitical activities but has assumed leadership in some of the work.

Even more of a threat to the League than the decline in revenue is the decline in interest. Most of the nations now are so absorbed by the prospect of war and so busy spending for armaments that they cannot be bothered to put their attention on the peaceful work stemming from Geneva. They are more interested in building guns than in building houses, more interested in preparing for air raids than they are in improving the health of their populations.

Arthur Sweetser, the only American director on the League Secretariat, concedes that the League may have to curtail some more of its activities if more members withdraw and revenue declines, but he believes there are a few nations that will remain loyal and that they will support at least a skeleton staff at Geneva through hell or high water.

More important than the problem of whipping up revenue, Mr. Sweetser said, during a New England visit last week, is the problem of whipping up interest.

The United States occupies an unusual position in its relations with the League. It is not a member and thus does not pay dues. It does participate in the nonpolitical activities, however, and for each of these activities Congress annually appropriates small sums supposed to be this country's share in the total cost.

Actually the small sums tossed in are not an honest share. They represent the prorated cost of the particular conference in which this country is interested, but do not take into consideration the year-round costs of rent, upkeep, and maintenance of permanent staffs.

In this respect the United States is getting more than it pays for. It is a beneficiary of the year-round work, but pays only its share of the conferences. All of the year-round expense is borne by the regular members.

#### SYSTEM OF DUES

The League has worked out an elaborate system for arriving at proper dues. The size, wealth, and influence of each nation member is taken into consideration and the dues are worked out on a unit basis. Britain's dues, for example, are about \$600,000 annually. Near the bottom is Liberia, which pays only \$25,000. The other nations are in between. With all the nations of the world, big and little, talking in terms of millions and billions for defense, these national payments to the League represent only small potatoes.

The attitude of the United States Government toward these nonpolitical activities of the League was expressed clearly last February in a letter written by Secretary of State Cordell Hull. The League asked nonmember States for their opinion of the League's work. Here is the Secretary of State's reply:

"The United States Government notes with interest the Assembly's reaffirmation of the policy of the League to invite the collaboration of nonmember States in its technical and nonpolitical activities. It shares the Assembly's satisfaction that such collaboration has steadily increased and the Assembly's belief that it is in the universal interest that such collaboration be continued and further developed.

#### SYMPATHETIC COLLABORATION

"The growing complexity of the modern world has for many years made increasingly clear the need for intelligent coordination of various activities and the pooling of information and experience in many fields. . . .

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"The League . . . has been responsible for the development of mutual exchange and discussion of ideas and methods to a greater extent and in more fields of humanitarian and scientific endeavor than any other organization in history. The United States Government is keenly aware of the value of this type of general interchange and desires to see it extended.

"Encouraging as has been the progress already made, much remains to be done for the promotion of human welfare in health, social, economic, and financial fields. This Government regards each sound step forward in these fields as a step forward toward the establishment of that national and international order which it believes is essential to real peace.

"The United States Government looks forward to the development and expansion of the League's machinery for dealing with the problems in those fields and to the participation by all nations in active efforts to solve them. It would not be appropriate for it to make specific suggestions for the development of the League's efforts to meet more adequately problems relating to the health, humanitarian, and economic phases of the human activities. It will continue to collaborate in those activities and will consider in a sympathetic spirit means making its collaboration more effective."

Let's look at some of the results of this international cooperation praised so highly by Secretary Hull.

Since the League rolled up its sleeves in 1929 and attacked the problem of the illicit drug traffic, the quantity of morphine produced in licensed plants the world over has been cut in half. Most of the half that has been eliminated, it is reasonable to suppose, was going into illicit channels.

And in that same period the estimated number of drug addicts in the United States has been cut from 100,000 to 50,000. Similar figures can be shown for most other nations. All are beneficiaries of the League's work in this field.

Equally dramatic have been the League's achievements in the field of medicine. Experts from Geneva have been sent to all parts of the world to check plague, cholera, yellow fever, dysentery, smallpox, and typhus fever. Information has been exchanged through the League to help governments improve their health services.

An epidemic of dengue (something like influenza) struck Greece in 1928 and the nation lacked facilities to stamp it out. An appeal went to Geneva, and the League sent a commission of experts—two Americans, an Englishman, a Frenchman, a Croat, and others—to survey the public-health problem in Greece. As a result, a model system of health and medical services was established in Greece.

#### NEW REMEDY FOR MALARIA

One of the League's proudest achievements is the development of a new and cheaper remedy for malaria. Quinine was too expensive, so "totaquina" was developed. Other new remedies have been tested and their value determined at the League's laboratories in Italy, Spain, Algeria, Malaya, and Russia.

Experts in the treatment of malaria have been trained at League centers. An institute for leprosy research has been established in Brazil. Studies have been made to control a new threat—spread of yellow fever by air services operating in tropical areas.

That is just a brief sample of the work the League is doing. It is work designed to help all mankind regardless of nationalities, of frontiers, and of political differences. The League has developed an elaborate and efficient machine for solving these international problems and every nation will feel the loss if disinterest lets the machine run down.

#### INVESTIGATION OF PROFIT-SHARING SYSTEMS

Mr. BYRNES. Mr. President, I ask unanimous consent for the consideration at this time of Senate Resolution 154, reported earlier today.

Mr. AUSTIN. To what does the resolution relate?

Mr. BYRNES. It is a resolution to pay the expenses incurred by an investigating committee. The Senator from Iowa [Mr. HERRING] and the Senator from Michigan [Mr. VANDENBERG] advised me that the amount called for in the resolution, \$2,738.91, was contracted for by the committee, and should be paid.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Res. 154), submitted by Mr. HERRING on June 27, 1939, was considered and agreed to, as follows:

*Resolved*, That the limit of expenditures under Senate Resolution 215, Seventy-fifth Congress, third session, agreed to May 18, 1938, authorizing the Senate Finance Committee, or any subcommittee thereof, to investigate profit-sharing systems, is hereby increased by \$2,738.91.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.



## EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HUGHES in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## EXECUTIVE REPORTS OF COMMITTEES

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Sam E. Whitaker, of Tennessee, to be judge of the United States Court of Claims, vice Richard S. Whaley.

The PRESIDING OFFICER (Mr. HUGHES), as a member of the Committee on the Judiciary, and from that committee, reported favorably the nomination of Martin I. Welsh to be United States district judge for the northern district of California, to fill a position created by law.

Mr. AUSTIN, from the Committee on the Judiciary, reported favorably the nomination of Edward L. Burke, of Vermont, to be United States marshal for the district of Vermont.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of Armond W. Scott, of the District of Columbia, to be judge of the Municipal Court of the District of Columbia.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

## FOREIGN SERVICE OFFICERS

The legislative clerk proceeded to read sundry nominations of Foreign Service officers.

Mr. BARKLEY. I ask that the nominations of Foreign Service officers be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## ARTHUR S. FLEMMING

Mr. BARKLEY. Mr. President, yesterday the Senate confirmed the nomination of Mr. Arthur S. Fleming to be a member of the Civil Service Commission. I ask unanimous consent that the President be notified of the confirmation.

The PRESIDING OFFICER. Without objection, the President will be notified.

That completes the Executive Calendar.

## ORDER OF BUSINESS

The Senate resumed legislative session.

Mr. BARKLEY. Mr. President, if there is no other business to be transacted, I shall move that the Senate adjourn.

Mr. NEELY. Mr. President, will not the Senator from Kentucky make a motion that the Senate take a recess, in order that there may not be 2 hours in the morning devoted to the consideration of the calendar, which time, of course, would be subtracted from the time which could otherwise be spent on Senate bill 280?

Mr. BARKLEY. I had not intended to have the calendar interfere with the unfinished business. The morning business will take but a few minutes, and I will ask that the calendar be called later. I do not propose to have the calendar called tomorrow so as to interfere with the Senator's bill.

The PRESIDING OFFICER. It is the understanding of the Chair that the bill of the Senator from West Virginia will be considered first tomorrow.

Mr. BARKLEY. It is the unfinished business, and will be considered immediately. It does not make any difference, so far as the consumption of time is concerned, whether we recess or adjourn. If any Senator has a bill to introduce or report to make he can usually get consent to do it. So I shall move to take a recess instead of to adjourn.

## PERNICIOUS POLITICAL ACTIVITIES

Mr. HATCH. Mr. President, in view of the statement I made recently concerning Senate bill 1871, the bill relating to pernicious political activities, that a certain agreement had been arrived at between members of the House Committee on the Judiciary and myself that the House committee would report the bill and endeavor to obtain a rule from the House Committee on Rules for the consideration of the bill by the House of Representatives, I wish to say, for the Record, that I am just informed that the House Committee on Rules has this afternoon voted a rule, and has carried out completely the agreement which the members of the House Committee on the Judiciary had with me.

## RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 7, 1939, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate July 6, 1939*

## APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Maj. Robert Kauch, Air Corps, to be lieutenant colonel from July 4, 1939.

## PROMOTIONS IN THE REGULAR ARMY

*To be colonels with rank from June 12, 1939*

Lt. Col. Durward Saunders Wilson, Infantry.  
Lt. Col. Maurice Duncan Welty, Infantry.  
Lt. Col. Frank Floyd Scowden, Quartermaster Corps.  
Lt. Col. Charles Hines, Coast Artillery Corps.  
Lt. Col. Jack Whitehead Heard, Cavalry.  
Lt. Col. Walter Kilshaw Dunn, Coast Artillery Corps.  
Lt. Col. Walter Hale Frank (brigadier general, wing commander), Air Corps.  
Lt. Col. Guy Woodman Chipman, Cavalry.  
Lt. Col. Frederick Elwood Uhl, Infantry.  
Lt. Col. Harvey Henry Fletcher, Infantry.  
Lt. Col. John Frederick Landis, Infantry.  
Lt. Col. Joseph Stephens Leonard, Infantry.  
Lt. Col. John Arner Robenson, Cavalry.  
Lt. Col. Joseph Page Aleshire, Cavalry.

*To be colonels with rank from July 1, 1939*

Lt. Col. Oscar Wolverton Griswold, Infantry.  
Lt. Col. Harding Polk, Cavalry.  
Lt. Col. Robert Horace Dunlop, Adjutant General's Department.  
Lt. Col. Emil Fred Reinhardt, Infantry.  
Lt. Col. William Augustus Beach, Adjutant General's Department.  
Lt. Col. John Thomas Hazelrigg O'Rear, Coast Artillery Corps.  
Lt. Col. Ralph Edward Haines, Coast Artillery Corps.  
Lt. Col. Thomas Hardaway Jones, Coast Artillery Corps.  
Lt. Col. Laurence Watts, Signal Corps.  
Lt. Col. Henry Newbold Sumner, Adjutant General's Department.  
Lt. Col. Edward Roth, Jr., Adjutant General's Department.  
*To be lieutenant colonels, with rank from June 12, 1939*  
Maj. Andres Lopez, Infantry.  
Maj. Modesto Enrique Rodriguez, Infantry.  
Maj. John Warlick McDonald, Cavalry.

Maj. Stuart Randall Carswell, Infantry.  
 Maj. David Hazen Blakelock, Cavalry.  
 Maj. John Oliver Hoskins, Field Artillery.  
 Maj. Rinaldo Louis Coe, Cavalry.  
 Maj. John Warren Cotton, Infantry.  
 Maj. William Clarke, Field Artillery.  
 Maj. Ira Benjamin Hill, Coast Artillery Corps.  
 Maj. Jay Kenneth Colwell, Cavalry.  
 Maj. Albert Russell Ives, Field Artillery.  
 Maj. Paul James Dowling, Infantry.  
 Maj. Otis Porter, Cavalry.  
 Maj. Hermann Charles Dempewolf, Infantry.  
 Maj. Berthold Vogel, Coast Artillery Corps.  
 Maj. Renn Lawrence, Cavalry.  
 Maj. John Richard Hermann, Infantry.  
 Maj. Raymond Holmes Bishop, Infantry.  
 Maj. James A. Summersett, Infantry.  
 Maj. Hugh Coskery Gilchrist, Infantry.  
 Maj. Joseph A. Sheridan, Field Artillery.  
 Maj. John Lenhart Rice, Cavalry.  
 Maj. Nelson Mark Imboden, Cavalry.  
 Maj. Willis Henry Hale, Air Corps (temporary lieutenant colonel, Air Corps).  
 Maj. William Powell Scobey, Infantry.  
 Maj. William Cheney Moore, Infantry.  
 Maj. Albion Smith, Field Artillery.  
 Maj. Wharton Girard Ingram, Cavalry.  
 Maj. Edwin Daviess Patrick, Infantry.  
 Maj. Herman Frederick Kramer, Infantry, subject to examination required by law.  
 Maj. Clarence Paul Evers, Infantry.  
 Maj. Edward Scott Johnston, Infantry.  
 Maj. Hugh Chapman Minton, Ordnance Department.  
 Maj. Charles Wesley Gallaher, Field Artillery.  
*To be lieutenant colonels, with rank from July 1, 1939*  
 Maj. Adrian St. John, Chemical Warfare Service.  
 Maj. John Colford Daly, Cavalry.  
 Maj. Paul Everton Peabody, Infantry.  
 Maj. Albert Francis Christie, Infantry.  
 Maj. Robert McClean Carswell, Coast Artillery Corps.  
 Maj. Ernest Hill Burt, Judge Advocate General's Department.  
 Maj. Ray Milton O'Day, Infantry.  
 Maj. Stacy Knopf, Field Artillery.  
 Maj. James Madison Garrett, Jr., Field Artillery.  
 Maj. Julian Wallace Cunningham, Cavalry.  
 Maj. Clarence Edward Cotter, Coast Artillery Corps.  
 Maj. Gordon Bennett Welch, Ordnance Department.  
 Maj. Edmund Bernard Edwards, Field Artillery.  
 Maj. Merritt Elijah Olmstead, Infantry.  
 Maj. Benjamin Franklin Caffey, Jr., Infantry.  
 Maj. Augustine Joseph Zerbee, Field Artillery.  
 Maj. Frank August Heileman, Corps of Engineers.  
*To be majors, with rank from June 12, 1939*  
 Capt. John William Irwin, Infantry.  
 Capt. Robert LeRoy Nesbit, Infantry.  
 Capt. John Palmer Harris, Ordnance Department.  
 Capt. Joseph Kahler Evans, Infantry.  
 Capt. Fred Thomson Bass, Corps of Engineers.  
 Capt. Rufus Alexander Byers, Infantry.  
 Capt. Lawrence Haley Caruthers, Field Artillery.  
 Capt. Frank LaRue, Infantry.  
 Capt. Julian Dayton, Infantry.  
 Capt. Michael Everett McHugo, Air Corps (temporary major, Air Corps).  
 Capt. William Mason Wright, Jr., Field Artillery.  
 Capt. Philip Whalley Allison, Field Artillery.  
 Capt. James Lionel Grisham, Air Corps (temporary major, Air Corps).  
 Capt. Joseph Worthen Proctor, Ordnance Department.  
 Capt. Earl Seeley Hoag, Air Corps (temporary major, Air Corps).

Capt. Vincent James Meloy, Air Corps (temporary major, Air Corps).  
 Capt. Charles Egbert Branshaw, Air Corps (temporary major, Air Corps).  
 Capt. Edward Whiting Raley, Air Corps (temporary major, Air Corps).  
 Capt. James Troy Hutchison, Air Corps (temporary major, Air Corps).  
 Capt. Ivan Leon Foster, Field Artillery.  
 Capt. Edwin Randolph Page, Air Corps (temporary major, Air Corps).  
 Capt. Harvey Hodges Holland, Air Corps (temporary major, Air Corps).  
 Capt. Russell Lowell Maughan, Air Corps (temporary major, Air Corps).  
 Capt. Charles Emile Stafford, Quartermaster Corps.  
 Capt. Oliver Perry Goshlin, Jr., Air Corps (temporary major, Air Corps).  
 Capt. Eugene Benjamin Bayley, Air Corps (temporary major, Air Corps).  
 Capt. Dache McClain Reeves, Air Corps (temporary major, Air Corps).  
 Capt. Leo Fred Post, Air Corps (temporary major, Air Corps).  
 Capt. John Carroll Kennedy, Air Corps (temporary major, Air Corps).  
 Capt. Oscar George Fegan, Quartermaster Corps.  
 Capt. Thomas Jefferson Davis, Adjutant General's Department.  
 Capt. Charles Summer Reed, Ordnance Department.  
 Capt. Edmund Pendleton Gaines, Air Corps (temporary major, Air Corps).  
 Capt. Harvey William Prosser, Air Corps (temporary major, Air Corps).  
 Capt. Clayton Lawrence Bissell, Air Corps (temporary major, Air Corps).  
 Capt. Horace Simpson Kenyon, Jr., Air Corps (temporary major, Air Corps).  
 Capt. Eugene Robert Cowles, Infantry.  
 Capt. Phillip Henry Kron, Infantry.  
 Capt. Raymond Clair Hildreth, Signal Corps.  
 Capt. David Emery Washburn, Signal Corps.  
 Capt. John Francis Alcure, Quartermaster Corps.  
 Capt. Bernard Edward McKeever, Quartermaster Corps.  
 Capt. Wallace Marmaduke Allison, Quartermaster Corps.  
 Capt. William George Muller, Infantry.  
 Capt. Leland Charles Hurd, Air Corps (temporary major, Air Corps).  
 Capt. Robert Victor Ignico, Air Corps (temporary major, Air Corps).  
 Capt. Rutledge Maurice Lawson, Infantry.  
 Capt. Leland Ross Hewitt, Air Corps (temporary major, Air Corps).  
 Capt. Clifford Cameron Nutt, Air Corps (temporary major, Air Corps).  
 Capt. Will Vermilya Parker, Signal Corps.  
 Capt. Harry George Rennagel, Infantry.  
 Capt. Harry Samuel Fuller, Quartermaster Corps.  
 Capt. Isaiah Davies, Air Corps (temporary major, Air Corps).  
 Capt. Arthur William Vanaman, Air Corps (temporary major, Air Corps).  
 Capt. Franklin Otis Carroll, Air Corps (temporary major, Air Corps).  
 Capt. Frederick William Evans, Air Corps (temporary major, Air Corps).  
 Capt. Oliver Edward Cound, Quartermaster Corps.  
 Capt. David Nathaniel Hausman, Ordnance Department.  
 Capt. George Lincoln Townsend, Signal Corps.  
 Capt. Edwin Yancey Argo, Field Artillery.  
 Capt. Harry Gage Montgomery, Air Corps (temporary major, Air Corps).  
 Capt. Fred Cyrus Nelson, Air Corps (temporary major, Air Corps).



Capt. Edward Moses Morris, Air Corps (temporary major, Air Corps).

Capt. Everett Foster Rea, Finance Department.

Capt. James Elmer Boush, Quartermaster Corps.

Capt. Hugh Albert Bivins, Air Corps (temporary major, Air Corps).

Capt. Maybin Homes Wilson, Corps of Engineers.

Capt. Burton Frederick Lewis, Air Corps (temporary major, Air Corps).

Capt. Elmer John Bowling, Air Corps (temporary major, Air Corps).

Capt. Orin Jay Bushey, Air Corps (temporary major, Air Corps).

Capt. Fred Sidney Borum, Air Corps (temporary major, Air Corps).

Capt. Lawrence Carmel Jaynes, Infantry.

Capt. George Washington Polk, Jr., Air Corps (temporary major, Air Corps).

Capt. Christopher William Ford, Air Corps (temporary major, Air Corps).

Capt. Devereux Maitland Myers, Air Corps (temporary major, Air Corps).

Capt. Alfred Warrington Marriner, Air Corps (temporary major, Air Corps).

Capt. Guy Harrison Gale, Air Corps (temporary major, Air Corps).

Capt. Muir Stephen Fairchild, Air Corps (temporary major, Air Corps).

Capt. James Gradon Taylor, Air Corps (temporary major, Air Corps).

Capt. Leland Wilbur Miller, Air Corps (temporary major, Air Corps).

Capt. Edward Bates Blanchard, Chemical Warfare Service.

Capt. Raphael Baez, Jr., Air Corps (temporary major, Air Corps).

Capt. Don Lee Hutchins, Air Corps (temporary major, Air Corps).

Capt. Clarence Herbert Welch, Air Corps (temporary major, Air Corps).

Capt. Ennis Clement Whitehead, Air Corps (temporary major, Air Corps).

Capt. Joseph Lawrence Erickson, Quartermaster Corps.

Capt. Alfred Jefferson Lyon, Air Corps (temporary major, Air Corps).

Capt. Harold Lyman Clark, Air Corps (temporary major, Air Corps).

Capt. Sam Love Ellis, Air Corps (temporary major, Air Corps).

Capt. George Godfrey Lundberg, Air Corps (temporary major, Air Corps).

Capt. Eugene Lowry Eubank, Air Corps (temporary major, Air Corps).

Capt. Floyd Lavinus Parks, Infantry.

Capt. Lawrence Augustus Lawson, Air Corps (temporary major, Air Corps).

Capt. Albert William Stevens, Air Corps (temporary major, Air Corps).

Capt. Bayard Johnson, Air Corps (temporary major, Air Corps).

*To be major, with rank from June 29, 1939*

Capt. Frank Martyn Paul, Air Corps (temporary major, Air Corps).

*To be majors, with rank from July 1, 1939*

Capt. Samuel Martin Connell, Air Corps (temporary major, Air Corps).

Capt. Charles Burton DeShields, Air Corps (temporary major, Air Corps).

Capt. John Edwin Upston, Air Corps (temporary major, Air Corps).

Capt. Reuben Curtis Moffat, Air Corps (temporary major, Air Corps).

Capt. William Henry Schnackenberg, Quartermaster Corps.

Capt. Paul Langdon Williams, Air Corps (temporary major, Air Corps).

Capt. Thomas Aloysius Hoy, Infantry.

Capt. Eugene Gordon Mathews, Quartermaster Corps.

Capt. Clarence Peyton Kane, Air Corps (temporary major, Air Corps).

Capt. Harry Weddington, Air Corps (temporary major, Air Corps).

Capt. William Alexander Marsh, Infantry.

Capt. Benjamin Franklin Vandervoort, Quartermaster Corps.

Capt. James Pearce Wharton, Infantry.

Capt. George Thomas Barnes, Quartermaster Corps.

Capt. Samuel Custer Eaton, Jr., Air Corps (temporary major, Air Corps).

Capt. Hiram Wendell Tarkington, Field Artillery.

Capt. Marcellus Lowry Stockton, Jr., Cavalry.

Capt. Edwin Stewart Brewster, Jr., Field Artillery.

Capt. Wilbur Henry Vinson, Infantry.

Capt. Winfield Chapple Scott, Cavalry.

Capt. Leo Thomas McMahon, Field Artillery.

Capt. John Prosper Eckert, Field Artillery.

Capt. Phillip Bassett Shotwell, Cavalry.

Capt. Kie Doty, Infantry.

Capt. Ralph Eugene Ireland, Cavalry.

Capt. Bryan Llewellyn Davis, Field Artillery.

Capt. Mark Milton Potter, Field Artillery.

Capt. James Hodges Drake, Infantry.

Capt. Joseph Hemsley Stevenson, Corps of Engineers.

Capt. Leslie Shaw Williams, Quartermaster Corps.

Capt. Stephen Carson Whipple, Corps of Engineers.

Capt. William Taliaferro Fletcher, Cavalry.

Capt. Charles Albert Welcker, Infantry.

Capt. Millard Stowe Curtis, Infantry.

Capt. Arthur Clay Blain, Infantry.

Capt. Robert Lee Allen, Jr., Field Artillery.

Capt. Joseph Edwin McGill, Infantry.

Capt. George Hely Molony, Infantry.

*To be major, with rank from July 4, 1939*

Capt. Harry Luther Coates, Infantry.

#### MEDICAL CORPS

The following-named officers of the Medical Corps Reserve to be first lieutenants in the Medical Corps, Regular Army, with rank from date of appointment:

William Nelson Donovan.

Leslie Woodworth Langs.

#### APPOINTMENTS IN THE NAVY

##### MARINE CORPS

The following-named citizens to be second lieutenants in the Marine Corps from the 1st day of July 1939:

Mark S. Adams, a citizen of Georgia.

Hoyt U. Bookhart, Jr., a citizen of South Carolina.

Michiel Dobervich, a citizen of North Dakota.

Frederick R. Findtner, a citizen of Oregon.

Frank E. Gallagher, Jr., a citizen of Massachusetts.

Edwin C. Godbold, a citizen of Alabama.

Gordon A. Hardwick, a citizen of Minnesota.

Earl R. Kindig, a citizen of Iowa.

James S. Mullins, a citizen of Illinois.

Thomas S. Nurnberger, Jr., a citizen of Michigan.

Michael E. Peshek, a citizen of Oklahoma.

Albert H. Potter, a citizen of Massachusetts.

John W. Ryland, a citizen of California.

Luther R. Seibert, a citizen of Oregon.

Nicholas A. Sisak, a citizen of Pennsylvania.

#### POSTMASTERS

##### ALABAMA

Agnes O. Greene to be postmaster at Frisco City, Ala., in place of A. O. Greene. Incumbent's commission expired April 17, 1939.

Henry H. Haralson to be postmaster at Lanett, Ala., in place of W. C. Stearns, removed.

Ralph B. Burks to be postmaster at Rockford, Ala., in place of A. H. Thompson, resigned.

## ALASKA

Albert Wile to be postmaster at Juneau, Alaska, in place of Albert Wile. Incumbent's commission expired January 17, 1939.

## ARIZONA

Nina Bess Prather to be postmaster at Casa Grande, Ariz., in place of A. T. Kilcrease, resigned.

## ARKANSAS

Oscar E. Wyatt to be postmaster at Bono, Ark., in place of G. A. Lamb, deceased.

Walter Finley to be postmaster at Lincoln, Ark., in place of C. H. Griscom. Incumbent's commission expired January 15, 1939.

## CALIFORNIA

Richard A. Higgs to be postmaster at Chula Vista, Calif., in place of J. C. Callahan. Incumbent's commission expired May 7, 1938.

William C. O'Donnell to be postmaster at San Luis Obispo, Calif., in place of W. C. O'Donnell. Incumbent's commission expired May 31, 1939.

Frederick T. Hale to be postmaster at Santa Cruz, Calif., in place of F. T. Hale. Incumbent's commission expired February 9, 1939.

Edward I. Leake to be postmaster at Woodland, Calif., in place of E. I. Leake. Incumbent's commission expired March 19, 1939.

## DELAWARE

Roy E. Jones to be postmaster at Millsboro, Del., in place of H. B. Mitchell. Incumbent's commission expired June 18, 1938.

## FLORIDA

Charles H. Fletcher to be postmaster at Branford, Fla., in place of R. G. Granger, resigned.

Cullen H. Talton to be postmaster at Daytona Beach, Fla., in place of C. H. Talton. Incumbent's commission expired June 19, 1939.

## GEORGIA

Hardy S. McCalman to be postmaster at Buchanan, Ga., in place of H. S. McCalman. Incumbent's commission expired January 30, 1938.

Hal D. Austin to be postmaster at Conyers, Ga., in place of H. D. Austin. Incumbent's commission expired June 18, 1939.

## ILLINOIS

George P. Langan to be postmaster at Cairo, Ill., in place of Jacob Heid, deceased.

Charles Mancel Wightman to be postmaster at Grayslake, Ill., in place of C. M. Wightman. Incumbent's commission expired June 6, 1938.

Charles F. Loeb to be postmaster at Urbana, Ill., in place of C. F. Loeb. Incumbent's commission expired March 18, 1939.

## INDIANA

Floyd B. Faulkerson to be postmaster at Angola, Ind., in place of F. B. Faulkerson. Incumbent's commission expired March 15, 1939.

Roy D. Haines to be postmaster at Bryant, Ind., in place of R. D. Haines. Incumbent's commission expired January 18, 1939.

James S. Auble to be postmaster at Cayuga, Ind., in place of J. S. Auble. Incumbent's commission expired February 18, 1939.

Albert Seufert to be postmaster at Ferdinand, Ind., in place of Albert Seufert. Incumbent's commission expired March 20, 1939.

Jesse M. Kemp to be postmaster at Kempton, Ind., in place of J. M. Kemp. Incumbent's commission expired March 20, 1939.

Charles H. Wilson to be postmaster at Mooresville, Ind., in place of C. H. Wilson. Incumbent's commission expired January 18, 1939.

Linda M. Peine to be postmaster at Oldenburg, Ind., in place of L. M. Peine. Incumbent's commission expired March 15, 1939.

Joseph C. Whitesell to be postmaster at Plymouth, Ind., in place of J. C. Whitesell. Incumbent's commission expired June 18, 1938.

Paul A. Kerstiens to be postmaster at St. Mary-of-the-Woods, Ind., in place of M. E. Callahan, removed.

Heber L. Menaugh to be postmaster at Salem, Ind., in place of H. L. Menaugh. Incumbent's commission expired May 2, 1939.

Albert J. Anderson to be postmaster at Shirley, Ind., in place of A. J. Anderson, resigned.

Albert Rautenkranz to be postmaster at Urbana, Ind., in place of Albert Rautenkranz. Incumbent's commission expired January 18, 1939.

Benjamin B. Plummer to be postmaster at Windfall, Ind., in place of B. B. Plummer. Incumbent's commission expired January 18, 1939.

## IOWA

Harry J. McFarland to be postmaster at Davenport, Iowa, in place of H. J. McFarland. Incumbent's commission expired May 17, 1939.

Kate C. Warner to be postmaster at Dayton, Iowa, in place of K. C. Warner. Incumbent's commission expired February 18, 1939.

William A. Suiter to be postmaster at Le Claire, Iowa. Office became Presidential July 1, 1938.

Clarence H. Kemler to be postmaster at Marshalltown, Iowa, in place of C. H. Kemler. Incumbent's commission expired March 20, 1939.

Donald D. Jansen to be postmaster at Onslow, Iowa. Office became Presidential July 1, 1938.

Carrie M. Skromme to be postmaster at Roland, Iowa, in place of C. M. Skromme. Incumbent's commission expired February 9, 1939.

Merle B. Chader to be postmaster at Slater, Iowa. Office became Presidential July 1, 1937.

## KENTUCKY

Homer G. McConnell to be postmaster at Marion, Ky., in place of H. C. Enoch, deceased.

## LOUISIANA

Leonard L. Jackson to be postmaster at Clarks, La., in place of Jeannette Clarkson. Incumbent's commission expired January 9, 1936.

## MAINE

Harold E. Weeks to be postmaster at Augusta, Maine, in place of H. E. Weeks. Incumbent's commission expired April 30, 1939.

Mollie M. Armstrong to be postmaster at Cape Cottage, Maine, in place of M. M. Armstrong. Incumbent's commission expired March 8, 1939.

Fred E. Skillings, Jr., to be postmaster at Scarborough, Maine, in place of Annie Gilman. Incumbent's commission expired January 17, 1939.

## MARYLAND

Egbert F. Tingley to be postmaster at Hyattsville, Md., in place of M. W. Tise. Incumbent's commission expired February 24, 1936.

Taylor R. Biles to be postmaster at Rising Sun, Md., in place of T. R. Biles. Incumbent's commission expired May 16, 1938.

## MICHIGAN

Rita C. Boucha to be postmaster at Engadine, Mich., in place of L. J. McGraw, removed.

## MINNESOTA

Edward R. Siem to be postmaster at Elgin, Minn., in place of E. R. Siem. Incumbent's commission expired March 12, 1939.

Sophia V. Rader to be postmaster at Warroad, Minn., in place of Burt Mason, removed.



## MISSISSIPPI

Leslie L. Evans to be postmaster at Canton, Miss., in place of R. R. Ray. Incumbent's commission expired May 28, 1938.

Charles M. Anderson to be postmaster at Gloster, Miss., in place of S. O. McGehee, resigned.

Alec R. Moore to be postmaster at Meadville, Miss., in place of W. L. Forman. Incumbent's commission expired May 3, 1938.

Dallas E. Morgan to be postmaster at Sallis, Miss., in place of T. L. Guyton, resigned.

## MISSOURI

Samuel S. Harrison to be postmaster at Auxvasse, Mo., in place of S. S. Harrison. Incumbent's commission expired February 20, 1939.

Edgar W. Stone to be postmaster at Bland, Mo., in place of E. W. Stone. Incumbent's commission expired May 17, 1939.

John E. Thomasson to be postmaster at Bolivar, Mo., in place of Harold Stewart. Incumbent's commission expired April 25, 1938.

Raymond K. Elliott to be postmaster at Bunceton, Mo., in place of R. K. Elliott. Incumbent's commission expired March 19, 1939.

William S. Drace to be postmaster at Centralia, Mo., in place of W. S. Drace. Incumbent's commission expired May 17, 1939.

C. Leslie Parks to be postmaster at Cole Camp, Mo., in place of C. L. Parks. Incumbent's commission expired March 19, 1939.

Elmer E. Sagehorn to be postmaster at Concordia, Mo., in place of E. E. Sagehorn. Incumbent's commission expired March 19, 1939.

Charles Shumate to be postmaster at Edina, Mo., in place of Charles Shumate. Incumbent's commission expired February 20, 1939.

Wallace L. Talbot to be postmaster at Fayette, Mo., in place of W. L. Talbot. Incumbent's commission expired March 18, 1939.

A. Josephine Humble to be postmaster at Grandview, Mo., in place of A. J. Humble. Incumbent's commission expired May 17, 1939.

Ivan Nile Knowles to be postmaster at Green Castle, Mo., in place of I. N. Knowles. Incumbent's commission expired March 19, 1939.

Joseph W. Evans to be postmaster at Hale, Mo., in place of J. W. Evans. Incumbent's commission expired March 23, 1939.

James Walter Morrow to be postmaster at Iberia, Mo., in place of Walter Morrow. Incumbent's commission expired February 20, 1939.

Jesse M. Hawkins to be postmaster at Ironton, Mo., in place of J. M. Hawkins. Incumbent's commission expired February 20, 1939.

Harvey B. Lynch to be postmaster at Lincoln, Mo., in place of H. B. Lynch. Incumbent's commission expired February 20, 1939.

Edna S. Spencer to be postmaster at Malta Bend, Mo., in place of E. S. Spencer. Incumbent's commission expired March 23, 1939.

Clinton O. Brockman to be postmaster at Tuscumbia, Mo., in place of C. O. Brockman. Incumbent's commission expired March 19, 1939.

## MONTANA

Philester F. Morrison to be postmaster at Columbus, Mont., in place of P. F. Morrison. Incumbent's commission expired January 17, 1939.

Thomas J. Somerville, Jr., to be postmaster at Gardiner, Mont., in place of T. J. Somerville, Jr. Incumbent's commission expired February 9, 1939.

Ruth A. Nutting to be postmaster at Laurel, Mont., in place of R. A. Nutting. Incumbent's commission expired January 17, 1939.

John W. McKee to be postmaster at Plentywood, Mont., in place of F. D. Morck, deceased.

## NEBRASKA

John F. Lewis to be postmaster at Arnold, Nebr., in place of J. F. Lewis. Incumbent's commission expired February 9, 1939.

Albert J. Nacke to be postmaster at Hebron, Nebr., in place of A. J. Nacke. Incumbent's commission expired March 21, 1939.

Fred L. Orr to be postmaster at Lyons, Nebr., in place of F. L. Orr. Incumbent's commission expired February 20, 1939.

Louis R. Vejraska to be postmaster at Odell, Nebr., in place of L. R. Vejraska. Incumbent's commission expired February 9, 1939.

Irene E. Hines to be postmaster at Saint Columbans, Nebr., in place of I. E. Hines. Incumbent's commission expired February 20, 1939.

Hulda M. Hallock to be postmaster at Springview, Nebr., in place of G. A. Hallock, removed.

Frederika W. Weber to be postmaster at Wahoo, Nebr., in place of F. W. Weber. Incumbent's commission expired May 22, 1938.

## NEVADA

Ernest H. Bath to be postmaster at Carson City, Nev., in place of E. H. Bath. Incumbent's commission expired February 8, 1939.

Elva I. Hermansen to be postmaster at East Ely, Nev., in place of E. I. Hermansen. Incumbent's commission expired March 8, 1939.

Delevan F. Defenbaugh to be postmaster at Winnemucca, Nev., in place of D. F. Defenbaugh. Incumbent's commission expired January 18, 1939.

## NEW HAMPSHIRE

Joseph O. George to be postmaster at Gorham, N. H., in place of J. O. George. Incumbent's commission expired May 31, 1939.

Harry W. Ladd to be postmaster at Plaistow, N. H., in place of H. W. Ladd. Incumbent's commission expired February 19, 1939.

## NEW JERSEY

Myrtle Apgar Smock to be postmaster at Bedminster, N. J. Office became presidential July 1, 1938.

Charles Orth to be postmaster at Hackensack, N. J., in place of Charles Orth. Incumbent's commission expired May 22, 1938.

Francis S. Doyle to be postmaster at New Lisbon, N. J., in place of F. S. Doyle. Incumbent's commission expired June 7, 1938.

James Henry Archung to be postmaster at Packanack Lake, N. J. Office became presidential July 1, 1938.

S. Dana Ely to be postmaster at Rutherford, N. J., in place of S. D. Ely. Incumbent's commission expired June 7, 1938.

Floyd J. Kays to be postmaster at Sparta, N. J., in place of F. J. Kays. Incumbent's commission expired June 12, 1938.

Anna C. Kelleher to be postmaster at Wayne, N. J., in place of A. C. Kelleher. Incumbent's commission expired June 14, 1938.

## NEW MEXICO

Henry Gallegos to be postmaster at Grants, N. Mex., in place of Henry Gallegos. Incumbent's commission expired April 23, 1939.

Virginia M. Cason to be postmaster at Mosquero, N. Mex., in place of V. M. Cason. Incumbent's commission expired March 18, 1939.

Lucy O. Brown to be postmaster at Texico, N. Mex., in place of P. B. Grady. Incumbent's commission expired February 5, 1935.

## NEW YORK

Alice M. Maloney to be postmaster at Ausable Chasm, N. Y. Office made presidential July 1, 1939.

John Foye to be postmaster at Brockport, N. Y., in place of John Foye. Incumbent's commission expired May 8, 1939.

Hattie B. Dye to be postmaster at Cassadaga, N. Y., in place of H. B. Dye. Incumbent's commission expired March 25, 1939.

May T. Powers to be postmaster at Essex, N. Y., in place of M. T. Powers. Incumbent's commission expired May 13, 1939.

Daniel J. Ryan to be postmaster at Johnsonville, N. Y., in place of D. J. Ryan. Incumbent's commission expired February 12, 1939.

Edward A. Laundree to be postmaster at Keeseville, N. Y., in place of E. A. Laundree. Incumbent's commission expired March 19, 1939.

George H. Raum to be postmaster at Kenoza Lake, N. Y., in place of G. H. Raum. Incumbent's commission expired March 23, 1939.

Raymond J. Watrous to be postmaster at Manhasset, N. Y., in place of J. E. Chester, deceased.

Katherine H. Nevil to be postmaster at Marion, N. Y., in place of K. H. Nevil. Incumbent's commission expired January 22, 1939.

Grace M. Mumford to be postmaster at Middleville, N. Y., in place of G. M. Mumford. Incumbent's commission expired January 21, 1939.

Charles L. Prince to be postmaster at Mohawk, N. Y., in place of C. L. Prince. Incumbent's commission expired April 23, 1939.

Roy Brant to be postmaster at Remsen, N. Y., in place of Roy Brant. Incumbent's commission expired May 8, 1939.

Olivia L. Kesselman to be postmaster at Roosevelt, N. Y., in place of O. L. Kesselman. Incumbent's commission expired May 28, 1938.

Mary E. Gainor to be postmaster at Salem, N. Y., in place of M. E. Gainor. Incumbent's commission expired March 19, 1939.

Edward J. Hally to be postmaster at Sonyea, N. Y., in place of E. J. Hally. Incumbent's commission expired January 2, 1939.

Paul J. Grueninger to be postmaster at Valhalla, N. Y., in place of W. F. Duane, Jr., removed.

#### NORTH CAROLINA

Robert D. McLeod to be postmaster at Biscoe, N. C., in place of R. D. McLeod. Incumbent's commission expired March 19, 1939.

Hurley E. Whitesell to be postmaster at Elon College, N. C., in place of E. B. Huffine, deceased.

Ila M. Stone to be postmaster at Hope Mills, N. C. Office became Presidential July 1, 1937.

James T. Martin to be postmaster at Liberty, N. C., in place of J. T. Martin. Incumbent's commission expired January 16, 1939.

John R. Hughes to be postmaster at Madison, N. C., in place of J. R. Hughes. Incumbent's commission expired June 7, 1938.

John A. Beshel to be postmaster at Nazareth, N. C., in place of P. N. Gallagher, resigned.

Tasker T. Hawks to be postmaster at Norlina, N. C., in place of T. T. Hawks. Incumbent's commission expired March 12, 1939.

William E. Howard to be postmaster at Richlands, N. C., in place of L. S. Venters. Incumbent's commission expired June 18, 1938.

Helen B. Siler to be postmaster at Siler City, N. C., in place of H. B. Siler. Incumbent's commission expired March 28, 1939.

Ally N. Fuller to be postmaster at Spruce Pine, N. C., in place of A. N. Fuller. Incumbent's commission expired January 16, 1929.

#### NORTH DAKOTA

Otis Malone to be postmaster at Almont, N. Dak., in place of Otis Malone. Incumbent's commission expired March 25, 1939.

Freda A. Sempel to be postmaster at Braddock, N. Dak., in place of F. A. Sempel. Incumbent's commission expired February 7, 1939.

Maude I. Burbeck to be postmaster at Cathay, N. Dak., in place of M. I. Burbeck. Incumbent's commission expired February 7, 1939.

Olive M. Bartlett to be postmaster at Cogswell, N. Dak., in place of O. M. Bartlett. Incumbent's commission expired January 18, 1939.

Michael C. Rausch to be postmaster at Elgin, N. Dak., in place of M. C. Rausch. Incumbent's commission expired March 23, 1939.

H. C. Erhart Petersen to be postmaster at Makoti, N. Dak., in place of H. C. E. Petersen. Incumbent's commission expired January 18, 1939.

Christine Loken to be postmaster at Petersburg, N. Dak., in place of Christine Loken. Incumbent's commission expired January 18, 1939.

William J. Gust to be postmaster at St. Thomas, N. Dak., in place of W. J. Gust. Incumbent's commission expired February 7, 1939.

Thelma G. Bohrer to be postmaster at Stanton, N. Dak., in place of T. G. Bohrer. Incumbent's commission expired March 23, 1939.

#### OHIO

Benjamin R. Mulholland to be postmaster at Alger, Ohio, in place of B. R. Mulholland. Incumbent's commission expired January 17, 1939.

Charles A. McCrate to be postmaster at Columbus Grove, Ohio, in place of C. A. McCrate. Incumbent's commission expired February 12, 1939.

Paul E. Ruppert to be postmaster at Franklin, Ohio, in place of P. E. Ruppert. Incumbent's commission expired February 12, 1939.

Gladys Mae Dorko to be postmaster at Marblehead, Ohio, in place of D. J. Griesser, Sr., deceased.

#### OKLAHOMA

Bradford M. Risinger to be postmaster at Sand Springs, Okla., in place of B. M. Risinger. Incumbent's commission expired March 18, 1939.

#### PENNSYLVANIA

Charles A. O'Donnell to be postmaster at Frackville, Pa., in place of C. A. O'Donnell. Incumbent's commission expired March 18, 1939.

Elmer T. Smith to be postmaster at Hopewell, Pa., in place of E. T. Smith. Incumbent's commission expired April 6, 1939.

Earl S. Warmkessel to be postmaster at Laureldale, Pa., in place of C. L. Greth. Incumbent's commission expired February 10, 1936.

#### SOUTH DAKOTA

Edith A. Sproat to be postmaster at Bradley, S. Dak., in place of E. A. Sproat. Incumbent's commission expired January 28, 1939.

Thomas W. Lalley to be postmaster at Montrose, S. Dak., in place of T. W. Lalley. Incumbent's commission expired February 15, 1939.

#### TENNESSEE

Roy D. Murphey to be postmaster at Adams, Tenn., in place of R. D. Murphey. Incumbent's commission expired May 2, 1938.

Lily D. Seay to be postmaster at Bethpage, Tenn., in place of L. D. Seay. Incumbent's commission expired January 16, 1939.

Mary E. Birdwell to be postmaster at Chuckey, Tenn., in place of M. E. Birdwell. Incumbent's commission expired February 9, 1939.

Alexander L. Allison to be postmaster at Dover, Tenn., in place of A. L. Allison. Incumbent's commission expired February 15, 1938.

Henry C. Johnson to be postmaster at Lafayette, Tenn., in place of H. C. Johnson. Incumbent's commission expired January 16, 1939.

Chester P. Webb to be postmaster at Lawrenceburg, Tenn., in place of C. W. Moore, Jr. Incumbent's commission expired June 11, 1936.



John W. Fuqua to be postmaster at McEwen, Tenn., in place of J. W. Fuqua. Incumbent's commission expired January 16, 1939.

Coy M. Seal to be postmaster at Sneedville, Tenn., in place of C. M. Seal. Incumbent's commission expired May 29, 1939.

## TEXAS

Howard L. Smith to be postmaster at Alamo, Tex., in place of H. L. Smith. Incumbent's commission expired March 15, 1939.

M. Earle Cook to be postmaster at Carrizo Springs, Tex., in place of M. E. Cook. Incumbent's commission expired February 15, 1939.

William M. Mead to be postmaster at Chico, Tex., in place of Estelle Gibson. Incumbent's commission expired January 25, 1939.

Thomas F. Bice to be postmaster at Dimmitt, Tex., in place of T. F. Bice. Incumbent's commission expired January 25, 1939.

Earnest N. Sowell to be postmaster at Elgin, Tex., in place of E. N. Sowell. Incumbent's commission expired May 28, 1938.

Wallace J. Bludworth to be postmaster at Flatonia, Tex., in place of W. J. Bludworth. Incumbent's commission expired March 12, 1939.

Carolyn A. Moreman to be postmaster at Hale Center, Tex., in place of C. A. Moreman. Incumbent's commission expired February 15, 1939.

William D. Reed to be postmaster at Holland, Tex., in place of W. D. Reed. Incumbent's commission expired February 19, 1939.

Richard J. Crow to be postmaster at Kountze, Tex., in place of R. J. Crow. Incumbent's commission expired January 25, 1939.

William B. Collins to be postmaster at Llano, Tex., in place of W. B. Collins. Incumbent's commission expired February 12, 1939.

William F. Rayburn to be postmaster at Lovelady, Tex., in place of W. F. Rayburn. Incumbent's commission expired May 13, 1939.

John J. Faubion to be postmaster at Marble Falls, Tex., in place of J. J. Faubion. Incumbent's commission expired January 25, 1939.

Almer D. Woods to be postmaster at Marquez, Tex., in place of F. M. Carrington, deceased.

Grady W. Harris to be postmaster at Mobeetie, Tex., in place of G. W. Harris. Incumbent's commission expired January 25, 1939.

Ruth Norman to be postmaster at Morgan, Tex., in place of Ruth Norman. Incumbent's commission expired January 25, 1939.

William O. Haizlip to be postmaster at Nederland, Tex., in place of W. O. Haizlip. Incumbent's commission expired March 15, 1939.

Maude A. Davis to be postmaster at Petrolia, Tex., in place of M. A. Davis. Incumbent's commission expired March 15, 1939.

Hobart Lytal to be postmaster at Quinlan, Tex., in place of Hobart Lytal. Incumbent's commission expired March 15, 1939.

Sidney T. Bogan to be postmaster at Quitaque, Tex., in place of S. T. Bogan. Incumbent's commission expired February 15, 1939.

Ina M. Matheny to be postmaster at Rochester, Tex., in place of I. M. Matheny. Incumbent's commission expired February 15, 1939.

Jesse H. Harris to be postmaster at Rogers, Tex., in place of J. H. Harris. Incumbent's commission expired January 25, 1939.

Smith W. Ribble to be postmaster at Roxton, Tex., in place of S. W. Ribble. Incumbent's commission expired January 25, 1939.

Willis C. Giffin to be postmaster at Sabinal, Tex., in place of W. C. Giffin. Incumbent's commission expired March 12, 1939.

Wallace B. Alexander to be postmaster at Seymour, Tex., in place of W. B. Alexander. Incumbent's commission expired January 25, 1939.

Gus W. Kunath, Jr., to be postmaster at Smithville, Tex., in place of G. W. Kunath, Jr. Incumbent's commission expired March 25, 1939.

Russell M. Chaney to be postmaster at Sulphur Springs, Tex., in place of R. M. Chaney. Incumbent's commission expired January 25, 1939.

Hugh E. Weir to be postmaster at Troy, Tex., in place of H. E. Weir. Incumbent's commission expired January 25, 1939.

William A. Graham to be postmaster at Tulia, Tex., in place of W. A. Graham. Incumbent's commission expired May 13, 1939.

James G. Simms to be postmaster at Valley Mills, Tex., in place of J. G. Simms. Incumbent's commission expired January 25, 1939.

William F. Sellers to be postmaster at Walnut Springs, Tex., in place of W. F. Sellers. Incumbent's commission expired February 12, 1939.

Robert K. Phillips to be postmaster at Weatherford, Tex., in place of R. K. Phillips. Incumbent's commission expired June 18, 1938.

John W. Hardison to be postmaster at Whitney, Tex., in place of J. W. Hardison. Incumbent's commission expired February 19, 1939.

Olen T. Little to be postmaster at Woodson, Tex., in place of O. T. Little. Incumbent's commission expired January 25, 1939.

## VIRGINIA

Samuel S. Brooks to be postmaster at Appalachia, Va., in place of S. S. Brooks. Incumbent's commission expired June 18, 1938.

E. LeRoy Smith to be postmaster at Appomattox, Va., in place of E. L. Smith. Incumbent's commission expired March 8, 1939.

Thomas E. Chambers to be postmaster at Blackstone, Va., in place of T. E. Chambers. Incumbent's commission expired May 1, 1939.

Anna G. Bengtson to be postmaster at Catawba Sanatorium, Va., in place of A. L. Martin, deceased.

Dewey Arrington to be postmaster at Cleveland, Va., in place of Dewey Arrington. Incumbent's commission expired March 8, 1939.

James F. Walker to be postmaster at Fort Defiance, Va., in place of J. F. Walker. Incumbent's commission expired March 8, 1939.

John W. Rodgers to be postmaster at Hampden Sydney, Va., in place of J. W. Rodgers. Incumbent's commission expired May 1, 1939.

Samuel S. Stallings to be postmaster at Suffolk, Va., in place of S. S. Stallings. Incumbent's commission expired June 18, 1938.

Troy J. Weeks to be postmaster at Willis, Va., in place of T. J. Weeks. Incumbent's commission expired February 9, 1939.

## WASHINGTON

Elizabeth S. Garland to be postmaster at Endicott, Wash., in place of E. S. Garland. Incumbent's commission expired January 16, 1939.

Charles J. Fredricks to be postmaster at Moxee City, Wash., in place of C. J. Fredricks. Incumbent's commission expired January 16, 1939.

Wilbur B. Stonex to be postmaster at Onalaska, Wash., in place of W. B. Stonex. Incumbent's commission expired February 18, 1939.

Walter Lee Barnard to be postmaster at Sumner, Wash., in place of W. L. Barnard. Incumbent's commission expired February 18, 1939.

## WEST VIRGINIA

Frederick D. Golightly to be postmaster at Davis, W. Va., in place of F. D. Golightly. Incumbent's commission expired January 29, 1939.

Ruth L. Joyce to be postmaster at Davy, W. Va., in place of R. L. Joyce. Incumbent's commission expired January 29, 1939.

William M. Boardman to be postmaster at Gary, W. Va., in place of W. M. Boardman. Incumbent's commission expired June 6, 1938.

Winston C. Harbert to be postmaster at Lumberport, W. Va., in place of W. C. Harbert. Incumbent's commission expired January 29, 1939.

Louis Knakal to be postmaster at Widen, W. Va., in place of Louis Knakal. Incumbent's commission expired February 18, 1939.

#### WISCONSIN

Joseph K. Hesselink to be postmaster at Cedar Grove, Wis., in place of J. K. Hesselink. Incumbent's commission expired March 19, 1939.

Carl Whitaker to be postmaster at Chetek, Wis., in place of Carl Whitaker. Incumbent's commission expired May 28, 1938.

Ina E. Hennlich to be postmaster at Curtiss, Wis., in place of I. E. Hennlich. Incumbent's commission expired January 18, 1939.

Alma M. Olk to be postmaster at Hortonville, Wis., in place of A. M. Olk. Incumbent's commission expired January 18, 1939.

Joseph S. Rosera to be postmaster at Lena, Wis., in place of J. S. Rosera. Incumbent's commission expired January 29, 1939.

Axel C. Swanson to be postmaster at Pembine, Wis., in place of J. S. Stoveken. Removed.

William A. Weier to be postmaster at Wabeno, Wis., in place of W. A. Weier. Incumbent's commission expired January 24, 1939.

#### WYOMING

George J. Snyder to be postmaster at Glendo, Wyo., in place of G. J. Snyder. Incumbent's commission expired March 9, 1939.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate July 6, 1939*

##### DIPLOMATIC AND FOREIGN SERVICE

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 1

Julean H. Arnold	Thomas L. Hughes
Henry M. Bankhead	Sam E. Woods
Alexander V. Dye	

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

William E. Dunn	Lynn W. Meekins
H. Coit MacLean	Lacey C. Zapf

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Ralph H. Ackerman	Daniel J. Reagan
H. Lawrence Groves	Ashley B. Sowell
George C. Howard	Earl C. Squire
Charles A. Livengood	Lloyd V. Steere
Thomas H. Lockett	

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Don C. Bliss, Jr.	Karl L. Rankin
Merwin L. Bohan	Gardner Richardson
Clarence C. Brooks	James T. Scott
Samuel H. Day	Jesse F. Van Wickel
Charles E. Dickerson, Jr.	Frank S. Williams
Walter J. Donnelly	Owen L. Dawson
Julian B. Foster	Erwin P. Keeler
Homer S. Fox	Paul G. Minneman
Thormod O. Klath	Paul O. Nyhus
Clayton Lane	Clifford C. Taylor
Albert F. Nufer	

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

A. Bland Calder	Malcolm P. Hooper
George R. Canty	Leigh W. Hunt
Archie W. Childs	Edward B. Lawson
Robert G. Glover	Oliver B. North
Julian C. Greenup	Harold M. Randall

J. Bartlett Richards  
James Somerville, Jr.  
Paul P. Steintorf  
Robert M. Stephenson

Howard H. Tewksbury  
Osborn S. Watson  
Charles L. Luedtke  
Lester D. Mallory

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 6

DuWayne G. Clark	John A. Embry
Basil D. Dahl	A. Viola Smith

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 7

Barry T. Benson	C. Grant Isaacs
Charles E. Brookhart	J. Winsor Ives
Carl E. Christopherson	Edward D. McLaughlin
Charles H. Ducote	Avery F. Peterson
Wilson C. Flake	Alton T. Murray
Leys A. France	Harold D. Robison
Paul S. Guinn	Donald W. Smith
R. Horton Henry	Julie B. Smith
Elisabeth Humes	William P. Wright

###### TO BE FOREIGN SERVICE OFFICERS OF CLASS 8

Fritz A. M. Alfson	George E. Miller
Carl H. Boehringer	Paul H. Pearson
Frederick J. Cunningham	Archibald R. Randolph
B. Miles Hammond	Henry E. Stebbins
Coldwell S. Johnston	Joe D. Walstrom
George L. Jones, Jr.	Rolland Welch
Charles F. Knox, Jr.	

###### TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED

John L. Bankhead	Aldene B. Leslie
F. Lestrade Brown	Minedee McLean
Thomas S. Campen	Eugene A. Masuret
David M. Clark	Kathleen Molesworth
Edward A. Dow, Jr.	Jack B. Neathery
John L. Goshie	Katherine E. O'Connor
Theodore J. Hadraba	E. Edward Schefer
John P. Hoover	William L. Smyser
Hungerford B. Howard	Earle C. Taylor
Frederick D. Hunt	Charles O. Thompson
Donald W. Lamm	William Witman, 2d

##### POSTMASTERS

###### CALIFORNIA

Clayborne L. Boren, Bell.  
Gay E. Shamel, Cambria.  
Helen S. Osborne, Earlimart.  
Joel K. L. Schwartz, Fillmore.  
Vaun Johnson, Morro Bay.  
George H. Kindred, Oxnard.  
Elmer T. Bollinger, Paso Robles.  
William H. McCloskey, Terra Bella.  
Harry D. Beck, Tipton.  
John J. Madigan, Vallejo.

###### ILLINOIS

William G. Gerbing, Ashland.  
Roy L. Campbell, Athens.  
Ruth L. Patterson, Bement.  
Leslie W. Hunt, Cambridge.  
Roger M. Tippy, Carterville.  
Ace C. Parris, Champaign.  
Edward G. Mochel, Clarendon Hills.  
Martin W. Robertson, Creal Springs.  
Scottie Brown, Edgewood.  
John H. Mauzey, Findlay.  
Grace Reichert, Grand Chain.  
Henry Earl Ballein, Hanover.  
Lowell R. Murray, Herrick.  
Paul H. Sachtleben, Hoyleton.  
Florence E. Kelley, Iuka.  
Richard C. Patterson, Johnston City.  
Augustian P. Pope, Kane.  
Patrick H. McKeone, Lacon.  
Joseph O. Hucker, Jr., Lake Villa.  
John E. Gorman, Monee.  
George R. Davis, Mount Sterling.  
Edward M. Dieter, Naperville.



Arthur L. Reinheimer, New Athens.  
 Andrew J. Eekhoff, Nokomis.  
 Garnett M. Farthing, Odin.  
 Milton O. Harriss, Pinckneyville.  
 William D. Steward, Plano.  
 Alfred H. Barrow, Roodhouse.  
 Glenn G. Watson, Roseville.  
 Joseph E. Pruett, St. Elmo.  
 Louis H. Tegtmeyer, Steeleville.  
 Reuben C. Thomason, Tamms.  
 Maude B. Youart, Thebes.  
 Paul H. Rauhoff, Tinley Park.  
 Joseph J. Morrissey, Utica.  
 Frank Breycha, Villa Park.  
 Joseph P. Daly, Waukegan.  
 William W. Desmond, Woodstock.

## MARYLAND

Thomas Raymond Burch, Berwyn.  
 Anna B. Bowie, Kensington.  
 Clarence J. Thomson, Jr., Lutherville.  
 John T. French, Owings Mills.

## MINNESOTA

William C. Wiench, Bagley.  
 John E. Pasch, Barnesville.  
 Egbert J. Sutherland, Chatfield.  
 Otto H. J. Zorn, Danube.  
 Virgia Poole, Effie.  
 Raymond E. Garden, Gary.  
 Bernard A. Gorman, Goodhue.  
 Carl K. Peterson, Grand Meadow.  
 Elmer L. Berg, Kennedy.  
 Francis H. McDonald, Marine on St. Croix.  
 Harold T. Colbjornsen, Parkers Prairie.  
 Cora E. McNair, Pillager.  
 Henry E. Day, Raymond.  
 Robert G. Champlin, Vernon Center.  
 Arthur C. Jensen, Winger.  
 William F. Krueger, Wykoff.

## OKLAHOMA

Troy Combs, Davenport.  
 Marvin A. Peacock, Fletcher.  
 Joe B. Steele, Ringling.

## PENNSYLVANIA

Emma J. Coleman, Braeburn.  
 Velma G. Livengood, Delmont.  
 John P. Doherty, Latrobe.  
 Laura M. Gilpatrick, Seward.

## HOUSE OF REPRESENTATIVES

THURSDAY, JULY 6, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou blessed Lord and Saviour, who hast trod the path of prayer, teach us how to pray that our hearts may be renewed in every thought and full of love divine. We long for Thy fellowship; the desert blossoms as the rose and springs of water break from the parched ground when we walk with Thee. Remind us that the secret of a Christ-approved life is attained through the golden avenue of sacrificial service. We pray that all humanity may soon claim a new-born earth and that its mandates shall give the old world beauty for ashes and the garment of praise for heaviness. O come and set all mankind thinking and singing a new song that shall have the sweep and the majesty of our Master's horizon. Heavenly Father, may Thy love and rest bless our Speaker with renewed vigor. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6577) entitled "An act to provide revenue for the District of Columbia, and for other purposes."

The message also announced that the Senate further insists upon its amendment to the foregoing bill, agrees to the further conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. KING, Mr. TYDINGS, Mr. MCCARRAN, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3325) entitled "An act to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised."

The message also announced that the Senate had adopted the following resolution:

## Senate Resolution 155

JULY 5, 1939.

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. HARRY WILBUR GRISWOLD, late a Representative from the State of Wisconsin.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolution the Presiding Officer had appointed Mr. LA FOLLETTE and Mr. WILEY as the members of the committee on the part of the Senate.

## TOLL BRIDGE ACROSS MISSISSIPPI RIVER AT CHESTER, ILL.

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4370) authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill., with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, lines 2 and 3, strike out "reasonable interest and financing cost" and insert "interest at a rate of not to exceed 5 percent per annum and reasonable financing cost."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. CHAPMAN]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it, this simply fixes the rate of interest?

Mr. CHAPMAN. Instead of leaving the interest rate at "reasonable", it places a definite limitation of 5 percent.

Mr. MARTIN of Massachusetts. I think that is a good amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. CHAPMAN]? There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

## DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 generous minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, a subcommittee of the Appropriations Committee and also the House District Committee are still in conference with the Senate on the tax bill and the appropriation bill for the District of Columbia.

To answer any misapprehension about this so-called formula by which they are seeking to get seven and three-quarter million dollars, may I lay the following facts before the House in the interest of clarity and accuracy?

On the basis of that formula there are 44,317 acres of land in the District, minus 5.074 acres of water, leaving a net total to be credited to the District of Columbia of 39,273 acres.

The net total amount of land owned by the United States after certain deductions is 7,840 acres. Therefore, under the so-called formula that has been submitted the ratio would be 7,840 to 39,273, or approximately 20 percent.

The formula provides for a Federal contribution equal to about 20 percent of the general revenue. Why should they have 20 percent of the general revenues when in that revenue fund there are, for instance, alcohol beverage fees, dog taxes, miscellaneous items, the business-privilege tax, motor-vehicle taxes, interest, penalties, and so forth. I would have no objection to the District of Columbia having, on the basis of that formula, 20 percent of the revenues derived from real estate, which would be \$3,700,000, but how in all conscience can the District ask us for 20 percent of the entire general-revenue account which would include the dog tax, the motor-vehicle tax, and everything else? Certainly that does not look reasonable to me and I hope, therefore, the House will sustain the conferees of both the Appropriations Committee and the District of Columbia Committee when we come back here with some kind of a report.

Even if the House conferees were constrained to agree to a larger amount than \$5,000,000, it should not be done on the basis of the formula contained in the Senate version of the tax bill because it is illogical and unscientific, in the manner in which it is applied.

The conferees will make an earnest attempt to compose the differences between House and Senate and defend the position of the House insofar as this can be done.

#### EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from a resident of the city of Manila, P. I.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. ALEXANDER]? There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a story of the removal of Indian tribes. I may say the matter may exceed two pages in length, and I ask unanimous consent that I may have the privilege of inserting this in the RECORD, notwithstanding the fact it may go over the allotted 2 pages of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska [Mr. STEFAN]? There was no objection.

Mr. RICH. Mr. Speaker, reserving the right to object, has the gentleman received a statement from the Public Printer?

Mr. STEFAN. I understand it may not go over more than an inch or so.

Mr. RICH. I may say to the gentleman, the Public Printer will reject it unless it comes within the two and one-half pages.

Mr. STEFAN. I do not think it will run two and one-half pages.

Mr. RICH. I am simply giving the gentleman that information.

Mr. RANKIN. The gentleman can call up the Public Printer and get an estimate in a few minutes.

Mr. STEFAN. I do not think it will go over the two pages.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska [Mr. STEFAN]? There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. CHURCH]? There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a speech delivered by Col. Robert McCormack on the Fourth of July.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. CHURCH]? There was no objection.

[Mr. CHURCH addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by J. Edgar Hoover at the Boy Scout day celebration, court of peace, World's Fair, New York, on June 29.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a brief article by John Stonborough, of Washington, D. C.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

Mr. GWYNNE asked and was given permission to extend his own remarks in the RECORD.

Mr. SCHIFFLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me on July 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two subjects and to include in one of them excerpts from an editorial from a newspaper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

#### CALIFORNIA COMMITTEE TO SUPPORT THE WAGNER ACT

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

[Mr. GEYER of California addressed the House. His remarks appear in the Appendix.]

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a copy of the report of the California committee to support the Wagner Act.

The SPEAKER pro tempore. Is there objection? There was no objection.

#### THE LATE EMMETT OWEN

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? There was no objection.

Mr. McGEHEE. Mr. Speaker, we know not the hour that we will come to our labors and find the flag over our Capitol at half-staff, calling the attention of the membership of both branches that one of its number has passed to the great beyond.

One of the most recent was the passing of our colleague, that great and noble man, EMMETT OWEN, of the State of Georgia. We paused in our labors uttering a prayer to the Omnipotent One that his soul rest in eternal peace.

Each of those who knew Emmett loved him. Within the short period of service with him here, we knew his noble thoughts, and his unwearyness in service not only to the people of his State, but of the Nation. We have paid tribute



to him and his memory, but there are others who knew him since childhood and speak of him during those years that we did not know him as we did during our short time of association.

Mr. Speaker, I am asking consent that there be included in my remarks and feeble tribute to my departed friend, an editorial by Tom Simmons, childhood friend of Congressman OWEN, appearing in the McComb Journal, of McComb, Miss., in the June 26 issue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The matter referred to follows:

(By Tom Simmons)

The columnist has been bowed in grief for the past several days. He got a terrible shock the other morning when he read that Congressman E. M. OWEN, of Georgia, had died suddenly in a taxicab in Washington while en route home from a session of the House. EMMETT OWEN and I were prep-school boys together; we were university mates together; and we were political mates, too. The last time I saw him was last August 18 at Barnesville, Ga., where we both had attended the prep school. The occasion was President Roosevelt's speech. It was a happy reunion, for we had not seen each other for many years.

Many of the column readers may not be interested in all this, but I want to pay tribute to one of the finest men who ever lived. My first newspaper experience was in Barnesville while attending Gordon Institute. EMMETT and I decided to start a weekly school paper, and we did. It was known as the *Crimson and White*, the colors of the famous institution. EMMETT was editor and I was business manager. There is where the journalism bug bit me, and the virus has been with me ever since. The time was the spring of 1897—that is a long time ago.

I shall never forget our first issue, how we labored and sweated over it. The kindly owner of the *Barnesville Gazette*, B. H. Hardy, agreed to set the type and print us 500 copies for \$1.25 a week. Think of it! Mr. Hardy is still alive and continues to edit his paper. But we made a hit with the little sheet, and it has been in existence ever since. EMMETT wrote the salutary editorial and came in for a lot of ribbing because he referred to the paper as "She." But we learned better, and under the wise guidance of Mr. Hardy we got out a pretty good paper.

EMMETT was a silver-tongued orator in his boyhood days, and in after years he became one of the best speakers Georgia ever knew. The literary societies of the Barnesville school celebrated their anniversary in the spring and the anniversary orator was elected by vote of the students. EMMETT was a candidate, and it was our first experience in politics. He won hands down and made a stirring address. After the university days our paths separated for a time. He went to Zebulon, the county seat of Pike County, Ga., and began to operate the weekly paper there. Then he was admitted to the bar and was soon district attorney, a position he filled with honor and distinction for many years. He was elected to the legislature and then to Congress, where he had been for the past 16 years, representing the Fourth District.

His death, shocking as it was to me, brought to mind many fond memories of the old days and also has made me realize that time is rolling along. It is a blow to lose a relative, and it is also a blow to lose a friend of your youth and your pal of long ago. Hail EMMETT and farewell. I know from the life you led and thousands of good deeds you did for your family, your friends, your native State, and your Nation, that the angels welcomed you to that grand place we all hope to go.

#### EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I have pending before this body House Resolution 89. I ask unanimous consent to extend my own remarks in the RECORD and to insert correspondence of Mr. Fraser Gardner, a copy of a report to the Federation of Citizens Associations, and a clipping from the *Washington Star*.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LARRABEE asked and was granted permission to extend his own remarks in the RECORD.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the world's fair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the use of bituminous coal in the T. V. A. region.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial on neutrality.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief editorial on neutrality.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

#### NATIONAL LABOR RELATIONS ACT

Mr. SMITH of Virginia from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

##### House Resolution 229

Whereas the National Labor Relations Act was enacted by the Congress for the purpose of diminishing disputes between employers and employees, which interfered with the free flow of commerce between the States; and

Whereas there has ensued an alarming increase in strikes and labor disputes generally, indicating serious defects in the administration of the National Labor Relations Act insofar as effecting its alleged purposes is concerned; and

Whereas the said act is of an experimental nature and necessarily requires amendments and corrections, as indicated by experience and the effect of its operation upon the economic system of the country; and

Whereas it has been frequently charged that the National Labor Relations Act has contributed to rather than diminished labor disputes, and that the said Board has shown consistent partiality toward one labor organization over another, and has consistently refused to recognize any rights of the employer under said act; and

Whereas it is essential to the successful operation of said act that it be administered fairly, impartially, and with a due regard to the language of the act itself, to the Constitution of the United States, and to the recognition of the vital principle that all citizens have equal rights before the law, whether employer or employee; and

Whereas in the interpretation of said law and the promulgation of regulations thereunder, those charged with administering the National Labor Relations Act have construed the term "interstate commerce" to include business in no wise engaged in interstate commerce, so as to enlarge its jurisdiction to cover matters of minor and local character never at any time anticipated or intended by Congress in the enactment of said law; and

Whereas there has been an insistent demand both from the country and from individual Members of both branches of Congress for amendments to said law with the view of correcting manifest injustices, erroneous interpretation, and unauthorized regulations; and

Whereas it is desirable that said act should be perfected, to the end that all persons affected thereby should receive equal justice and that the intent of Congress regarding the same should be respected in its administration; and

Whereas it is now apparent that this purpose can be effectuated only through an investigation by a special committee appointed to investigate and ascertain the facts and recommend legislation for that purpose: Now, therefore, be it

*Resolved*, That a committee of five Members of the House of Representatives be appointed by the Speaker of the House to take testimony, investigate, and report to the House as follows:

1. Whether the National Labor Relations Board has been fair and impartial in its conduct, in its decisions, in its interpretation of the law (particularly with respect to the definition of the term "interstate commerce"), and in its dealings between different labor organizations and its dealings between employer and employee;

2. What effect, if any, the said National Labor Relations Act has had upon increasing or decreasing disputes between employer and employee; upon increasing or decreasing employment and upon the general economic condition of the country;

3. What amendments, if any, are desirable to the National Labor Relations Act in order to more effectively carry out the intent of Congress, bring about better relations between labor unions and between employer and employee, and what changes if any are desirable in the personnel of those charged with the administration of said law;

4. Whether the National Labor Relations Board has by interpretation or regulation attempted to write into said act, intents and purposes not justified by the language of the act;

5. Whether or not Congress should by legislation further define and clarify the meaning of the term "interstate commerce."

The said committee shall recommend to the Congress such changes as they deem desirable in said act or in the personnel of those administering said act and shall report and recommend such legislation either by way of amendments to existing law or by way of new legislation as they may deem desirable.

The said select committee is hereby authorized to report to the House at any time by bill or otherwise with recommendations upon any matter covered by this resolution; and any bill or resolution so reported shall be placed upon the calendar and have a privileged status.

The committee or any subcommittee thereof, shall have power to hold hearings and to sit and act anywhere within or without the District of Columbia; to require by subpoena or otherwise the attendance of witnesses and the production of books, papers, and documents; to administer oaths; to take testimony; to have printing and binding done; and to make such expenditures as it deems advisable within the amount appropriated therefor. Subpoenas shall be issued under the signature of the chairman of the committee and shall be served by any person designated by him. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this resolution.

With the following committee amendment:

On page 4, strike out lines 10 to 14, inclusive.

#### FORMATION OF THE CONSTITUTION

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 314) to provide for the compiling and publishing of a history of the formation, the signing, the ratification, and the establishment of the Constitution, including historical facts and data relative to the commencement of the First Congress of the United States; the inauguration of George Washington as the first President of the United States; the adoption and ratification of the Bill of Rights, and the first meeting of the Supreme Court of the United States; and for other purposes.

The Clerk read the title of the joint resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it, this appropriation will be the final one as far as these publications are concerned?

Mr. BLOOM. This will be the final appropriation, and there will be no extension of time beyond the time allotted in the original act. This provides for printing 6,200 copies of the final report, which will be in three volumes. There will be 10 sets allotted to each Member of the House of Representatives and each Senator and each Delegate, as well as to the Library.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The Clerk read the joint resolution, as follows:

*Resolved, etc., That the United States Constitution Sesquicentennial Commission (hereinafter referred to as the "Commission") is authorized and directed to compile and publish a history of the formation, the signing, the ratification, and the establishment of the Constitution, including such historical facts and data as the Commission may deem pertinent relative to the commencement of the First Congress of the United States under the Constitution; the proceedings and ceremonies in connection with the inauguration of George Washington as the first President of the United States under the Constitution; the adoption and ratification of the Bill of Rights, and the first meeting of the Supreme Court of the United States; and also to include therein a final report of the activities of the Commission during the Nation-wide observance of the one hundred and fiftieth anniversary of the formation, ratification, and establishment of the Constitution. The Commission shall arrange for the printing of such report in three volumes, of which 6,200 sets shall be printed, and of which 10 sets shall be furnished to the Vice President and each Senator, Representative, Delegate, and Resident Commissioner, and the residue shall be for such use as the Commission may deem appropriate to carry out the aims and purposes for which the Commission was created, including 150 sets for the use of the Library of Congress and for the international exchange, and a sufficient number to be delivered to the Superintendent of Documents for the distribution of one set to each Government depository library.*

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000 for the purpose of enabling the Commission to perform the functions hereby and heretofore authorized.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMMITTEE ON AGRICULTURE

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

#### House Resolution 244

*Resolved, That STEPHEN PACE, of Georgia, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Agriculture.*

The resolution was agreed to.

#### LETTER OF RESIGNATION

The SPEAKER pro tempore. The Chair lays before the House the following letter of resignation from a committee:

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 5, 1939.

Hon. WILLIAM B. BANKHEAD,

Speaker, House of Representatives, Washington, D. C.

My DEAR MR. SPEAKER: In consideration of my assignment to the Committee on Agriculture, I herewith resign as a member of the Committee on Military Affairs.

Respectfully yours,

STEPHEN PACE.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

#### EXTENSION OF FACILITIES OF UNITED STATES PUBLIC HEALTH SERVICE TO THE FOREIGN SERVICE OF THE UNITED STATES

Mr. BLOOM. Mr. Speaker, I call up the conference report on the bill (H. R. 3537) to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States.

The Clerk read the title of the bill.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the conference report.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3537) to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the language contained in section 3 of the Senate amendment insert the following:

"Sec. 3. Any officer or American employee of the foreign service of any department or unit of the United States Government suffering from illness or disability not the direct result of foreign service and any dependent member of the family of any such officer or American employee suffering from illness or disability when such dependent has resided with the officer or American employee on foreign station and if such illness or disability in any case covered by this section is not the result of vicious habits, intemperance, or misconduct on his part, the cause of such illness for the purpose hereof to be determined by the United States Public Health Service, may be furnished medical and dental treatment and hospitalization (in the case of a dependent member of a family if suitable accommodations are available) by the United States Public Health Service at any of its regularly established relief stations and hospitals at a cost to the officer or employee concerned in accordance with rates established by regulations of the Surgeon General and applicable to pay patients from other branches of the Government service under similar circumstances. Collections by the United States Public Health Service on this account shall be credited to the appropriation applicable to the operation of marine hospitals and relief stations."

And the Senate agree to the same.

SOL BLOOM,  
LUTHER A. JOHNSON,  
HAMILTON FISH,

Managers on the part of the House.

KEY PITTMAN,  
WALTER F. GEORGE,  
WM. E. BORAH,

Managers on the part of the Senate.

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3537) to extend the facilities of the



United States Public Health Service to active officers of the Foreign Service of the United States, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

The specific changes agreed to and recommended by the conferees are as follows:

In section 3 of the engrossed Senate amendment, the following language is stricken out on page 2, beginning in line 13, viz: "which is found by the United States Public Health Service under the same procedure prescribed in section 1 of this act to have originated while on foreign station" and in lieu thereof the following is substituted: "when such dependent has resided with the officer or American employee on foreign station".

Also in said section 3 of said amendment, the following language on page 2, in lines 18 and 19, is stricken out: "or other circumstances not related to such foreign service."

Sections 1 and 2 of the Senate amendment are not changed in any wise.

SOL BLOOM.  
LUTHER A. JOHNSON.  
HAMILTON FISH.

*Managers on the part of the House.*

Mr. MARTIN of Massachusetts. Mr. Speaker, I would like the gentleman from New York to state briefly what the differences are between the House and Senate.

Mr. BLOOM. The difference is that in the Senate they excluded members of the immediate family of the career men who were not with them at the time. Of course, we all realize that sometimes the wives of these officers leave the consulate and come back here, but the disease may have been contracted abroad, and it really does not make any difference because they pay for the hospitalization. The Government does not pay for such hospitalization outside of Ministers and attachés, but the families may become afflicted with almost any ailment and while they are in the service they are permitted to go to the hospital, but pay the ordinary fee charged at such Government hospital.

Mr. MARTIN of Massachusetts. And there is no expense to the Government?

Mr. BLOOM. There is not one penny of expense to the Government.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TEX HOLT

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, among the hundreds of letters that pour across a Member's desk, mostly demands and complaints, there is an occasional letter which he remembers after he has forgotten all of the others. I received such a letter yesterday. It was from an old friend of mine. A native Texan who came to Colorado and now lives at Antonito. His name is Tex Holt, and he looks the part. A few years ago Tex was paralyzed, but he continued to maintain himself by making small wooden articles and selling them. When he got too old for that, he was relegated to the old-age pension list, and he gets a pension of about \$28 to \$30 a month. This is what he said in his letter:

I am thankful to the good people of Colorado for what they have done for just such fellows as me in passing the pension laws.

When I read that, I said, "God bless old Tex Holt, he is the salt of the earth." He is satisfied and thankful, and I consider him worthy of a minute of the time of the House and a paragraph in the CONGRESSIONAL RECORD. May his tribe increase. [Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent that at the conclusion of the business today on the Speaker's desk and other special orders I be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a brief newspaper article,

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article from the Evening Star, of Washington.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### ADDITIONAL FACILITIES FOR DEFENSE OF CANAL ZONE

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 203, Rept. No. 1039) for printing under the rule:

#### House Resolution 203

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5129, a bill authorizing and providing for the construction of additional facilities on the Canal Zone for the purposes of more adequately providing for the defense of the Panama Canal and for increasing its capacity for the future needs of interoceanic shipping. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled between the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

#### CONSENT CALENDAR

The SPEAKER pro tempore. The Clerk will call the first bill on the Consent Calendar.

#### LOUISIANA-VICKSBURG BRIDGE COMMISSION

The Clerk called the bill (H. R. 3224) creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss.

The SPEAKER pro tempore. Is there objection?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MILLS. Mr. Speaker, I hope the gentleman will withdraw that request inasmuch as the gentleman from Mississippi [Mr. McGEHEE] has certain amendments, clarifying amendments, to this bill. We have come to an agreement, all interested parties.

Mr. CHURCH. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. McGEHEE. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The regular order has been demanded. There is but one thing before the House, and that is, Is there objection to the bill being passed over without prejudice?

Mr. McGEHEE. Then, Mr. Speaker, I ask unanimous consent to make a statement.

Mr. CHURCH. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Speaker, I have no objection to reserving my objection.

The SPEAKER pro tempore. The gentleman demanded the regular order and when that is demanded there is but one thing for the Chair to do, and that is to put the question. The Clerk will call the next bill.

## SAN CARLOS APACHE INDIANS

The Clerk called the bill (S. 818) authorizing payment to the San Carlos Apache Indians for lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

## WAPATO SCHOOL DISTRICT, YAKIMA COUNTY, WASH.

The Clerk called the bill (H. R. 3824) to provide funds for cooperation with Wapato School District No. 54, Yakima County, Washington, for extension of public-school buildings to be available for Indian children of the Yakima Reservation.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

## AMENDING SECTION 344 OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 5911, to amend subsection (h) of section 344 of the Agricultural Adjustment Act of 1938, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, several Members have indicated that they intend to keep on objecting, and I wonder if there is any reason for keeping the bill on the calendar?

Mr. KNUTSON. Mr. Speaker, I would like to propound a parliamentary question.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KNUTSON. It is evident there are a number of bills on the Consent Calendar that will either be objected to or asked to be passed over without prejudice. Would it be in order for the objectors to state at this time which they will ask to have passed over in order to expedite the business of the House?

The SPEAKER pro tempore. If a unanimous consent request were submitted that the objectors now rise and say which bills they are going to ask to be passed over without prejudice, the Chair will entertain such a request.

Mr. KNUTSON. I prefer such a unanimous-consent request, Mr. Speaker.

The SPEAKER pro tempore. The objectors would have to know the numbers of the bills.

Is there objection to the request of the gentleman from Minnesota?

Mr. WOLCOTT. Mr. Speaker, I make a point of order. There is a unanimous-consent request pending now that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that this bill be passed over without prejudice?

Mr. PACE. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT and Mr. PACE objected.

The SPEAKER pro tempore. The Clerk will call the next bill.

## QUINAIELT RESERVATION, STATE OF WASHINGTON

The Clerk called the next bill, H. R. 2654, authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. KNUTSON. Mr. Speaker, I would like to inquire whether or not the Speaker put the unanimous-consent request I made?

The SPEAKER pro tempore. The Chair did not because the bill that was under consideration at that time was passed over. The Chair will put the request of the gentleman from Michigan [Mr. WOLCOTT], and then the Chair will recognize the gentleman from Minnesota to prefer his request.

Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT] that this bill be passed over without prejudice?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I renew my unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the objectors announce at this time which bills they will ask to be passed over without prejudice. Is there objection?

Mr. WOLCOTT. Mr. Speaker, a point of order.

Mr. COCHRAN. Mr. Speaker, it is impossible to figure out in a few minutes what bills will be objected to.

The SPEAKER pro tempore. The Chair does not know that. The Chair simply put the request of the gentleman from Minnesota.

Mr. COCHRAN. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will call the next bill on the calendar.

## TO CREDIT CERTAIN INDIAN TRIBES WITH SUMS HERETOFORE EXPENDED ON INDIAN IRRIGATION WORK

The Clerk called the next bill, H. R. 2777, to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I object.

Mr. COSTELLO. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, I object.

## ESTABLISHMENT AND MAINTENANCE OF FRANKLIN D. ROOSEVELT LIBRARY

The Clerk called the next business, House Joint Resolution 268, to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## PARTICIPATION IN COSTS AND BENEFITS OF TONGUE RIVER STORAGE RESERVOIR

The Clerk called the next bill, H. R. 5506, to authorize the Secretary of the Interior to contract with the State Water Conservation Board of Montana and the Tongue River Water Users' Association for participation in the costs and benefits of the Tongue River storage reservoir project for the benefit of lands on the Tongue River Indian Reservation, Mont.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Montana [Mr. O'CONNOR] how many Indians will be affected by this proposition?

Mr. O'CONNOR. I will state to the gentleman that I just received this information from the Indian Bureau. There are 1,573 Indians in the Tongue River Reservation. The entire population will be benefited not only for farming purposes but for raising crops for winter feed for livestock. These people have not other means of getting water supply.

I will say to the gentleman that the original cost of this project was \$1,200,000. It is being constructed under the P. W. A. program, and it is 75 percent completed now. This \$360,750 which this bill would appropriate by the Congress is paid to the State water conservation board, and the Tongue River Water Users' Association, of Miles City, Mont., over a period of 37 years. The Federal Government has a lien



against all of this Indian-owned land for the repayment of the amount so appropriated. The Government, however, cannot foreclose this lien as long as the land is owned by the Indians. The Government cannot lose anything, because while the Government cannot enforce its lien against Indian-owned land as long as it is so owned, if the Indians should sell it, the deed will carry a provision that it is subject to the lien of the United States Government.

There is no chance, therefore, for the Government to lose. As the project is three-quarters completed, it would not make sense to discontinue the work. It will assist, as I say, about 1,500 Indians who otherwise will be on relief if they cannot get water to take care of their livestock and farming operations.

Mr. KEAN. What happens at the end of 37 years, will the Indians get the water free?

Mr. O'CONNOR. The Indians will have to pay the maintenance charge and upkeep after the plant is paid for.

Mr. KEAN. They are paying \$360,000 now over a period of 37 years. What happens at the end of 37 years?

Mr. O'CONNOR. The project will be built and paid for. Thereafter there will be no charge for the water except annual maintenance charge.

Mr. KEAN. Do they get water for their farms then without paying anything further?

Mr. O'CONNOR. Yes; except annual maintenance charge. They will have to pay enough annually, of course, for maintenance and operation.

I sincerely hope the gentleman will not object to this bill, because, as before stated, this project is 75 percent completed and the amount the Government advances will be a lien on land which is as fine as ever lay outdoors.

Mr. KEAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to execute a contract with the Tongue River Water Users' Association, a Montana corporation, and the State Water Conservation Board of the State of Montana, providing for the acquiring of a right to the use annually of 7,500 acre-feet of water from the Tongue River Reservoir project for the irrigation of lands on the Tongue River Indian Reservation, Mont., now without an adequate supply of water, and for the payment therefor of a proper proportionate share of the construction costs of the project: *Provided*, That the cost to the United States shall not exceed a total amount of \$360,750, which amount, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid in not to exceed 37 annual installments beginning on December 15, 1939, and continuing thereafter until the entire construction costs properly assessable against the Indian lands benefited shall have been paid: *Provided further*, That said contract shall also make provision for payment of the annual operation and maintenance charges properly assessable against the United States on account of its participation in the benefits of said project, and the necessary money to pay such operation and maintenance charges is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Sec. 2. Appropriations made for the purpose of this act shall be reimbursed to the United States under regulations to be prescribed by the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SAN CARLOS AND FLATHEAD INDIAN IRRIGATION PROJECTS

The Clerk called the next business, House Joint Resolution 264, to approve the action of the Secretary of the Interior deferring the collection of certain irrigation construction charges against lands under the San Carlos and Flathead Indian irrigation projects.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read as follows:

Whereas the act of Congress approved June 22, 1936 (49 Stat. 1803), provides that the Secretary of the Interior may adjust,

defer, or cancel irrigation charges against non-Indian-owned lands within Indian irrigation projects, where conditions are found to justify such action, subject to the approval of Congress; and

Whereas an investigation of conditions affecting the San Carlos Indian irrigation project, Arizona; and the Flathead Indian irrigation project, Montana, is now being made pursuant to the provision of said act; and

Whereas the Secretary of the Interior has deferred certain irrigation construction charges against lands of the said projects which will become due and payable before the investigation can be completed: Now, therefore, be it

*Resolved, etc.,* That in accordance with the act of June 22, 1936, the action of the Secretary of the Interior in deferring such charges under said irrigation projects is hereby approved.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLCOTT. Am I correct in my understanding that it has been the policy of the House for a great many years to eliminate the whereas clauses of resolutions?

The SPEAKER pro tempore. The gentleman is correct; that is the general rule, although a certain few resolutions are passed retaining the whereas clauses. Generally, however, the whereas clauses are stricken out.

Mr. WOLCOTT. Mr. Speaker, I offer an amendment to strike out the whereas clauses of this resolution.

The Clerk read as follows:

Amendment offered by Mr. Wolcott: On pages 1 and 2, after the title, strike out all four paragraphs in the preamble.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATURALIZATION OF CERTAIN ALIEN SPOUSES OF CITIZENS OF UNITED STATES

The Clerk called the next bill, H. R. 5401, to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, the author of the bill, I think, would like to make a statement about this bill. If his statement is in line with what I think it will be, I shall not object.

Mr. SPARKMAN. Mr. Speaker, this bill is introduced simply for the purpose of curing a defect in the law as it has been interpreted by two separate circuit courts of appeal and a district court. In 1922 there was enacted what is known as the Cable Act. This act was amended in 1930, again in 1931, and again in 1934. In 1934 the Immigration and Naturalization Service issued a regulation. All of the courts before which cases came pertaining to this matter followed that regulation with the exception of the circuit court of appeals for the third circuit, the circuit court of appeals of the seventh circuit, and the District Court for the District of Columbia. The result has been to create a variance in the rulings of different courts. This bill was introduced to correct that variance.

Mr. JENKINS of Ohio. The gentleman has no other purpose in mind in offering the bill?

Mr. SPARKMAN. None whatsoever.

Mr. JENKINS of Ohio. It is offered simply that there may be uniformity in the interpretation of the law?

Mr. SPARKMAN. That is all in the world it is offered for.

Mr. JENKINS of Ohio. Mr. Speaker, I withdraw my reservation of objection.

Mr. LEWIS of Colorado. Mr. Speaker, reserving the right to object, will not the author of the bill explain it further? It seems to me unfortunate that bills affecting citizenship should come up under unanimous consent. I should be pleased to have a further explanation.

Mr. SPARKMAN. Mr. Speaker, it would, of course, take some little time to explain the bill. I feel, however, that if the gentleman from Colorado will read a memorandum from the Department of Labor, which is included in the report, he would find a perfect explanation of the need for this bill and the purpose of the bill. I introduced this bill 2 years ago when I was a member of the Committee on Immigration and Naturalization. It has for its sole purpose the clarification of the law to prevent these variances in its in-

terpretation. I explained this a few minutes ago. It does not give a single new privilege that the law itself does not already give. It simply unifies or clarifies the differences in the rulings of the different courts.

Mr. LEWIS of Colorado. It seems to me the gentleman has brought out exactly the point that I had in mind—he is unable, within the limited time under a reservation of objection, to explain what the bill does.

Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. SPARKMAN. Mr. Speaker, reserving the right to object, I certainly did not intend to leave any doubt as to my being able to explain it. The time is so limited I cannot explain it in detail. I studied it carefully before I agreed to introduce it. The bill does just one thing, and that is to clarify the legal status of these people. Some of them in one court are held to be citizens, but another court holds that similar people are not citizens. Many of them probably do not know whether they are citizens or not. The only purpose of this bill is to clarify the situation.

Mr. LEWIS of Colorado. That brings out exactly the point I am making—that important bills affecting citizenship should not be called up under unanimous consent. It is impossible to explain in detail what such a bill seeks to accomplish within the limited time permissible under a reservation of objection.

Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

#### AMENDMENT TO SECTION 92, TITLE 2, OF THE CANAL ZONE CODE AND FOR OTHER PURPOSES

The Clerk called the next bill, H. R. 1819, to amend section 92, title 2, of the Canal Zone Code and for other purposes.

Mr. RAMSPECK, Mr. COSTELLO, and Mr. TABER objected.

#### AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN PROPERTY TO WASHINGTON COUNTY, UTAH

The Clerk called the next bill, H. R. 2184, to authorize the Secretary of the Interior to convey certain property to Washington County, Utah, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior, in his discretion, is hereby authorized to convey, by quitclaim deed, to Washington County, Utah, or the authorized agents or representatives of said county, certain land and the improvements thereon, said land being described as follows:

#### SALT LAKE MERIDIAN

A part of lot 1 in block 9, and a part of lot 2 in block 3 of Rockville Townsite Survey, described as follows: Beginning at the southeast corner of said lot 2 in block 3, which point is approximately north six hundred and thirty-nine feet and west nine hundred and twenty-three feet from the southeast corner of section 1, township 42 south, range 11 west, and running thence north thirty feet, thence west eighty feet, thence south three hundred and twenty-five feet, thence east eighty feet, thence north two hundred and ninety-five feet to the place of beginning, containing twenty-six thousand square feet, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two brief editorials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. JOHNSON]?

There was no objection.

#### CONSENT CALENDAR

#### AMENDING ACT REQUIRING REGISTRATION OF AGENTS OF FOREIGN PRINCIPALS

The Clerk called the next bill, H. R. 5988, to amend an act entitled "An act to require the registration of certain persons

employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law No. 583, 75th Cong., 3d sess.).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law No. 583, 75th Cong., 3d sess.), be, and it is hereby, amended to read as follows:

"That as used in this act—

"(a) The term 'person' means an individual, partnership, association, or corporation;

"(b) The term 'United States' includes the United States and any place subject to the jurisdiction thereof;

"(c) The term 'foreign principal' includes the government of a foreign country, a political party of a foreign country, a person domiciled abroad, any foreign business, partnership, association, corporation, or political organization, or a domestic organization subsidized, directly or indirectly, in whole or in part by any of the entities described herein;

"(d) The term 'agent of a foreign principal' means any person who acts or engages or agrees to act as a public-relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal, and shall include any person who receives compensation from or is under the direction of a foreign principal: *Provided, however,* That such term shall not include—

"(1) a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States; nor

"(2) any official of a foreign government recognized by the United States as a government other than a public-relations counsel or publicity agent or a citizen of the United States, whose status and the character of whose duties as such official are of record in the Department of State of the United States; nor

"(3) any member of the staff of or person employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States, other than a public-relations counsel or publicity agent, whose status and the character of whose duties as such member or employee are of record in the Department of State of the United States; nor

"(4) any person performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal; nor

"(5) any person engaged only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts.

"(e) The term 'Secretary' means the Secretary of State of the United States."

SEC. 2. That section 3 of the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law No. 583, 75th Cong., 3d sess.), is hereby amended to read as follows:

"SEC. 3. Every person who has filed a registration statement required by section 2 shall, within 30 days after the expiration of each period of 6 months succeeding the first filing, file with the Secretary a statement, under oath, on a form prescribed by the Secretary, which shall set forth with respect to such preceding 6 months' period—

"(a) Such facts as may be necessary to make the information required under section 2 hereof accurate and current with respect to such period;

"(b) The amount and form of compensation received by such person for acting as agent for a foreign principal which has been received during such 6 months' period either directly or indirectly from any foreign principal; and

"(c) A statement containing such details required under this act as the Secretary shall fix, of the activities of such persons as agent of a foreign principal during such 6 months' period."

SEC. 3. That section 4 of the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law No. 583, 75th Cong., 3d sess.), is hereby amended to read as follows:

"SEC. 4. The Secretary shall retain in permanent form all statements filed under this act, and such statements shall be public records and open to the public examination and inspection at all reasonable hours, under such rules and regulations as the Secretary may prescribe: *Provided,* That the Secretary is hereby authorized to withdraw from the public records the registration statement of any person whose activities have ceased to be of a character which requires registration under the terms of this act."

With the following committee amendment:

Page 4, line 16, strike out "persons" and insert "person."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



**PERMITTING RETIRED OFFICERS AND ENLISTED MEN OF ARMY, NAVY, MARINE CORPS, AND COAST GUARD TO HOLD CIVIL OFFICE**

The Clerk called the next bill, S. 1116, to amend section 1860 of the Revised Statutes, as amended (48 U. S. C. 1460), to permit retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard to hold civil office in any Territory of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, will someone explain this bill?

Mr. GRIFFITH. Mr. Speaker, as is stated in the report, the purpose of this bill is to extend to officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard the same privileges that are now enjoyed by officers of the Army to hold civil office in any Territory of the United States.

Mr. COCHRAN. Does not the gentleman feel the time has arrived when we should repeal that law which gives the right to Army and Navy officers to hold positions after they have reached retirement age and give some of the unemployed people in the country the opportunity to get the jobs? Be it remembered members of our military and naval forces receive liberal retirement pay when they leave the service.

Mr. MAAS. May I say to the gentleman that most of these positions are such you would not want to put unemployed people in there. They are executive positions. They do not draw both pays.

Mr. COCHRAN. May I say to the gentleman from Minnesota that there are unemployed people in this country who are capable of holding any job this Government has. Mr. Speaker, I therefore object.

**ACCEPTING AND CASHING OF GOVERNMENT PAY CHECKS**

The Clerk called the next bill, S. 1118, to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore, located outside the continental limits of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions of section 3639 and 3651, Revised Statutes, as amended (31 U. S. C. 521, 543), the Secretary of the Navy, in his discretion, may hereafter authorize the officer in charge of any commissary store or ship's store ashore, located outside the continental limits of the United States, to accept Government checks tendered by retired personnel of the Navy and Marine Corps and by members of the Naval and Marine Corps Reserves in payment of amounts due by such personnel to any such commissary store or ship's store ashore, and to refund, in cash, to the payees of the tendered checks any difference between the amounts due and the amounts of the tendered checks.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**GRANTING RETIRED PAY OF CHIEF PHARMACIST'S MATE, UNITED STATES NAVY**

The Clerk called the next bill, H. R. 5802, granting the retired pay of a chief pharmacist's mate, United States Navy.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That upon the retirement from active duty of the chief pharmacist's mate, United States Navy, who on April 26, 1938, was performing duty under orders of the Navy Department in the office of the attending physician, House of Representatives, he shall be entitled to such maximum rate of retired pay as is now or hereafter may be authorized by law to be paid to chief warrant officers upon retirement who have had over 10 years' commissioned service and with creditable record.

With the following committee amendment:

Page 1, line 7, after the word "entitled", insert "to the rank of chief pharmacist and."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**AMENDING ACT TO AUTHORIZE ALTERATIONS AND REPAIRS TO CERTAIN NAVAL VESSELS**

The Clerk called the joint resolution (S. J. Res. 126) to amend the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There being no objection, the Clerk read the Senate joint resolution, as follows:

*Resolved, etc.,* That the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939 (Public No. 37, 76th Cong.), be, and the same is hereby, amended by striking out in the proviso the figures "\$5,000,000" and inserting in lieu thereof "\$5,500,000", so as to make the proviso read: "Provided, That the total cost of such alterations and repairs shall not exceed \$5,500,000."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**AUTHORIZING STATES OWNING LANDS OR INTEREST THEREIN ACQUIRED FROM THE UNITED STATES TO INCLUDE THE SAME IN CERTAIN AGREEMENTS FOR THE CONSERVATION OF OIL AND GAS RESOURCES**

The Clerk called the next bill, H. R. 2953, authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding the provisions of any applicable grant, deed, patent, exchange, or law of the United States, any State owning lands or interests therein acquired by it from the United States may include, subject to the approval of the Secretary of the Interior, any part of such lands or interest therein in agreements embracing lands or mineral deposits of the United States, for the purpose of more properly conserving the oil and gas resources within such State. Such agreements may provide for the cooperative or unit development and operation of any oil or gas pool, field, or area and for the allocation of the production and the sharing of the proceeds from the whole or any specified part thereof, regardless of the particular tract from which any production is obtained or proceeds derived.

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert the following:

"That notwithstanding the provisions of any applicable grant, deed, patent, exchange, or law of the United States, any State owning lands or interests therein acquired by it from the United States may consent to the operation or development of such lands or interests, or any part thereof, under agreements approved by the Secretary of the Interior made jointly or severally with lessees or permittees of lands or mineral deposits of the United States or others, for the purpose of more properly conserving the oil and gas resources within such State. Such agreements may provide for the cooperative or unit operation or development of part or all of any oil or gas pool, field, or area; for the allocation of production and the sharing of proceeds from the whole or any specified part thereof regardless of the particular tract from which production is obtained or proceeds are derived; and, with the consent of the State, for the modification of the terms and provisions of State leases for lands operated and developed thereunder, including the term of years for which said leases were originally granted, to conform said leases to the terms and provisions of such agreements: *Provided,* That nothing in this act contained, nor the effectuation of it, shall be construed as in any respect waiving, determining, or affecting any right, title, or interest, which otherwise may exist in the United States, and that the making of any agreement, as provided in this act, shall not be construed as an admission as to the title or ownership of the lands included."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**AMENDING THE TAYLOR GRAZING ACT**

The Clerk called the next bill, H. R. 5958, to amend the Taylor Grazing Act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill (S. 2237) to amend the Taylor Grazing Act, may be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934, as amended, is amended by adding at the end thereof the following new section:

"Sec. 18. (a) In order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions in the several grazing districts, there shall be an advisory board of local stockmen in each such district, the members of which shall be known as grazing district advisers. Each such board shall consist of not less than 5 nor more than 12 members, exclusive of wildlife representatives, one such representative to be appointed by the Secretary, in his discretion, to membership on each such board. Except for such wildlife representatives, the names of the members of each district advisory board shall be recommended to the Secretary by the users of the range in that district through an election conducted under rules and regulations prescribed by the Secretary. No grazing district adviser so recommended, however, shall assume office until he has been appointed by the Secretary and has taken an oath of office. The Secretary may, after due notice, remove any grazing district adviser from office if in his opinion such removal would be for the good of the service.

"(b) Each district advisory board shall meet at least once annually at a time to be fixed by the Director of Grazing, or by such other officer to whom the Secretary may delegate the function of issuing grazing permits, and at such other times as its members may be called by such officer. Each board shall offer advice and make a recommendation on each application for such a grazing permit within its district: *Provided*, That in no case shall any grazing district adviser participate in any advice or recommendation concerning a permit, or an application therefor, in which he is directly or indirectly interested. Each board shall further offer advice or make recommendations concerning rules and regulations for the administration of this act, the establishment of grazing districts and the modification of the boundaries thereof, the seasons of use and carrying capacity of the range, and any other matters affecting the administration of this act within the district. Except in a case where in the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5958) was laid on the table.

#### PLUMAS NATIONAL FOREST, CALIF.

The Clerk called the next bill, H. R. 2415, to authorize the addition of certain lands to the Plumas National Forest, Calif.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the Plumas National Forest; and any of such described areas in Government ownership found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange or purchased under the provisions of this act shall be open to mineral locations, mineral development, and patent in accordance with the mining laws of the United States:

Township 18 north, range 7 east, Mount Diablo base and meridian, California: Sections 3, 4, 5, 9, 10, 11, 12, 13, 15, 22, 23, 26, and 27.

With the following committee amendment:

Page 2, line 6, after "exchange" strike out "or purchased."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TRANSFER OF CERTAIN LANDS FROM THE SIERRA NATIONAL FOREST TO YOSEMITE NATIONAL PARK, CALIF.

The Clerk called the next bill, H. R. 4635, to transfer certain lands from the Sierra National Forest to the Yosemite National Park, in the State of California, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. McCormack). Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### HOSPITALIZATION AND MEDICAL TREATMENT OF PERSONS IN THE ACTIVE MILITARY SERVICE

The Clerk called the next bill, S. 840, to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That neither of the provisions of the act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require the hospitalization and medical treatment of persons in the active military service, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of 24 hours.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### STATUS OF WARRANT OFFICERS AND OF ENLISTED MEN TO SERVE AS COMMISSIONED OFFICERS

The Clerk called the next bill, S. 1181, to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter any warrant officer or enlisted man of the Regular Army who shall serve on active duty as a Reserve officer of the Army of the United States or who shall be discharged to accept a commission in the Army of the United States and whose active service as a commissioned officer shall terminate honorably, shall be entitled, without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty, to reappointment as warrant officer or to reenlistment in the grade held prior to such commissioned service, without loss of service or seniority and without regard to whether a vacancy exists in the grade of warrant officer or in the appropriate enlisted grade: *Provided*, That application for reappointment or reenlistment shall be made within 6 months after the termination of such commissioned service in each case: *Provided further*, That warrant officers and enlisted men of the Regular Army shall be entitled to count active commissioned service in the Army of the United States as warrant or enlisted service for all purposes.

SEC. 2. The act approved March 30, 1918 (40 Stat. 501), is hereby repealed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATIONAL HIGHWAY IN THE REPUBLIC OF PANAMA

The Clerk called the next bill, S. 2163, to authorize an appropriation to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in completing the construction of a national highway between Chorrera and Rio Hato, Republic of Panama, for defense purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I assume that this is desirable legislation, and I believe if the matter were brought up for consideration in any other way I might be constrained to be for it; but inasmuch as we have adopted a policy concerning the amounts which we should authorize on the Consent Calendar, and because this highway is to cost \$1,500,000 or thereabouts, I ask unanimous consent that the bill be passed over without prejudice.



Mr. ANDREWS. Reserving the right to object, Mr. Speaker, may I say to the gentleman that this is merely an authorization. It is a part of the program for the defense of the Panama Canal. This is merely an authorization, and has nothing to do with an appropriation. It is a part of the program of defense.

Mr. WOLCOTT. As I said, I do not doubt that this is desirable legislation; but when the calendar was first called this session we announced the policy that we would object to any bills on the Consent Calendar which carried an authorization of over a million dollars. In keeping with this policy, and to keep faith with the other Members who have had bills on the calendar authorizing more than a million dollars, I am forced to submit this request.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kentucky.

Mr. MAY. This is rather an emergency matter. Of course, I do not like to use the term "emergency" very much, but arrangements have already been made with the Government of the Republic of Panama by which this construction can be done in the way of a national-defense program. If the construction is not authorized now it will be delayed over the season when it can be done successfully and done very much more cheaply.

Mr. WOLCOTT. I may say to the gentleman that the Committee on Military Affairs has the next call on Calendar Wednesday, and I believe the bill should be brought up and considered either on Calendar Wednesday or possibly by suspension of the rules. However, in keeping with the policy we announced when the calendar was first called, I am almost forced, although I regret to do so, to ask unanimous consent that the bill be passed over without prejudice.

Mr. MAY. I realize the gentleman has made that statement, and I agree thoroughly with him in the idea of sticking to it as far as possible; but the only thing that would happen on Calendar Wednesday would be some brief debate on the question. In this particular instance I believe the gentleman would be justified in waiving the policy he has heretofore announced, and I do not believe the gentleman would be subjected to criticism on account of it.

Mr. WOLCOTT. I am not afraid of the criticism, except that I believe we put this House in rather an embarrassing position because of the condition of the Treasury at the present time; if we have it go out to the country that the House is giving no consideration whatever to a bill authorizing the expenditure of over a million dollars. I do not care if no one wants to talk on the bill on Calendar Wednesday—and I surely would not object to it—but it seems to me we should give the Members an opportunity to talk on a bill which authorizes the expenditure of a million dollars.

Mr. MAY. May I suggest to the gentleman that this money is to be taken out of the appropriation that has already been made in connection with the military program for the Panama Canal, and it is not really a new appropriation.

Mr. WOLCOTT. The manner in which the money is to be raised is not as material as the question of whether we have given due consideration to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed over without prejudice?

There was no objection.

#### PROVISION FOR A DEPUTY CHIEF OF STAFF

The Clerk called the next bill, S. 2222, to provide for a Deputy Chief of Staff, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ANDREWS. Mr. Speaker, reserving the right to object, may I ask whether or not this is the bill to which the committee has a committee amendment?

Mr. COSTELLO. I understand one of the members of the committee is going to offer an amendment to this bill.

Mr. ANDREWS. Then I shall withdraw my reservation until the amendment has been read.

Mr. WADSWORTH. Mr. Speaker, would an objection lie if the Clerk proceeds to read an amendment which is hereafter offered to the bill?

The SPEAKER pro tempore. The Chair will state that the gentleman may reserve his right to object or ask unanimous consent that the Clerk may report the amendment for the information of the House.

Mr. CHURCH. Reserving the right to object, Mr. Speaker, I ask unanimous consent that the contemplated amendment may be read for the information of the House.

The SPEAKER pro tempore. Without objection, the amendment will be read for the information of the House.

The Clerk read as follows:

Amendment proposed by Mr. HARTER to the committee amendment: Add a new section, as follows:

"Sec. 2. That the present incumbent of the position of President of the Mississippi River Commission shall, upon retirement from active service in the Army, be retired with the rank of major general and with the pay and allowances authorized by law for an officer on the retired list of such rank."

Mr. WADSWORTH. Mr. Speaker, I raise the point of order against the amendment that it is not germane.

The SPEAKER pro tempore. The Chair will state that the amendment has only been read for the information of the House.

Mr. WADSWORTH. Then I reserve a point of order.

The SPEAKER pro tempore. The question is whether or not unanimous consent shall be given for the present consideration of the bill.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. COSTELLO. Mr. Speaker, reserving the right to object—

Mr. ANDREWS. May I say to the gentleman that this is a very important bill from the standpoint of the War Department?

Mr. WADSWORTH. And it is a very good bill.

Mr. CHURCH. I know that the situation is unfortunate and while I am in favor of the bill, I do not like that kind of procedure. I understand no bill has ever been introduced for the purpose that the amendment covers and I do not like that kind of procedure.

Mr. COSTELLO. I may state to the gentleman that I do not believe the amendment is germane to this bill, and therefore the amendment will be ruled out on a point of order because it is not germane. However, the bill itself is of great importance to the War Department and they are very anxious to have the legislation passed, and I do not think consideration of the bill should be objected to.

Mr. CHURCH. I agree with the gentleman, but under the circumstances I feel constrained to object. I hope very much that the promoters of the amendment will withdraw the amendment and agree not to present an amendment of that kind.

Mr. THOMASON. I agree with the gentleman from Illinois except that we have no assurance that the point of order will be sustained.

Mr. CHURCH. Who is in charge of the amendment?

Mr. THOMASON. The gentleman from Ohio [Mr. HARTER]. This is an important bill.

Mr. CHURCH. I shall feel constrained to object unless the gentleman from Ohio withdraws his amendment. We have not seen the amendment which was just read and I understand no bill has been introduced for that purpose.

Mr. COSTELLO. Will the gentleman yield for a parliamentary inquiry?

Mr. CHURCH. Yes; I yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. COSTELLO. I would like to present a parliamentary inquiry to the Chair as to whether the amendment proposed by the gentleman from Ohio would be germane to this bill if offered.

The SPEAKER pro tempore. The Chair will state that that is not a proper subject for a parliamentary inquiry. The Chair will pass upon the question involved if unanimous

consent is given for the present consideration of the bill and if the amendment is offered and if a point of order is advanced. The Chair will not indicate in advance what the ruling of the Chair will be.

Mr. COSTELLO. I might state to the gentleman that in looking at the rules I notice a footnote states that while a bill may be reported by a committee presenting different subjects, it is not in order to introduce in the House a new subject by way of amendment.

I do not think there is very much question about the fact that this amendment is subject to a point of order. The bill refers to the creation of a position in the War Department of Deputy Chief of Staff. It deals with one subject. The amendment provides for the promotion of an officer on retirement, which is an entirely different subject and has nothing to do with the subject matter of the bill. I do not believe that the Chair could do otherwise than sustain the point of order.

Mr. CHURCH. Mr. Speaker, may I ask the gentleman from Ohio [Mr. HARTER] to withdraw his amendment under the statement just made?

Mr. HARTER of Ohio. Mr. Speaker, I may say to the gentleman from Illinois [Mr. CHURCH], in explanation of this amendment, that this amendment was considered by the House Military Affairs Committee. I bring it here to the floor as a committee amendment. The amendment is designed to give recognition to the services of Gen. Harley B. Ferguson, who is an officer of the Engineer Corps of the Army and who will retire on August 14 of this year. General Ferguson has had a long and enviable career as an officer of the United States Army. He has been the President of the Mississippi River Commission for the last several years, and largely through his efforts and the courage he displayed in adopting a bold policy in utilizing cut-offs and straightening the Mississippi River flood dangers and damage have largely been eliminated in the Mississippi Valley. Many Members of the House come from the Mississippi River Basin and the Ohio Valley, and they are familiar with the work that has been done by Gen. Harley B. Ferguson. This is a committee amendment. I do not feel that I have the right to withdraw it, if I was inclined to do so.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. HARTER of Ohio. Yes.

Mr. COCHRAN. Mr. Speaker, when I learned he was soon to retire, I placed in the Record a few days ago a complete statement of General Ferguson's service with the Army. It is a most remarkable record. When he graduated as second lieutenant, he went to Puerto Rico and participated in the Spanish-American War. He also participated in the Philippine Insurrection and in the Boxer Rebellion. On his return from China, he was placed in complete charge of the raising of the *Maine*. He received decorations for his services abroad during the World War. General Ferguson organized the industrial-preparedness program after the World War, for which he was cited by the War Department. Finally he came to us in the Mississippi Valley, and it was General Ferguson who was responsible for putting in the cut-offs on the Mississippi River that have prevented the floods in recent years. I can conceive of no member of the Army who would have dared to do what General Ferguson did in the Mississippi Valley. Undoubtedly it was a chance, but he had the courage to go through with what he thought was right, and the people of the valley will always feel indebted to him for his contribution.

Mr. HARTER of Ohio. The gentleman is quite correct.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. HARTER of Ohio. Yes.

Mr. MAY. Mr. Speaker, my remarks in this instance will be directed more to the gentleman from Illinois [Mr. CHURCH] than to the gentleman from Ohio.

Mr. CHURCH. Mr. Speaker, if the gentleman will permit, I withdraw my request.

The SPEAKER pro tempore. The gentleman from Illinois withdraws his request. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the first paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of June 3, 1938 (52 Stat. 610), be, and the same is hereby, amended by inserting in line 4 of said paragraph, after the words "Chief of Staff", a comma followed by the words "the Deputy Chief of Staff" and a comma; by striking out the word "four" appearing in line 4 of said paragraph and inserting in lieu thereof the word "five"; and by striking out the word "eighty-eight" in line 6 of said paragraph and inserting in lieu thereof the words "one hundred and two."

Mr. HARTER of Ohio. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HARTER of Ohio: Add a new section as follows:

"Sec. 2. That the present incumbent of the position of president of the Mississippi River Commission shall, upon retirement from active service in the Army, be retired with the rank of major general and with the pay and allowances authorized by law for an officer on the retired list of such rank."

Mr. WADSWORTH. Mr. Speaker, I make the point of order against the amendment that it is not germane.

The SPEAKER pro tempore. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. HARTER of Ohio. Mr. Speaker, nothing further than to say that this was regularly voted by the committee. It relates to a matter of the War Department, the Army. It is, in my opinion, germane to this particular bill which is under consideration.

The SPEAKER pro tempore (Mr. McCORMACK). The mere fact that this is a committee amendment in no way changes the parliamentary situation from that which would exist if an individual Member of the House offered the amendment. The rule of germaneness applies to a committee amendment just the same as to an amendment offered by a Member in his individual capacity.

The bill before the House relates to one subject. The proposed amendment relates to another subject. The bill before the House confines itself to one subject, and the amendment attempts to inject into the bill an entirely different subject from that which is contained in the bill pending before the House. In the opinion of the Chair the amendment is not germane to the pending bill, and for that reason the Chair sustains the point of order.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING SECTION 5 OF ACT OF APRIL 3, 1939

The Clerk called the next bill, H. R. 6070, to amend section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### CONSTRUCTION OF MEDICAL SCHOOL AT CARLISLE BARRACKS, PA.

The Clerk called the next bill, H. R. 6225, to authorize appropriation for the construction of a medical school building at Carlisle Barracks, Pa.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a Senate bill, S. 2353, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed \$375,000 to be expended for the construction, rehabilitation, and installation at Carlisle Barracks, Pa., of a medical field service school and such utilities and appurtenances thereto as may be necessary.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 6225) was laid on the table.



## RECEIVING STOLEN PROPERTY FROM THE MAILS

The Clerk called the next bill, H. R. 6037, to amend section 194 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. 1088).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wonder if some member of the Committee on the Judiciary would inform the House what the penalty is in existing law for receiving stolen property, not necessarily from the mails?

Mr. WALTER. A fine of \$2,000 and 5 years' imprisonment.

Mr. WOLCOTT. This bill provides for a fine of \$2,000 and 5 years' imprisonment for receiving stolen property, the property being stolen from the mails. What is the penalty for receiving stolen property, knowing it to have been stolen, but not stolen from the mail?

Mr. WALTER. The penalty is the same. This bill is necessitated by an unfortunate decision that was handed down in the third circuit, where a conviction was set aside because the Government could not prove that the man who had received the stolen property knowing it to have been stolen and knowing that it had been stolen from the mail. This merely amends the existing law to strike out "knowing" in the existing act.

Mr. WOLCOTT. I understand the act perfectly; so that the district attorney will not have to prove that the defendant knew it was stolen from the mail?

Mr. WALTER. Yes.

Mr. WOLCOTT. But he must prove, in any event, that the defendant knew it was stolen?

Mr. WALTER. That is correct.

Mr. WOLCOTT. There is no difference between receiving stolen property not stolen from the mail than receiving stolen property stolen from the mail?

Mr. WALTER. As I understand, it is the same.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That section 194 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, as amended (U. S. C., 1934 edition, title 18, sec. 317), be amended to read as follows:*

"SEC. 194. Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than \$2,000 or imprisoned not more than 5 years, or both."

Mr. WALTER. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WALTER: On page 1, in line 8, after the word "obtain", insert "or attempt so to obtain."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING ACT AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO LOCATE, CONSTRUCT, AND OPERATE RAILROADS IN ALASKA

The Clerk called the next bill, H. R. 4868, to amend the act authorizing the President of the United States to locate, con-

struct, and operate railroads in the Territory of Alaska, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GREEN. Mr. Speaker, reserving the right to object, I wonder if the gentleman really understands the purpose of this bill? I think upon a reading of it the gentleman probably would not make objection to it. The Senate has passed a similar bill.

Mr. WOLCOTT. If the gentleman will bear with me, we are very much better legislators than the Senate. I think we go into these matters more thoroughly than the Senate. They assume to be a policy-making body. We are a legislative-enacting body. We are very careful of the legislation which we pass.

Mr. GREEN. I may say that I have no special love for the other body.

Mr. WOLCOTT. Then let me say to the gentleman my reason for asking that this bill go over without prejudice is so that certain matters might be considered and, possibly, by amendment, the bill might be perfected.

As I read this bill, in the first place, it puts the Government in the hotel business.

Mr. GREEN. Yes; it provides—

Mr. WOLCOTT. Perhaps I might give the gentleman all of my reasons for objecting and then he can answer them all at one time. In the next place, there is no estimated cost of the value of the private property which the Government may purchase under the terms of the bill. Indirectly it authorizes an appropriation, although the report says it does not authorize an appropriation. On page 2, line 23, it provides that these payments are to be made out of revenues in the appropriation for the Alaska Railroad. It is a simple matter, of course, to increase the amount of the appropriation for the Alaska Railroad sufficiently to create the authorization to purchase this property. I think that the bill is designed primarily to bail out the Mount McKinley Tourist & Transportation Co., which has made a failure of operating these services. Surely, if private enterprise, under these conditions, cannot make a success of it, we know from our experience with the Government in business, the Government cannot do it. I am trying to protect the Government from having to make annual appropriations for the purpose of providing these services at the Mount McKinley National Park.

Mr. GREEN. The Government has spent huge sums in developing the Alaskan Railway and the Mount McKinley Park. There are not now in the park facilities to take care of tourists and the traveling public. It is believed that if a small hotel were placed there the revenues from it would be adequate—more than enough to pay its cost and the cost of payment to this transit company for its small investment. It is estimated that not more than \$35,000 would be required to pay the transit company for its existing physical properties. It is believed that with tourist facilities, which are now sadly lacking, the expenditures already made by the Government would be utilized to better advantage and that the whole thing would be a paying proposition. If the gentleman insists, however, that the bill go over without prejudice I shall not object, but I think this is a very good bill and should be passed to safeguard the Government's investment already existing in the Mount McKinley National Park. I do not think it is at all a matter of bailing out the transportation company. It is an equitable and fair proposition and to the best interest of the Government and the American people to provide the intended public facilities, which are sorely needed and which private capital will not undertake. The Department of the Interior has approved the bill and the Bureau of the Budget has interposed no objection, provided new appropriation is not required, and, of course, none is contemplated. I hope the gentleman will not object to present consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed over without prejudice?

There was no objection.

#### RETIREMENT OF EMPLOYEES OF THE ALASKA RAILROAD

The Clerk called the next bill, H. R. 2178, to amend sections 6 and 7 of the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, can the gentleman from Georgia tell the House whether the Alaska Railroad is paying its way? How much if any does the Government contribute annually to maintain the Alaska Railroad?

Mr. RAMSPECK. The Alaska Railroad retirement system is similar to the Panama Canal system. It is a little different from the system which governs the retirement of employees in the continental United States, for the employees of the Alaska Railroad pay a higher deduction from their salaries, but by the same token receive a little higher annuity. Generally speaking, however, they are paying their way as is the case with employees in the other retirement systems.

Mr. WOLCOTT. I do not mean that, I mean is the railroad itself self-sustaining, or does the Government have to contribute to it?

Mr. RAMSPECK. What the Government contributes to the railroad has nothing to do with it. It is on the same basis as the civil-service retirement fund. In principle, the Government contributes a part and the employee a part. This bill, however, adds no particular cost. It does bring in a few employees who are employed by the Alaska Railroad.

Mr. WOLCOTT. I think the gentleman has not understood my point. My question probably has not very much to do with the retirement bill. I wanted to know whether the railroad receives enough revenue to sustain it, or whether the Government had to subsidize the operations of the road.

Mr. RAMSPECK. I did not understand the gentleman's question. I cannot answer the question because my committee has no jurisdiction over the railroad. The only jurisdiction my committee has is over the question of civil service and retirement as it affects these Government employees that are under civil service.

Mr. WOLCOTT. Further reserving the right to object, Mr. Speaker, can the gentleman point out the distinction between this bill and the next one on the calendar, H. R. 2642?

Mr. RAMSPECK. The next bill simply gives the employees who come under this law the right to name a beneficiary, the right to say who will receive the money due them in case of death. There is a similar provision in the civil service retirement law. It costs no money. It is simply a technical amendment to obviate the necessity of administration on the estate where a small amount is involved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That sections 6 and 7 of the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936 (49 Stat. 2017), are hereby amended to read as follows:

"Sec. 6. The annuity of an employee retired under the provisions of this act shall be composed of—

"(1) A sum equal to \$37.50 multiplied by the number of years of service, not to exceed 30 years, rendered (a) on the Alaska Railroad or (b) in the military or naval service of the United States in the Tropics or in Alaska; and

"(2) The annuity purchasable with the sum to the credit of the employee's individual account, including accrued interest thereon computed as prescribed in section 11 (a) hereof, according to the experience of the Alaska Railroad retirement and disability fund as may from time to time be set forth in tables of annuity values by the board of actuaries; and

"(3) Thirty dollars multiplied by the number of years of service rendered and not allowable under paragraph (1) hereof: *Provided*, That the number of years of service to be used in computing the allowance under paragraph (3) shall not exceed the difference be-

tween 30 and the number of allowable years of service under paragraph (1); and

"(4) Thirty-six dollars multiplied by the number of years' service rendered in the Territory of Alaska in the construction of the Alaska Railroad, either in the employ of the Alaska Engineering Commission and the Alaska Railroad or of either of them, between March 12, 1914, and July 1, 1923, plus the number of years' service, if any, rendered on the Isthmus of Panama either in the employ of the Isthmian Canal Commission or the Panama Railroad Co. between May 4, 1904, and April 1, 1914.

"In no case, however, shall the total annuity paid exclusive of that provided in paragraph (4) hereof, be less than an amount equal to the sum of—

"The average annual basic salary, pay, or compensation, not to exceed \$2,000 per annum, received by the employee during any 5 consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (1) hereof, and divided by 40, and the average annual basic salary, pay, or compensation, not to exceed \$1,600 per annum, received by the employee during any 5 consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (3) hereof, and divided by 40.

"The annuity granted under paragraphs (1), (3), and (4) of this section shall not exceed three-fourths of the average annual basic salary, pay, or compensation received by the employee during any 5 consecutive years of allowable service at the option of the employee.

"Any employee at the time of his retirement may elect to receive, in lieu of the life annuity herein described, an increased annuity of equivalent value which shall carry with it a proviso that no unexpended part of the principal upon the annuitant's death shall be returned. For the purposes of this act all periods of service shall be computed in accordance with section 7 hereof, and the annuity shall be fixed at the nearest multiple of 12.

"The term 'basic salary, pay, or compensation,' wherever used in this act, shall be so construed as to exclude from the operation of the act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

"Sec. 7. Subject to the provisions of section 8, hereof, the service which shall form the basis for calculating the amount of any benefit provided in this act shall be computed from the date of original employment, whether as a classified or an unclassified employee, in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government and service in Alaska with the Alaska Engineering Commission and the Alaska Railroad, or of either of them, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Co.; also periods of service performed overseas under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and elects to receive a pension under any law, or retired pay on account of military or naval service, or compensation under the War Risk Insurance Act, the period of his military or naval service upon which such pension, retired pay, or compensation is based shall not be included, but nothing in this act shall be so construed as to affect in any manner his right to a pension, or to retired pay, or to compensation under the War Risk Insurance Act in addition to the annuity herein provided.

"In computing length of service for the purposes of this act all periods of separations from the service, and so much of any leave of absence without pay as may exceed 6 months in the aggregate in any calendar year, shall be excluded: *Provided*, That river-boat employees, who in the past have been, or in the future may be, employed during the navigation season under a working agreement, shall for the purposes of this act be considered in a leave-of-absence-without-pay status for the time prior and subsequent to the season of navigation during the calendar year in which employed.

"In determining the total periods of service upon which the allowances are to be computed under section 6 hereof, the fractional part of a month, if any, shall be eliminated from each respective total period."

With the following committee amendments:

Page 2, line 20, strike the word "Alaska" and insert in lieu thereof the word "Alaskan."

Page 4, line 18, strike the word "Alaska" and insert in lieu thereof the word "Alaskan."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RESERVE OFFICERS WITH CIVILIAN CONSERVATION CORPS

Mr. MAY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 237, and for consideration of the bill (H. R. 6070) to amend section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.).



The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That section 5 of the act approved April 3, 1939 (Public, No. 18, 76th Cong.), is hereby amended by inserting after the comma in line 5 of the final proviso of that section the expression "other than for service with the Civilian Conservation Corps."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RETIREMENT OF EMPLOYEES OF ALASKA RAILROAD

The Clerk called the next bill, H. R. 2642, to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (c) of section 11 of the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, is amended to read as follows:

"(c) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 6 of this act an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit and any accrued annuity shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries designated in writing by such annuitant and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such annuitant;

"Third, if there be no such beneficiary, or executor or administrator, payment may be made, after the expiration of 30 days from the date of the death of the annuitant, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

"In the case of an annuitant who has elected to receive an increased annuity as provided in section 6 of this act, the amount to be paid under the provisions of this subsection shall be only the accrued annuity."

Sec. 2. Subsection (d) of said section 11 is amended to read as follows:

"(d) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries designated in writing by such employee and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such employee;

"Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of 30 days from the date of the death of the employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person."

Sec. 3. Subsection (e) of said section 11 is amended to read as follows:

"(e) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed \$1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of 30 days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person."

Sec. 4. Subsection (f) of said section 11 is amended to read as follows:

"(f) Each employee or annuitant to whom this act applies may, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries to whom shall be paid, upon the death of the employee or annuitant any sum remaining to his credit (including any accrued annuity) under the provisions of this act."

Sec. 5. This act shall become effective as of the thirtieth day following the date of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CLASSIFICATION OF CERTAIN UNCLASSIFIED UNITED STATES EMPLOYEES

The Clerk called the next bill, H. R. 4190, to permit classification of certain unclassified employees of the United States by noncompetitive examination.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 7 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended (U. S. C., title 5, sec. 638), is amended by adding at the end thereof the following new sentence: "Any laborer, having an unclassified status, who has completed not less than 5 years' satisfactory service in the employ of the United States, may, under such rules and regulations as the President may prescribe, be promoted to the position of classified laborer through noncompetitive examination."

With the following committee amendment:

After the word "status" and before the comma in line 7, insert the words "and having been appointed under the labor regulations."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UNITED STATES COAST GUARD ACADEMY LIBRARY

The Clerk called the next bill, H. R. 4306, to make the United States Coast Guard Academy library a public depository for Government publications.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the library of the United States Coast Guard Academy, New London, Conn., is hereby constituted a designated depository of Government publications, and the Superintendent of Documents shall supply to such library one copy of each such publication, in the same form as supplied to other designated depositories.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FEDERAL AID TO STATE FREE HIGHWAY BRIDGES

The Clerk called the next bill, S. 1109, to amend an act entitled "An act to aid the several States in making or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes", approved August 14, 1937, is hereby amended to read as follows:

"That in the case of each and every State, or political subdivision or subdivisions thereof, which, prior to the date of approval of this act, shall have constructed or acquired any toll bridges on the approved system of Federal-aid highways, and which has caused or shall, prior to July 1, 1939, cause any such toll bridge or toll bridges to be made free, the Secretary of Agriculture shall be, and he is hereby, authorized to pay out of the regular and secondary Federal-aid road funds appropriated to such State not to exceed 50 percent of such amount as may be approved by the Secretary of Agriculture as the reasonable value or construction cost of any such bridge, whichever shall be least: *Provided*, That no payment of Federal funds shall be made on account of any such bridge which was not constructed in accordance with plans and specifications which would meet the standards required by the Secretary of Agriculture at the time such bridge was constructed, nor on account of any bridge the construction of which was completed prior to March 3, 1927: *And provided further*, That no such payment shall be made which will exceed 50 percent of the reasonable value or cost of the labor and materials which were actually incorporated in the construction of such bridge, excluding all costs of rights-of-way, property damages, and financing costs, whichever, value or cost, shall be least, and any amount so paid on account of any such bridge from regular Federal-aid road funds shall be used for matching unobligated regular Federal-aid road funds available to the State for expenditure in the improvement of highways on the system of Federal-aid highways, and any amount so paid on account of any such bridge from secondary Federal-aid road funds shall be used for matching unobligated secondary Federal-aid road funds available to the State for expenditure in the improvement of secondary or feeder roads."

With the following committee amendments:

Page 2, line 2, strike out "the date of approval of this act" and insert "July 1, 1941."

The committee amendment was agreed to.

Page 2, line 6, strike out "1939" and insert "1941."

The committee amendment was agreed to.

Page 3, after line 10, insert the following:

"Sec. 2. That section 10 of the Federal Aid Highway Act of 1938 is hereby amended to read as follows:

"Sec. 10. With the approval of the Secretary of Agriculture, not to exceed 1½ percent of the amount apportioned for any year to any State under the Federal Highway Act as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads, or grade-crossing eliminations."

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Page 2, line 7, strike out "Secretary of Agriculture" and insert in lieu thereof "Federal Works Administrator."

Page 2, line 11, strike out "Secretary of Agriculture" and insert "Federal Works Administrator."

Page 3, lines 13 and 14, strike out "Secretary of Agriculture" and insert "Federal Works Administrator."

Mr. WHITTINGTON. Mr. Speaker, when this bill was reported by the Committee on Roads the jurisdiction of the Bureau of Roads was under the Secretary of Agriculture. Under one of the two reorganization programs which went into effect on July 1, the jurisdiction of the public roads is now in the Federal Works Administrator. The amendment I have offered is simply a perfecting amendment striking out the words "Secretary of Agriculture" and inserting the words "Federal Works Administrator," where they occur in the bill and the committee amendment.

Mr. WOLCOTT. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I notice in the committee amendment that the Secretary of Agriculture must approve not to exceed 1½ percent of the amount apportioned for surveys, and so forth. Does the gentleman's amendment apply to that as well?

Mr. WHITTINGTON. There are three amendments in one. Wherever the words "Secretary of Agriculture" occur in section 2 constituting said amendment as well as in the previous section of the bill, they are stricken out and the words "Federal Works Administrator" inserted.

Mr. WOLCOTT. The gentleman's amendment applies to "Secretary of Agriculture" wherever it appears in the Committee amendment?

Mr. WHITTINGTON. Yes; in the committee amendment, and in the bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTINGTON].

The amendment was agreed to.

Mr. CASE of South Dakota. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, lines 4 and 6, strike out the word "toll."  
Page 2, line 19, strike out "1927" and insert "1924."

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that the amendments may be reported again. I could not catch them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There was no objection.

The Case amendment was again read by the Clerk.

Mr. WHITTINGTON. Mr. Speaker, I make a point of order against the amendment.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WHITTINGTON. There are two subject matters embraced in the amendment. One deals with toll bridges, and the other deals with the time of completion of construction of bridges, which are two entirely different subject matters.

The SPEAKER pro tempore. Does the gentleman from South Dakota desire to be heard?

Mr. CASE of South Dakota. Mr. Speaker, those were offered as separate amendments.

The SPEAKER pro tempore. Does the Chair understand that the gentleman from South Dakota [Mr. CASE] offers the amendments as separate amendments?

Mr. CASE of South Dakota. Yes. I sent them to the desk as separate amendments.

The SPEAKER pro tempore. Without objection, the Clerk will report the first amendment offered by the gentleman from South Dakota [Mr. CASE].

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota:  
Page 2, lines 4 and 6, strike out the word "toll."

The SPEAKER pro tempore. Does the gentleman from Mississippi [Mr. WHITTINGTON] make a point of order?

Mr. WHITTINGTON. No.

WHY DISCRIMINATE AGAINST STATES THAT BUILT FREE BRIDGES?

Mr. CASE of South Dakota. Mr. Speaker, the purpose of this amendment is plain, and those who have the bill before them can tell readily what it means.

The bill before us provides that the States may secure credit on their highway-fund allotment for toll bridges that they may have purchased or made available, provided that those toll bridges are on a Federal-aid highway system, and provided further that those bridges meet the plans and specifications set up by the Secretary of Agriculture for the construction of bridges at the time the bridge was constructed. It seems to me simple justice that the States that have built bridges and paid for the entire cost of them should be entitled to credit for them in the grant of Federal-aid highway funds regardless of whether they set up a toll system or not.

Indeed, one might say in justice that the States that put up the money originally and paid for their bridges are even more entitled to credit for one-half the cost of those bridges than the States that set up toll bridges, collected tolls, and then, when the bridge is partially or fully paid for by tolls, sell a half interest to the Government.

My amendment simply strikes out the word "toll" so as to provide that wherever a State has built a bridge on the regular Federal-aid highway system and paid for it and made it available free of tolls, that it can have credit for one-half the cost, which is the regular allocation of the Federal-aid funds. The bill proposes to do this for toll bridges and for toll bridges only. Why penalize the States that made the bridge free in the first instance?

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Iowa.

Mr. DOWELL. In other words, the gentleman's amendment will have the Government pay to the State one-half the cost of the bridges already constructed, instead of giving the money to the States for building roads. Is that true?

Mr. CASE of South Dakota. The bill itself proposes to do that, but limits it to toll bridges.

Mr. DOWELL. Yes, it limits it to toll bridges; but the gentleman's amendment, as I understand, means that this money will be turned over to the State for bridges that have been built in the past.

Mr. CASE of South Dakota. That is true under the bill for toll bridges built since 1927.

Mr. DOWELL. Instead of putting the money into the construction of roads.

Mr. CASE of South Dakota. Not any more than is proposed for toll bridges built in the past.

Mr. DOWELL. That is what it will do.

Mr. CASE of South Dakota. The gentleman has not read the bill fully, because the bill states that this credit of 50 percent shall be used for road purposes. This does not give additional money to the States; it only proposes, in effect, to credit them in matching with 50 percent of the cost of toll bridges. My amendment does not change the bill in one particular as to what the bill does in road building. It simply provides that the States which have built bridges



and paid for them are just as much entitled to credit for matching purposes as the States which constructed toll bridges.

Mr. DOWELL. But keep in mind that the amount that is given under this bill as it now stands for toll bridges is rather limited, and the committee recommended this bill only because it was limited to certain bridges that were toll bridges, instead of opening it up to all the bridges that have been built by the various States.

Mr. CASE of South Dakota. My amendment does not give the State any more credit than the 50 percent provided in the bill.

Mr. DOWELL. But on every bridge that has been built by the State.

Mr. CASE of South Dakota. Provided that that bridge meets the specifications set up by the Department. There certainly is more justice in crediting the States that have built these bridges and paid for them than there is in saying "If you build a bridge and finance it partly by tolls on the public we will come in and give you credit for 50 percent."

I decline to yield further on that particular question, Mr. Speaker.

I submit to the Members of the House as a matter of simple justice that this credit for 50 percent of the cost of the major bridges on the Federal highway system which meet the specifications and have been paid for in full by the States, should be given to the highway funds of those States as well as to those whose bridges were built by tolls.

I ask your support of the amendment.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Speaker, I rise in opposition to the amendment.

As a member of the Committee on Roads for many years and thoroughly familiar with Federal-highway legislation, I say that this amendment is ill-timed and that its effect will be to disrupt the Federal-aid highway program, whether the gentleman intends to do that or not. It is wholly foreign to the purpose of the bill under consideration and should be voted down unanimously.

Under the Federal Aid Highway Act the Federal Government matches funds for the construction of bridges just as it does for the construction of roads on the Federal-aid highway system. The bill under consideration was passed in 1937 to free toll bridges in order to induce the States to acquire toll bridges and make them free on Federal-aid highways. It authorized the State to use whatever money was expended up to 50 percent of the reasonable value in acquiring toll bridges to match Federal aid for future construction.

The gentleman's amendment would strike out the word "toll" and would destroy the very purpose Congress had in view when it passed the original amendment to the Highway Act which authorized the States to use the money up to 50 percent of the value of labor and material in the bridge they expected to buy or construct so as to free toll bridges, to match Federal aid. In other words, the purpose of the bill passed in 1937 was that the money spent for all toll bridges constructed or acquired that thereafter were made free might be utilized in matching Federal aid for the construction of future bridges and future highways, on the Federal-aid system.

With all deference to the gentleman, this bill was considered in the Senate, and this bill was considered by the Committee on Roads of the House. There were hearings for several days. The gentleman did not present his amendment and it was not considered by the committee. If it had been presented it should and, I believe would have been promptly rejected, because it is absolutely foreign to the purpose of the bill and would defeat the purpose Congress had in passing the bill, which was to encourage States to eliminate toll bridges on Federal-aid highways.

The original act authorized the States, if they acquired or constructed toll bridges prior to July 1, 1939, to match Federal money with the amounts they expended in acquiring

or constructing those toll bridges, up to 50 percent of the value of the bridge as stated.

The bill under consideration extends the time for freeing toll bridges until 1941, and it enables the freeing of bridges on secondary roads as well as on primary roads, for the House will keep in mind that Congress now makes an appropriation which the States have to match for the construction of secondary roads as well as primary roads.

In all the circumstances I respectfully submit that the gentleman's amendment is wholly foreign to the purposes of this bill; that the States have, heretofore and prior to the act of August 14, 1937, in an effort to encourage the freeing of toll bridges, been required to match dollar for dollar all Federal-aid money on the primary system and all Federal money on the secondary system. The purpose in the case of toll bridges was to provide that these bridges be freed and that the States might use 50 percent of the money they expended, not to exceed 50 percent of the reasonable value of the bridge, in matching Federal aid.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman.

Mr. CASE of South Dakota. I merely wish to point out that in striking out "toll bridges," you have not eliminated toll bridges from the bill. It would still read "any bridges" and therefore toll bridges would be included. So it does not destroy the purpose of the bill.

Mr. WHITTINGTON. It does destroy the purpose of the bill, because the Federal Government makes a contribution of Federal-aid highway funds in order to provide roads that are to be used by the public. The people of the United States furnish the money. It is appropriated out of the Public Treasury and the States and the local communities have to match it. If you eliminate the matching of Federal aid on all bridges, you would practically eliminate the matching of Federal aid, and I respectfully submit that if the Congress stands for Federal aid and for the continuance of such program, then the amendment is ill-advised and ill-considered and should be voted down promptly.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was rejected.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

#### EXTENSION OF REMARKS

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein an editorial from the Washington Star.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### THE CONSENT CALENDAR

##### AUTHORIZATION OF CERTAIN OFFICERS OF THE UNITED SERVICE TO MAKE ARRESTS

The Clerk called the next bill, H. R. 5409, to authorize certain officers of the United States Indian Service to make arrests in certain cases, and for other purposes.

The Clerk read the title of the bill.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. RAYBURN). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

#### CLAIMS OF YAKIMA TRIBES OF INDIANS

The Clerk called the next bill, H. R. 2390, conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims which the Yakima Indian Tribes may have against the United States, and for other purposes.

The Clerk read the title of the bill.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, I object to the consideration of the bill.

Mr. HILL. Mr. Speaker, will the gentleman reserve his objection?

Mr. COCHRAN. Mr. Speaker, the committee has paid no attention to the letter of the Attorney General, but for one time I wish to congratulate some members of the Committee on Indian Affairs, as they have presented minority views on an Indian bill. I promised members of the minority who are unavoidably absent I would object to the consideration of the bill. Letters from the Attorney General and General Accounting Office clearly indicate, if this bill passes in its present form, the Government will be unable to properly defend itself before the Court of Claims. I insist this Congress should accept the recommendations of those who must look after the Government's interest before the court. I therefore object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard.

#### MOTORBOAT ACT

The Clerk called the bill (H. R. 6273) to amend certain sections of the Motor Boat Act of June 9, 1910, the act of Congress approved June 7, 1897, the act of Congress approved February 8, 1895, and section 4412 of the Revised Statutes, with respect to boats equipped with detachable motors and other motorboats.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### UNITED STATES COAST GUARD ACADEMY

The Clerk called the bill (H. R. 6442) to amend an act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 7 of the act of April 16, 1937 (50 Stat. 67; U. S. C., 1934 ed., Supp. IV, title 14, sec. 15h), is hereby amended by striking out the first paragraph and inserting in lieu thereof the following:

"In addition to the Advisory Board, there shall be appointed in January of each year a Board of Visitors to the Coast Guard Academy, which shall consist of two Senators and three Members of the House of Representatives, appointed by the chairmen of the committees of the Senate and the House of Representatives, respectively, having cognizance of legislation pertaining to the Coast Guard Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively: *Provided*, That whenever a member or an ex officio member is unable to attend the annual meeting as provided in paragraph (b) of this section another member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### STANOLIND PIPE LINE CO.

The Clerk called the bill (S. 504) to provide a right-of-way.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### NATIONAL DEFENSE

The Clerk called the bill (S. 2096) to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended (41 Stat. 761), be, and the same is hereby, amended by striking out the last clause thereof, reading as follows: "and shall take rank

next below second lieutenants and among themselves according to the dates of their respective warrants" and inserting in lieu thereof the following: "and all warrant officers, including those of the Army Mine Planter Service, shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants: *Provided*, That for command purposes aboard their vessels, warrant officers of the Army Mine Planter Service shall take rank among themselves, in the order, master, chief engineer, first mate, assistant engineer, second mate, each according to the date of appointment to such rating."

With the following committee amendment:

Page 2, line 5, strike out the words "for command purposes."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### GEORGE ROGERS CLARK NATIONAL MEMORIAL

The Clerk called the bill (H. R. 6528) to provide for the creation of the George Rogers Clark National Memorial, in the State of Indiana and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That when title to the George Rogers Clark Memorial, in Vincennes, Ind., on the site of Fort Sackville, including such real and personal property in connection therewith, as may be designated by the Secretary of the Interior as necessary or desirable for national memorial purposes shall have been vested in the United States without cost, the same shall be called The George Rogers Clark National Memorial.

Sec. 2. That the Secretary of the Interior is hereby authorized, in his discretion, to accept on behalf of the United States title to such property within 1 mile of the said memorial, after establishment thereof, as may be donated for addition to said memorial and upon acceptance thereof the same shall be a part of the said memorial.

Sec. 3. That the administration, protection, and development of the aforesaid national memorial shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended.

Sec. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GOLDEN GATE BRIDGE AND HIGHWAY DISTRICT

The Clerk called the bill (H. R. 2168), to authorize the Secretary of War to make contracts for the supplying of water to the Golden Gate Bridge and Highway District.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That power and authority are hereby granted to the Secretary of War to make and enter into contracts, agreements, or other arrangements, whereby the Golden Gate Bridge and Highway District will receive water through the water-pipe lines on the military reservation of the Presidio of San Francisco, Calif., for use at the toll plaza of the Golden Gate Bridge. Such contracts, agreements, or other arrangements, will be for periods of not more than 5 years each, and shall provide that the water received through the Government's lines shall be metered and delivered at the water mains on the military reservation. Water so delivered shall be replaced in kind from the water mains of the city of San Francisco, Calif., or other acceptable source, at the expense of the Golden Gate Bridge and Highway District, by an equal quantity of water plus 5 percent additional to cover wastage. Any expense incident to the extension of the lines or additional equipment necessary to bring the water to the toll plaza must be met by the Golden Gate Bridge and Highway District.

With the following committee amendment:

Page 2, line 9, after the word "extension", insert the words "and maintenance."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time; was read the third time and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to make contracts, agreements, or other arrangements for the supplying of water to the Golden Gate Bridge and Highway District."

A motion to reconsider the vote by which the bill was passed was laid on the table.



## GRANTING TO CALIFORNIA JURISDICTION OVER CERTAIN RIGHTS-OF-WAY

The Clerk called the bill (H. R. 2967) to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over a certain road about to be constructed in the Presidio of San Francisco Military Reservation.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby granted to the State of California a retrocession of jurisdiction over the rights-of-way covered by a certain grant from the Secretary of War to the State of California and the Department of Public Works of the State of California, dated February 14, 1938, to extend, maintain, and operate a State road, across the Presidio of San Francisco Military Reservation, as heretofore or hereafter amended by the Secretary of War, subject to all of the terms and conditions contained in said permit as so granted and any amendments thereof as aforesaid. The land and premises over which such retrocession of jurisdiction is hereby granted shall be the whole of the rights-of-way so granted in said permit and any amendments thereof throughout their entire length and width and for the entire distance granted therein.

SEC. 2. Should the United States assume exclusive control and management of said road as provided in said permit and any amendments thereof, the jurisdiction herein retroceded shall be suspended and revert in the United States for the duration of such control and management. Whenever the State of California shall cease to occupy said rights-of-way and land for the purpose authorized in said permit and any amendments thereof, then the same, including all jurisdiction thereover, shall revert to the United States.

SEC. 3. The retrocession of jurisdiction herein granted shall not become effective until the same is accepted by the Legislative of the State of California.

With the following committee amendments:

On page 1, lines 6 and 7, delete the words "and the Department of Public Works of the State of California"; line 7, strike out the following language, "February 14, 1938" and insert in lieu thereof "July 27, 1938"; line 8, after the word "road", add a comma and the following language "known as the Funston Avenue approach."

On page 2, line 20, strike out the word "Legislative" and insert in lieu thereof the word "Legislature."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

## PROBATIONARY APPOINTMENTS, REGULAR ARMY

The Clerk called the bill (H. R. 3654) to provide for probationary appointments of officers in the Regular Army.

The SPEAKER pro tempore. Is there objection?

Mr. BARDEN. Mr. Speaker, I object.

## AMENDING FLOOD-CONTROL ACTS

The Clerk called the bill (H. R. 6634) amending previous flood-control acts and authorizing certain preliminary examinations and surveys for flood control, and for other purposes.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That section 2 of the Flood Control Act of August 28, 1937, is hereby amended to read as follows:

"That the Secretary of War is hereby authorized to allot not to exceed \$300,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris and clearing channels in navigable streams and tributaries thereof when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than \$25,000 shall be allotted for this purpose for any single tributary from the appropriations for any one fiscal year."

SEC. 2. Funds heretofore or hereafter appropriated for construction and maintenance of flood-control works by the War Department shall be available for expenditure by the War Department in making examinations and surveys for flood control heretofore or hereafter authorized, or in preparing reports in review thereof as authorized by law, in addition to funds heretofore authorized to be expended for such purposes by the War Department.

SEC. 3. That section 2 of the River and Harbor Act of June 20, 1938, is hereby made applicable to authorized works of flood control.

SEC. 4. The flood-control plan for the Ohio River Basin, authorized in section 2 of the act of Congress June 28, 1938 (Public, No. 761, 75th Cong.), shall include the Muskingum River Valley dams and reservoirs as set forth in the official plan of the Muskingum Watershed Conservancy District and the provisions of section 2 of the said act shall apply thereto: *Provided, however*, That the reimbursements in connection with the Muskingum project shall

be made from funds heretofore or hereafter appropriated and shall not exceed actual expenditures made by the Muskingum Watershed Conservancy District that are deemed reasonable by the Secretary of War and the Chief of Engineers nor include any expenditures for the relocation of highways nor any funds provided by the State of Ohio nor by any State or Federal agency other than the Muskingum Watershed Conservancy District.

SEC. 5. The Secretary of War is hereby authorized and directed to cause to be performed under the supervision of the Chief of Engineers preliminary examinations and surveys for flood control, including floods aggravated by or due to tidal effect, at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That the surveys authorized to be performed under the direction of the Secretary of War as well as all duties performed by the Chief of Engineers under the direction of the Secretary of War shall be functions of the Engineer Corps, United States Army, and its head, to be administered under the direction of the Secretary of War and the supervision of the Chief of Engineers except as otherwise specifically provided by Congress: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed, are submitted, no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until the project for the proposed work shall have been adopted by law:

Connecticut River in the State of Massachusetts, between the Hatfield town line above Coolidge and the Narrows, at Mount Tom. Bellows Pond and Canada Lake drainage area, Fulton County, N. Y.

Owasco Inlet, Owasco Outlet, and their tributaries, Cayuga and Tompkins Counties, N. Y.; Crane Brook, Jericho Brook, and Cold Spring Brook in Cayuga County, N. Y.

Delaware River and its tributaries at, and in the vicinity of, Morrisville, Bucks County, Pa.

Nashaminy Creek, Bucks County, Pa. Pequest River and its tributaries in Warren and Sussex Counties, N. J.

Lumber River and its tributaries, N. C. and S. C. Black River, Catahoula and Concordia Parishes, La. Leaf and Bowie Rivers and their tributaries, Miss. North Fork of the Clinch River, Va. and Tenn. Auglaize, Blanchard, and Ottawa Rivers and their tributaries, Ohio.

Portage River and its tributaries, with particular reference to the Middle Branch, in Ohio.

Wabash River and its tributaries, Ind. and Ill. Illinois River and its tributaries, including Crow Creek, Gimlet Creek, Farm Creek, and Ten Mile Creek, in Illinois.

Edwards River, Ill.

Knife River and its tributaries, N. Dak. Goose River and its tributaries, N. Dak.

Skokomish River, Mason County, Wash.

Waimea, Hanapepe, Waialua, and Hanalei Rivers and their tributaries and Kapaa Swamp on the island of Kauai, T. H.

Anahulu River and other streams and tributaries in the Waialua District and the Kawaiui Swamp in the Kailua District, island of Oahu, T. H.

Coamo, La Plata, Patillas, Anasco, Toro Negro, and Toa Vaca Rivers and their tributaries on the island of Puerto Rico.

Wailoa Stream and its tributaries on the island of Hawaii, T. H.

With the following committee amendments:

On page 2, line 17, strike out the figure "2" and insert the figure "4."

On page 3, line 6, change the period to a colon and insert the following: "*And provided further*, That the Muskingum Watershed Conservancy District is hereby relieved of any obligation to maintain and operate the dams."

On page 4, line 12, after the name "Coolidge", insert the word "Bridge."

On page 5, between lines 2 and 3, add a new paragraph, as follows:

"Kissimmee River, Fla., including regulation and stabilization of water levels."

On page 5, line 12, strike out the words "Crow Creek" and insert "both creeks having the name Crow."

The committee amendments were agreed to.

Mr. WHITTINGTON. Mr. Speaker, I offer two amendments, which are at the desk.

The Clerk read as follows:

Amendment offered by Mr. WHITTINGTON: Page 5, after line 15, insert a new paragraph, as follows:

"Mississinewa River and its tributaries, Ind. "Pium River and its tributaries, Carroll County, Ill."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment offered by Mr. WHITTINGTON: Section 4, page 2, at the end of line 23, insert the following: "shall include, in addition to payments to landowners, the reasonable expenses of acquiring lands, easements, or rights-of-way heretofore transferred to the United States, as well as those hereafter transferred, and the reasonable expenditures made in acquiring lands or rights-of-way transferred to railroads or other utilities in connection with the relocation of such facilities other than highways. Such reimbursements."

The amendment was agreed to.

Mr. LUDLOW. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUDLOW: On page 2, after the word "department" in line 12, insert a new section, as follows:

"Sec. 3. Section 3 of the act entitled 'An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved June 22, 1936, as amended, is amended by adding before the period at the end thereof a colon and the following: 'And provided further, That if, after investigation, the President finds that any city or town is, by reason of its financial condition, unable to comply with the requirements of this section as to local cooperation, he is hereby authorized to waive such requirements on any individual levee or flood-wall project not to exceed 50 percent of the estimated costs of the lands, easements, and rights-of-way.'

"The first paragraph of section 2 of the act entitled 'An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved June 28, 1938, is amended to read as follows:

"That section 3 of the act of June 22, 1936 (Public, No. 738, 74th Cong.), as heretofore amended, as herein further modified, and as amended after June 28, 1938, shall apply to all flood-control projects, except as otherwise specifically provided by law."

Mr. WHITTINGTON. Mr. Speaker, I make the point of order against the amendment that it is not germane to the bill under consideration, and, second, it is not germane to any section of the bill under consideration.

Mr. LUDLOW. Will the gentleman withhold the point of order until I can make a statement?

Mr. WHITTINGTON. I will withhold the point of order for the gentleman to make a statement. I reserve the point of order, Mr. Speaker.

Mr. LUDLOW. Mr. Speaker, I am offering this amendment on behalf of my colleague from Indiana, Representative EUGENE B. CROWE, who is unavoidably away from the Capitol at this time.

In explanation of the purpose of the amendment, Mr. CROWE has written me a letter which, with the indulgence of the House, I would like to read for the information of the House upon this subject.

Mr. Crowe's district borders on the Ohio River, and in the past it has suffered much damage from floods. Mr. Crowe has been very zealous in trying to secure relief for cities in his district where floods have been, and are likely to be, a major affliction. No other Member of this House has done more to promote sound and adequate flood-control measures than Mr. Crowe, and this amendment is further evidence of his desire to serve his constituents in the flood areas of Indiana, as well as the victims of flood ravages in many other sections of the country, where the towns and cities are not able to qualify under existing laws.

Mr. Crowe's letter explaining the amendment now before the House follows:

JULY 1, 1939.

Hon. LOUIS LUDLOW,  
Washington, D. C.

DEAR CONGRESSMAN: Because of my necessary absence from Washington, I desire to have you introduce H. R. 6809 as an amendment to Mr. WHITTINGTON's flood-control bill.

I am introducing this in the interest of cities which are unable to provide all the expense of lands, easements, and rights-of-way for levees and water walls.

I have, however, in mind the city of Jeffersonville, Ind., which is utterly unable to provide all of these funds. Two-fifths of that city is Government-owned property, housing millions of dollars of value, which should be considered by the membership of the House.

This is not a new departure. The 1937 act carried such provision which was taken advantage of by only several cities.

I submit Jeffersonville, Ind., is utterly unable to provide all this expense and cannot take advantage of allotment for Federal funds now provided to start their levees unless this amendment I am offering becomes written into law.

Furthermore, when levees are constructed across the river at Louisville, Ky., the next floods pouring more water in Jeffersonville because of the levees across the river, will entirely wash Jeffersonville away.

I urge acceptance of this amendment.

Sincerely,

EUGENE B. CROWE.

Mr. Speaker, that explains the purpose of the amendment.

In respect to the point of order, I am not so sure but what it is well made. However, I should like to submit to the Chair this observation: That under the very title of this bill it is an act to amend previously enacted flood-control laws. The purpose of the amendment I submit is to amend two previously enacted flood-control laws. I would like, therefore, to call the Chair's attention to the fact that this amendment is merely an extension of the central thought and purpose of the bill introduced by the gentleman from Mississippi [Mr. WHITTINGTON], and therefore may well be held to be relevant and germane.

Mr. WHITTINGTON. Mr. Speaker, I make the point of order that, as I said, this amendment is not germane to the bill. The bill undertakes to amend the Flood Control Act of 1937 and the Flood Control Act of 1938. They are perfecting amendments. The gentleman's amendment is an amendment to the act of 1936, that is in no way involved in this bill, as it relates to local contributions for levees and flood walls.

So I make the point of order that the amendment is not germane to the bill under consideration or any section thereof.

The SPEAKER pro tempore. The Chair is ready to rule.

Mr. DOWELL. Mr. Speaker, the amendment submitted by the gentleman from Indiana merely asks to relieve the city from the payment of what is due under the law and is in no way germane to the question before the House.

The SPEAKER pro tempore (Mr. RAYBURN). The Chair is ready to rule.

The bill before the House is a bill to amend the Flood Control Act of 1937. That act had one purpose. The Flood Control Act of 1936 had another purpose. The gentleman from Indiana [Mr. LUDLOW] offers an amendment as an amendment to the Flood Control Act of 1936. The amendment clearly is not germane to this bill, and the Chair sustains the point of order.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, under the leave just granted to extend my remarks, I should like to say with respect to the merits of the amendment introduced by the gentleman from Indiana [Mr. LUDLOW], at the request of the gentleman from Indiana [Mr. CROWE], that the proposed amendment is really an exact copy of the bill, H. R. 6809, introduced by the gentleman from Indiana [Mr. CROWE]. This bill authorizes the President to waive up to 50 percent of the local contribution. Such a provision obtained in the Emergency Flood Control Act of August 28, 1937. It was inserted in the Senate and agreed to in conference.

It has been the uniform policy of the Committee on Flood Control to sponsor a definite yardstick for local contributions. Under existing law, all local interests are required to provide lands and rights-of-way for flood walls and for levees. The proposed amendment would make indefinite a definite yardstick. I am familiar with the purpose of the gentleman from Indiana [Mr. CROWE]. There are Government depots and large Army investments at Jeffersonville, Ind. I am sympathetic with a more liberal contribution on the part of the Government to protect Federal property. I would have opposed the amendment to the pending bill on its merits. It has not been considered by the War Department; it has not been reported on by the Chief of Engineers. Only matters that have been favorably reported on by the Chief of Engineers are included in the pending bill.



In this connection it is proper for me to say that the amendment that I introduced and which was first adopted to section 4 of the pending bill in connection with the Muskingum project, was recommended by the Chief of Engineers. It is really a perfecting amendment.

I may also state that the two amendments for preliminary examinations and surveys are covered by bills introduced by Members after the reporting of the bill under consideration, but the Chief of Engineers has approved the projects for preliminary examinations and surveys of the said streams.

In this connection I think it might be well for me to make a general statement with respect to the bill. It is really an omnibus flood-control bill with perfecting amendments to existing law, and, as I have said, it provides for no additional appropriations.

The pending bill carries no additional authorizations and was unanimously reported by the Committee on Flood Control. It embraces clarifying and perfecting amendments to existing law and contains authorizations for preliminary examinations and surveys of streams on which bills have been introduced with favorable reports by the Department of War and the Department of Agriculture.

Many bills are introduced by Members of Congress for preliminary examinations and surveys. These bills are referred to the Chief of Engineers of the War Department and to the Department of Agriculture. Instead of reporting and considering the individual bills it is the policy of the committee to combine all of the bills into an omnibus bill. All preliminary examinations and surveys that have been favorably reported by the Department of War and the Department of Agriculture during the present session are included in section 5 of the pending bill.

#### ANALYSIS OF THE BILL

##### SECTION 1

Section 2 of the Flood Control Act of August 28, 1937, authorized the expenditure of \$300,000 annually for removing accumulated snags and other debris, and clearing channels in navigable streams and tributaries, from any appropriations for flood control. The language of the section, however, was such that the amount of \$25,000, which is the maximum amount that could be spent on any single stream, had to be expended during the fiscal year in which it was allotted.

On account of weather conditions in some cases the expenditure could not be made in the fiscal year in which the allocation was made. Section 1 of the pending bill is, therefore, an amendment to section 2 of August 28, 1937, to remove the technical objections that required the allotment to be expended during the fiscal year prior to an additional allotment being made. Again, it often happens that there are accumulated snags and other debris and channels that should be cleared in more than one tributary of a navigable river, in which improvements have been made for flood control. Section 1 of the bill, therefore, clarifies section 2 of the act of 1937, but nevertheless, it limits the expenditure to \$25,000 on any one tributary, as provided in the original act.

##### SECTION 2

Section 2 of the Flood Control Act of June 28, 1938, authorized the sum of \$5,000,000 to be appropriated and expended by the Department of War, and an equal amount was authorized to be expended by the Department of Agriculture. A similar provision obtained in the act of June 22, 1936. River and harbor annual appropriation bills are so worded that all river and harbor funds are available for examinations and surveys. Annual flood-control appropriations are not so worded, and, therefore, section 2 of the pending bill is needed.

##### SECTION 3

Section 2 of the River and Harbor Act of June 20, 1938, authorizes the Secretary of War to exchange land or other property of the Government for private property in the execution of river and harbor improvements. Such authority

should be extended to flood-control improvements, as it might prove desirable and in the interest of economy in certain cases to make such exchanges.

##### SECTION 4

The Flood Control Act of June 28, 1938, provided that the costs of dams and reservoir projects, including the maintenance and operation thereof, should be borne by the Federal Government. This provision was made applicable to the reservoirs authorized in the flood control acts of 1936. Section 4 of the act of June 28, 1938, authorized the Secretary of War to reimburse the Muskingum watershed conservancy district in Ohio, a sum not to exceed the actual expenditures made by it in acquiring lands, easements, and rights-of-way for reservoirs in the Muskingum River Valley, not to exceed \$4,500,000. It now develops that the reimbursements will aggregate about \$6,500,000 rather than \$4,500,000. These reservoirs have been constructed by the Chief of Engineers. The State of Ohio appropriated \$2,000,000 as disclosed by the hearings to assist the district in purchasing lands and rights-of-way. The State of Ohio also agreed to relocate the highways and has expended something like \$4,000,000 for the purpose of relocating highways. It is estimated that the total cost of relocating highways will be around \$9,000,000.

The Muskingum project was originally begun as a Public Works project, although allocations have been made to the project out of relief and emergency funds. It is felt that the Muskingum project is entitled to the same consideration accorded to other projects in the Ohio River Valley.

H. R. 4291 was introduced for the purpose of bringing the Muskingum dams and reservoirs within the provisions of the act of June 28, 1938, and it was referred to the Department of War. The Department of War submitted a favorable report but suggested certain amendments. These amendments were adopted by the committee. Section 4 of the pending bill is, therefore, favorably recommended by the Department of War and the Bureau of the Budget. The favorable recommendation of the Secretary of War and the Bureau of the Budget is embraced in the report of the committee on the pending bill.

##### SECTION 5

As has been stated, this section contains the preliminary examination and survey bills that have been introduced and favorably reported by the Chief of Engineers. All of the items embraced in the bill were recommended by the Chief of Engineers. Hearings were conducted and printed and they are available to the Members of Congress.

##### NO MAJOR FLOODS IN 1939

While there have been destructive floods, including the New England hurricane and flood in the fall of 1938, and the Ohio River floods in the early spring of 1939, and while in recent days there have been floods along the Tallahatchie River in Mississippi and along the tributaries of the Ohio River in Kentucky, there have been no major floods in the United States since the approval of the Flood Control Act of June 28, 1938, authorizing the appropriation of \$375,000,000 for flood-control works over the period of 5 years ending June 30, 1944.

Inasmuch as appropriations have just been made under the act of June 28, 1938, the committee felt that while there are a number of worthy projects on which favorable reports have been submitted by the Chief of Engineers up to the time the bill was reported on June 7, 1939, nevertheless the objective of the committee during the present session has been to cooperate to secure adequate appropriations for works already authorized rather than report additional authorizations. The committee plans to report an authorization bill during the next session of the Congress. This bill will embrace worthy projects, including a project on the Connecticut River at East Hartford, Conn., including projects for the protection of Adams and North Adams, Mass., Bennington, Vt., Hoosic Falls, N. Y., and including a project on the White River, Ark. Inasmuch as other works have been authorized in the general areas mentioned, it is believed that the emergency is not such as to require a separate authori-

zation bill during this session covering said projects. Moreover, there are other areas where the flood problem is equally serious that are entitled to consideration.

FLOOD CONTROL ACT OF JUNE 28, 1938

The Flood Control Act of June 28, 1938 was not signed by the President until after the Congress adjourned. Prior to the present session no appropriations have been made for the execution of the projects authorized in the said act. This act reaffirms the national policy declared in the act of 1936. No new agencies have been established, but existing agencies familiar with the problems involved, that have devoted years to studies and investigations, as well as to construction of works, are utilized in the policy declared in the act of 1938 as they were in the act of 1936.

There is a definite plan for each great drainage basin of the country. All of the projects authorized will fit into that plan. Authorizations were made to initiate the plans, but each project authorized will fit into the comprehensive plan approved. Funds cannot be diverted from one drainage basin to another; they must be spent where they are authorized or they cannot be spent at all.

Authorizations are made for local protective improvements, especially along the Ohio River and for reservoirs along the principal headwater drainage basins of the country. It is contemplated that priority projects will have first consideration.

The Department of War and the Department of Agriculture has cooperated; their work has been coordinated; there has been no conflict.

Under the terms of the act of 1938 local interests will provide the rights-of-way for levees and river walls, but the Federal Government pays the entire cost of reservoirs for flood control. They will be constructed in the order of their priority as selected by the Chief of Engineers. I invite the attention of the members to the report of the committee on the pending bill. As I have stated, the hearings were printed and are available to the Members.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to return to Calendar No. 249, H. R. 6442, to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy, to vacate the proceedings by which the bill was passed, and to substitute in lieu of the House bill, an identical Senate bill, S. 2503.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That section 7 of the act of April 16, 1937 (50 Stat. 67; U. S. C., 1934 ed., Supp. IV, title 14, sec. 15h), is hereby amended by striking out the first paragraph and inserting in lieu thereof the following:

"In addition to the Advisory Board, there shall be appointed in January of each year a Board of Visitors to the Coast Guard Academy, which shall consist of two Senators and three Members of the House of Representatives, appointed by the chairman of the committees of the Senate and the House of Representatives, respectively, having cognizance of legislation pertaining to the Coast Guard Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively: *Provided*, That whenever a member or an ex officio member is unable to attend the annual meeting as provided in paragraph (b) of this section another member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent, the proceedings by which the bill H. R. 6442 was passed were vacated and the bill was laid on the table.

WENATCHEE NATIONAL FOREST

The Clerk called the next bill, H. R. 5747, to authorize the addition of certain lands to the Wenatchee National Forest.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That any of the following-described lands which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be exchanged under the provisions of the act entitled "An act to consolidate national forest lands," approved March 20, 1922, as amended, and upon acceptance of title therefor shall become parts of the Wenatchee National Forest: Township 25 north, range 21 east, Willamette meridian, section 5; section 6, north half. Township 26 north, range 21 east, Willamette meridian, sections 1 to 8, inclusive; section 17, west half; sections 18 and 19; section 20, west half; section 29, west half; sections 30 and 31. Township 27 north, range 21 east, Willamette meridian, sections 19 to 36, inclusive.

SEC. 2. All public lands within the areas described in section 1 are hereby added to the Wenatchee National Forest and shall hereafter become subject to all laws and regulations applicable to national forests. The addition of such lands shall not affect any entry or vested right under the public-land laws initiated prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KANIKSU NATIONAL FOREST

The Clerk called the next bill, H. R. 2752, to include within the Kaniksu National Forest certain lands owned or in course of acquisition by the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That all lands of the United States situated within the area hereinafter described, including those acquired, or in course of acquisition, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), are hereby added to and made parts of the Kaniksu National Forest, Wash., and shall hereafter be subject to the rules and regulations applicable to national-forest lands, but claims, entries, filings, or appropriations under the public-lands laws, or special provisions included in conveyances of title to the United States, valid and subsisting at the date of this act and thereafter legally maintained, shall not be affected by this act.

WILLAMETTE MERIDIAN

East half, section 1; east half section 12; east half northeast quarter, section 13; township 33 north, range 39 east.

North half, north half southwest quarter, southeast quarter southwest quarter, and west half southeast quarter, section 1; east half northeast quarter, northeast quarter southeast quarter, north half northwest quarter, southwest quarter northwest quarter, and southwest quarter, section 2; sections 3 to 5, inclusive; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 6; sections 7 to 10, inclusive; northwest quarter northeast quarter, south half northeast quarter, west half, north half southeast quarter, and southwest quarter southeast quarter, section 11; sections 15 and 16; north half, north half south half, south half southeast quarter, and southwest quarter southwest quarter, section 17; east half and northwest quarter, section 18; all of section 19; east half and west half northwest quarter, section 20; all of section 21; north half north half, southwest quarter northeast quarter, and northwest quarter southwest quarter, section 22; west half east half and north half northwest quarter, section 30; township 33 north, range 40 east.

Those parts of sections 23 to 26, inclusive, lying south of the divide between the waters of Bear Creek and North Fork Chewelah Creek; that part of section 27 lying within the watersheds of North Fork Chewelah Creek or Twelve Mile Creek; that part of section 28 lying within the watershed of Twelve Mile Creek; township 34 north, range 40 east. South half, section 29; northeast quarter southeast quarter, section 30; southeast quarter northeast quarter, southeast quarter southwest quarter, and southeast quarter, section 31; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 32; sections 33 to 36, inclusive.

Northwest quarter northwest quarter, section 2; northeast quarter northeast quarter, section 3; township 35 north, range 40 east.

Sections 1 to 7, inclusive; north half, and east half southeast quarter, section 8; sections 9 to 15, inclusive; north half, and east half southeast quarter, section 16; south half northeast quarter, and north half southeast quarter, section 17; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 21; sections 22 to 28, inclusive; sections 33 to 36, inclusive; township 36 north, range 40 east.

Sections 1 and 2; lots 1, 2, 7, 8, 9, 10, 15, and 16, southeast quarter, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 1 to 15, inclusive, northwest quarter southeast quarter, south half southeast quarter, and southwest quarter, section 4; sections 5 to 36, inclusive; township 37 north, range 40 east.

Southeast quarter, section 12; township 31 north, range 41 east. Sections 1 to 4, inclusive; sections 9 to 17, inclusive; east half east half section 18; sections 22 to 27, inclusive; sections 34 to 36, inclusive; township 32 north, range 41 east.



Sections 1 to 5, inclusive; lots 1, 2, 14, south half northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 6; northeast quarter, lots 1, 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 7; sections 8 to 16, inclusive; north half, southwest quarter, north half southeast quarter, section 17; northeast quarter, lots 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 18; lots 1 to 7, inclusive, lots 9, 10, 12, northeast quarter, north half southeast quarter, section 19; northwest quarter northwest quarter section 20; northeast quarter, northeast quarter northwest quarter, and south half northwest quarter, section 21; southeast quarter northeast quarter section 22; north half, southeast quarter, north half southwest quarter, and southeast quarter southwest quarter, section 23; sections 24 to 26, inclusive; northeast quarter, east half northwest quarter, southwest quarter, northwest quarter, and south half, section 27; south half north half, and south half, section 28; all section 29; east half section 30; north half northeast quarter, southeast quarter northeast quarter, and southeast quarter, section 31; sections 32 to 36, inclusive; township 33 north, range 41 east.

All of sections 23 to 30, inclusive, lying within the watershed of North Fork Chewelah Creek, sections 31 to 36, inclusive, township 34 north, range 41 east.

Lots 2, 3, 4, 5, 6, 11, and 12, north half southwest quarter, section 4; lots 1 to 12, inclusive, north half south half, southeast quarter southwest quarter, and southwest quarter southeast quarter, section 5; all of section 6; northeast quarter northwest quarter, section 7; township 35 north, range 41 east.

Sections 1 to 24, inclusive; west half section 27; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; northwest quarter, northwest quarter southwest quarter, section 34; township 36 north, range 41 east.

Sections 1 to 36, inclusive, township 37 north, range 41 east.

Sections 1 to 3 inclusive; southwest quarter southeast quarter, section 4; northwest quarter northeast quarter, south half northeast quarter, east half northwest quarter, and south half, section 9; sections 10 to 16, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive; township 38 north, range 41 east.

Sections 1 to 6, inclusive; northeast quarter, south half northwest quarter, and south half, section 7; sections 8 to 27, inclusive; north half section 28; sections 29 and 30; north half section 31; north half and southeast quarter, section 33; sections 34 to 36, inclusive; township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 32 north, range 42 east.

Sections 1 to 36, inclusive, township 33 north, range 42 east.

Sections 1 to 4, inclusive; those parts of sections 5 to 8, inclusive, lying within the Tacoma Creek watershed; sections 9 to 16, inclusive; those parts of sections 17, 18, and 19 lying within the watersheds of Tacoma and Drummond Creeks; sections 20 to 29, inclusive; those parts of section 30 lying within the Drummond Creek watershed; sections 31 to 36, inclusive; township 34 north, range 42 east.

That portion of the township lying east of the Divide between the watersheds of the Pend Orielle River on the east and the Colville River on the west, township 35 north, range 42 east.

Sections 1 to 18, inclusive; north half, north half south half, section 19; north half, north half south half, section 20; north half, north half south half, section 21; sections 22 to 27, inclusive; that portion lying on the watershed of the Pend Orielle River, section 33; sections 34 to 36, inclusive; township 36 north, range 42 east.

Northeast quarter northeast quarter, north half northwest quarter, and southwest quarter northwest quarter, section 1; sections 2 to 11, inclusive; east half northwest quarter, southwest quarter, and southwest quarter southeast quarter, section 12; northwest quarter northeast quarter, and west half, section 13; sections 14 to 23, inclusive; south half, section 24; sections 25 to 36, inclusive; township 37 north, range 42 east.

Lots 10 to 16, inclusive, and south half, section 1; lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and south half section 2; sections 3 to 11, inclusive; northwest quarter, south half, and northwest quarter northeast quarter, section 12; sections 13 to 36, inclusive; township 38 north, range 42 east.

Sections 1 to 36, inclusive; township 39 north, range 42 east.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 19 to 36, inclusive; township 40 north, range 42 east.

Sections 4 to 9, inclusive; sections 16 to 21, inclusive; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; township 31 north, range 43 east.

West half section 5; sections 6 and 7; north half north half, and south half, section 8; sections 17 to 20, inclusive; southwest quarter section 21; southwest quarter, and south half southeast quarter, section 28; sections 29 to 33, inclusive; township 32 north, range 43 east.

Sections 4 to 9, inclusive; northwest quarter southwest quarter, section 10; sections 16 to 21, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 29; sections 30 and 31; west half northeast quarter, and west half, section 32; township 33 north, range 43 east.

North half, north half south half, and southwest quarter southwest quarter, section 1; sections 2 to 11, inclusive; sections 15 to 22, inclusive; north half northwest quarter, section 27; sections 28 to 34, inclusive; township 34 north, range 43 east.

Lot 7, section 2; sections 3 to 10, inclusive; southwest quarter northwest quarter, and southwest quarter, section 11, lots 3 and 4; north half, southwest quarter, and north half southeast quarter, section 14; sections 15 to 22, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 23; sections 25 to 36, inclusive; township 35 north, range 43 east.

Sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 28 to 33, inclusive; lot 4, southeast quarter northwest quarter, southwest quarter northeast quarter, southwest quarter, and west half southeast quarter, section 34; township 36 north, range 43 east.

All of section 31, township 37 north, range 43 east.

Lots 6 and 7, section 6; lots 2, 3, and 4, east half southwest quarter, west half southeast quarter, south half northeast quarter, and southeast quarter northwest quarter, section 7; west half southwest quarter, section 19; township 33 north, range 43 east.

Lots 1 and 2, section 3; north half, southeast quarter, north half southwest quarter, and southwest quarter southwest quarter, section 4; sections 5 to 8, inclusive; sections 17 to 20, inclusive; north half north half, section 30; northwest quarter northwest quarter, section 31; township 39 north, range 43 east.

Lots 4, 7, and 9, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 2, 3, and 4, and south half, section 4; sections 5 to 9, inclusive; section 10, that part west of the Pend Orielle River; sections 15 to 21, inclusive; northwest quarter northeast quarter, south half northeast quarter, northwest quarter, and south half, section 22; sections 27 to 33, inclusive; northwest quarter, and south half, section 34; township 40 north, range 43 east.

SEC. 2. Any of the lands described in the first section of this act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the act entitled, "An act to consolidate national-forest lands", approved March 20, 1922, as amended (U. S. C., title 16, secs. 495, 496). All such lands so accepted in exchange shall thereupon be added to and made a part of the Kaniksu National Forest in the State of Washington and shall thereafter be administered under the laws and regulations relating to the national forests.

With the following committee amendments:

Page 2, line 23, add a comma after the word "half."

Page 3, line 9, strike out all of the line after the semicolon; strike out all of line 10; line 11 is a continuation of line 9 and not a new paragraph.

Page 3, line 16, following the word "inclusive" change the period to a semicolon and add "township 34 north, range 40 east."

Page 4, line 25, following the word "half" insert a comma.

Page 8, line 7, insert a comma after the word "half."

Page 8, line 16, insert a comma after the word "half."

Page 9, line 2, insert a comma before the word "and"; on the same line strike out the words "section 11."

Page 9, line 3, between the number "4" and the semicolon insert the following "section 11"; on the same line insert a comma after the word "half."

Page 9, line 20, insert a comma after the word "half."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EQUALIZATION OF LETTER CARRIERS

The Clerk called the next bill, H. R. 2001, for the equalization of letter carriers.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### TO AMEND CIVILIAN CONSERVATION CORPS ACT

The Clerk called the next bill, H. R. 2990, to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOSER. Mr. Speaker, I object.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 6538, to amend the Agricultural Adjustment Act of 1938.

Mr. BEAM. Mr. Speaker, reserving the right to object, will the author of the bill state what it does?

Mr. COOLEY. This bill was introduced by the gentleman from Kentucky [Mr. CHAPMAN], to whom I yield to answer the gentleman's question.

Mr. CHAPMAN. Mr. Speaker, it might be said that this is one of a series of bills which have for their purpose the amendment of the tobacco sections of the Agricultural Adjustment Act.

Mr. BEAM. It applies only to tobacco?

Mr. CHAPMAN. The gentleman is correct. These four bills which appear on the calendar in sequence come as the result of conferences that have been held over the last 5 or 6 months between representatives of the tobacco growers of all the major tobacco-producing areas of the United States, officials of the Department of Agriculture, and Members of Congress who represent tobacco sections. They represent the consensus of opinion of those interested in the tobacco program.

Mr. SCHULTE. Mr. Speaker, reserving the right to object, what does the bill do? The gentleman has not yet told us what it does.

Mr. CHAPMAN. This first bill prohibits the holding of more than one referendum on one crop of tobacco. For example, last fall a referendum was held and the quotas were agreed to and the growers proceeded to plant their crops. This bill makes it impossible to call another referendum after the crops have already been set out.

Mr. SCHULTE. Are the other bills of similar character?

Mr. CHAPMAN. The other bills amend different sections of the act, but they constitute the program that is supported by those interested in tobacco. I will explain them as we come to them.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read as follows:

*Be it enacted, etc.,* That subsection (b) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof a comma and the following: "nor for any marketing year for which a marketing quota was proclaimed pursuant to the provisions of subsection (a) of this section."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 6539, to amend the Agricultural Adjustment Act of 1938.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the expression "on the fifteenth day of November of any calendar year" and the commas immediately preceding and following said expression.

With the following committee amendment:

At the end of line 7, change the period to a semicolon and add the following new wording: "and by adding at the end thereof the following new sentence: 'The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 10 percent if the Secretary determines that such increase is necessary in order to meet market demands.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 6540, to amend the Agricultural Adjustment Act of 1938.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 313 of the Agricultural Adjustment Act of 1938, as amended, is amended by addition of the following new subsection:

"(g) Notwithstanding any other provision of this section, the Secretary on the basis of average yield per acre of tobacco for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production, may convert the State marketing quota into a State acreage allotment, and allot the same through the

local committees among farms on the basis of the factors set forth in subsection (b), using past acreage (harvested and diverted) in lieu of the past marketing of tobacco; and the Secretary on the basis of the national average yield during the same period, similarly adjusted, may also convert into an acreage allotment the amount reserved from the national quota pursuant to the provisions of subsection (c), and on the basis of the factors set forth in subsection (c) and the past tobacco experience of the farm operator, allot the same through the local committees among farms on which no tobacco was produced during the last 5 years. Except for farms last mentioned or a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced, the farm-acreage allotment shall be increased by the smaller of (1) 20 percent of such allotment or (2) the percentage by which the normal yield of such allotment (as determined through the local committees in accordance with regulations prescribed by the Secretary) is less than 3,200 pounds in the case of flue-cured tobacco, and 2,400 pounds in the case of other kinds of tobacco. The actual production of the acreage allotment established for a farm pursuant to this subsection shall be the amount of the farm marketing quota. If any amount of tobacco shall be marketed as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced by that percentage which such amount was of the respective farm marketing quota, except that such reduction for any such farm shall not be made if the Secretary through the local committees finds that no person connected with such farm caused, aided, or acquiesced in such marketing; and if proof of the disposition of any amount of tobacco is not furnished as required by the Secretary, the acreage allotment next established for the farm on which such tobacco is produced shall be reduced by a percentage similarly computed."

Mr. COOLEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 2, in line 21, following the word "tobacco", change the period to a semicolon and add the following: "Provided, That the normal yield of the estimated number of acres so added to farm acreage allotments in any State shall be considered as a part of the State marketing quota in applying the provision of subsection (a)."

Mr. COOLEY. Mr. Speaker, this amendment is offered not as a committee amendment nor as an amendment agreed to or approved by Congressmen representing districts in which tobacco is grown who have heretofore considered and approved the provisions of the four bills on this calendar amending the tobacco section of the Agricultural Adjustment Act of 1938, but is offered by me at the suggestion of officials of the Department of Agriculture.

The bill now under consideration changes the small-grower provision in existing law. This change in the small-grower provision was approved by those of us who have worked on these bills. As has been stated by the gentleman from Kentucky [Mr. CHAPMAN], these bills represent the considered judgment of many Members of Congress representing tobacco districts.

The proviso in subsection 313 (a) of the present act was intended to apply to the total allotment for each State. Under the present wording of H. R. 6540 the increase for small growers would be in addition to the minimum allotment of 75 percent of the 1937 production which is fixed by the proviso. With the change provided by the amendment I am offering, the proviso will continue to apply to the total allotment, including the increase for small growers, just as it did in the act as approved in 1938.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. May I say to the gentleman I have a high regard for the legislation proposed by the tobacco bloc. I want to know with reference to this particular amendment, will it increase the State quota for tobacco acreage?

Mr. COOLEY. It will permit an increase in State allotments to the extent that may be necessary to take care of the little growers. In other words, rather than have a limitation of a certain percentage of the State quota set apart, and have that turn out to be inadequate, what we want to do is protect the little grower who produces less than 3,200 pounds of flue-cured or 2,400 pounds of burley tobacco, and with this new provision the little grower can be taken care of.



Mr. AUGUST H. ANDRESEN. I join with the gentleman in his effort to take care of the small growers. They are entitled to consideration.

Mr. BARDEN. Will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from North Carolina.

Mr. BARDEN. Where did the gentleman say the amendment came from?

Mr. COOLEY. It is offered at the suggestion of officials of the Department of Agriculture.

Mr. BARDEN. Was the amendment discussed by the committee?

Mr. COOLEY. No. This is an amendment I am offering in my own right.

Mr. BARDEN. How much does this amendment change the conclusions reached by us?

Mr. COOLEY. I am sure that the gentleman knows that the bill now under consideration changes the little-grower provision, and I am sure that the gentleman will recall that the present law provides that no State can be reduced more than 75 percent of its 1937 production. I understand that under existing law allotments made to little growers are taken into consideration in arriving at the minimum of 75 percent of 1937 production, below which no State can be reduced.

Now that we are about to change the little-grower provision, the amendment I am offering will permit the Department to take into consideration allotments made to the little growers under the new provision in arriving at the minimum of 75 percent of the 1937 production of any State. I understand that unless this amendment is adopted the Department will not be able to take into consideration allotments made to little growers under this new provision. It seems only fair that allotments made to little growers should be taken into consideration by the Department in fixing State quotas, and I therefore hope that this amendment will be adopted.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The Clerk called the next bill, H. R. 6541, to amend the Agricultural Adjustment Act of 1938.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 314 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the first sentence of said section and inserting in lieu thereof the following new sentence: "The marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall be subject to a penalty of 10 cents per pound in the case of flue-cured, Maryland, or Burley tobacco and 5 cents per pound in the case of all other kinds of tobacco."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF BOUNDARIES OF HOT SPRINGS NATIONAL PARK, ARK.

The Clerk called the next bill, H. R. 3409, to amend the act of June 15, 1936 (49 Stat. 1516), authorizing the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the proviso in the act of June 15, 1936 (49 Stat. 1516), reading as follows: "Provided, That the lands hereinabove described may be acquired within funds already appropriated and at a cost not to exceed \$15,000", is hereby repealed, and the said act of June 15, 1936, is hereby further amended by the addition thereto of the following new sections:

"Sec. 2. That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of not to exceed \$8,000 to supplement funds in the amount of \$15,000 heretofore made available for the purchase of the lands described in section 1 hereof.

"Sec. 3. The Secretary of the Interior is hereby authorized, in his discretion, to accept on behalf of the United States donations of lands or interests in land within the city limits of Hot Springs, Ark., the title to such lands or interests in land to be satisfactory to said Secretary. Upon the acquisition of such lands or interests in land, they shall become a part of the Hot Springs National Park and shall be subject to all laws and regulations applicable thereto."

With the following committee amendment:

Page 2, after "Sec. 2", strike out the balance of line 1 and all of lines 2 and 3 and insert the following: "That there is hereby authorized to be used not to exceed \$8,000 of the unexpended balance allotted from the Emergency Relief Appropriation Act for 1935 for the acquisition of certain property for addition to Yosemite National Park."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CLEVELAND NATIONAL FOREST, CALIF.

The Clerk called the next bill, H. R. 168, to add to the Cleveland National Forest, Calif., certain contiguous lands of the United States which can be most effectively and economically protected and administered as parts of said national forest.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That subject to any valid subsisting rights which hitherto have been established and hereafter are maintained under any of the land laws of the United States, the lands herein-after described hereby are added to and made parts of the Cleveland National Forest and hereafter shall be subject to all laws, rules, and regulations applicable to the national forests:

Township 15 south, range 6 east, San Bernardino meridian: Lots 3 and 4, section 7; lots 1 and 2, section 18.

Township 8 south, range 6 west, San Bernardino meridian: Sections 2, 11, and 14, exclusive of the parts thereof within the boundaries of the Santa Margarita grant.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GOVERNMENT LOSSES IN SHIPMENT ACT

The Clerk called the next bill, H. R. 6614, to amend the Government Losses in Shipment Act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the second proviso of section 3 of the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 480; U. S. C., 1934 ed., Supp. IV, title 5, sec. 134b), is hereby amended to read as follows: "Provided further, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Public Debt Service of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of the indefinite appropriation 'Expenses of loans, act of September 24, 1917, as amended and extended (U. S. C., 1934 ed., title 31, secs. 760, 761); and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund."

Sec. 2. The Government Losses in Shipment Act (50 Stat. 479; U. S. C., 1934 ed., Supp. IV, title 5, secs. 134-134h; title 31, secs. 528, 738a), is hereby amended by adding the following sections to the end of section 3 thereof:

"Sec. 3a. All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the Post Office Department or Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe: *Provided, however,* That no postmaster, Navy mail clerk,

or assistant Navy mail clerk having the custody or possession of such stamps, securities, obligations, or funds at the time of the loss, destruction, or damage shall be relieved of any liability to the United States or receive credit in his accounts for such loss, destruction, or damage under the provisions of the act of March 17, 1882, as amended (U. S. C., 1934 edition, title 39, sec. 49), until the Postmaster General and the Secretary of the Treasury have jointly determined that such loss, destruction, or damage resulted from no fault or negligence on the part of such postmaster, Navy mail clerk, or assistant Navy mail clerk.

"Sec. 3b. The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document received by the United States or any agent of the United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: *Provided, however*, That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section."

Sec. 3. Section 7 (a) of the Government Losses in Shipment Act (50 Stat. 480; U. S. C., 1934 ed., Supp. IV, title 5, sec. 134f (a)), is hereby amended to read as follows:

"(a) The term 'valuables' means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this act by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term 'United States' as used in this subsection and in section 3b means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity."

Sec. 4. So much of section 8 (b) (4) of the Government Losses in Shipment Act (50 Stat. 482; U. S. C., 1934 ed., Supp. IV, title 31, sec. 738a (b) (4)), as precedes the proviso is hereby amended to read as follows:

"(4) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:"

Sec. 5. Section 9 (b) (1) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 ed., Supp. IV, title 31, sec. 528 (b) (1)), is hereby amended by changing the phrase included within the parentheses to read as follows: "including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail."

Sec. 6. So much of section 9 (b) (5) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 ed., Supp. IV, title 31, sec. 528 (b) (5)), as precedes the proviso is hereby amended to read as follows:

"(5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:"

With the following committee amendment:

Page 6, after line 8, insert a new section, as follows:

"Sec. 7. Section 9 (f) of the Government Losses in Shipment Act (50 Stat. 484; U. S. C., 1934 ed., Supp. IV, title 31, sec. 528 (f)), is hereby amended to read as follows:

"(f) The term 'original' check wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, whether upon a bank or upon the Treasurer or other paying officer of the United States, but does not include money, coins, or currency of the United States nor instruments issued by any corporation or other entity owned or controlled by the United States, whether in whole or in part, against such corporation's or entity's own funds; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

#### MOTORBOAT ACT, 1939

The Clerk called the next bill, H. R. 6039, to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

#### DEPORTATION OF ALIENS ENGAGING IN ESPIONAGE OR SABOTAGE, ALIEN CRIMINALS, AND OTHER UNDESIRABLE ALIENS

The Clerk called the next bill, H. R. 6724, to provide for the prompt deportation of aliens engaging in espionage or sabotage, alien criminals, and other undesirable aliens.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GEYER of California. Reserving the right to object, Mr. Speaker, I should like to ask the author of the bill just what is taken in by the phrase "other undesirable aliens"?

Mr. POAGE. The author of the bill, the gentleman from Alabama [Mr. STARNES], is not here, but I may say to the gentleman that this bill simply provides that we will automatically issue an order of deportation against any alien who has admitted in writing or who has been convicted of espionage or sabotage for a foreign government in the United States since his entry into the United States, or who has been convicted of a violation of or conspiracy to violate any narcotic law of the United States, or who has been lawfully committed to a public or private institution as a habitual user of drugs in the United States.

Mr. GEYER of California. That is all it takes in?

Mr. POAGE. Yes.

Mrs. O'DAY. And it is not retroactive.

Mr. POAGE. No; it is not retroactive.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That an alien who entered the United States either from a foreign territory or an insular possession, either before or after the passage of this act, shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended, regardless of when he entered, if he—

(1) Has admitted in writing that he has engaged in, or been convicted of, espionage or sabotage for a foreign government since entry into the United States; or

(2) Has at any time after entry been convicted of a violation of, or conspiracy to violate, any narcotic law of the United States, or of any State, Territory, insular possession, or of the District of Columbia; or

(3) Has been lawfully committed to a public or private institution as a habitual user of narcotic drugs.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UNION CHURCH OF THE CANAL ZONE

The Clerk called the next bill, H. R. 4781, to incorporate the Union Church of the Canal Zone.

There being no objection, the Clerk read the bill as follows:

Whereas the Union Church of the Canal Zone is an unincorporated evangelical religious organization which has established and maintained union churches at various points in the Canal Zone since its organization in 1914, succeeding in that year separate union churches which had been maintained for a number of years previously; and

Whereas it has parsonages and church buildings at the following points, to wit: Balboa, Pedro Miguel, Gatun, and Colon; and

Whereas the Federal Council of Churches of Christ in America, a corporation of the State of New York, and the boards of various cooperating churches in the United States desiring to make provision for worship by the adherents of their respective denominations who from time to time reside temporarily on the Isthmus of Panama and who do not desire to sever their denominational ties



in the United States have contributed toward the establishment of the Union Church of the Canal Zone; and

Whereas the said Union Church of the Canal Zone is not related to any of such denominations in the way of ecclesiastical subordination or subjection thereto; and

Whereas it is desired to insure the continuance of the work in which the said Union Church of the Canal Zone has been engaged: Therefore

*Be it enacted, etc.:*

#### CORPORATION CREATED

SECTION 1. The following persons, to wit: Roy B. Guild, Thomas S. Donohugh, and Frank H. Mann, of New York, N. Y.; H. A. A. Smith, of Washington, D. C.; Willson H. Kromer, H. R. Harris, F. H. Hohmann, of Balboa Heights, C. Z.; N. L. Wine, R. L. Klotz, Leslie Evans, R. T. Toone, of Balboa, C. Z.; R. R. Gregory, I. W. Metzger, A. R. Campbell, H. V. Rowe, of Cristobal, C. Z.; A. E. Wood, Fred Newhard, Mrs. G. D. Poole, E. Clarke, of Gatun, C. Z.; N. M. Shaw, E. D. Stillwell, K. C. Simons, L. S. Kizer, of Pedro Miguel, C. Z.; and L. H. Fourcher, H. I. Tinnin, C. F. Browne, T. N. Etchberger, of Gamboa, C. Z.; and such persons as are on the date of the enactment of this act members of the Union Church of the Canal Zone; and their associates and successors, are hereby created and declared to be a body corporate of the Canal Zone, where its domicile shall be. The name of this corporation shall be "The Union Church of the Canal Zone."

#### POWERS OF THE CORPORATION

SEC. 2. The corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter or destroy the same at pleasure; (d) may adopt and alter a constitution, bylaws, and regulations to carry out its purposes, not inconsistent with the Constitution and laws of the United States or the laws of the Canal Zone; (e) may establish and maintain offices for the conduct of its affairs; (f) may acquire by purchase, devise, bequest, gift, or otherwise, and hold, own, use, assign, and dispose of such real estate and personal property as shall be deemed advisable, and may accept bequests for the purposes of this corporation hereinafter set forth; (g) may under terms and conditions satisfactory to the Federal Council of Churches of Christ in America, a corporation of the State of New York, acquire all the assets of the existing Union Church of the Canal Zone upon assuming all of its obligations; (h) may continue the local churches of the Union Church of the Canal Zone now existing on the Isthmus of Panama and establish such additional local churches within the Canal Zone as may be deemed desirable for the purposes of the corporation as hereinafter set forth and may discontinue any such local church at pleasure; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

#### OBJECT AND PURPOSE OF THE CORPORATION

SEC. 3. The object and purpose of the corporation shall be to continue in corporate form The Union Church of the Canal Zone. Its activities shall be interdenominational and its teachings evangelical.

#### MEMBERSHIP

SEC. 4. The membership of The Union Church of the Canal Zone shall consist of persons admitted to membership in any local church thereof, either through the said members' own connection with an evangelical denomination in the United States, or as may be otherwise provided in the constitution and bylaws established in accordance with this act.

#### CHURCH ORGANIZATION

SEC. 5. (a) There shall be (1) a general council which, except as otherwise provided in this act, shall exercise the corporate powers and have general control over matters common to all local churches; (2) a board of trustees which shall hold for the use of the membership of The Union Church all property and property rights of The Union Church, subject to proper orders of the general council or the membership of the corporation; and (3) a local council for each of the local churches.

(b) The constitution and bylaws authorized to be established by this act (1) shall prescribe the number, qualifications, the method of selection and the terms of office of members of the general council, the board of trustees, and the local councils: *Provided*, That the board of trustees thereafter selected shall consist of not more than 19 persons and not less than 9, all of whom shall be citizens of the United States: *Provided further*, That each of the local churches shall elect at least 1 member of the board of trustees, the Federal Council of Churches of Christ in America shall elect or appoint 4 members, and the general council shall elect the other members, if any; (2) shall specify the officers of the said councils and board and prescribe the methods of their selection, the terms of office, and their respective duties and responsibilities: *And provided further*, That the local councils shall, with the approval of the general council, select their own pastors who shall be citizens of the United States and shall be entitled to all the privileges of employees of the Panama Canal; (3) shall prescribe the duties and delimit the jurisdiction of the local councils; and (4) shall determine the relationship between The Union Church of the Canal Zone as represented by the general council and board of trustees, and the Federal Council of Churches of Christ in America and the various denominational boards.

#### COMPLETION OF ORGANIZATION

SEC. 6. The persons specifically named in section 1 shall constitute the first board of trustees, and the members of the general

or executive council in office the date this act becomes effective with such changes as may be made in accordance with the constitution and bylaws of the existing unincorporated Union Church shall constitute the general council, and the members of both shall continue in office until their successors are elected in accordance with the constitution and bylaws adopted by the incorporators.

With the following committee amendment:

Page 5, line 20, after the word "and" strike out the remainder of line 20 and all of line 21 and insert "shall be entitled to receive such privileges of employees of the Panama Canal as the Governor of the Panama Canal may grant."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 4, line 8, after the words "shall be", strike out the remainder of line 8 and all of line 9 and insert in lieu thereof the following: "determined in the constitution and bylaws established under this act."

The amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 5, in line 25, after the word "councils", strike out the words "and (4)" and insert in lieu thereof the following:

"(4) shall determine the nature of the activities and teachings of the Union Church of the Canal Zone; and (5)."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FEDERAL SURPLUS COMMODITIES CORPORATION

The Clerk called the next bill, H. R. 5681, to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the funds transferred by the Secretary of Agriculture to the Federal Surplus Commodities Corporation to carry out the provisions of clause (2) of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may also be used by such Corporation for the purpose of diverting surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this act.

With the following committee amendment:

"That any part of the funds transferred by the Secretary of Agriculture to the Federal Surplus Commodities Corporation created under and to carry out the provisions of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may also be used by such Corporation for the purpose of diverting surplus fishery products (including fish, shellfish, crustacea, and similar forms of aquatic life and byproducts thereof) from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief channels: *Provided*, That none of the funds made available to the Federal Surplus Commodities Corporation under this act shall be used to purchase any of the commodities designated in this act which may have been produced in any foreign country. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RETIREMENT OF OFFICERS AND EMPLOYEES, LIGHTHOUSE SERVICE

The Clerk called the next bill, H. R. 6747, relating to the retirement of employees to whom the provisions of section 6 of the act approved June 20, 1918 (40 Stat. 608; U. S. C., 1934 ed., title 33, sec. 763), as amended, apply.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That any officer or employee to whom section 6 of the act approved June 20, 1918 (40 Stat. 608; U. S. C., 1934 ed., title 33, sec. 763), as amended or supplemented, applies at the date of this act, who shall reach the age of 64 years prior to July 1, 1940, or whose position to which he is now appointed may be abolished or discontinued prior to July 1, 1940, may be

retired on an annuity computed in the manner provided in said section of the act of June 20, 1918: *Provided*, That any such officer or employee shall have been in the service of the Government not less than 30 years.

With the following committee amendments:

Page 1, line 6, after the word "applies," strike out "at the date of this act," and insert "on June 30, 1939";

Page 1, line 9, after the word "may," insert "in the discretion of the head of the executive department."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PROCUREMENT, WITHOUT ADVERTISING, OF CERTAIN AIRCRAFT PARTS

The Clerk called the next bill, S. 1018, to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That whenever proposals are invited for the furnishing of aircraft parts or instruments or aeronautical accessories for the War Department, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of the Air Corps is authorized to purchase such aircraft parts or instruments or aeronautical accessories in such manner as he may deem most economical and efficient: *Provided*, That this act will not be construed as in any way amending the act of July 2, 1926 (44 Stat. 780), or as authorizing the open-market purchase of airplanes for purposes other than as provided in that act. All laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed.

With the following committee amendments:

On page 1, line 8, after the word "purchase", insert "without advertising."

On page 2, line 5, after the word "Act", change the period to a semicolon and insert: "And provided further, That no purchase shall be made under this act until the Secretary of War shall have certified that a secret order is necessary, and only then after submitting the proposal to three reputable concerns for their respective bids."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UNION PACIFIC RAILROAD CO.

The Clerk called the next bill, S. 1307, authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War (hereinafter referred to as the Secretary) is authorized to grant to the Union Pacific Railroad Co. and its successors in interest a license to maintain, operate, repair, renew, and reconstruct, at its own expense, upon the Fort Leavenworth Military Reservation such railroad trackage as, in the opinion of the Secretary, will not conflict with the use of such reservation for any governmental purpose: *Provided, however*, That nothing herein, or in such license, shall be construed as relieving said railroad company of compliance with any of the provisions of the Interstate Commerce Act, as amended, or as it may hereafter be amended. Any license so granted shall (1) be revocable at the will of the Secretary, (2) provide that the Secretary may, in lieu of revoking such license, require the grantee to relocate any such trackage for the purpose of preventing such trackage from interfering with the use of such reservation for governmental purposes, and (3) provide that the privileges granted thereby shall be exercised subject to such rules and regulations as the Secretary, or the commanding officer at such reservation with the approval of the Secretary, may prescribe in the interests of maintenance of good order, sanitation, discipline, public safety, and the interests of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDMENT OF THE CIVIL SERVICE RETIREMENT ACT

The Clerk called the next bill, S. 281, to amend further the Civil Service Retirement Act, approved May 29, 1930.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHULTE. I object, Mr. Speaker.

#### PURCHASE OF EQUIPMENT AND SUPPLIES FOR EXPERIMENTAL AND TEST PURPOSES

The Clerk called the next bill, S. 1020, to authorize the purchase of equipment and supplies for experimental and test purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War may, at his discretion, purchase abroad or in the United States, with or without competition, by contract or otherwise, such ordnance, signal, and chemical-warfare equipment, supplies, parts, accessories, or designs thereof, as may be necessary in his judgment for experimental or test purposes in the development of the best kind of equipment and supplies required for the national defense.

With the following committee amendment:

Page 1, line 10, after the word "defense", insert the following: "Nothing herein contained shall be construed to waive or alter the provisions of Revised Statutes, section 3709, when purchases are made in quantity."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### UMATILLA INDIAN RESERVATION, OREG.

The Clerk called the next bill, H. R. 4540, authorizing the restoration to tribal ownership of certain lands upon the Umatilla Indian Reservation, Oreg., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized in his discretion to restore to tribal ownership the undisposed-of surplus lands of the Umatilla Indian Reservation, Oreg., heretofore opened to entry or other form of disposal under the public-land laws: *Provided*, That restoration shall be subject to any existing valid rights.

SEC. 2. For the purpose of effecting land consolidations between Indians and non-Indians within the reservation, the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to acquire through purchase, exchange, or relinquishment, any interest in lands, water rights, or surface rights to lands within said reservation. Exchanges of lands hereunder shall be made on the basis of equal value and the value of improvements on lands to be relinquished to the Indians or by Indians to non-Indians shall be given due consideration and allowance made therefor in the valuation of lieu lands. This section shall apply to tribal, trust, or otherwise restricted Indian allotments whether the allottee be living or deceased.

SEC. 3. Title to lands or any interest therein acquired pursuant to this act for Indian use shall be taken in the name of the United States of America in trust for the tribe or individual Indian for which acquired.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ERECTION OF COLUMBIAN FOUNTAIN IN WASHINGTON, D. C.

The Clerk called the next business, House Joint Resolution 159, authorizing the selection of a site and the erection thereon of the Columbian fountain in Washington, D. C.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. KELLER. Mr. Speaker, will the gentleman withhold that request a moment?

Mr. COSTELLO. I shall be pleased to withhold it temporarily.

Mr. KELLER. The facts are that this is a monument that the people of Chicago offer to present to Washington City, a very beautiful piece of sculpture, without any cost to the Government of the United States whatever. All we are asked to do is to give the ground for the erection of the monument. The bill also provides very clearly that the expending of the money when raised shall be under the proper department and that the work shall not be undertaken until a sufficient amount of money is in hand to finish the thing. So we will not have on our hands a request sometime or other to finish the job; and the reason I call your attention to that is this: We have been compelled during the past few years, out of a



sense of decency, to finish a number of monuments that have been undertaken by private sources and not finished.

During the past 2 years every time a bill of this kind has been introduced the Committee on the Library has written into the measure a provision that the money must be in hand and must be expended under the direction of the proper department of this Government, and I hope under those conditions the gentleman will permit the bill to be considered.

Mr. COSTELLO. Will the gentleman inform the House how much money they anticipate it will be necessary to raise in order to construct this fountain?

Mr. KELLER. A sufficient amount, whatever that may be, will be raised, because the bill provides that in case a sufficient amount is not raised in 5 years the entire matter lapses. The amount must be sufficient to satisfy the department concerned.

Mr. COSTELLO. I understand this money is to be raised by popular subscription.

Mr. KELLER. That is correct.

Mr. COSTELLO. My recollection is that the last statue or fountain of this character to be placed in the city of Washington was the Marine Memorial on the banks of the Potomac, and if I am not mistaken, 2 or 3 months after we passed the legislation the Federal Government had to assume the cost of the completion of that monument, which involved the construction of marble steps and the base of the fountain.

Mr. KELLER. Right. Provided, instead of 3 months, you say some years after the authorization was passed, after the panic and depression had ruined many of the men who were presenting this lovely memorial to our men who have gone down to the sea in ships, after these things had prevented the completion of this outstanding tribute to our sailor men.

Mr. COSTELLO. And although that was constructed under legislation similar to this and the Federal Government was not expected to bear any part of the cost of that fountain, nevertheless, although it gave the ground, it also had to move that statue or fountain from its place of construction to Washington and pay the cost and, finally, had to pay the cost of the construction of the base.

Mr. KELLER. The gentleman is entirely correct in every statement he has made except the authorization was not similar to the authorization for the beautiful Columbian fountain we are asking for here today. But because of that and two or three other similar cases that the Committee on the Library 2 years ago decided to provide in every bill of this kind that the money must be in hand and expended by the department concerned so that there cannot be a recurrence of that experience of asking the Government to finish jobs for individuals.

Mr. COSTELLO. May I ask what would happen if they raised about one-half or three-fourths of the money and presumed they were going to raise the balance and after they start constructing the fountain or after they get the fountain constructed, they do not have the money with which to transport it to Washington? Would we not find ourselves in identically the same situation as the one we were in with respect to the Marine Memorial?

Mr. KELLER. If the gentleman will read the bill he will find that it provides absolutely that no such thing can occur, because the fountain cannot be begun at all until the full amount necessary is in hand and under control of the Government.

Mr. COSTELLO. I can assure the gentleman that although we provide certain things in legislation, the Congress 2 or 3 years later decides it is going to change those provisions, and as a result our legislation has no effect, because another Congress comes in and asks for the money in any event.

Mr. Speaker, I renew my request that the bill be passed over without prejudice.

Mr. KELLER. The gentleman is depriving the city of Washington of a beautiful, historic monument by his action.

And if the same course had been pursued in regard to the National Gallery of Art that glorious institution would not now be taking shape.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California that the bill be passed over without prejudice?

There was no objection.

#### NEW YORK WORLD'S FAIR, 1939

The Clerk called the joint resolution (H. J. Res. 278) to authorize the appropriation of an additional sum of \$851,111.59, for Federal participation in the New York World's Fair, 1939.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. KRAMER. Mr. Speaker, I object.

#### INTERNATIONAL EXHIBITION OF POLAR EXPLORATION

The Clerk called House Joint Resolution 291, authorizing and requesting the President to accept the invitation of the Government of Norway to the Government of the United States to participate in an International Exhibition of Polar Exploration, which will be held at Bergen, Norway, in 1940, and authorizing an appropriation to cover the expenses of such participation.

The SPEAKER pro tempore. Is there objection?

Mr. CHIPERFIELD. Mr. Speaker, I object.

#### INCREASED COMPENSATION TO CIVILIAN EMPLOYEES

The Clerk called the bill (H. R. 5333) to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That no claim for additional or increased compensation incident to services rendered by civilian employees of the Government of the United States or of the District of Columbia between July 1, 1917, and June 30, 1924, authorized by acts making appropriations for the payment of such increased or additional compensation for the fiscal years ending June 30, 1918, to June 30, 1924, inclusive, shall be considered by the General Accounting Office unless presented to it within 6 months from the date of the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

#### RELIEF OF DISBURSING OFFICERS

The Clerk called the bill (H. R. 1961) for the relief of disbursing officers and other officers and employees of the United States from disallowances and charges on account of airplane travel.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 884) be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of disbursing officers of the United States, to remove charges raised against officers and employees of the United States, and to refund to such officers and employees upon application amounts collected from them, representing the excess in cost of airplane transportation used by such officers and employees on official business prior to December 10, 1935, as compared with the cost by rail: *Provided,* That action as herein provided shall be taken only when the head of the department or establishment shall certify that the use of airplane transportation was necessary in the interest of the United States: *Provided further,* That in cases of refunds there shall be charged the appropriations to which the collections were credited, and the amounts found due certified for payment in the usual manner.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A House bill, H. R. 1961, was laid on the table.

#### PIKE NATIONAL FOREST

The Clerk called the bill (H. R. 2548) to include within the Pike National Forest certain lands acquired or in course of acquisition by the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That all lands situated within the area hereinafter described, which have been acquired by the United States, or are in course of acquisition under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 522), are hereby added to and made parts of the Pike National Forest, Colo., and shall hereafter be subject to the rules and regulations applicable to national-forest lands, but special provisions included in conveyances of title to the United States, valid and subsisting at the date of this act and thereafter legally maintained, shall not be affected by this act.

Sixth principal meridian: Township 10 south, range 69 west, sections 19 to 36, inclusive.

Township 11 south, range 68 west, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.

Township 11 south, range 69 west, sections 1 to 36, inclusive.

Township 12 south, range 68 west, sections 3 to 10, inclusive; 15 to 22, inclusive; 27 to 34, inclusive.

Township 12 south, range 69 west, sections 1 to 36, inclusive.

Township 12 south, range 70 west, sections 12, 13, 23, 24, 25, 26, 35, and 36.

Township 13 south, range 68 west, sections 2 to 11, inclusive; 14 to 23, inclusive; 26 to 30, inclusive.

Township 13 south, range 69 west, sections 1 to 30, inclusive.

Township 13 south, range 70 west, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, and 26.

With the following committee amendment:

Page 2, line 1, after the word "lands", insert "acquired under the act of March 1, 1911 (36 Stat. 961), as amended.

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### ARMY OFFICERS OF RETIRED LIST

The Clerk called the bill (S. 2539) to amend section 1223 of the Revised Statutes of the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1223 of the Revised Statutes of the United States be amended by adding at the end thereof the following proviso: "Provided, however, That the foregoing provision shall not apply to any officer of the Army on the retired list."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### REPATRIATING NATIVE-BORN WOMEN

The Clerk called the bill (H. R. 4185) to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

The SPEAKER pro tempore. Is there objection?

Mr. CRAWFORD. Mr. Speaker, I object.

#### ANNIVERSARY OF SETTLEMENT OF GALLIPOLIS, OHIO

The Clerk called House Joint Resolution 272, to provide for the observance of the celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio.

The SPEAKER pro tempore. Is there objection?

Mr. COSTELLO. Mr. Speaker, I object.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman reserve his objection?

Mr. COSTELLO. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, I introduced this bill. It is a bill of considerable importance. The amount called for is really small when one considers the nature of the bill. Gallipolis, Ohio, is the first French settlement in what is known as the Northwest Territory of the United States of America. It is the third settlement in Ohio. This settlement was made under circumstances that have been the basis of many a song and ballad. The French "five hundred" have a place in the chronicles of American pioneer life. This little community of 4,000 people is putting on a celebration this year that will cost \$40,000 or \$50,000 of their own money. They are expecting to invite the French Ambassador and hope to have a representative from the French Embassy. They will show to the French people that that part of the

United States has yet a fine regard for the contribution of Lafayette and the French Nation in helping us gain our freedom. The descendants of these people do not ask anything for themselves. They will provide a celebration that will be fitting and proper regardless of whether the United States Government participates.

The trials and tribulations of that colony of French people who came directly from Paris were very great. They were persuaded to come to America by representations of people in whom they had confidence, but when they arrived at their destination they found that they had been deceived. They had been told of the mild climate and the fertile soil, all ready for the sower, and of the abundance of fish and game. They were expecting a Utopia. When they found the dark forests and the swampy lands along the Ohio River they were dismayed. They landed on the present site of Gallipolis and named that city Gallipolis, meaning the city of the Gauls. The city of Gallipolis has kept the place of the first landing and the location of the first buildings as a public park. It was on the site of this park that the undaunted "five hundred," in order to keep up their morale, held their weekly dances and entertainments so long as their fashionable clothes lasted. They were an honest and faithful people, and, although few if any of them knew how to use an ax or a mattock, they soon adjusted themselves to their life of hardship. The few white trappers in the community came to their assistance and taught them how to make their way as pioneers. While many of them died of unaccustomed hardships and while their discouragements were terrible, they fought on, and now among the residents of that section are to be found the proud and useful descendants of these valiant people. History reports that Napoleon, then a young man in France, would have been among these five hundred except for the objections of his mother. Lafayette, on the occasion of his triumphant visit to America about 1824, visited Gallipolis, and the house in which he stayed is kept intact by patriotic citizens of this little city.

Mr. COSTELLO. I will state in response to the gentleman that while I do not like to object to his bill, at the same time I feel that the passage of such legislation would create a very dangerous precedent in this regard, that if the Federal Government is going to participate in the local celebrations of particular communities, which is, after all, purely localized, then we will find the Federal Government called upon to participate in any number of similar projects. I base my objection upon the precedent which was established by the gentleman's own side when a similar bill was being considered for a celebration at Prattville, Ala. They were only asking for \$5,000, but at that time the Members on the gentleman's own side of the aisle raised the objection that it would be a very dangerous precedent to allow the bill to pass. They therefore consistently objected to the bill. I think at that time they acted very wisely, because here is a thing of a similar character coming in.

Mr. JENKINS of Ohio. I do not remember that incident. I am sure that the Republican side, in the days when I sat behind this desk as an official objector such as my friend Mr. COSTELLO is doing so efficiently now, never took a position like that. We considered every case on its merits. Of course, if you consider this proposition as applicable only to one town, then I agree with the gentleman, but this is not a one-town proposition. This is a national proposition in a small community. In fact, we are bold enough to claim that it has international aspects. At least we hope so. Congress votes millions of dollars to the New York World's Fair, and millions of dollars to other world's fairs. I have voted for all these appropriations to these many fairs. Here is a community that will do more good in proportion with this small sum than any of the large world's fairs. I am not asking this for this community in my district, simply as a personal matter. I guarantee, however, that this gesture that we make with this small sum of money will do as much to warm the hearts of the French people in this country and the French people in their own country toward



us as a Nation as any money we contribute to these world's fairs. I hope the gentleman will not object.

Mr. COSTELLO. Mr. Speaker, I renew my request that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. BEAM). Is there objection to the request of the gentleman from California?

There was no objection.

#### PAYMENT OF AWARDS OF SPECIAL MEXICAN CLAIMS COMMISSION

The Clerk called the next bill, H. R. 1821, to provide for the payment in full of the principal of awards of the Special Mixed Claims Commission.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### SAN FRANCISCO BAY EXPOSITION

The Clerk called the next business, House Joint Resolution 242, to authorize the appropriation of an additional sum of \$606,650 for Federal participation in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### AUTHORIZING POSTMASTERS WITHIN THE TERRITORY OF ALASKA TO ADMINISTER OATHS

The Clerk called the next bill, H. R. 6114, to authorize postmasters within the Territory of Alaska to administer oaths and affirmations, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That each postmaster within the Territory of Alaska is hereby authorized to administer oaths and affirmations, and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within said Territory, whenever an oath, affirmation, or acknowledgment or a certificate thereof is authorized, permitted, or required by any act or acts of Congress.

Sec. 2. Each certificate of oath, affirmation, or acknowledgment executed by a postmaster within the Territory of Alaska under the authority of this act shall be signed by the postmaster, with a designation of his title as such postmaster, shall have affixed thereto the cancellation stamp of the post office, and shall state the name of the post office and the date on which such oath or affirmation is administered or such acknowledgment is taken.

Sec. 3. For administering an oath or affirmation, or taking an acknowledgment, or performing any other function of a notary public within the Territory of Alaska as herein provided, the postmaster is authorized to charge and receive the fees prescribed by law for a notary public for similar services in said Territory.

With the following committee amendments:

Page 1, line 4, after the word "authorized" insert "and directed."  
Page 2, line 9, after "Sec. 3" strike out the word "For" and insert "Except as otherwise provided or required by an Act of Congress, for."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ACQUISITION OF ADDITIONAL LANDS FOR NATIONAL MILITARY PARKS, NATIONAL HISTORICAL PARKS, NATIONAL BATTLEFIELD PARKS, AND BATTLEFIELD SITES

The Clerk called the next bill, H. R. 4938, to provide for the acquisition of additional lands for the national military parks, national historical parks, national battlefield parks, and battlefield sites administered by the National Park Service of the Department of the Interior, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

Mr. TARVER. Mr. Speaker, will the gentleman reserve his objection?

Mr. COSTELLO. I will reserve my objection.

Mr. TARVER. Mr. Speaker, will the gentleman be kind enough to indicate the nature of his objection to the bill?

Mr. COSTELLO. Yes. I will state very definitely that I think the legislation is most unwise. About 3 or 4 years ago the Congress passed legislation directing the Department of the Interior to go out and search the country from top to bottom for historical sites, looking for historical buildings, monuments, and parks, with a view to recommending back to the Congress what ones should be made national parks and which ones should be made national monuments. The gentleman's bill provides for the acquisition of additional land for national military parks, national historical parks, national battlefield parks, and battlefield sites, and he would confer upon the Department of the Interior the power to acquire those sites without having direct legislation from the Congress in each individual instance. All that would be required would be to apply to the Committee on Appropriations to obtain funds with which to acquire the sites. I think that in that regard it would be an authorization that the Congress should not give to a department.

Mr. TARVER. I think I can obviate the gentleman's objections. This is a bill which was prepared by the National Park Service itself, and it proposes to convey such general powers as the gentleman has described. However, after conference with the gentlemen on the other side of the aisle who entertained similar objections to those which have been voiced by the gentleman from California, I have prepared an amendment which would limit the proposal to the acquisition of lands for the Kennesaw Mountain National Battlefield Park in Georgia, which is the particular proposal that I had in mind—the necessary lands for the completion of that park, and section 1 of the bill will be identical, after the amendment, with the subject matter of another bill, H. R. 4937, which I have introduced and which has received Budget approval.

The amount involved is very small and is certainly very badly needed to secure places of great historical interest for addition to the park.

Mr. COSTELLO. Has the gentleman a copy of the bill?

Mr. TARVER. Yes; I have a copy of the bill and I have also a copy of the Department's report showing Budget approval. The amount involved will be very small.

Mr. COSTELLO. I ask the gentleman whether he intends to strike out all after the enacting clause of the bill now before the House for consideration and insert in lieu thereof the language of the other bill.

Mr. TARVER. I propose to strike out section 1 and substitute in lieu thereof section 1 of this bill. This would leave in the bill no authority on the part of the Department to acquire land elsewhere than in connection with this particular park.

Mr. COSTELLO. I think it would be much wiser to have reported out the other bill rather than this one. The authority granted in this bill certainly should not be given to the Department. I do not, of course, know what the House may do in regard to the amendment. They may or may not accept it.

Mr. TARVER. I am sure the House, after the conversation which has occurred between the gentleman and myself, would not disapprove the amendment.

Mr. COSTELLO. I have no objection to the first section of the second bill being substituted for the first section of the bill now under consideration, but certainly no blanket authority should be given to the Department.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. HORTON. I think it would be much wiser if this bill were withdrawn and a new bill introduced to accomplish the specific purposes the gentleman has in mind.

Mr. TARVER. There is no reason why this matter should not receive further consideration, but I see no reason for not passing the amended bill relating only to Kennesaw Mountain, which is the one proposition in which I am interested.

Mr. HORTON. As I understand it, the gentleman intends to offer an amendment striking out all of sections 1 and 2 of the pending bill and inserting language which will limit the bill to the particular park in which he is interested.

Mr. TARVER. I propose to make it apply to this particular case, Kennesaw Mountain, the one in which I am primarily interested. The matter of general legislation can be taken up later.

The regular order was demanded.

The SPEAKER pro tempore. The regular order is, Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

#### CLARENCE R. EDWARDS MEMORIAL BRIDGE

The Clerk called the next bill, H. R. 6870, to grant to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby granted to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass., covered by a certain grant from the Secretary of War to the city of Springfield, Mass., dated October 15, 1936, authorized by act of Congress approved July 14, 1932 (47 Stat. 663), as heretofore or hereafter amended by the Secretary of War, and subject to all the terms and conditions contained in said permit as so granted, and any amendments thereof, as aforesaid. The land, premises, and bridge over which such retrocession of jurisdiction is hereby granted shall be the whole of the bridge constructed under said permit and any amendments thereof, throughout its entire length and width, and for the entire distance granted therein.

Sec. 2. Whenever the city of Springfield, Mass., shall cease to occupy and use the land, premises, and bridge for highway purposes as authorized in said permit, and any amendments thereof, then all jurisdiction thereover shall revert to the United States.

Sec. 3. The retrocession of jurisdiction granted shall not become effective until the same is accepted by the General Court of the Commonwealth of Massachusetts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PERMANENT FORCE TO CLASSIFY PATENTS

The Clerk called the next bill, H. R. 6721, to provide a permanent force to classify patents in the Patent Office, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 2 of the act of June 10, 1898 (30 Stat. L. 440), be, and the same is hereby, amended to read as follows:

"Sec. 2. That for the purpose of carrying out the provisions of this act, the Commissioner of Patents is hereby authorized and directed to maintain a Classification Division in the Patent Office, and, in addition to the principal examiner of classification, the Commissioner of Patents is authorized and directed to maintain in said Classification Division not less than 3 assistant chiefs and 25 examiners in the professional grades 2 to 4, inclusive, whose time shall be devoted exclusively to the revision and perfection of the classification of letters patent and printed publications, and that for the purpose of maintaining the minimum number of examiners specified in this section in the work of revision and perfection of the classification, without reducing the number of examiners engaged in the other work of the Classification Division, including the classification of the weekly issue of patents, and without reducing the number of examiners engaged in the examination of patent applications, the Commissioner of Patents is authorized to appoint, in the manner now provided by law, 25 additional examiners and such additional clerks to those now employed as he may deem necessary to maintain the efficiency of said Classification Division."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SIMPLIFYING INTERFERENCE PRACTICE IN UNITED STATES PATENT OFFICE

The Clerk called the next bill, H. R. 6873, to amend sections 4904, 4909, 4911, and 4915 of the Revised Statutes (U. S. C., title 35, secs. 52, 57, 59a, and 63).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4904 of the Revised Statutes (U. S. C., title 35, sec. 52) be amended to read as follows:

"Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct a board of three examiners of interference to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor."

Sec. 2. That section 4909 of the Revised Statutes (U. S. C., title 35, sec. 57) be amended to read as follows:

"Every applicant for a patent or for the reissue of a patent, any of the claims of which have been twice rejected, may appeal from the decision of the primary examiner to the Board of Appeals, having once paid the fee for such appeal."

Sec. 3. That section 4911 of the Revised Statutes (U. S. C., title 35, sec. 59a) be amended by changing the words "Board of Appeals" in the second sentence to read "Board of interference examiners", and by canceling the last sentence of said section.

Sec. 4. That section 4915 of the Revised Statutes (U. S. C., title 35, sec. 63) be amended by changing the first sentence thereof to read:

"Whenever a patent on application is refused by the Board of Appeals or whenever any applicant is dissatisfied with the decision of the board of interference examiners, the applicant, unless appeal has been taken to the United States Court of Customs and Patent Appeals, and such appeal is pending or has been decided, in which case no action may be brought under this section, may have remedy by bill in equity, if filed within 6 months after such refusal or decision; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim or for any part thereof, as the facts in the case may appear."

Sec. 5. That this act shall take effect 2 months after its approval; but it shall not affect interferences then pending, which may be heard and decided and appeals and other proceedings taken under the statutes in force at the time of approval of this act as if such statutes had not been amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MAY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 275.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. CHURCH. Mr. Speaker, I must object to returning to any bill previously called until the call of the calendar has been completed.

Mr. TARVER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 293.

Mr. CHURCH. Mr. Speaker, I regret, but I shall be forced to object to returning to any bill until we complete the call of the calendar. I object.

#### FINAL FEES ON ALLOWED APPLICATIONS FOR PATENTS

The Clerk called the next bill, H. R. 6874, to repeal section 4896 of the Revised Statutes (U. S. C., title 35, sec. 8), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4896 of the Revised Statutes (U. S. C., title 35, sec. 38) be repealed.

Sec. 2. That section 4885 of the Revised Statutes (U. S. C., title 35, sec. 41) be amended by striking out the word "six" and substituting therefor the word "three", and by adding at the end thereof the following: "Provided, however, That upon proof satisfactory to the Commissioner of Patents that the delay is or was justifiable the final fee may be paid within 1 year after the 3 months' period for payment has passed and the patent shall issue."

Sec. 3. That section 4934 of the Revised Statutes (U. S. C., title 35, sec. 78) be amended by changing the last sentence to read: "On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, \$10."

Sec. 4. This act shall take effect upon approval: *Provided, however,* That in all cases in which the notice of allowance had been sent prior to the time at which this act takes effect the final fee may be paid and other proceedings may be taken under the statutes in force at the time of approval of this act as if such statutes had not been amended or repealed.



With the following committee amendments:

In the title, "4896" is changed to "4897" and "sec. 8" to "sec. 38." On page 1, line 3, "4896" is changed to "4897." On page 1, line 10, after "Patents", insert "filed at any time after the application is allowed."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to repeal section 4897 of the Revised Statutes (U. S. C., title 35, sec. 38), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78)."

#### PUBLIC USE AND PUBLICATION BEFORE FILING FOR PATENT

The Clerk called the next bill, H. R. 6872, to amend sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73).

Mr. BARDEN. Mr. Speaker, reserving the right to object, will somebody from the Committee on Patents explain the bill?

Mr. SIROVICH. The purpose of the bill is to reduce the period of 2 years where it appears in various sections of the patent statute to 1 year. The present patent law specifies that any person who has made an invention may obtain a patent. Nevertheless, a patent cannot be obtained if the invention was described in any printed publication or was in public use, or on sale in this country more than 2 years prior to the application.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. LANHAM. This bill, the bill preceding it, and the bills succeeding it are procedural bills which have been recommended by the Commissioner of Patents.

Mr. SIROVICH. And by the National Council.

Mr. LANHAM. By the National Council, by the Patent Law Association, by inventors and manufacturers. All these bills relate simply to speeding up the rather slow process under certain cumbersome decisions of the court that inventors may get action quicker on their applications for patents.

Mr. BARDEN. Do they in any way change the basic law?

Mr. LANHAM. Not at all; they are simply procedural.

Mr. BARDEN. I do not mind saying to the gentleman that I am a little skeptical of bills sent up by bureau heads, and feel we should go rather slowly in accepting their recommendations.

Mr. LANHAM. I may say to the gentleman from North Carolina that these bills were recommended only after very serious consideration by the people who would be involved in such legislation.

It is unanimously recommended, and is in the interest of all who have business with the Patent Office.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73) be amended by striking out the words "two years" wherever they appear in said sections and substituting therefor the words "one year".

Sec. 2. This act shall take effect 1 year after its approval and shall apply to all applications for patent filed after it takes effect and to all patents granted on such applications: *Provided, however,* That all applications for patents filed prior to the time this act takes effect and all patents granted on such applications are to be governed by the statutes in force at the time of approval of this act as if such statutes had not been amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORITY FOR SHORTENING OF TIME FOR REPLY TO PATENT OFFICE ACTIONS

The Clerk called the next bill, H. R. 6878, to amend section 4894 of the Revised Statutes (U. S. C., title 35, sec. 37).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4894 of the Revised Statutes (U. S. C., title 35, sec. 37) be amended by inserting after "6 months," second occurrence, the words "or such shorter time, not less than 30 days, as shall be fixed by the Commissioner of Patents in writing to the applicant."

Mr. VAN ZANDT. Mr. Speaker, this is a bill to give the Commissioner of Patents authority to set times within which replies to communications from the Patent Office must be made by applicants for patents.

For many years past patentees have been severely criticized for permitting their patent applications to remain in the Patent Office for unnecessarily long periods of time so that while the application has been lying in the Patent Office industry has been going ahead and making the articles in question covered by the application. Then when the patent is issued the manufacturing industry finds itself in the position of an infringer. This produces great uncertainty in industry, which should be remedied by the present bill, H. R. 6878.

Furthermore, since the patent runs for 17 years from the date of issue, by allowing the application to stay in the Patent Office for inordinately long periods the useful term of the patent is, in effect, extended beyond the 17 years of grant. With the Patent Office willing and anxious to cooperate to reduce the time during which an application may be pending in the Patent Office, the present bill gives the Commissioner of Patents the right to fix the time which an applicant may take to reply to an official letter of the Patent Office with the proviso that this time shall never be less than 30 days.

Several years ago the period allowed to answer a letter of the Patent Office was 1 year. This was a longer period than was allowed by the patent offices of any other country in the world, and was probably due to bad communications at the time when communications in the United States were in their early development. This opportunity to wait a year before answering each letter from the Patent Office was taken advantage of by malingerers to such an extent that the period was later cut down to 6 months. This had the desired effect, to a considerable extent, in shortening the prosecution of a patent application before the United States Patent Office. Nevertheless, anywhere from 3 to 10 letters might be written to an applicant, and in view thereof it is manifest that even the period of 6 months for a reply to each action of the Patent Office still gives opportunity for malingerers to hold their applications in the Patent Office for unnecessarily long periods. The present bill enables the Commissioner of Patents to fix the term for a period between 30 days and 6 months according to his discretion, and no doubt this discretion will be wisely used so that where the invention is of a complicated character, a longer time will be given to the applicant to reply to an official action, while when the amendment required is of minor nature, the Commissioner would be justified in setting the minimum period of 30 days as a term within which the necessary amendment should be made.

The patent offices of most of the other countries of the world seldom give a period as long as 6 months for replying to an official action. Therefore, under this bill, our Patent Office may continue to be the most liberal in this respect so far as inventors are concerned, yet at the same time it will be entirely in the Commissioner's hands to prevent malingerers in the Patent Office.

At the same time the present contemplated legislation does not penalize the applicant for a patent where the delay in securing the patent is due to complicated interference proceedings or appeals which necessarily consume time. Thus the bona fide applicant for a patent is protected, while the would-be malingerer can be made to push his application through the Patent Office promptly.

Finally this legislative measure enables the Commissioner of Patents to take cognizance of the greatly improved means of transportation under present-day conditions of mail and air mail service in which all parts of the world can be reached within a relatively short time.

I believe that industry will greatly welcome the passage of this bill, because it will tend to remove the uncertainty

which hangs over inventors as to whether or not they are free to go ahead with the manufacture of a new device without being confronted, some years later, with a patent granted on an application which has lain dormant for many years in the Patent Office.

The bill has the approval of the Commissioner of Patents, and is in substance one of the recommendations made by him when he was called upon by the Temporary National Economic Committee for suggestions to improve the patent laws. It also has the approval of the Department of Commerce and the Patent Office Advisory Committee to the Secretary of Commerce. Various patent-law organizations have endorsed it and it has likewise been approved by the National Advisory Council to the House Committee on Patents. This council has a membership of 24, selected from inventors, scientists, engineers, industrialists, economists, labor people, lawyers—both general- and patent-law specialists—judges and other, to give a representative cross section of the country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from the Baltimore Sun.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. Ford]?

There was no objection.

#### CONSENT CALENDAR

##### REDUCING THE TIME WITHIN WHICH INTERFERENCE WITH AN ISSUED PATENT MAY BE PERMITTED

The Clerk called the next bill, H. R. 6875, to amend section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51) be amended by adding at the end thereof the following:

"No amendment presenting or asserting a claim which is the same or substantially the same as a claim of an issued patent may be made in any application unless such amendment is filed within 1 year from the date on which said patent was granted."

Sec. 2. This act shall take effect 1 year after its approval.

With the following committee amendments:

Page 1, line 6, after the word "amendment", insert "for the first time."

Page 1, line 7, strike out "or substantially the same as" and insert "as, or for substantially the same subject matter as."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PLACER MINING CLAIMS FOR DEPOSITS

The Clerk called the next bill, H. R. 6560, relating to placer mining claims for deposits of phosphate, sodium, potassium, oil, oil shale, or gas on the public domain.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, will some one on the floor explain this bill?

Mr. TAYLOR of Colorado. Mr. Speaker, this applies to about 30,000 acres of oil-shale land, nearly all in my home county. People have been holding it for years and years without complying with the law and without being entitled to it. This is to require them to comply with the law or else let the land revert back to the control of the United States. It is in the interest of good, decent government, and the Secretary of the Interior has made a very forceful and lengthy report on it. I feel this bill is in the interest of orderly procedure.

Mr. CASE of South Dakota. Does the bill apply solely to this land in Colorado?

Mr. TAYLOR of Colorado. There is a little of it over in Utah, and I think possibly a little in Idaho, but nearly all of this is in western Colorado.

Mr. MURDOCK of Utah. Are not the holders of these claims, instead of using the ground for mining purposes, controlling it under their locations and leasing it for grazing purposes?

Mr. TAYLOR of Colorado. Yes; they do, and they do not pay the Government anything at all.

Mr. CASE of South Dakota. Are they not subject to existing laws, so that they can be ousted?

Mr. TAYLOR of Colorado. No. The courts have held that cannot be done. They have been holding these lands for years and paying nothing. They prevent anybody else from getting the land.

Mr. WHITE of Idaho. This bill applies to all land of this character in the United States.

Mr. TAYLOR of Colorado. It applies only to these claims.

Mr. WHITE of Idaho. It applies to land of this character, which comes under this law, located anywhere in the United States.

Mr. TAYLOR of Colorado. If anybody else is holding land of this character without complying with the law, it requires those people to comply with the law.

Mr. WHITE of Idaho. But it applies to the whole of the United States?

Mr. TAYLOR of Colorado. Yes; but it is located mostly in my district.

Mr. HORTON. There are several hundred thousand acres of such land in Wyoming. It is a very controversial question in my State as to whether this is the proper solution, and I am therefore constrained to object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado [Mr. Taylor]?

There was no objection.

#### EXCHANGE OF CERTAIN LAND IN THE STATE OF OREGON

The Clerk called the next bill, H. R. 6503, relating to the exchange of certain lands in the State of Oregon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior, in the administration of the act entitled "An act relating to the reversion of Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon," approved August 28, 1937 (50 Stat. 874), is hereby authorized and empowered, in his discretion, to exchange any land formerly granted to the Oregon & California Railroad Co., title to which was reversioned in the United States pursuant to the provisions of the act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Co. pursuant to the provisions of the act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States: *Provided*, That all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as such reversioned or reconveyed lands exchanged therefor: *Provided further*, That either party to any such exchange may make reservations of easements, rights of use, and other interests and rights. No fee shall be charged for any such exchange with respect to land owned by the State of Oregon or any county thereof, except one-half of the cost of publishing notice of such proposed exchange.

Sec. 2. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry out the provisions of this act.

Sec. 3. The act of May 31, 1918 (40 Stat. 593), section 3 of the act of June 4, 1920 (41 Stat. 758), and all other acts or parts of acts in conflict with the provisions of this act, to the extent of such conflict, are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. KEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article in the Washington Star.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. KEE]? There was no objection.

#### CONSENT CALENDAR

#### CONSTRUCTION OF BRIDGE OVER MISSISSIPPI RIVER AT OR NEAR DUBUQUE, IOWA

The Clerk called the next bill, S. 955, creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the City of Dubuque Bridge Commission (hereinafter created, and hereinafter referred to as the "Commission"), and its successors and assigns be, and are hereby, authorized to construct, maintain, and operate a bridge or bridges and approaches thereto, across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Ill., at a point suitable to the interest of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act. For like purposes said Commission, or its successors and assigns, are hereby authorized to purchase, maintain, and operate all or any existing bridge for vehicular traffic crossing the Mississippi River at or near the city of Dubuque, Iowa, and may acquire control of any or all such existing bridges by purchase of stock in any corporation owning any such bridges, or by a conveyance from such corporation and in any case, said Commission shall be authorized to maintain and operate said bridge or bridges subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the Commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, operation, and maintenance of any such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purpose in said State, respectively. The Commission, its successors, and assigns, is further authorized to enter into agreements with the States of Illinois and Iowa, and any political subdivision thereof, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision.

Sec. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge or bridges in accordance with the provisions of this act, subject to the approval of the Secretary of War as provided by the act of Congress approved March 23, 1906.

Sec. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of such bridge or bridges as may be purchased or constructed, as provided herein, and approaches (including the approach highways which, in the judgment of the Commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connection with existing improved highways) and the necessary land easements, and appurtenances thereto, by an issue or issues of negotiable bonds of the Commission, bearing interest at the rate or rates of not more than 6 percent per annum, the principal and interest of which bonds, and any premium to be paid for retirement thereof before maturity, shall be payable solely from the sinking fund provided in accordance with this act, and such payments may be further secured by mortgage of the bridge or bridges. All such bonds may be registerable as to principal alone or both principal and interest, shall be in such form not inconsistent with this act, shall mature at such time or times not exceeding 20 years from their respective dates, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding 105 and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission, when it deems it to be to the best interest of the Commission, may issue refunding bonds to repurchase and redeem any outstanding bonds, before the maturity thereof: *Provided*, That the refunding bonds shall mature at such time or times, not exceeding 20 years from the date of the bonds, as the Commission may determine. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect to the purchase, construction, maintenance, operation, repair, and insurance of the bridge or bridges, the conservation and application of all funds, the security for the payment of the bonds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of

corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law.

Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 5-percent interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge or bridges, acquired and/or constructed, and approaches and the land, easements, and appurtenances used in connection therewith when added to any other funds made available to the Commission for the use of said purposes. The cost of the bridge or bridges acquired hereunder and the cost of the bridge to be constructed as provided herein, together with approaches and approach highways, shall be deemed to include interest during construction of the said bridge, and for 12 months thereafter, and all engineering, legal, architectural, traffic-surveying, and other expense incident to the construction of the bridge and the acquisition of the necessary property, incident to the financing thereof, including the cost of acquiring existing franchises, riparian rights, plans, and works of and relating to the bridge or bridges now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner, or by conveyance from such corporation, if, in the judgment of the Commission, such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definite bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates, with or without coupons, of any denomination whatsoever, exchangeable for definite bonds when such bonds that have been executed are available for delivery.

Sec. 5. In fixing the rates of toll to be charged for the use of such bridge or bridges, in accordance with the act of Congress approved March 23, 1906, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge or bridges and approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge or bridges are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than 6 months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge or bridges and approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge or bridges so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within reasonable classes, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge or bridges for traffic except upon payment of tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties incident to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties.

Within a reasonable time after the construction of any bridge or bridges, or the purchase of any bridge or bridges, the Commission shall file with the Bureau of Public Roads of the United States Department of Agriculture, a sworn itemized statement showing the cost of constructing or purchasing the bridge or bridges and their approaches, the cost of acquiring any interest in real or other property necessary therefor, and the amount of bonds, debentures, or other evidence of indebtedness issued in connection with the construction or purchase of said bridge or bridges.

Sec. 6. Nothing herein contained shall require the Commission or its successors to maintain or operate any bridge or bridges purchased hereunder, if and when all bonds issued for account of such bridge or bridges shall have been retired or provision for the payment of interest on and retirement of such bonds from the revenues from any other bridge or bridges shall have been made at the time of issuance of such bonds. Any bridge or bridges so purchased, with appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned or dismantled whenever in the judgment of the Commission or its successors, and subject to the approval of the Chief of the Bureau of Public Roads, United States Department of Agriculture, and the United States Secretary of War, it may be declared expedient so to do, and provisions with respect to and regulating any such sale, disposal, abandonment, or dismantlement may be

included in proceedings for the issuance and sale of bonds for account of any such bridge or bridges. The Commission and its successors may fix such rates of toll for the use of such bridge or bridges as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge to be constructed provided tolls shall be fixed and revised from time to time for traffic over all bridges so as not to adversely reflect upon the earnings of any bridge or bridges for account of which bonds may be outstanding. An accurate record of the cost of purchasing or constructing each such bridge; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 7. (a) After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge or bridges extending between the State of Iowa and the State of Illinois, that part of said bridge or bridges within Iowa to the State of Iowa or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Iowa interests"), and that part of said bridge or bridges within Illinois to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Illinois interests"); likewise the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to any bridge that may cross the Mississippi River between the city of Dubuque, Iowa, and the State of Wisconsin, that part of said bridge within Iowa to the State of Iowa or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Iowa interests"), and that part of said bridge within Wisconsin to the State of Wisconsin or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Wisconsin interests"), under the condition that the bridge or bridges shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Iowa interests, the Illinois interests, and the Wisconsin interests, as may be agreed upon; but if the Iowa, Illinois, or Wisconsin interests, as the case may be, fail to accept, or are not authorized to accept, their respective portions of said bridge or bridges, then the Commission may deliver deeds, or other suitable instruments or conveyance of said portions, to any other interest which may accept and may be authorized to accept the same, under the condition that the bridge or bridges shall thereafter be free of toll and be properly maintained, operated, and repaired by said interests to whom said conveyances are delivered; but if either the Iowa interests, or the Illinois interests, or the Wisconsin interests, or any other interest hereinabove mentioned shall not be authorized to accept or shall not accept the same under such conditions, then the bridge or bridges shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge or bridges and approaches under economical management, until such time as the Iowa interests, the Illinois interests, the Wisconsin interests, or any other interest hereinabove mentioned, shall be authorized to accept and shall accept such conveyance under such conditions. The rate or rates of toll for crossing any bridge now existing or hereafter constructed which abuts upon or enters into the corporate limits of the city of Dubuque, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said Commission for the account of any bridge or bridges shall be outstanding and unpaid.

(b) Notwithstanding any restrictions or limitation imposed by the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, or by the Federal Highway Act, or by an act amendatory of or supplemental to either thereof, the Secretary of Agriculture or any other Federal department or agency of the United States Government may extend Federal aid under such acts for the construction of said bridge or bridges out of any moneys allocated to the State of Iowa with the consent of the State highway commission of said State, and out of moneys allocated to the State of Illinois with the consent of the department of highways of said State.

SEC. 8. For the purpose of carrying into effect the objects stated in this act, there is hereby created the City of Dubuque Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or property and apply same to the purposes of this act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this act.

The Commission shall consist of W. M. Clemens, Charles G. Kretschmer, Charles T. Landon, Thomas M. Stampfer, of Dubuque, Iowa, and R. E. Werner, of East Dubuque, Ill.; such Commission shall be a public body corporate and politic. Each member of the Commission shall qualify within 30 days after the approval of this act by filing in the office of the Secretary of Agriculture an

oath that he will faithfully perform the duties imposed upon him by this act, and each person appointed to fill a vacancy shall qualify in like manner within 30 days after his appointment. Any vacancy occurring in said Commission by reason of failure to qualify as above provided, or by reason of death or resignation, shall be filled by the Secretary of Agriculture. Before the issuance of bonds as hereinabove provided, each member of the Commission shall give such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned upon the faithful performance of all duties required by this act, the cost of such surety prior to and during the construction of the bridge shall be paid or reimbursed from the bond proceeds and thereafter such costs shall be deemed an operating expense. The Commission shall elect a chairman and a vice chairman from its members, and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this act. The members of the Commission shall be entitled to a per diem compensation for their services of \$10 for each day actually spent in the business of the Commission, but the maximum compensation of the chairman in any year shall not exceed \$1,200, and of each other member shall not exceed \$600. The members of the Commission shall also be entitled to receive traveling-expense allowance of 10 cents a mile for each mile actually traveled on the business of the Commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and other such experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this act. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided and after the bridge or bridges shall have been conveyed to the Iowa interests, the Illinois interests, and the Wisconsin interests, as herein provided, or otherwise disposed of as provided herein, the Commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Dubuque, Iowa, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least 30 days before the date thereof, in a newspaper published in the city of Dubuque, Iowa. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided and distribution made between the interests of the States, as may be determined by the Chief of the Bureau of Public Roads of the United States.

SEC. 10. Notwithstanding any of the provisions of this act, the commission shall have full power and authority to negotiate and enter into a contract or contracts with the State Highway Commission of Iowa and the Department of Highways of Illinois, the State Highway Department of Wisconsin, the city of Dubuque, Dubuque County, Iowa, or any county or municipality in the State of Illinois, whereby the commission may receive financial aid in the construction or maintenance of a bridge or bridges and approaches thereto, and said commission in its discretion may avail itself of all of the facilities of the State Highway Commission of the State of Iowa and the Department of Highways of the State of Illinois with regard to the construction of said proposed bridge or bridges, and the commission may make and enter into any contract or contracts which it deems expedient and proper with the State Highway Commission of Iowa and the Department of Highways of Illinois, whereby said highway departments or either of them may construct, operate, and maintain or participate with the commission in the construction, operation, maintenance of said bridge or bridges to be constructed hereunder, and approaches. It is hereby declared to be the purpose of Congress to facilitate the construction of a bridge and proper approaches across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Illinois, and to authorize the commission to promote said object and purposes, with full power to contract with either the State Highway Commission of Iowa or the Department of Highways of Illinois or with any agency or department of the Federal Government, or both, in relation to the purchase or condemnation, construction, operation, and maintenance of said bridges and approaches.

SEC. 11. Nothing herein contained shall be construed to authorize or permit the commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds contemplated to be provided by this act. No obligation created or liability incurred pursuant to this act shall be a personal obligation or liability of any member or members of the commission but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this act be an indebtedness of the United States.

SEC. 12. The design and construction of any bridge which may be built pursuant to this act shall be in accordance with the standard specifications for highway bridges adopted by the American Association of State Highway Officials.

SEC. 13. In the event that the State of Iowa, or some political subdivision or agency thereof, shall appoint or constitute, pursuant to statute duly enacted, the commission hereby created



as a bridge commission or board for the city of Dubuque, with authority to construct, purchase, or acquire bridges across the Mississippi River, abutting upon or entering the corporate limits of the city of Dubuque, then such bridge commission or board shall have authority to construct, purchase, or acquire the bridge or bridges referred to in this act in the manner herein set forth, or in the manner prescribed by State law, and if said commission or board shall elect to proceed in the manner prescribed by State law, it shall ipso facto succeed to all right of the City of Dubuque Bridge Commission under this act, and all right, title, and interest of the City of Dubuque Bridge Commission under this act to any bridge and bridges referred to in this act, subject to any outstanding obligations of said commission as hereby created, which obligations shall thereby be assumed by, and become the obligations of, the new bridge commission or board.

Sec. 14. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:  
With the following committee amendments:

Page 2, lines 3 to 6, strike out "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters', approved March 23, 1906," and in lieu thereof insert a new section 14 on page 18.

Page 2, line 9, before "maintain", insert "reconstruct,".

Page 3, line 17, after "purchased", insert a comma and "reconstructed."

Page 4, line 9, after "years", strike out "from their respective dates" and insert "from the date of approval of this act."

Page 4, line 21, after "exceeding", strike out "twenty" and insert "thirty."

Page 4, line 22, after "from the", strike out "date of the bonds" and insert "approval of this act."

Page 8, lines 13 and 14, strike out "Bureau of Public Roads of the United States Department of Agriculture" and insert in lieu thereof "Public Roads Administration of the Federal Works Agency."

Page 9, line 8, strike out "Chief of the Bureau" and insert "Commissioner."

Page 9, lines 8 and 9, strike out "United States Department of Agriculture" and in lieu thereof insert "Federal Works Agency."

Pages 11 and 12, strike out all of lines 22, 23, and 24 on page 11 and all of line 1 on page 12.

Page 12, line 2, strike out "ment," and insert "Commission as a free bridge,".

Page 12, lines 18 and 19, strike out "Secretary of Agriculture" and in lieu thereof insert "Federal Works Administrator."

Page 13, line 20, strike out "Secretary of Agriculture" and in lieu thereof insert "Federal Works Administrator."

Page 14, line 1, strike out "Secretary of Agriculture" and in lieu thereof insert "Federal Works Administrator."

Page 15, lines 14 and 15, strike out "Chief of the Bureau" and in lieu thereof insert "Commissioner."

Page 18, after line 18, insert a new section 14 as follows:

"Sec. 14. Any bridge or bridges constructed, acquired, or reconstructed under authority of this act shall be constructed, maintained, and operated in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters', approved March 23, 1906, notwithstanding any provisions contained herein to the contrary."

Page 18, line 19, after "Sec.", strike out "14" and insert "15."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 2, in line 20, after the word "such", insert the words "privately owned."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter regarding petition No. 16, now on the Clerk's desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### THE CONSENT CALENDAR

##### BRIDGE ACROSS THE MISSOURI RIVER, POPLAR, MONT.

The Clerk called the bill (S. 1907) to extend the times for commencing and completing the construction of a bridge across the Missouri River, at or near Poplar, Mont.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Poplar, Mont., authorized to be built by the State of Montana, the counties of Roosevelt, Richland, and McCone thereof, or any of them, by an act of Congress approved July 28, 1937, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

##### BRIDGE AT OR NEAR CEDAR POINT AND DAUPHIN ISLAND, ALA.

The Clerk called the next bill, H. R. 5781, to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge and causeway between the mainland at or near Cedar Point and Dauphin Island, Ala., heretofore authorized to be built by Dauphin Island Railway and Harbor Co., its successors and assigns (Alabama Bridge Commission, an agency of the State of Alabama, transferee), as last extended by Public Law No. 605, Seventy-fifth Congress, approved June 14, 1938, are hereby further extended 1 and 3 years, respectively, from the date of approval of this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

##### BRIDGE ACROSS PEARL RIVER, GEORGETOWN, MISS.

The Clerk called the next bill, H. R. 5785, granting the consent of Congress to the State of Mississippi to construct and operate a free highway bridge across Pearl River at or near Georgetown, Miss.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Mississippi to construct, maintain, and operate a free highway bridge and approaches thereto across Pearl River at or near Georgetown, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Georgetown, Miss."

##### BRIDGE ACROSS PEARL RIVER AT OR NEAR RATLIFFS FERRY, MADISON COUNTY, MISS.

The Clerk called the next bill, H. R. 5786, granting the consent of Congress to the State of Mississippi or Madison County, Miss., to construct, maintain, and operate a free highway bridge across Pearl River at or near Ratliffs Ferry in Madison County, Miss.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Mississippi or Madison County, Miss., to construct, maintain, and operate a free highway bridge and approaches thereto across Pearl River at or near Ratliffs Ferry, in Madison County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 6, after "River", insert "at a point suitable to the interests of navigation."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**BRIDGE ACROSS THE MISSISSIPPI RIVER BETWEEN ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.**

The Clerk called the next bill, H. R. 5963, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill., authorized to be built by the city of East St. Louis, Ill., by an act of Congress approved May 3, 1934, and heretofore extended by acts of Congress approved August 5, 1935, May 1, 1936, and June 2, 1937, are hereby further extended 1 and 3 years, respectively, from May 3, 1938.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 2, after "1936", strike out "and."

Page 2, line 3, after "1937", insert "and June 29, 1938."

Page 2, line 5, strike out "1938" and insert in lieu thereof "1939."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

**BRIDGE ACROSS MISSISSIPPI RIVER BETWEEN ST. LOUIS, MO., AND STITES, ILL.**

The Clerk called the next bill, H. R. 5964, to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near a point on Broadway between Florida and Mullanphy Streets in the city of St. Louis, Mo., and a point opposite thereto, in the town of Stites, in the county of St. Clair, State of Illinois, and connecting with St. Clair Avenue extended, in said town, authorized to be built by the county of St. Clair, Ill., by an act of Congress approved August 30, 1935, and hereby extended by acts of Congress approved May 1, 1936, and June 9, 1937, are hereby further extended 1 and 3 years, respectively, from August 30, 1939.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 1, after "1935", strike out "and hereby" and insert "heretofore."

Page 2, line 2, after "1936", strike out "and."

Page 2, line 3, after "1937", insert "and June 29, 1938."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

**BRIDGES ACROSS THE MONONGAHELA RIVER, ALLEGHENY COUNTY, PA.**

The Clerk called the next bill, H. R. 5984, to authorize the construction and operation of certain bridges across the Monongahela River in the county of Allegheny, Pa.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the county of Allegheny, Pa., its successors and assigns, is hereby authorized to construct, maintain, and operate bridges and approaches thereto at any or all of the following points within the county of Allegheny, Pa.:

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from Dravosburg, Pa., to a terminus at or near the dividing line between the city of McKeesport and the borough of Glassport, Pa., to replace the existing Dravosburg Bridge from Dravosburg to McKeesport, Pa.

(b) Across the Monongahela River, at a point suitable to the interests of navigation, from the borough of Rankin, Pa., to the borough of Whitaker, Pa., to replace the existing Rankin Bridge, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. Construction of the bridges authorized by this act shall commence within 3 years after its approval by the President of the United States, and shall be completed within 5 years from the time of the said approval.

With the following committee amendments:

Page 1, strike out all of lines 3 to 9, inclusive, and insert: "That the consent of Congress is hereby granted to the county of Allegheny, Pa., its successors and assigns, to construct, maintain, and operate free highway bridges and approaches thereto."

Page 2, line 14, after "Bridge", strike out the remainder of line 14 and all of lines 15 to 22, and in lieu thereof insert "all in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act."

"Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate free highway bridges across the Monongahela River, in Allegheny County, State of Pennsylvania."

A motion to reconsider was laid on the table.

**TOLL BRIDGE ACROSS THE MISSISSIPPI RIVER BETWEEN CASSVILLE, WIS., AND GUTTENBERG, IOWA**

The Clerk called the next bill, H. R. 6049, authorizing the village of Cassville, Wis., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cassville, Wis., and to a place at or near the village of Guttenberg, Iowa.

There being no objection the Clerk read the bill as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the village of Cassville, Wis., or its assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Cassville, Wis., and to a place at or near Guttenberg, Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the village of Cassville, Wis., or its assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The said village of Cassville, Wis., or its assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 3, line 6, strike out "thirty" and insert "twenty-five."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



## BRIDGE ACROSS BLACK RIVER, BLACK ROCK, ARK.

The Clerk called the next bill, H. R. 6079, granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near the town of Black Rock, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## BRIDGE ACROSS RED RIVER, WALSH COUNTY, N. DAK.

The Clerk called the next bill, H. R. 6111, to extend the times for commencing and completing the construction of a bridge across the Red River at or near a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Red River, at or near a point suitable to the interests of navigation from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17, such point being located near the dividing line between sections 18 and 19, township 157 north, range 51 west, fourth principal meridian, to a point in Marshall County, Minn., located near the dividing line between sections 17 and 20, township 157 north, range 50 west, fourth principal meridian, authorized to be built by the North Dakota State Highway and the Department of Highways of the State of Minnesota, by an act of Congress approved June 16, 1938, are hereby extended 1 and 3 years, respectively, from June 16, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 5, after "Highway" insert "Department."

Page 2, line 9, strike out "1938" and insert "1939."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## BRIDGE OVER CONNECTICUT RIVER NEAR HARTFORD, CONN.

The Clerk called the next bill, H. R. 6353, granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Conn.

Mr. CLASON. Mr. Speaker, reserving the right to object, in view of the fact that the Army engineers have reported favorably a project for navigation between Hartford and Holyoke, which may be adopted by some future Congress, I would like to have the author of this bill advise me whether or not provision is made whereby this bridge will provide at least for a clearance of 20 feet when the high water on the gage at Hartford is at 16 feet, so that it will not in any way interfere with the passage of barges and other ships which can proceed under a bridge where there is that much clearance.

Mr. MILLER. Mr. Speaker, I may say to my colleague from Massachusetts that I can assure him the bridge to be built will not interfere with any navigation going north of Hartford.

Mr. CLASON. But does it provide the necessary clearance; in other words, you may be assuming that the project might not be completed in the near future, while I want to make sure that at any rate the bridge would give sufficient clearance to cover what is required under the Army project.

Mr. MILLER. I cannot say positively, except it is higher than the existing bridge at Hartford. I believe that would qualify with respect to your 20 feet at 16.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, at or near Hartford, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls or the rate of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditure for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 11, strike out "forty", and insert "twenty-five."

Page 2, line 14, after "tolls", insert a period and strike out the balance of line 14, all of lines 15, 16, 17, and "ment." in line 18.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TOLL BRIDGE OVER ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN

The Clerk called the next bill, H. R. 6475, to authorize the city of Duluth, in the State of Minnesota, to construct a toll bridge across the St. Louis River, between the States of Minnesota and Wisconsin, and for other purposes.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of Duluth, in the State of Minnesota, to acquire and thereafter operate and maintain either or both of the existing vehicular-toll bridges across the St. Louis River, between St. Louis County in the State of Minnesota and Douglas County in the State of Wisconsin, and should said city be unable, after negotiation, to agree with the owners of the respective bridges upon a mutually satisfactory purchase price, then said city is hereby authorized to require the transfer of such bridge or bridges to said city upon payment of the price or prices computed according to the provisions for public acquisition of the bridges by the respective acts of Congress which authorized the original construction of such bridges.

SEC. 2. In order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, said city of Duluth is authorized to construct, maintain, and operate an additional vehicular-toll bridge and approaches across the St. Louis River, at a point suitable to the interests of navigation from St. Louis County in the State of Minnesota to Douglas County in the State of Wisconsin, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act. There is hereby conferred upon said city all rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use such real estate and other property as may be needed for the location, construction, operation, and maintenance of such bridge or bridges and approaches thereto as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such property may be located, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. Said city of Duluth is hereby authorized to fix and charge tolls for transit over any bridge or bridges acquired or constructed under the provisions of this act, and the rates of toll

so fixed shall be such as will pay costs of operation and maintenance and amortize the cost, within the period provided herein, of such bridge or bridges as evidenced by an issue or issues of bonds to pay the cost of such bridge or bridges, which bonds may be so issued subject to and in accordance with the pertinent laws of the State of Minnesota. All such bonds shall be in a form not inconsistent with this act, and shall mature at such time or times as the city may determine, not exceeding 25 years from the date of approval of this act. The city, when it deems it to be in the best interests of the city, may issue refunding bonds to repurchase and redeem any outstanding bonds before the maturity thereof: *Provided*, That the refunding bonds shall mature at such time or times, not exceeding 40 years from the date of approval of this act, as the city may determine. An accurate record of the cost of any bridge or bridges and their approaches acquired or constructed, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Sec. 4. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the city shall deliver deeds or other suitable instruments of conveyance of the interest of the city in and to the bridge or bridges extending between the State of Minnesota and the State of Wisconsin, that part of said bridge or bridges within Minnesota to the State of Minnesota or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Minnesota interests"), and that part of said bridge or bridges within Wisconsin, to the State of Wisconsin, or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereafter referred to as the "Wisconsin interests"), under the condition that the bridge or bridges shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Minnesota interests and the Wisconsin interests as may be agreed upon; but if the Minnesota interests and the Wisconsin interests fail to accept or are not authorized to accept, their respective portion of said bridge or bridges, then the city may deliver deeds, or other suitable instruments of conveyance of said portions, to any other interest which may accept and may be authorized to accept the same, under the condition that the bridge or bridges shall thereafter be free of toll and be properly maintained, operated, and repaired by said interest to whom said conveyances are delivered; but if either the Minnesota interests, or the Wisconsin interests, or any other interest hereinabove mentioned shall not be authorized to accept or shall not accept the same under such conditions, then the bridge or bridges shall continue to be owned, maintained, operated, and repaired by the city of Duluth, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge or bridges and approaches under economical management, until such time as the Minnesota interests, or the Wisconsin interests, or any other interest hereinabove mentioned shall be authorized to accept and shall accept such conveyance under such conditions. The rate or rates of toll for any bridge now or hereafter constructed across the St. Louis River, between St. Louis County in Minnesota and Douglas County in Wisconsin, shall not be reduced below the rate or rates now in effect so long as any bonds of said city of Duluth issued for account of any bridge or bridges acquired or constructed under the provisions of this act may be outstanding, subject, however, to the provisions regulating toll contained in the act of March 23, 1906.

Sec. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### With the following committee amendments:

- Page 2, line 14, after "to", insert "a point in."
- Page 2, line 15, strike out "consin, in" and insert "consin as approved, within a reasonable time, by the City Council of the City of Superior, Wis."
- Page 3, line 18, after "exceeding", strike out "twenty-five" and insert "twenty."
- Page 3, line 23, after "exceeding", strike out "forty" and insert "thirty."
- Page 5, strike out all of lines 11 to 17, inclusive, and in line 18 strike out "such conditions" and insert "Duluth as a free bridge."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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#### BRIDGE ACROSS MISSISSIPPI RIVER NEAR LITTLE FALLS, MINN.

The Clerk called the next bill, H. R. 6502, granting the consent of Congress to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Little Falls, Minn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Little Falls, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a very brief editorial on the employment of American citizens.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

#### THE CONSENT CALENDAR

##### BRIDGE OVER MAHONING RIVER IN YOUNGSTOWN, OHIO

The Clerk called the next bill, H. R. 6527, granting the consent of Congress to the Commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed, across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed, across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### With the following committee amendment:

Page 1, line 8, after the word "bridges", strike out "and other structures."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NORTHERN NATURAL GAS CO. OF DELAWARE

The Clerk called the bill (H. R. 6578) granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River.

The SPEAKER pro tempore. Is there objection?

Mr. THOMASON. Mr. Speaker, I object.

#### BRIDGE ACROSS MISSISSIPPI RIVER AT WINONA, MINN.

The Clerk called the bill (H. R. 6748) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Winona, Minn., authorized to be built by the States of Minnesota and Wisconsin, jointly or separately, by an act of Congress approved June 28, 1938, are hereby extended 1 and 3 years, respectively, from the date of approval of this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### BRIDGE OVER LAKE SABINE, PORT ARTHUR, TEX.

The Clerk called the bill (H. R. 5525) to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., authorized to be built by the city of Port Arthur, Tex., or the Port Arthur Bridge Commission and its successors, by an act of Congress approved June 18, 1934 (48 Stat. 1008), and heretofore amended and extended by acts of Congress approved April 10, 1936, August 12 1937, and June 18, 1938, are hereby further extended 1 and 3 years, respectively, from August 12, 1938.

SEC. 2. The said act approved June 18, 1934 (48 Stat. 1008), as heretofore amended and extended, is further amended as follows: (a) The second sentence of section 4 of said act is amended to read: "After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls."

(b) Section 5 of said act is amended to read as follows:

"SEC. 5. There is hereby created a body corporate and politic to be known as the 'Port Arthur Bridge Commission,' which shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this act, as amended."

(c) Section 6 of said act is amended to read as follows:

"SEC. 6. The Commission shall consist of Fred L. Bachert, Frank J. Imhoff, Henry J. LeBlanc, C. W. Loeb, B. T. McWhorter, Jr., Benson Vincent, and W. E. Holbrook.

"Each member of the Commission shall qualify within 30 days after the approval of this amendatory act by filing in the office of the Secretary of Agriculture an oath that he will faithfully perform the duties imposed upon him by this act, as amended, and each person hereafter appointed to fill a vacancy shall qualify in like manner within 30 days after his appointment. Any vacancy occurring in said commission by reason of failure to qualify as above provided, or by reason of death, expiration of term, or resignation, shall be filled by the Secretary of Agriculture. The commission shall elect a chairman and a vice chairman from its members, may employ a secretary, treasurer, engineers, attorneys, experts, and fix their compensation, and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business. Before the issuance of bonds as herein provided, each member of the commission shall give such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned upon the faithful performance of all duties required by this act, as amended. Each member of the commission shall serve for a term of 5 years and until his successor has been appointed and has qualified as herein provided, except that the initial terms of the above-named members shall be, respectively, in the order above named, 1, 2, 3, 4, and 5 years. No member shall receive a salary for his services as a member, but each member shall be paid his actual expenses not exceeding per day in the performance of his duties hereunder. All salaries and expenses shall be paid solely from funds provided under the authority of this act, as amended."

(d) The portion of section 9 of said act which reads as follows: "Then the bridge shall continue to be owned, maintained, operated, insured, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper maintenance, repair, insurance, and operation of the bridge and its approaches under economical management, including reasonable reserves, until such time as the Texan interests or the Louisiana interests, or both, shall be authorized to accept and shall accept such conveyance under the conditions aforesaid," is amended so as to read as follows: "then the bridge shall continue to be owned, maintained, operated, insured, and repaired by the Commission as a free bridge until such time as the Texas interests or the Louisiana interests, or both, shall be authorized to accept and shall accept such conveyance under the conditions aforesaid."

SEC. 3. The Commission created by section 2 (b) and (c) of this amendatory act, when its members have qualified as provided, shall be deemed the successor commission to any commission heretofore operating and functioning pursuant to the provisions of the said act approved June 18, 1934 (48 Stat. 1008), as heretofore amended and extended.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 1, after "June", strike out "18" and insert "14."

Page 2, line 2, strike out "1938" and insert "1939."

Page 2, line 23, strike out "Secretary of Agriculture" and in lieu thereof insert "Federal Works Administrator."

Page 3, line 5, strike out "Secretary of Agriculture" and in lieu thereof insert "Federal Works Administrator."

Page 3, lines 13 and 14, strike out "Chief of the Bureau" and in lieu thereof insert "Commissioner."

Page 3, line 20, at end of the line, insert an added "one."

Page 3, line 21, before the word "and", insert "one."

Page 3, line 23, after "exceeding" strike out "\$" and insert "\$10."

The committee amendments were agreed to.

Mr. CHAPMAN. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHAPMAN: Page 3, line 16, after the word "the" strike out "Department of Agriculture" and insert "Federal Works Agency."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### RESERVE LANDS, THE TERRITORY OF ALASKA

The Clerk called the bill (H. R. 3025) to amend an act entitled "An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes," approved March 4, 1915 (38 Stat. 1214-1215).

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of Congress approved March 4, 1915 (38 Stat. L. 1214-1215), being an act to reserve lands of the Territory of Alaska for educational uses, and for other purposes, be, and the same is hereby, amended by adding to the second proviso of the first section of said act at the end of said proviso the following: "and to sell from the said land all timber and mineral products, or either, on the land or beneath the same."

With the following committee amendment:

Strike out all of lines 7, 8, 9, and 10, and insert the following: "the first section of the act the following: 'Timber on the reserved lands may be sold by the Secretary of the Interior under the provisions of section 11 of the act of Congress approved May 14, 1898 (30 Stat. 409-414), and such lands and the minerals therein shall be subject to disposition under the mining and mineral leasing laws of the United States, upon conditions providing for compensation to any Territorial lessee for any resulting damages to crops or improvements on such lands, but the entire proceeds or income derived by the United States from such sale of timber and disposition of the lands or the minerals therein are hereby appropriated and set apart as permanent funds in the Territorial treasury, to be invested and the income expended for the same purposes and in the manner hereinbefore provided for. Any leases issued by the Territory after a valid appropriation of such reserved lands under the mining laws or the mineral leasing laws of the United States shall be with due regard to the rights of the mineral claimant.'

"The Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect."

The committee amendment was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### UNITED STATES EMPLOYEES' COMPENSATION ACT

The Clerk called the bill (S. 1021) to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That if in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army is physically injured in line of duty (1) while on active duty, or (2) when engaged in authorized travel to and from such duty, or (3) when engaged in authorized training without pay, or dies as the result of such physical injury, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in line of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That in no case shall sickness or disease be regarded as an injury within the meaning of this act relating to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army: *Provided further*, That employees' compensation under this act shall not be paid concurrently with active-duty pay or pension based upon military service, and in the event a person becomes eligible for the benefits of the United States Employees' Compensation Act and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive: *Provided further*, That authorized train-

ing without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit: *Provided further*, That Reserve Officers entitled to the benefits of the last proviso of section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.), shall not be entitled to the benefits of this act: *And provided further*, That nothing herein shall be construed to authorize compensation benefits for any period prior to the approval of this act.

With the following committee amendments:

Strike out all language beginning on page 2, line 8, down to and including the word "Army" in line 11, and substitute for the clause stricken out the following: "That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty."

On page 2, line 21, following the colon after the word "limit", insert the following: "*Provided further*, That for the purpose of determining the benefits to which entitled under the provisions of this act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status."

The committee amendments were agreed to and the bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### COMMISSIONED PERSONNEL OF COAST GUARD

The Clerk called the bill (H. R. 5611) to amend section 9 of the act of July 3, 1926 (44 Stat. 817), entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes."

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the second sentence of section 9 of the act of July 3, 1926 (44 Stat. 817), entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes," is amended to read as follows: "A district commander of less than 5 years' commissioned service as district commander shall have the rank, pay, and allowances of a lieutenant, and, after 5 years' commissioned service as district commander, he shall have the rank, pay, and allowances of a lieutenant commander, and, after 15 years' commissioned service as district commander, he shall have the rank, pay, and allowances of a commander"; and that the third sentence of said section is amended to read as follows: "An original appointment as district commander shall be made under regulations prescribed by the President from the chief boatswains (lifelines) of the Coast Guard: *Provided*, That all officers commissioned as district commanders prior to the passage of this act shall continue in precedence among themselves as district commanders as set forth in the Official Register of the United States Coast Guard, dated July 1, 1938, and the President, by and with the advice and consent of the Senate, is hereby authorized to advance in rank and to issue a new commission to any such officer when necessary to maintain such precedence: *Provided further*, That no officer now serving as district commander shall suffer any reduction in rank, pay, or allowances, or lose any right to promotion which he would have except for the enactment of this act, by reason of the provisions of this act: *And provided further*, That any officer hereafter appointed a district commander shall not suffer any loss of pay or allowances by reason of such appointment."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That section 9 of the act entitled 'An act to readjust the commissioned personnel of the Coast Guard, and for other purposes,' approved July 3, 1926 (44 Stat. 817), is hereby amended by striking out the second and third sentences and substituting in lieu thereof the following:

"All officers in the grades of district commander and constructor on active duty are hereby transferred to the line of the Coast Guard and shall be commissioned in the grades of commander, lieutenant commander, and lieutenant, according to the ranks held by them on the date of such transfer, and shall when so transferred and commissioned take precedence (1) with each other in their respective grades, according to length of commissioned service as district commander or constructor, as the case may be, (2) with other line officers in such grades, according to length of service in the ranks held by them on the date of such transfer, and (3) in higher grades to which they may be promoted, according to the dates of commissions in such higher grades: *Provided*, That the President is hereby authorized to appoint Charles Walker to the grade of lieutenant commander with precedence next after Irwin B. Steele. Each officer commissioned pursuant to this section shall be an extra number in his grade and in the grades to which he may be promoted, and shall be eligible for promotion, if otherwise qualified, whenever the officer in a regular number in line of promotion next above him on the seniority list becomes eligible for promotion; or if there be no such officer in his grade, he shall be eligible for promotion, if otherwise qualified, when a vacancy occurs in the

next higher grade. Any officer commissioned pursuant to this section shall be assigned to duty in his specialty and the professional examination of such officer for promotion shall embrace only those subjects pertaining to such specialty."

"Sec. 2. Each vacancy existing in the grade of constructor and in the grade of district commander on the date of the approval of this act, and each vacancy which shall hereafter occur in the extra number of officers commissioned pursuant to this act, shall operate to increase by one the total number of line officers in the Coast Guard authorized by section 1 of the act of March 2, 1929 (45 Stat. 1533), as amended.

"Sec. 3. No officer commissioned pursuant to this act shall suffer any reduction in rank, pay, or allowances by reason of the provisions of this act, or lose any right to promotion which he would have had but for the enactment of this act.

"Sec. 4. The grades of district commander and constructor on the active list in the Coast Guard are hereby abolished, and all provisions of law in conflict with this act are hereby repealed."

The committee amendment was agreed to and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### RECLAMATION PROJECT ACT OF 1939

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6984) to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes.

Mr. HOLMES. Reserving the right to object—

The SPEAKER pro tempore. The Chair will state that the calendar has been called as far as bills that are eligible under the rule, but, of course, by unanimous consent any bill may be called up.

The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Reserving the right to object, do I understand this is the bill to which the gentleman from Michigan [Mr. CRAWFORD] objected?

Mr. CRAWFORD. No. This is not the bill.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That for the purpose of providing for United States reclamation projects a feasible and comprehensive plan for variable payments of construction charges which can be met regularly and fully from year to year during periods of decline in agricultural income and unsatisfactory conditions of agriculture as well as during periods of prosperity and good prices for agricultural products, and which will protect adequately the financial interest of the United States in said projects, obligations to pay construction charges may be revised or undertaken pursuant to the provisions of this act.

Sec. 2. As used in this act—

(a) The term "Federal reclamation laws" shall mean the act of June 17, 1902 (32 Stat. 388), and all acts amendatory thereof or supplementary thereto.

(b) The term "Secretary" shall mean the Secretary of the Interior.

(c) The term "project" shall mean any reclamation or irrigation project, including incidental features thereof, authorized by the Federal reclamation laws, or constructed by the United States pursuant to said laws, or in connection with which there is a repayment contract executed by the United States, pursuant to said laws, or any project constructed or operated and maintained by the Secretary through the Bureau of Reclamation for the reclamation of arid lands or other purposes.

(d) The term "construction charges" shall mean the amounts of principal obligations payable to the United States under water-right applications, repayment contracts, orders of the Secretary, or other forms of obligation entered into pursuant to the Federal reclamation laws, excepting amounts payable for water rental or power charges, operation and maintenance and other yearly service charges, and excepting also any other operation and maintenance, interest, or other charges which are not covered into the principal sums of the construction accounts of the Bureau of Reclamation.

(e) The term "repayment contract" shall mean any contract providing for payment of construction charges to the United States.

(f) The term "project contract unit" shall mean a project or any substantial area of a project which is covered or is proposed to be covered by a repayment contract. On any project where two or more repayment contracts in part cover the same area and in part different areas, the area covered by each such repayment contract shall be a separate project contract unit. On any project where there are either two or more repayment contracts on a single project contract unit or two or more project contract units, the repayment contracts or project contract units may be merged by agreements in form satisfactory to the Secretary.



(g) The term "organization" shall mean any conservancy district, irrigation district, water users' association, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

(h) The term "annual returns" shall mean the amount of the annual gross crop returns per acre of the area in cultivation within the project contract unit involved; and the term "normal returns" for any year shall mean the weighted average of the annual returns of those 10 years, of the 13-year period covering said year, and the 12 years preceding it, in which the annual returns are the highest.

(i) The term "division of a project" shall mean any part of a project designated as a division by order of the Secretary or any phase or feature of project operations given a separate designation as a division by order of the Secretary for the purposes of orderly and efficient administration.

(j) The term "development unit" shall mean a part of a project which, for purposes of orderly engineering or reclamation development, is designated as a development unit by order of the Secretary.

(k) The term "irrigation block" shall mean an area of arid or semiarid lands in a project in which, in the judgment of the Secretary, the irrigable lands should be reclaimed and put under irrigation at substantially the same time, and which is designated as an irrigation block by order of the Secretary.

Sec. 3. In connection with any repayment contract or other form of obligation, existing on the date of this act, to pay construction charges, providing for repayment on the basis of a definite period, the Secretary is hereby authorized, upon request by the water users involved or their duly authorized representatives for amendment under this section of said contract or other form of obligation, and if in the Secretary's judgment such amendment is both practicable and in keeping with the general purpose of this act, to amend said contract or other form of obligation so as to provide that the construction charges remaining unaccrued on the date of the amendment, or any later date agreed upon, shall be spread in definite annual installments on the basis of a longer definite period fixed in each case by the Secretary: *Provided*, That for any construction charges said longer period shall not exceed 40 years, exclusive of 1931 and subsequent years to the extent of moratoria or deferments of construction charges due and payable for such years effected pursuant to acts of Congress, from the date when the first installment of said construction charges became due and payable under the original obligation to pay said construction charges and in no event shall the unexpired part of said longer period exceed double the number of remaining years, as of the date of the amendment made pursuant to this act, in which installments of said construction charges would become due and payable under said existing repayment contract or other form of obligation to pay construction charges.

Sec. 4. (a) In connection with any existing project on which construction charges are payable to the United States, the Secretary is hereby authorized to negotiate and enter into a contract or an amendatory contract, in a form satisfactory to him, with an organization, satisfactory in form and powers to him, representing the water users of the project contract unit involved, which contract shall provide for the payment of construction charges on said project contract unit in the manner hereinafter provided in this section. The negotiation and execution of such a contract shall be undertaken only upon request by duly authorized representatives of the water users involved for such a contract and upon a determination by the Secretary that, in his judgment, such a contract is both practicable and in keeping with the general purpose of this act.

(b) All of the construction charges for the project contract unit remaining unaccrued on the date of the contract entered into pursuant to this section or on any later date agreed upon shall be merged in a total and general repayment obligation of the organization. Said repayment obligation of said organization shall be scheduled in such annual installments as, in the judgment of the Secretary, constitute an equitable, practicable, and definite consolidated schedule of the existing obligations in said project contract unit to pay construction charges: *Provided*, That said schedule of installments shall be so arranged that in the judgment of the Secretary it does not involve for any of said construction charges merged into said general obligation an extension of the time permitted under the existing obligations for payment of said charges excepting the adjustment of the repayment period permitted for certain charges by the last sentence of this subsection. For the purpose of scheduling said installments of said general obligation in accordance with this subsection, in connection with each project contract unit under an existing contract made pursuant to section 4 of the act of December 5, 1924 (43 Stat. 672, 701), the Secretary shall fix a weighted average gross crop return per acre, of which 5 percent shall be the measure for determining the schedule of the unaccrued construction charges in a definite number of annual installments. In the event the said existing obligations to pay construction charges in said project contract unit or units are based in part on section 4 of the act of December 5, 1924 (43 Stat. 672, 701), and in part on other acts of the Federal reclamation laws, said charges may be consolidated into two general repayment contract obligations of said organization, each of which shall be scheduled in such installments as, in the judgment of the Secretary, constitute an equitable, practicable, and definite consolidated schedule of all of the respective parts of said existing obligations to pay construction charges. Any of said unaccrued construction charges, which under said existing obligations are payable on the basis of a defi-

nite period, first may be adjusted by the Secretary, if in his judgment such adjustment is both practicable and in keeping with the general purpose of this act, to a repayment basis of a longer definite period fixed in each case by him: *Provided*, That for any such construction charges said longer period shall not exceed the limitations contained in the proviso of section 3 of this act.

(c) For each project contract unit where a repayment contract is entered into pursuant to this section, a census of annual returns shall be taken each year. The normal returns each year, for each such project contract unit, shall be determined by the Secretary: *Provided*, That in any year, if the Secretary deems it necessary, an estimate of the annual returns of that year, in lieu of a final determination thereof, shall be considered with the annual returns of the preceding 12 years: *Provided further*, That in the event records of annual returns of the lands involved are not available for 12 preceding years, the Secretary, until such records for 12 preceding years have been established, in his discretion may consider established annual returns of other and similar lands in other and similar project contract units for the purpose of determining each year the normal returns. The estimates and final determinations of annual returns and the determinations of normal returns provided for in this act shall be made by the Secretary with such assistance from the water users and organization involved as he requests, and said estimates and determinations made by him shall be conclusive.

(d) For each project contract unit where a repayment contract is entered into pursuant to this section, each year the percent of the normal returns for said year by which the annual returns of said year exceed or are less than said normal returns shall be determined by the Secretary. For each unit or major fraction of a unit of said percentage of said increase or decrease there shall be an increase or decrease, respectively, of 2 percent in the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section. Said latter amount or amounts as thus increased or decreased shall be the payment or payments of construction charges due and payable for said year, except that in no event shall the amount of the said payment or payments due and payable for any year be less than 15 percent of the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section.

(e) In each contract entered into pursuant to this section, there shall be such provisions as the Secretary deems equitable, necessary, and proper to provide that any part of the amount of any installment of an organization's obligation, as determined under subsection (b) of this section, which, in the year for which said installment is designated under said subsection (b), does not, by reason of the operation of subsection (d) of this section, become due and payable as construction charges for said year, shall be added to an installment or installments of subsequent years for which installments are designated under said subsection (b) or shall be established as an installment or installments or parts thereof of years subsequent to the last year for which an installment is designated under said subsection (b), or both; and there shall be similar provisions respecting any such part of the amount of any installment modified or established under this subsection: *Provided*, That under this subsection no installment may be revised to or established in an amount exceeding the amount of the largest installment as determined under said subsection (b), and there shall be included in the contract such provisions as the Secretary deems proper for offsetting the increases and decreases in annual installments which result from the operation of said subsection (d).

(f) In any contract entered into pursuant to the authority of this section, it shall be provided that from and after the date of the last installment of the organization's repayment contract obligation or obligations as determined under subsection (b) of this section, a charge of 3 percent per annum shall be payable by the organization on any balance or balances of said organization's obligation or obligations which have not become due and payable by reason of the operation of subsection (d) of this section, until the same have become due and payable as construction charges under said subsection (d), and said charge of 3 percent shall be payable by the organization to the United States on the same dates as, and in addition to, the annual payments otherwise required under this section.

(g) There may be included in any contract entered into pursuant to the authority of this section provisions requiring the organization to vary its distribution of construction charges in a manner that takes into account the productivity of the various classes of lands and the benefits accruing to the lands by reason of the irrigation thereof: *Provided*, That no distribution of construction charges over the lands included in the organization shall in any manner be deemed to relieve the organization, or any party or any land therein, of the organization's general obligation to repay to the United States in full the total amount of the organization's repayment contract obligation or obligations as determined under subsection (b) of this section.

Sec. 5. The Secretary in his discretion may require, in connection with any contract entered into pursuant to the authority of this act, that the contract provide (1) that the payments for each year to be made to the United States shall become due and payable on such date or dates, not exceeding two, in each year as the Secretary determines will be substantially contemporaneous with the time or times in each year when water users receive crop returns; and (2) if the contract be with an organization, that assessments or levies for the purpose of obtaining moneys suffi-

cient to meet the organization's payments under said contract shall be made and shall become due and payable within a certain period or periods of time prior to the date or dates on which the organization's payments to the United States are due and payable, said period or periods of time to be agreed upon in each said contract.

The Secretary may provide such deferments of construction charges as in his judgment are necessary to prevent said requirements from resulting in inequitable pyramiding of payments of said charges.

Sec. 6. In connection with any contract, relating to construction charges, entered into pursuant to the authority of this act, the Secretary is hereby authorized to require such provisions as he deems proper to secure the adoption of proper accounting, to protect the condition of project works and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Any such contract shall require advance payment of adequate operation and maintenance charges. The Secretary is further authorized, in his discretion, to require such provisions as he deems proper to penalize delinquencies in payments of construction charges or operation and maintenance charges: *Provided*, That in any event there shall be penalties imposed on account of delinquencies of not less than one-half of 1 percent per month of the delinquent charge from and after the date when such charge becomes due and payable: *Provided further*, That any such contract shall require that no water shall be delivered to lands or parties which are in arrears in the advance payment of operation and maintenance or toll charges, or to lands or parties which are in arrears for more than 12 months in the payment of construction charges due from such lands or parties to the United States or to the organization in which the lands or parties are included, or to any lands or parties included in an organization which is in arrears in the advance payment of operation and maintenance or toll charges or in arrears more than 12 months in the payment of construction charges due from such organization to the United States.

Sec. 7. (a) The Secretary is hereby authorized and directed to investigate the repayment problems of any existing project contract unit in connection with which, in his judgment, a contract under section 3 or 4 of this act would be impracticable, and to negotiate a contract which, in his judgment, both would provide fair and equitable treatment of the repayment problems involved and would be in keeping with the general purpose of this act.

(b) For any project, division of a project, development unit of a project, or supplemental works on a project, now under construction or for which appropriations have been made, and in connection with which a repayment contract has not been executed, allocations of costs may be made in accordance with the provisions of section 9 of this act and a repayment contract may be negotiated, in the discretion of the Secretary, (1) pursuant to the authority of subsection (a) of this section or (2) in accordance, as near as may be, with the provisions in subsection 9 (d) or 9 (e) of this act. In connection with any such project, division, or development unit, on which the majority of the lands involved are public lands of the United States, the Secretary, prior to entering into a repayment contract, may fix a development period for each irrigation block, if any, of not to exceed 10 years from and including the first year in which water is delivered for the lands in said block: *Provided*, That in the event a development period is fixed prior to execution of a repayment contract, execution thereof shall be a condition precedent to delivery of water after the close of the development period. During any such development period water shall be delivered to the lands in the irrigation block involved only on a toll-charge basis, at a charge per annum per acre-foot to be fixed by the Secretary each year and to be collected in advance of delivery of water. Pending negotiation and execution of a repayment contract for any other such project, division, or development unit, water may be delivered for a period of not more than 5 years from the date of this act on the same toll-charge basis. Any such toll charges collected and which the Secretary determines to be in excess of the cost of operation and maintenance during the toll-charge period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(c) The Secretary from time to time shall report to the Congress on any proposed contracts negotiated pursuant to the authority of subsection (a) or (b) (1) of this section, and he may execute any such contract on behalf of the United States only after approval thereof has been given by act of Congress.

Sec. 8. (a) The Secretary is hereby authorized and directed in the manner hereinafter provided to classify or to reclassify, from time to time but not more often than at 5-year intervals, as to irrigability and productivity those lands which have been, are, or may be included within any project.

(b) No classification or reclassification pursuant to the authority of this act shall be undertaken unless a request therefor, by an organization or duly authorized representatives of the water users, in the form required by subsection (c) of this section has been made of the Secretary. The Secretary shall plan the classification work, undertaken pursuant to the authority of this section, in such manner as in his judgment will result in the most expeditious completion of the work.

(c) In any request made to the Secretary for a land classification or reclassification under this section, the organization or representatives of the water users shall furnish a list of those lands which are considered to be of comparatively low productivity or to be nonproductive, and of those lands which are considered

to be of greater or lesser productivity than indicated by existing classifications, if any, made pursuant to the Federal reclamation laws, and shall furnish also such data relating thereto as the Secretary by regulation may require.

(d) Upon receipt of any such request the Secretary shall make a preliminary determination whether the requested land classification or reclassification probably is justified by reason of the conditions of the lands involved and other pertinent conditions of the project, including its contractual relations with the United States.

(e) If the Secretary finds probable justification and if the advance to the United States hereinafter required is made, he shall undertake as soon as practicable the classification or reclassification of the lands listed in the request, and of any other lands which have been, are, or may be included within the project involved and which in his judgment should be classified or reclassified.

(f) As soon as practicable after completion of the classification work undertaken pursuant to this section, or from time to time, the Secretary shall report to Congress on the classifications and reclassifications made and shall include in his report, as to each project involved, his recommendations, if any, for remedial legislation.

(g) One-half of the expense involved in any classification work undertaken pursuant to this section shall be charged to operation and maintenance administration nonreimbursable; and one-half shall be paid in advance by the organization involved. On determining probable justification for the requested classification or reclassification as provided in this section, the Secretary shall estimate the cost of the work involved and shall submit a statement of the estimated cost to said organization. Said organization, before commencement of the work, shall advance to the United States one-half of the amount set forth in said statement and also shall advance one-half of the amount of supplementary estimates of costs which the Secretary may find it necessary to make from time to time during the progress of the work; and said amounts shall be and remain available for expenditure by the Secretary for the purposes for which they are advanced, until the work is completed or abandoned. After completion or abandonment of the work, the Secretary shall determine the actual costs thereof; and said organization shall pay any additional amount required to make its total payments hereunder equal to one-half of the actual cost or shall be credited with any amount by which advances made by it exceed one-half of said actual cost, as the case may be.

(h) If in the judgment of the Secretary a classification or reclassification pursuant to the provisions of this section is a necessary preliminary to entering into a contract under section 3 or 4 of this act, he may require the same as a condition precedent to entering into such a contract.

(i) No modification of any existing obligation to pay construction charges on any project shall be made by reason of any classification or reclassification undertaken pursuant to this section without express authority therefor granted by Congress upon recommendations of the Secretary made in a report under subsection (f) of this section.

Sec. 9. (a) No expenditures for the construction of any new project, new division of a project, or new supplemental works on a project shall be made, nor shall estimates be submitted therefor, by the Secretary until after he has made an investigation thereof and has submitted to the President and to the Congress his report and findings on—

- (1) the engineering feasibility of the proposed construction;
- (2) the estimated cost of the proposed construction;
- (3) the part of the estimated cost which can properly be allocated to irrigation and probably be repaid by the water users;
- (4) the part of the estimated cost which can properly be allocated to power and probably be returned to the United States in net power revenues;

(5) the part of the estimated cost which can properly be allocated to municipal water supply or other miscellaneous purposes and probably be returned to the United States.

If the proposed construction is found by the Secretary to have engineering feasibility and if the repayable and returnable allocations to irrigation, power, and municipal water supply or other miscellaneous purposes found by the Secretary to be proper, together with any allocation to flood control or navigation made under subsection (b) of this section, equal the total estimated cost of construction as determined by the Secretary, then the new project, new division of a project, or supplemental works on a project, covered by his findings, shall be deemed authorized and may be undertaken by the Secretary. If all such allocations do not equal said total estimated cost, then said new project, new divisions, or new supplemental works may be undertaken by the Secretary only after provision therefor has been made by act of Congress enacted after the Secretary has submitted to the President and the Congress the report and findings involved.

(b) In connection with any new project, new division of a project, or supplemental works on a project there may be allocated to flood control or navigation the part of said total estimated cost which the Secretary may find to be proper. Items for any such allocations made in connection with projects which may be undertaken pursuant to subsection (a) of this section shall be included in the estimates of appropriations submitted by the Secretary for said projects, and funds for such portions of the projects shall not become available except as directly appropriated or allotted to the Department of the Interior. In connection with the making of such an allocation, the Secretary shall consult with the Chief of Engineers and the Secretary of War, and may perform any of the necessary investigations or studies under a cooperative agreement with the Secretary of War. In the event of such an allocation



the Secretary of the Interior shall operate the project for purposes of flood control or navigation, to the extent justified by said allocation therefor.

(c) The Secretary is authorized to enter into contracts to furnish water for municipal water supply or miscellaneous purposes: *Provided*, That any such contract either (1) shall require repayment to the United States, over a period of not to exceed 40 years from the year in which water is first delivered for the use of the contracting party, with interest not exceeding the rate of 3½ percent per annum if the Secretary determines an interest charge to be proper, of an appropriate share as determined by the Secretary of that part of the construction costs allocated by him to municipal water supply or other miscellaneous purposes; or (2) shall be for such periods, not to exceed 40 years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, and shall require the payment of said rates each year in advance of delivery of water for said year. Any sale of electric power or lease of power privileges, made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed 40 years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost, interest on an appropriate share of the construction investment at not less than 3½ percent per annum, and such other fixed charges as the Secretary deems proper: *Provided further*, That in said sales or leases preference shall be given to municipalities and other public corporations or agencies and to cooperatives. Nothing in this subsection shall be applicable to provisions in existing contracts, made pursuant to law, for the use of power and miscellaneous revenues of a project for the benefit of users of water from such project. The provisions of this subsection respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects. No contract relating to municipal water supply or miscellaneous purposes or to electric power or power privileges shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes.

(d) No water may be delivered for irrigation of lands in connection with any new project, new division of a project, or supplemental works on a project until an organization, satisfactory in form and powers to the Secretary, has entered into a repayment contract with the United States, in a form satisfactory to the Secretary, providing among other things—

(1) That the Secretary may fix a development period for each irrigation block, if any, of not to exceed 10 years from and including the first calendar year in which water is delivered for the lands in said block; and that during the development period water shall be delivered to the lands in the irrigation block involved at a charge per annum per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water: *Provided*, That where the lands included in an irrigation block are for the most part lands owned by the United States, the Secretary, prior to execution of a repayment contract, may fix a development period, but in such case execution of such a contract shall be a condition precedent to delivery of water after the close of the development period. After the close of the development period, any such charges collected and which the Secretary determines to be in excess of the cost of the operation and maintenance during the development period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(2) That the part of the construction costs allocated by the Secretary to irrigation shall be included in a general repayment obligation of the organization; and that the organization may vary its distribution of construction charges in a manner that takes into account the productivity of the various classes of lands and the benefits accruing to the lands by reason of the construction: *Provided*, That no distribution of construction charges over the lands included in the organization shall in any manner be deemed to relieve the organization or any party or any land therein of the organization's general obligation to the United States.

(3) That the general repayment obligation of the organization shall be spread in annual installments, of the number and amounts fixed by the Secretary, over a period not exceeding 40 years, exclusive of any development period fixed under subsection (d) (1) of this section, for any project contract unit, or for any irrigation block, if the project contract unit be divided into two or more irrigation blocks.

(4) That the first annual installment for any project contract unit, or for any irrigation block, as the case may be, shall accrue, on the date fixed by the Secretary, in the year after the last year of the development period or, if there be no development period, in the calendar year after the Secretary announces that the construction contemplated in the repayment contract is substantially completed or is advanced to a point where delivery of water can be made to substantially all of the lands in said unit or block to be irrigated; and if there be no development period fixed, that prior to and including the year in which the Secretary makes said announcement water shall be delivered only on the toll charge basis hereinbefore provided for development periods.

(5) Either (A) that each year the installment of the organization's repayment obligation scheduled for such year shall be the construction charges due and payable by the organization for such year, or (B) that each year the installment for such year of the organization's repayment obligation shall be increased or decreased

on the basis of the normal and percentages plan provided in section 4 of this act for modification of existing obligations to pay construction charges, and the amount of the annual installment of the organization's obligation, as thus increased or decreased, shall be the construction charges due and payable for such year. Under "(B)" of this subsection the provisions of section 4 of this act shall be applicable, as near as may be, to the repayment contract made in connection with the new project, new division of a project, or supplemental works on a project; and the organization shall make payments on the basis therein provided until its general repayment obligation has become due and payable to the United States in full.

(e) In lieu of entering into a repayment contract pursuant to the provisions of subsection (d) of this section to cover that part of the cost of the construction of works connected with water supply and allocated to irrigation, the Secretary, in his discretion, may enter into either short- or long-term contracts to furnish water for irrigation purposes. Each such contract shall be for such period, not to exceed 40 years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, due consideration being given to that part of the cost of construction of works connected with water supply and allocated to irrigation; and shall require payment of said rates each year in advance of delivery of water for said year. In the event such contracts are made for furnishing water for irrigation purposes, the costs of any irrigation water distribution works constructed by the United States in connection with the new project, new division of a project, or supplemental works on a project, shall be covered by a repayment contract entered into pursuant to said subsection (d).

Sec. 10. The Secretary, in his discretion, may (a) permit the removal, from lands or interests in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project, of sand, gravel, and other minerals and building materials with or without competitive bidding: *Provided*, That removals may be permitted without charge if for use by a public agency in the construction of public roads or streets within any project or in its immediate vicinity; and (b) grant leases, licenses, easements, or rights-of-way, for periods not to exceed 50 years, affecting lands or interests in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project. Such permits or grants shall be made only when, in the judgment of the Secretary, their exercise will not be incompatible with the purposes for which the lands or interests in lands are being administered, and shall be on such terms and conditions as in his judgment will adequately protect the interests of the United States and the project for which said lands or interests in lands are being administered.

Sec. 11. The Secretary in his discretion, in any instances where property to be sold under the act of February 2, 1911 (36 Stat. 805), or the act of May 20, 1920 (41 Stat. 605), is appraised at not to exceed \$300, may sell said property at public or private sale without complying with the provisions of said acts as to notice, publication, and mode of sale.

Sec. 12. When appropriations have been made for the commencement or continuation of construction or operation and maintenance of any project, the Secretary may, in connection with such construction or operation and maintenance, enter into contracts for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.

Sec. 13. The purchase of supplies and equipment or the procurement of services for the Bureau of Reclamation at the seat of government and elsewhere may be made in the open market without compliance with section 3709 or section 3744 of the Revised Statutes of the United States, in the manner common among businessmen, when the aggregate payment for the purchase or the services does not exceed \$300 in any instance.

Sec. 14. The Secretary is hereby authorized, in connection with the construction or operation and maintenance of any project, (a) to purchase or condemn suitable lands or interests in lands for relocation of highways, roadways, railroads, telegraph, telephone, or electric transmission lines, or any other properties whatsoever, the relocation of which in the judgment of the Secretary is necessitated by said construction or operation and maintenance, and to perform any or all work involved in said relocations on said lands or interests in lands, other lands or interests in lands owned and held by the United States in connection with the construction or operation and maintenance of said project, or properties not owned by the United States; (b) to enter into contracts with the owners of said properties whereby they undertake to acquire any or all property needed for said relocation, or to perform any or all work involved in said relocations; and (c) for the purpose of effecting completely said relocations, to convey or exchange Government properties acquired or improved under (a) above, with or without improvements, or other properties owned and held by the United States in connection with the construction or operation and maintenance of said project, or to grant perpetual easements therein or thereover. Grants or conveyances hereunder shall be by instruments executed by the Secretary without regard to provisions of law governing the patenting of public lands.

The Secretary is further authorized for the purpose of orderly and economical construction or operation and maintenance of any project, to enter into such contracts for exchange or replacement of water, water rights, or electric energy or for the adjustment of water rights, as in his judgment are necessary and in the interests of the United States and the project.

Sec. 15. The Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Sec. 16. The provisions of previous acts of Congress not inconsistent with the provisions of this act shall remain in full force and effect.

Sec. 17. (a) The authority granted in sections 3 and 4 of this act for modification of existing repayment contracts or other forms of obligations to pay construction charges shall continue for 5 years from the date of this enactment in order to provide opportunity for negotiating and consummating said modifications and opportunity for enactment by the legislature of any State in which a project contract unit is located of any legislation which may be necessary to empower water users and organizations to execute and carry out the provisions of contracts entered into pursuant to the authority of this act.

(b) The authority of the Secretary under the act entitled "An act to authorize further relief to water users on United States and on Indian reclamation projects," approved May 31, 1939 (Public, No. 97, 76th Cong., 1st sess.), is hereby extended in connection with the construction charges due and payable, under any existing obligation to pay construction charges, for each of the years 1939 to 1943, inclusive, to the extent such charges are not covered by modification of said obligation under section 3 or 4 of this act.

Sec. 18. Nothing in this act shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended.

Sec. 19. This act may be cited as the "Reclamation Project Act of 1939."

With the following committee amendments:

Page 22, in line 10, after the word "proper", strike out the balance of line 10 down to and including the word "cooperatives", in line 12.

Page 22, in line 16, after the word "project", strike out the balance of line 16, all of lines 17, 18, 19, and the word "projects", in line 20.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

Mr. CASE of South Dakota. Mr. Speaker, I ask recognition in support of the committee amendments.

#### THE REPAYMENT COMMISSION BILL

Mr. CASE of South Dakota. Mr. Speaker, this bill, H. R. 6984, is the fruitage of several years' work by members of the Irrigation and Reclamation Committee. It grows out of an effort to find a better method of solving temporary project problems than by ordering blanket moratoria.

In the Seventy-fourth Congress a bill was passed to authorize the creation of a repayment commission. No appropriation was made, and the net effect of the legislation was to afford another moratorium, that year 50 percent for all projects, regardless of whether all needed it or not, and regardless of the degree of need on any given project.

In the Seventy-fifth Congress another bill was passed to create a repayment commission, with authority to visit projects and recommend temporary action to the Secretary of the Interior and to supplement that with a comprehensive plan for a general program of repayment adaptable to conditions on projects from year to year. As a member of the committee in that Congress I recall how the chairman and other members went before the Rules Committee to get consideration of the bill, provided the request for funds to finance the committee were reduced to \$30,000. The rule was granted, the bill was passed, and the appropriation was made.

The repayment commission was created of outstanding men, headed by Dr. Charles Lory, of Colorado. They made the recommendations for temporary action last year, and the bill now before us is the result of their recommendations for a long-term reclamation repayment policy.

This bill represents the most constructive general reclamation legislation that has come before the Congress in many years. I fully believe that it will prove beneficial to the Government and to every reclamation project. It proposes, in brief, to fit yearly repayments to income.

I am not a member of the Irrigation Committee in this Congress, but because of the history of this legislation I have followed this bill with great interest. I know that the committee has given it extended consideration. I have attended

several of their numerous hearings. I am aware of the care that members of the committee have taken to get the bill on the calendar and to secure a rule for its consideration. Their interest in having it brought up today by unanimous consent is commendable. They are determined that a piece of good legislation shall not die and the efforts of the committee and the Commission running back many months be lost.

The committee amendments offered include one to strike from the bill a section which personally I regarded as controversial. It was a section that proposed to give preference to public agencies over private corporations in bidding for the power that might be sold in connection with an irrigation development. It seemed to me the present law should not be changed on that point. I am told that considerable discussion followed mention of the matter at one of the hearings and that several sessions were given to consideration of the matter. Be that as it may, the section is eliminated by the committee's action, and the bill comes before us now with the controversial section eliminated, and with the unanimous support of the members of the committee on both sides of the aisle.

As nearly as can be foreseen this is good legislation. It is the result of extended consideration of irrigation matters by the House committee through several sessions. It is the result of a special study by a commission of outstanding men not otherwise connected with the Government. It is the result of careful technical study by the Bureau of Reclamation. And finally, it is the result of extended hearings by the House Committee on Irrigation in this Congress. I want to commend them for their action and urge unanimous support of the amendments and the bill.

Mr. WHITE of Idaho. Mr. Speaker, for the information of the Members of the House I insert the statement made in the hearing before the Committee on Irrigation and Reclamation when the present bill was before the committee for consideration, as follows:

The CHAIRMAN. Now, gentlemen, I want to say to the members of the committee and to the people assembled here, representing the Department, that I conceive this bill to be one of the most important pieces of legislation that has come before the committee affecting irrigation and reclamation in a very long time. It is just about as important, and, perhaps, more important than the original Reclamation Act. We are dealing here with the whole problem of reclamation, and we are revising the law. This bill has been in course of preparation for 3 or 4 months. Due to conditions that have obtained in this country, as a result of drought, depressed farm prices, and other factors, this committee and the Congress have been called on from time to time to provide some relief for people in reclamation districts where they are unable to meet construction charges.

Congress has provided some means, but there were no practicable uniform means to be found, because some reclamation projects were in good financial condition, and those that were in good condition were perfectly able to pay their construction charges, while others were unable to pay. Therefore, there was no way of so fitting the legislation as to work out the whole situation. That was recognized by the committee and by the Department, with the result that legislation was introduced and a bill was passed authorizing the creation of an impartial commission. There was a good deal of doubt and discussion about how that commission would be constituted—that is, whether the Department would have a predominant representation on it, or the water users. As a result of that, a "Repayment Commission" was constituted to go into the field and make a complete investigation of the conditions with a view to trying to devise and bring in a plan whereby some equitable and practicable formula could be worked out so that the repayments could be made on a sound and feasible basis.

That commission made a very careful and detailed investigation and submitted a report to the Congress, and as a result of that report legislation has been drafted to effectuate the recommendations of that commission. That plan is now before you. It has many provisions, and it is far-reaching in its effects. It affects the whole country. It affects every State in the Union and every community in the Union, because what it produces affects every State and every community, and because it, in turn, provides a market for supplies that are manufactured and produced in other parts of the country. Therefore, as I have said, this legislation is one of the most important bills dealing with reclamation that we have ever had before the Congress or before the Department for many years.

I earnestly commend the bill to your careful consideration, and I hope that in considering the provisions of the bill we will not let any jokers get by that will work to the detriment of the people on the projects or to the Bureau of Reclamation.

We have before us the Commissioner of Reclamation, Mr. Page, and his assistants, and, also, representatives of the National Reclamation Association and other people looking out for the interests



of the water users. We also have before us special representatives from special districts.

With that statement, I will submit for the record a written statement prepared by me, and then we will proceed with the hearings.

The statement referred to is as follows:

STATEMENT OF CONGRESSMAN COMPTON I. WHITE, CHAIRMAN OF THE IRRIGATION AND RECLAMATION COMMITTEE, ON THE OPENING OF HEARINGS ON H. R. 6984, JUNE 15, 1939

As chairman of the Committee on Irrigation and Reclamation, it may be well for me to review briefly the circumstances and conditions that have led up to the introduction of H. R. 6984, which, in my opinion, offers the basis for a permanent plan for adjustment of the repayment problems of Federal reclamation projects.

Coming from a Western State and from a district that is vitally concerned with the reclamation program, I would like to have it thoroughly understood that the West expects to keep faith with the Federal Government; that it desires to see the Federal investment protected and wants to see legislation enacted that will make it possible for reclamation projects as a whole and individual water users to meet their obligations when due.

This committee has an important responsibility in connection with this situation and with the development and economic utilization of the great natural resources within the western third of the Nation.

Reclamation has never been a partisan issue. It was inaugurated as a national policy by the act of June 17, 1902, under the leadership of President Theodore Roosevelt, a Republican, and Representative Francis G. Newlands, later a distinguished Democratic Senator from Nevada. That the Federal Government has continued to recognize its responsibilities in connection with the water and land resources of the West is demonstrated by adherence to the reclamation laws of 1902.

Although that statute has been amended and the sphere of reclamation enlarged, the original principles have been maintained and no one can successfully challenge the benefits to the country as a whole that have resulted from that policy. Simultaneously with the inauguration of reclamation, the Federal Government adopted a more rigid conservation policy and has sought to maintain a trusteeship whereby the natural resources of the West would be developed for the benefit of all the people.

It may be noted that in the 11 States of the Mountain and Pacific groups in which 90 percent of reclamation activities are located, the Federal Government owns and controls more than 50 percent of the land area, together with vast mineral and power resources. Until recent years the bulk of funds provided for reclamation construction have come from the sale of public lands in the West and the disposition of other resources of that section.

While uninformed folks frequently suggest that reclamation brings irrigated land into competition with dry-land farms of other sections of the country, attention may be directed to the fact that the program has far broader significance. For instance, irrigation was practiced in the West long before the Federal reclamation policy was inaugurated and a large part of current activities are devoted to providing supplemental water for vast areas that had been brought into cultivation by individual effort or by private capital.

From Senate Document No. 36 (76th Cong., 1st sess.) I learn that of the ultimate acreage to be served by Federal reclamation projects under the current program approximately one-half will receive supplemental water. Consequently, the suggestion that reclamation is devoted solely to bringing new land into cultivation is not borne out by the facts.

Further, the development of hydroelectric power, where found economically feasible, is a vital factor in the reclamation program. It has been estimated that power revenues eventually will pay more than half the construction costs involved in the reclamation program. The Bureau of Reclamation has been entrusted with the construction of the most important power projects the Government has undertaken in the West. Every reclamation dam has flood control and conservation possibilities.

A word as to the so-called competitive phases of the reclamation picture. Statistics of the Department of Agriculture reveal that the products of more than 50 percent of the acreage of irrigated land in the West are fed to livestock in the immediate areas. Of the remainder the bulk is consumed locally or in the West and can be shipped eastward only when the produce of farms near the large consuming centers is not in season. Distance and high freight rates serve as an effective tariff barrier to competition.

The relatively small volume of products of reclamation projects that finds its way eastward is more than offset by the market that has been developed and stabilized for the products of the farms of the Midwest and South and the manufacturing centers of the country. A survey of incoming shipments to the Boise project area in my State in 1937 revealed that more than 300 carloads of foodstuffs were received from non-Western States as far east as Massachusetts and New York. A check of purchases by individual farmers of the Boise project shows that 75 percent of their income is expended for the purpose of purchasing eastern-manufactured articles and products.

As the Boise project is typical of Federal reclamation developments, it is representative of the market all projects afford for non-western products. It has been estimated that reclamation-project areas alone provide a \$200,000,000 annual market for the products of the Midwest, South, and East. More than half of construction expenditures on reclamation projects find their way eastward.

Reclamation projects support approximately 200,000 persons on project farms and more than three times that number in cities and towns that have sprung up in the wake of the developments. In all a million persons in the 15 States in which projects are operating are dependent on the Federal development.

The West can and does take pride in the results of Federal reclamation. It has fulfilled its mission and met the expectation of its original and subsequent proponents despite many difficulties and conditions that could not have been foreseen.

Approximately 30 percent of the costs of reclamation projects completed and in operation had been repaid on July 1, 1938, and the record of repayments compares favorably with those of other Federal activities relating to internal improvements or designed to protect the national interests.

The West has given its unstinted support to the national river and harbor and flood-control programs in which the Federal Treasury has contributed more than \$2,000,000,000 without any obligation to repay. For the American Merchant Marine, the Government up to June 30, 1936, had advanced \$3,763,671,216, of which the contracted repayments were only a quarter of a billion dollars and less than half of that amount had actually been returned to the Treasury of the United States.

The demand for irrigated land in the West is greater today than ever. Thousands and thousands of farm families, through no fault of their own, have been forced to migrate from the drought areas of the Midwest and are seeking security for agricultural pursuits in the West. The Department of Agriculture in 1938 estimated that more than 50,000 families in less than 4 years had moved into seven far western States from the drought sections alone, and a later figure from the same source places the number of persons who have moved into the West from that area since 1930 at 400,000.

The West did not solicit these new arrivals. They came uninvited as folks have been wont to do when seeking to better themselves since the beginning of time. Nevertheless, they are there and more are constantly arriving. If all of the land that Federal projects will bring in within the next 10 years were available now, it would be inadequate to provide a 40-acre tract for each of these migratory farm families. As a result of the immigration problem, the natural growth of population in the West, and the recognition of the security that comes from irrigation, Federal reclamation must continue.

It is, therefore, important that existing laws be modernized to meet changing conditions over which the water user has no control. Although irrigation farmers have greater security in producing crops, "irrigation agriculture with its high and inelastic overhead is more seriously affected by low prices than is rainfall agriculture," according to a report to the Secretary of the Interior in 1934 by Mr. Fred E. Schmitt, editor of the Engineering News-Record, New York, and Mr. John W. Haw, Northern Pacific Railroad. Consequently, in years of economic stress water users have appealed to the Congress for relief from payment of construction costs that had been assumed in good faith and which, under normal conditions, could have been met without difficulty.

While the Congress since 1931 has been granting relief through extension of time for repayment of construction costs, it is recognized that this method of dealing with the problem was temporary and unsatisfactory. Many of us felt that the inflexibility of the repayment system as then and now in effect was disadvantageous both to the interests of the Government and the water user. Temporary measures for relief did not get to the roots of the problem.

In 1936 I offered a bill creating a Commission to make a study of the financial condition of the various projects and report to the Congress. The funds authorized were inadequate for a thorough job and nothing was done. In 1937 I patroned the act of August 21, 1937 (50 Stat. 737), under which a Commission of three outstanding western men was appointed by the Secretary of the Interior to make an investigation of conditions on reclamation and Indian irrigation projects and report "as to the best, most feasible and practicable, comprehensive plan for such water-right payments with due consideration" for the reclamation program and the ability of the water users or associations to meet charges "regularly and fully from year to year during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture."

The Commission held more than 70 hearings on reclamation projects in the Western States and made an exhaustive report which the Secretary of the Interior transmitted to the Congress on May 18, 1938 (H. Doc. 673), Seventy-fifth Congress, third session. It sought to present a more equitable and flexible permanent plan for repayment of construction costs and H. R. 6773 is a direct result of the findings of that Commission.

I shall not attempt to go into details of the pending bill. The Commissioner of the Bureau of Reclamation and others who have had much to do with preparing the draft will be available for interrogation and explanation. However, briefly, the major objectives of the measure are—

1. Authority for the Secretary of the Interior to modify existing contracts under an equitable and flexible plan for sliding-scale payment of construction charges in accordance with variations in crop returns.
2. Arrangements for payments at times when crop receipts are available.
3. Classification or reclassification of lands on existing projects.

4. Special consideration for projects with unusual problems affecting their ability to repay.

5. Methods for determining feasibility of proposed new projects for allocation of costs to irrigation, electric power, flood control, or other purposes, and for their development.

It should be noted that the bill retains the principle of a 40-year repayment period in effect since the Adjustment Act of 1926, except for those projects that are now on the so-called crop-repayment plan of the Fact Finders Act of 1924. No authority is given for any write-off of construction charges or change of the amount due the Government. The Congress is to retain jurisdiction over the outstanding indebtedness.

There may be sections of the draft which the committee will find it desirable to amend, but on the whole I believe the bill offers a substantial step toward providing a permanent plan for adjustment of repayment problems without the difficulties that have heretofore been encountered. The bill makes no provision for Indian reclamation projects because existing acts are deemed to contain adequate authority for comprehensive adjustment of repayment problems on Indian projects.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ACQUISITION OF ADDITIONAL LANDS FOR NATIONAL MILITARY PARKS, NATIONAL HISTORICAL PARKS, NATIONAL BATTLEFIELD PARKS, AND BATTLEFIELD SITES

Mr. TARVER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 293, the bill H. R. 4938.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, will the gentleman from Georgia advise us what the status of this bill is now?

Mr. TARVER. The objection made awhile ago has been withdrawn, and I will offer an amendment regarding which I have conferred with your colleagues on that side of the aisle as well as on this side, and I understand it is satisfactory to the gentlemen on both sides of the aisle.

Mr. WOLCOTT. The gentleman has talked to the gentleman who objected and he has withdrawn his objection?

Mr. TARVER. That is right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to acquire on behalf of the United States, by purchase when purchasable at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, such tracts of land contiguous to, or within the boundaries of, any of the national military parks, national historical parks, national battlefield parks, or battlefield sites administered by the National Park Service of the Department of the Interior as he may determine to be necessary or desirable for addition to such areas, the title and evidence of title to such lands to be satisfactory to the said Secretary. When title to any such lands shall have vested in the United States, they shall be added to and become parts of the respective national military parks, national historical parks, national battlefield parks, and battlefield sites for which they are acquired, and shall be subject to all laws and regulations applicable thereto.

SEC. 2. There is hereby authorized to be appropriated to carry out the purposes of this act such sums as the Congress may from time to time determine.

With the following committee amendment:

On page 2, after line 13, insert the following:

"SEC. 3. That the Secretary of the Interior, in his discretion, is hereby authorized to convey without consideration, but under such terms and conditions as he may deem advisable, to the New Salem School District, of Dade County, Ga., not to exceed 10 acres of land located within lot No. 114, eleventh district, fourth section of Dade County, Ga., now a part of the Chickamauga-Chatanooga National Military Park."

The committee amendment was agreed to.

Mr. TARVER. Mr. Speaker, I offer an amendment to the pending bill.

The Clerk read as follows:

Amendment offered by Mr. TARVER: Strike out all of section 1 and insert in lieu thereof the following:

"That section 5 of the act approved June 26, 1935, entitled 'An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes', be, and the same is hereby, amended by striking the period at the end thereof and inserting a colon and the following proviso: 'Provided, That if, after the expenditure of the funds herein authorized, the Secretary of the Interior shall determine that the acquisition of additional lands is necessary in order to perfect the symmetry of the park area or to acquire locations of historic interest adjacent to the park area already acquired upon which fortifications or entrenchments are located which are likely to deteriorate or be destroyed under private ownership, he is authorized to acquire additional lands for such purposes.'"

Amend the caption by striking the language therein contained and insert in lieu thereof the following: "To amend the act approved June 26, 1935, entitled 'An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia and for other purposes.'"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PLACER MINING CLAIMS FOR DEPOSITS OF PHOSPHATE, ETC.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to return to Calendar No. 301, H. R. 6560, relating to placer mining claims for deposits of phosphate, sodium, potassium, oil, oil shale, or gas on the public domain.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HORTON. Mr. Speaker, I withdraw the objection I made.

There being no objection the Clerk read the bill as follows:

*Be it enacted, etc.,* That after the date of approval of this act no placer mining claims for deposits of phosphate, sodium, potassium, oil, oil shale, or gas on the public domain shall be opened to relocation.

SEC. 2. The holder of any mining claim described in section 1 hereof shall, within 180 days after the date of approval of this act, file in the United States land office for the district in which the deposit claimed is located, or in the General Land Office if there be no land office for the district, a statement, under oath, of the existence of such claim, which shall contain the name and address of the claimant or claimants, the time and place of the original location or relocation, and such other relevant information as shall be prescribed by the Secretary of the Interior; and upon failure to file such affidavit, such claim shall become null and void and all rights and interests thereunder shall cease and terminate.

SEC. 3. All rights and interests of claimants in and to any mining claim described in section 1 hereof in maintenance of which labor or improvements as required by section 2324 of the Revised Statutes, as amended, shall not have been performed or made during the assessment year ending July 1, 1940, or during any assessment year thereafter, shall cease and terminate.

SEC. 4. The holder of any mining claim described in section 1 hereof shall within 90 days after the expiration of the assessment year ending July 1, 1940, and within 90 days after the expiration of every subsequent assessment year, file in the United States land office for the district in which the deposit claimed is located, or in the General Land Office if there be no land office for the district, a statement, under oath, in such form as shall be prescribed by the Secretary of the Interior as to the assessment work done or improvements made during the preceding assessment year, and upon failure to file such statement such claim shall become null and void and all rights and interests thereunder shall cease and terminate.

SEC. 5. Notwithstanding the filing of any statement required by this act, the validity or existence of the claim to which such statement relates shall remain open to inquiry and determination upon such procedure as may be prescribed by the Secretary of the Interior, or in any other lawful proceeding.

SEC. 6. The failure to file any statement required by this act or to perform or make the annual assessment labor or improvements upon any claim described in section 1 hereof shall be conclusive evidence that such claim has been abandoned and that all rights and interests thereunder have ceased and terminated.

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 8. The provisions of this act shall apply only in continental United States, excluding Alaska.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REPATRIATION OF CERTAIN NATIVE-BORN UNITED STATES WOMEN

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 288, H. R. 4185, to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

Mr. CRAWFORD. Mr. Speaker, I withdraw my objection and ask unanimous consent that the bill may go over without prejudice.

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, will not the gentleman withdraw his request? This bill only alleviates discriminations against American-born women who lost their citizenship under the Cable Act. Under the present law a native-born American woman who marries a foreigner, if living abroad, can come back here and repatriate herself. There are women in this country, however, who never left the country but who married aliens. By that act these women lost their citizenship. The aliens afterward become American citizens, but the women, their wives, though born in this country and never having left the country, still are considered as aliens. This bill is designed simply to remove this unjust discrimination, and I hope the gentleman will withdraw his objection.

Mr. CRAWFORD. As I understand, there is no other objection than to permit these American-born women to recover their American citizenship?

Mr. DICKSTEIN. None at all. This bill deals entirely with American-born women who have lived here all their lives; who have never been out of the country. The moment an American woman marries an alien she automatically loses her American citizenship. Notwithstanding the fact that the husband afterward becomes an American citizen by naturalization, his wife does not thereby regain her American citizenship.

Mr. CRAWFORD. Does it apply in any case where a foreign-born person is still an alien and not a citizen of the United States?

Mr. DICKSTEIN. No; it does not. It applies only as I have indicated.

Mr. CRAWFORD. Mr. Speaker, I withdraw my request that the bill go over without prejudice.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes", approved June 25, 1936 (U. S. C., 1934 ed., Supp. IV, title 8, sec. 9a), is amended by inserting after "terminated" the following: "or who has resided continuously in the United States since the date of such marriage."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### PIPE-LINE BRIDGE ACROSS MISSOURI RIVER

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to return to Calendar No. 318, H. R. 6578, granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to Northern Natural Gas Co. of Delaware, its successors and assigns, to construct, maintain, and operate a pipe-line bridge and approaches thereto across the Missouri River from a point in Dakota County in the State of Nebraska to a point in Woodbury County in the State of Iowa, at a point suitable to the interests of navigation: *Provided,* That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further,* That in approving the plans

for said pipe-line bridge, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Northern Natural Gas Co. of Delaware, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is fully authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MAY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 275.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HOOK. Mr. Speaker, I object.

#### EXTENSION OF REMARKS

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article on the neutrality bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### PRIVATE CALENDER

#### ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SETTLEMENT OF GALLIPOLIS, OHIO

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to return to Calendar No. 289, House Joint Resolution 272, to provide for the observance and celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the settlement of the Northwest Territory which commenced at Marietta, Ohio, in 1788 started the greatest movement of pioneer settlers in the history of the world; and

Whereas in 1790 the third settlement in that great program of development was made at Gallipolis, Ohio; and

Whereas the settlement of Gallipolis was made by the famous "French five hundred", who with their families came direct from their native France; and

Whereas by reason of the inestimable services rendered the American Colonies by the French Nation and thousands of their patriotic citizens led by General Lafayette there has been established an indissoluble bond of friendship between the French Nation and the United States; and

Whereas there is no more fitting time or place to again prove this friendship than at Gallipolis, Ohio, on the occasion of its celebration of its sesquicentennial in 1940; and

Whereas the citizens of Gallipolis, a small city of 7,000 population, have planned and will carry out at great personal sacrifice of time, energy, and wealth a season of pageantry, patriotic demonstrations, and cultural entertainments that will rank with the best that can be produced anywhere, regardless of expense: Therefore be it

*Resolved, etc.,* That there is hereby established a commission to be known as the Gallipolis Sesquicentennial Commission and composed of seven members as follows: The common pleas judge of Gallia County, the probate judge of Gallia County, the chairman of the board of county commissioners of Gallia County, the municipal judge of the city of Gallipolis, the city manager of the city of Gallipolis, the postmaster of the city of Gallipolis, and the president of the chamber of commerce.

SEC. 2. These commissioners shall serve without compensation and shall select a chairman from among their number. It shall be the duty of the commission to cooperate with all authorized agencies in charge of the sesquicentennial celebration to be held in the city of Gallipolis during the year of 1940 and to expend any appropriation made herein for the promotion of said celebration and in commemoration of heroic deeds of the noble Frenchmen and their families who settled Gallipolis under such difficult circumstances, all the better to strengthen the bonds of friendship that have existed between the French Nation and the United States of America.

SEC. 3. There is authorized to be appropriated the sum of \$15,000, or so much thereof as may be necessary, to carry out the purpose of this resolution.

Mr. COSTELLO. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 3, line 8, after the word "of", strike out "\$15,000" and insert in lieu thereof "\$10,000."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NATURALIZATION OF CERTAIN SPOUSES OF CITIZENS OF THE UNITED STATES

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to return to the consideration of the bill (H. R. 5401) to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons; No. 190 on the calendar.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]? There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That any alien who, prior to 12 o'clock noon, eastern standard time, May 24, 1934, and after September 21, 1922, married a citizen of the United States, or any alien who was married prior to 12 o'clock noon, eastern standard time, May 24, 1934, to a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 1 year immediately preceding the filing of the petition.

SEC. 2. Any alien who, after 12 o'clock noon, eastern standard time, May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized after such date and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 3 years immediately preceding the filing of the petition.

SEC. 3. The naturalization of any woman since 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of 1 year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

SEC. 4. The naturalization of any male person after 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to 12 o'clock noon, eastern standard time, May 24, 1934, or the naturalization during such period of his wife, and upon proof of 3 years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

SEC. 5. The act of September 22, 1922 (42 Stat. 1021), as amended, and the act of May 24, 1934 (48 Stat. 926), are amended from and after the effective date of this act to the extent provided in this act and not otherwise.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider was laid on the table.

#### LOUISIANA-VICKSBURG BRIDGE COMMISSION

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to return to No. 86 on the Consent Calendar.

Mr. BARDEN. Mr. Speaker, I object.

#### AUTHORIZING SECRETARY OF INTERIOR TO CONVEY CERTAIN PROPERTY TO WASHINGTON COUNTY, UTAH

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to return to Calendar No. 206, and I also ask unanimous consent to vacate the proceedings whereby the bill (H. R. 2184) to authorize the Secretary of the Interior to convey certain property to Washington County, Utah, and for other purposes, was engrossed, read the third time, and passed and that the bill be restored to the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. CHURCH. Mr. Speaker, reserving the right to object, what is the number on the calendar?

The SPEAKER pro tempore. Number 206.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I may say this is a rather unusual procedure, after the bill has been passed.

Mr. MURDOCK of Utah. Mr. Speaker, it so happens I could not be here when that bill came up for consideration. I have the consent of the author in making the request I did and I shall ask that it be passed over without prejudice. It can then be taken up again.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah [Mr. MURDOCK]?

There was no objection.

#### LOUISIANA-VICKSBURG BRIDGE COMMISSION

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to return to the consideration of the bill (H. R. 3224) creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss., No. 86 on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. HOLMES]?

Mr. CHURCH. Mr. Speaker, reserving the right to object, I understand the gentleman has four or five amendments which he is going to offer?

Mr. HOLMES. I have six clarifying amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. HOLMES]?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Louisiana-Vicksburg Bridge Commission (hereinafter created, and hereinafter referred to as the "Commission") and its successors and assigns be, and is hereby, authorized to acquire by purchase or otherwise, from its owners, and to maintain and operate a bridge and approaches thereto across the Mississippi River at or near the cities of Delta Point, La., and Vicksburg, Miss., subject to the conditions and limitations contained in this act. For like purposes said Commission and its successors and assigns are hereby authorized to acquire, maintain, and operate all or any ferries across the Mississippi River within 15 miles of said bridge, subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Commission and its successors and assigns the right and power to acquire, condemn, occupy, possess, and use said bridge and such real estate and other property in the State of Louisiana and the State of Mississippi as may be needed for the acquisition and maintenance of such bridge and its approaches, and, if by condemnation, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or property is located, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in said States, respectively.

SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge and such ferry or ferries in accordance with the provisions of this act.

SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches (including any approach highways which, in the judgment of the Commission, it is necessary or advisable to construct or cause to be constructed to provide suitable and adequate connection with existing improved highways) and the ferry



or ferries and the necessary land, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission, bearing interest at not more than 6 percent per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with this act. Such bonds may be registrable as to principal alone or both principal and interest, shall be in such form not inconsistent with this act, shall mature at such time or times not exceeding 25 years from their respective dates, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding 105 and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission, when it deems it to the best interest of the Commission, may issue refunding bonds to repurchase and redeem any outstanding bonds, before the maturity thereof, which it may issue: *Provided*, That the refunding bonds shall mature at such time or times, not exceeding 30 years from date of approval of this act, as the Commission may determine. The Commission may enter into an agreement with any bond or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of money on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also provisions for approval by the original purchasers of the bonds of the employment of consulting engineers and of the security for said bonds and by any bank or trust company in which the proceeds of bonds or of bridge or ferry tolls or other moneys of the Commission shall be deposited.

The bridge acquired under the authority of this act shall be deemed to be an instrumentality for interstate commerce, the postal service, and military and other purposes authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6 percent interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches and the land, easements, and appurtenances used in connection therewith, and, in the event the ferry or ferries are to be acquired, also the cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and approaches and approach highways, and ferry or ferries, shall be deemed to include all engineering, legal, architectural, traffic-surveying, and other expenses incident to the acquisition of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates, with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds that have been executed are available for delivery.

Sec. 5. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating, and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than 6 months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge, so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within any such reasonable class, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of the tolls so fixed and adjusted. No tolls shall be charged

officials and employees of the Commission or the Government of the United States or any State, county, or municipality in the United States while in the discharge of their duties, or municipal police or fire departments when engaged in the proper work of any such department.

Sec. 6. Nothing herein contained shall require the Commission or its successors to maintain or operate any ferry or ferries purchased hereunder, but in the discretion of the Commission or its successors any ferry or ferries so purchased, with the appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned and/or dismantled whenever in the judgment of the Commission or its successors it may seem expedient so to do. The Commission and its successors may fix such rates of toll for the use of such ferry or ferries as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge. All tolls collected for the use of the ferry or ferries and the proceeds of any sale or disposition of any ferry or ferries shall be used, so far as may be necessary, to pay the cost of maintaining, repairing, and operating the same, and any residue thereof shall be paid into the sinking fund hereinabove provided for bonds. An accurate record of the cost of purchasing the ferry or ferries, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 7. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within Louisiana to the State of Louisiana or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the Louisiana interest) and that part within Mississippi to the State of Mississippi or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the Mississippi interest) under the condition that the bridge shall thereafter be free of tolls (except the railroad portion of said bridge and except as otherwise herein provided) and be properly maintained, operated, and repaired by the Louisiana interest and the Mississippi interest as may be agreed upon; but if either the Louisiana interest or the Mississippi interest shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, until such time as both the Louisiana interest and the Mississippi interest shall be authorized to accept and shall accept such conveyance under such conditions. After the conveyance by the Commission to the Louisiana interest and Mississippi interest, the said interests may collect from the railroad or railroads using the bridge reasonable tolls, either under the then existing contract between the Commission and the railroad or railroads, or a new contract to be made by the Mississippi interest and Louisiana interest with the said railroad or railroads. If at the time of such conveyance the Commission or its successors shall not have disposed of such ferry or ferries, the same shall be disposed of by sale as soon as practicable, at such price and upon such terms as the Commission or its successors may determine. Free toll provisions of this act shall not apply to common carriers, transportation companies, bus lines, or anyone transporting passengers or freight for hire unless the Commission or the owning interest shall otherwise specifically provide.

Sec. 8. For the purpose of carrying into effect the objects stated in this act there is hereby created the Louisiana-Vicksburg Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or other property and apply the same to the purpose of this act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this act.

The commission shall consist of three persons, two of whom shall be appointed by the Governor of Louisiana and the other by the Governor of Mississippi. Such commission shall be a body corporate and politic. Each member of the commission shall qualify within 30 days after the approval of this act by filing in the office of the Secretary of Agriculture an oath that he will faithfully perform the duties imposed upon him by this act, and each person appointed to fill a vacancy shall qualify in like manner within 30 days after his appointment. Any vacancy occurring in said commission by reason of failure to qualify as above provided, or by reason of death or resignation, shall be filled by the Governor of the State from which the said commissioner was appointed. Before the issuance of bonds as hereinabove provided, each member of the commission shall give such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned upon the faithful performance of all duties acquired by this act. The commission shall elect a chairman and a vice chairman from its members and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

Sec. 9. The commission shall have no capital stock or shares of interest or participation, and all revenue and receipts thereof shall

be applied to the purposes specified in this act. The members of the commission shall be entitled to a per diem compensation for their services of \$20 per day for each day actually spent in the business of the commission, but the maximum compensation in any year of each member shall not exceed \$500. The members of the commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the commission. The commission may employ a secretary, treasurer, engineers, attorneys, and other such experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this act. After all bonds and interest thereon shall have been paid and all other obligations of the commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the Louisiana interest and the Mississippi interest as herein provided, and any ferry or ferries shall have been sold, the commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the commission or any member or members thereof, but only after public hearings in the cities of Delta, La., and Vicksburg, Miss., notice of the time and place of which hearings and purpose thereof shall have been published once, at least 30 days before the date thereof, in a newspaper published in the city of Vicksburg. At the time of such dissolution all moneys in the hands of or to the credit of the commission shall be divided into two equal parts, one of which shall be paid to said Louisiana interests and the other to said Mississippi interests.

Sec. 10. Notwithstanding any of the provisions of this act, the Commission shall have full power and authority to negotiate and enter into a contract or contracts with the Louisiana State Highway Department and the State Highway Department of Mississippi whereby said highway departments or either of them may operate, and maintain or participate with the Commission in the operation and maintenance of said bridge and approaches.

Sec. 11. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this act. No obligation created or liability incurred pursuant to this act shall be an obligation or liability of any member or members of the Commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this act be an indebtedness of the United States.

Sec. 12. All provisions of this act may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of Louisiana, the attorney general for the State of Mississippi, or the United States district attorney for any district in which the bridge may be located in part, in any court having competent jurisdiction of the subject matter and of the parties.

Sec. 13. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 3, line 17, strike out "twenty-five" and insert "twenty."

Page 5, strike out lines 3 to 9, inclusive, and the word "taxation" in line 10.

Page 7, line 16, after the word "adjusted", strike out the remainder of the line and all of lines 17 to 21, inclusive.

Page 9, line 13, after the word "commission", strike out the word "and" and all of lines 14, 15, and 16 and the words "under economical management" in line 17, and insert "as a free bridge."

Page 14, after the period in line 8, insert the following:

"Sec. 13. The maintenance and operation of said bridge shall be in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The committee amendments were agreed to.

Mr. HOLMES. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 3, line 10, strike out "6" and insert "4½."

Page 3, line 24, after the words "hundred and", strike out the word "five" and insert "two."

Page 4, line 8, after the words "with any", add the words "bank or."

Page 5, line 13, after the words "more than", strike out the figure "6" and insert "4½."

Page 6, line 4, after the words "financing thereof", strike out the period and add the following: "subject to the limitation as is provided in section 13."

Page 12, line 10, after the words "may determine", strike out the period, insert a colon and the following: "Provided, That they are absolutely necessary in the carrying out of the purposes of this act in the acquisition and management of said bridge."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a statement on the Conciliation Service by Mr. Ruben Levin.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the question of the Jewish homeland in Palestine, and to include therein copies of resolutions of the Massachusetts Legislature and brief excerpts from public statements made by several Presidents of the United States. I may say that this exceeds two pages, and I wish to call the attention of the House to the fact that the additional request is to be made where the extension of remarks is in excess of two pages. I take this procedure rather than ask permission to address the House for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CHURCH asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from yesterday's Washington Post.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

#### HOUSE RESOLUTIONS LAID ON TABLE

The SPEAKER pro tempore. The Committee on Rules had reported House Resolution 241, making in order the consideration of the bill (H. R. 6634) amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes, and had also reported House Resolution 242, making in order the consideration of the bill (H. R. 6984) to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes.

The bills the consideration of which was made in order by these resolutions were on the Consent Calendar and have been passed. Without objection, the two resolutions will be laid on the table.

There was no objection.

#### ADJOURNMENT OVER

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I wonder whether the Speaker can tell us what the program will be for Monday. I can readily understand that the Chair probably cannot tell what the program will be for the rest of the week.

The SPEAKER pro tempore (Mr. RAYBURN). On Monday the business of the District of Columbia will be in order.

Mr. MARTIN of Massachusetts. Does the Chair believe the business of that committee will take the entire day?

The SPEAKER pro tempore. I do.

Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Dakota [Mr. CASE] is recognized for 20 minutes.

#### THE SIOUX INDIANS ARE ENTITLED TO SETTLEMENT OF THEIR CLAIMS

Mr. CASE of South Dakota. Mr. Speaker, today we have heard the Consent Calendar called. And today, as on previous consent days, bill after bill dealing with Indian Affairs was put aside, passed over, or killed by objection.



In the present Congress a stalemate has developed in Indian legislation. We have been in session almost 6 months, during which time more bills with regard to Indians and Indian affairs have been introduced, with less tangible results than in any preceding Congress. This is not the fault of the Committee on Indian Affairs. It is one of the hardest-working committees in the House; meets regularly and considers bills in detail. The blame rests elsewhere.

Had I not consulted the *RECORD* and the calendars of the two Committees on Indian Affairs I would not make that statement, but the statement is true. There must be a cause for this legislative log jam. I have been curious to know the causes which have drawn Indian matters into the legislative doldrums.

#### THE COMMITTEES HAVE WORKED

To this end I have made somewhat of a study of the legislative calendars printed for our use by the Committees on Indian Affairs of the two Houses, and it appears that there have been introduced and referred to the House Committee on Indian Affairs 117 bills and joint resolutions, of which 5 have become law. The calendar of the Committee on Indian Affairs of the Senate shows 103 bills and joint resolutions introduced, of which 6 have become law, but 5 of these were identical with House bills. Out of 220 bills and resolutions introduced in the two Houses, only 6 measures have been enacted into law.

It appears on the surface that in the Congress lies the fault. It is not, let me say, my purpose to criticize either House of Congress. I am endeavoring to develop the facts in and the causes of what I regard as an impossible situation and to suggest a possible remedy.

In this body it is well known that there is a group whose good faith and good conscience I do not question, but which group will not permit the enactment by consent of Indian legislation. That is the fact.

#### ACTION BLOCKED BY OBJECTIONS

Many measures have come before this House on call of the Unanimous Consent Calendar and with the exception of six bills, objections had been made to consideration of every Indian bill in the calendar consulted. I do not intend to transgress the rules of the House by reference to any matter in the other chamber, or the motives of any Member, yet the record of that other body is before the House, and it appears that with the same six exceptions, objections have been made to consideration of all Indian legislation.

It would seem, therefore, from the foregoing that a small number of the representatives of the people in the Congress have for approximately 6 months past barred enactment of legislation affecting the Indian people of the United States and Indian affairs in general. This I say not in criticism but as a statement of the primary facts in the study I have made in an effort to locate the cause of this condition.

#### THREE AGENCIES HANDLE INDIAN AFFAIRS

Going outside of the Congress in search of facts, I invite attention to the executive branch of the Government and the divisions thereof which have most to do with Indian legislative affairs. In order they are the Bureau of the Budget, the Department of the Interior, and the Department of Justice. The foregoing three instrumentalities each reports on every Indian bill which involves the expenditure or the prospective expenditure of money, or any possible claim against the United States.

The Bureau of the Budget has a stock phrase which has been used now for so many years that any Member conversant with Indian legislation can quote it, and usually does quote it, with a smile. With regard to all bills, almost without exception, coming within the classification I designate, which are introduced by Members on their own initiative, the Bureau of the Budget reports that "the proposed legislation is not in accord with the financial program of the President."

The Department of the Interior is the only division of the Government which has the knowledge of or the files in regard to the history of the relations between the United

States and the Indian tribes. It has been the practice of that Department since 1920 to report the historical background, particularly on general jurisdictional bills, and to express an opinion either for or against the proposed measures. On practically all of the general jurisdictional acts covering the period 1920 down to the present time, the Interior Department has expressed at least its acquiescence, and in many cases its definite recommendation in favor of legislation which would give to the Indian tribe in question the right to its day in court.

It should be noted that beginning with the year 1920 a substantial number of general jurisdictional acts were passed by the Congress and that these acts resulted in the filing of claims against the United States, 70 of which are still pending in the Court of Claims.

Throughout the entire period the reports, not only to the Congress, but as part of the Government's evidence in the Court of Claims, made by the Interior Department, have been factual and without prejudice. This is entirely non-political as it runs through several administrations. If it is a compliment, I feel it is deserved, and I do feel that the Department of the Interior has done what it could to secure justice for the Indian tribes.

#### JUSTICE DEPARTMENT HAS THREE WEAPONS

The third element of the executive departments having to do with Indian affairs is the Department of Justice, and in this Department even the casual observer readily finds a sharp contrast to the record of the Department of the Interior. If this is regarded as criticism, let it be so taken, for it is so intended.

The Department of Justice by the Attorney General, whoever he may be at the time, is charged with the duty of representing the United States as the defendant in Indian tribal claims. This you will find in every jurisdictional bill passed by the Congress. For the period of the past 20 years the record of the Department of Justice has been regarded as good within that Department if Indian tribal claims were defeated, and the record has been regarded as bad if the Indians prevailed. That, however, is only one phase of justice, for the United States itself is guardian of and fiduciary for the Indian tribes. Throughout this long period it should have been the function of the Department of Justice to produce the facts, to set up and insist upon legitimate counterclaims, but nevertheless to expedite the trial of the cases, and it was and is the proper function of the Department of Justice to establish justice for the wards of the United States, but this unfortunately has not been the attitude of that Department.

Three definite defense weapons have been in the hands of the Department of Justice: (1) Delay, (2) fictitious issues and counterclaims, and (3) in the last analysis, legislative action.

#### THE WEAPON OF DELAY

(1) The weapon of delay has been most potent. The following illustration, I believe, is typical and not exaggerated: In the case of the Sioux Nation against the United States, C-531 (1), in the Court of Claims, the Sioux Tribe filed suit for failure of the United States to deliver educational facilities, consisting of school houses, teachers, books, and other supplies, all of which were guaranteed by the treaty of April 29, 1868 (15 Stat. 635). This action was filed under a general jurisdictional act dated June 3, 1920 (41 Stat. 738).

NOTE.—Had the educational facilities been furnished as guaranteed by the treaty of 1868 and used as the treaty provided, there would be today no Sioux Indian problem. Due to the failure of the United States on this promise more than 16 percent of the Sioux are classed as "illiterate," while only four-tenths of 1 percent of the native-born white people of South Dakota are so classed.

The procedure in the Court of Claims is very much the same as in any court; the plaintiff must file his suit, the defendant must answer, the parties respectively must take testimony; thereafter their briefs must be filed and the case argued and submitted to the court.

In this procedure it is obvious that it becomes the duty of first the plaintiff and then the defendant to move, and

therefore it is possible to determine which party took action and at what time.

This record is disclosed by the docket of the Court of Claims, which I have had carefully examined. The particular case to which I refer required 13 years, 10 months, and 17 days to dispose of. That is the elapsed time from the date when the contract with the attorneys was approved to the date the court decided the case. The complete table is as follows:

		Plaintiffs' time used			Defendant's time used		
		Yr.	Mo.	Days	Yr.	Mo.	Days
Dec. 22, 1922	Attorneys' contract approved.						
May 7, 1923	Plaintiffs' petition filed in Court of Claims.		5	15			
July 7, 1923	Defendant's general traverse filed.					2	
Sept. —, 1923	Plaintiffs' testimony taken.		7	23			
Oct. —, 1923	Plaintiffs' testimony filed.						
Mar. 31, 1924	Defendant's testimony filed.				10	6	12
Oct. 12, 1934	C 581 (1) closed.						
Feb. 16, 1935	Plaintiffs' brief filed.		4	4			
Jan. 18, 1936	Defendant's brief filed.				11		2
Apr. 6, 1936	Plaintiffs' reply brief filed.		2	18			
Apr. 13, 1936	Case argued and submitted.						
Nov. 9, 1936	Case dismissed.	1	8		11	7	14

Court time..... 7 months 3 days.  
Plaintiffs' time (the Indians')..... 1 year 8 months.  
Defendant's time (the Government's)..... 11 years 7 months 14 days.

Analyzing the foregoing table, if analysis is necessary, it is appalling to see that out of 13 years 10 months and 17 days the defendant took 11 years 7 months and 14 days to do its work.

In this long period the Comptroller General had his part. The Attorney General called upon the Comptroller General for a complete report covering the instant case, as well as the other cases filed in behalf of the Sioux Nation. The Comptroller began his work July 1, 1925, although he should well have begun that work as soon as the action was filed. The Comptroller finished his report and it is dated April 12, 1932. The Attorney General did not get around to file the report until October 12, 1934.

#### THE INDIAN HAS BEEN PATIENT

During this long period the patience which is characteristic of the Sioux Indian was tested to the utmost. These Indians, and all other Indians, have the right to believe that reasonably expeditious action will be taken on their tribal claims, once a jurisdictional bill is passed by the Congress.

In July of 1934, some months before the defendant's testimony was filed in the Court of Claims, I attended a council of representative members of the Sioux Tribe at Little Eagle, S. Dak. At this council the representative men, most of them accredited delegates to the meeting, listened again, as they had before, to the story of the delay, and again they were told that their claims were awaiting "action by the Government." I remember well what one of the old men said in reply. He was in fact, very old. He was one of those who knew something of the early relations between his tribe and the United States. He knew of the promises that had been made by the United States and confronted again, as he had been time after time before with the story of delay, delay, delay, by the United States, he said: "What is the Government going to do, wait until we are all dead and then come out here and pour the money in our graves?"

Nothing I could say so well sets out the feeling of the Indian. Nothing could more truly describe the exact condition that exists, than the words of that old man. Apparently delay is the first and great defense weapon of the Department of Justice.

#### THE WEAPON OF FICTITIOUS ISSUES

(2) Fictitious issues and exaggerated counterclaims: Delay alone may not be sufficient to defeat an action where the plaintiffs are of the durable fiber of the Sioux Indians, so the Department has and uses a second line of defense. It has, wherever possible, set up issues which should not be

available to any fiduciary or guardian with respect to the property of a ward.

In no less than four cases tried in the Court of Claims in behalf of the Sioux Nation, the Government's defense has been that the Indians were "hostile." It has been asserted by the Department of Justice that the Sioux Nation was "hostile" and was engaged in war with the United States. No such condition existed except those disturbances occasioned by the invasion of the territory held by the Sioux Nation under a definite grant contained in the treaty of April 29, 1868.

The Sioux Nation never was "hostile" from and after the making of the peace treaty of 1868, unless self-defense is hostility, yet this plea of the "hostility" of the Sioux Nation was urged by the Department of Justice and must have been favorably considered by the Court of Claims, as the Court gave "hostility" as one of the reasons for entering findings adverse to the Sioux Nation.

The counterclaims set up by the Comptroller General and urged by the Department of Justice would indicate that \$109,000,000 has been expended by the United States in behalf of the Sioux Nation. I am not asking that the Comptroller General decide matters which should be decided by a court having jurisdiction of the action, but I observe that the Department of Justice takes full advantage of each and every item set up by the Comptroller General. These items include expenses which the United States itself assumed: Salaries of United States officials, expenses of treaty commissions which were negotiating treaties for the benefit of the United States; premiums on the bonds of United States disbursing officers, and countless other corresponding items, even including gifts to individual Indians. All of these items are presented to the Court of Claims and are urged by the Department of Justice as proper counterclaims. In many cases the Court of Claims has found that the counterclaims are so great that even if the claim of the tribe is valid, still there can be no judgment for the plaintiff.

#### THE WEAPON OF LEGISLATION

(3) Legislative action, the last line of defense. In the last several years some three Indian tribes have carried their claims from the Court of Claims, where they were dissatisfied with the decision, to the Supreme Court of the United States by certiorari. In these cases the Supreme Court has directed the entry of final judgment against the United States. The cases I refer to are: The Creek Nation against the United States, the Klamath Tribe against the United States, and the Shoshone Tribe against the United States.

The foregoing tribal claims have now been settled by appropriation, so it would seem that the defenses heretofore enumerated of (1) delay, (2) fictitious issues and counterclaims, are not sufficient in the event an Indian tribe is granted a writ of certiorari by the Supreme Court of the United States. Several million dollars were required to settle the judgment entered in the three foregoing cases and it must be that the Department of Justice has measured its possible future losses by the defeat in the three cited cases.

#### H. R. 5843 IS AN UNWORTHY BILL

In the present session of Congress the Department of Justice has asked for legislation which would make impossible the loss of any of the other pending Indian claims. I refer particularly to the pending bill, H. R. 5843, introduced by the chairman of the Committee on the Judiciary at the request of the Department of Justice. This bill is so peculiar and so unusual that it should be called to the particular attention of all Members of this House. I call particular attention to page 3, lines 1 to 17, inclusive. This is an attempt to write into the Judicial Code a new section to be known as section 145-B.

The section proposes to establish against Indian tribal claims a restricted rule for just compensation whereunder just compensation for lands or other property taken is the value of the lands or property at the time taken, without increment in any form for the use of the lands or property,



contrary to the Constitution as consistently interpreted by the courts. This change of the well-established rule of "just compensation" relates to Indian tribes only, is class legislation, is retroactive, and in effect flouts the fifth and fourteenth amendments to the Constitution.

Page 3, lines 18 to 24, inclusive. In expectation that the foregoing is most likely to be held unconstitutional, it is provided in lines 18 to 24, inclusive, that should any court have the courage or temerity to hold 145-B inoperative or unconstitutional, then by such holding two things automatically occur: The jurisdiction of the court to try matters then before it would be withdrawn, and the jurisdictional act authorizing the suit to be brought, would be repealed.

Page 4, lines 3 to 11, inclusive, is another new section of the Judicial Code, 145-C. This language attempts, by congressional enactment to place in the code, itself, the legislative intent of any Congress, heretofore or hereafter expressed on any Indian jurisdictional act. No matter what the legislative history of a bill might be, the Court of Claims could not take that history as evidence of the intent of Congress. Continuing on page 4, lines 11 to 14, inclusive, is section 145-C. This language strikes down the equity provisions of every jurisdictional act and requires strict proof of every item, gives the Government the advantage of all defenses, particularly of obnoxious defenses, "procedural and technical." This would strike down evidence heretofore relied upon, both as to things done and as to value. It would bar history of the relations between the United States and the Indian tribes and would require a defenseless ward to combat his unscrupulous guardian behind insurmountable defenses set up by that guardian.

Page 4, lines 19 to 24, inclusive, is a further part of the new section 145-C. This language gives the United States the right to do whatever it may see fit with the property of its Indian wards, without being called to account. Disposal of property by the Government upon its statement that the disposal was intended for the benefit of an Indian tribe would be justification for that expenditure, and the expenditure could not be attacked upon any theory of guardianship or trusteeship.

#### SUCH A BILL IN THE NAME OF JUSTICE

It does not seem possible that a department of the United States Government would propose so indefensible a bill as H. R. 5843, but the Department of Justice has definitely proposed that bill as a statute which would strike down the rights of a minority group of our people. This comes at a time when minorities throughout a large portion of the world are suffering injustices, wrongs, and oppressions.

We, the people of the United States, have held our heads very high and have felt ourselves quite superior to the oppressor abroad, but now we are asked by the Department of Justice—I do not say by the Attorney General, for I doubt he had anything to do with it—to enact legislation that would single out one defenseless minority and divest that minority of the rights which we, the rest of the people, hold most dear.

I do not expect that the Congress will pass any such indefensible measure as H. R. 5843, and if the Attorney General is to maintain the designation which was so courteously given to him in the Washington Evening Star on May 4 last, I doubt he will insist upon the recommendations made by his Department. In the article I refer to, which can be found on page A-11 of the Evening Star of that date, Attorney General Frank Murphy is praised as a great liberal and is referred to as "Frank the Just." Obviously, he cannot long maintain that enviable designation if he poses as a liberal and yet insists upon legislation of the vicious character contained in H. R. 5843. He is more apt to be called "Frank the Just What?"

In all of the foregoing I have presented the facts which now concern us. In the words of a former distinguished President of the United States, "We are confronted by a condition and not a theory."

The condition is that legislation relative to Indians or Indian affairs is blocked in the House and in the Senate;

that in the courts, principally the Supreme Court of the United States, a few Indian tribal claims have been won; that the Department of Justice is alarmed, and a little group of fearful men in the Congress feel that the Indian tribes will recover judgments of very large amounts of money. One of our distinguished colleagues indicates this runs into the billions of dollars, and therefore it would definitely seem established that the key log in this log jam I have referred to is the tribal claims now pending in the Court of Claims.

#### SOUTH DAKOTA LEGISLATURE PROPOSES A SOLUTION

I did not make this analysis to stop at this conclusion. A remedy should be found which will provide decent treatment of the Indian tribes and which will relieve the congressional congestion and thereby permit normal legislation on Indian affairs.

During the last session of the Legislature of the State of South Dakota there was passed a memorial to the Congress, which itself was printed in full in the CONGRESSIONAL RECORD, and for that reason I shall not here ask that it be reprinted but will merely quote the most pertinent portions.

Whereas Congress did enact into law, during the fiscal year ending June 30, 1877, certain provisions intended to fulfill, and make compliance with, various stipulations and agreements as were provided for in treaties with the several Indian tribes; and

Whereas many claims presented by the Indians, and Indian tribal organizations, over a period of many years, which claims arose from alleged violations of treaty rights and under the provisions of said above-mentioned act of Congress, have not been acted on or finally determined, and such claims are now pending in the courts of the United States, in some cases for many years, and

Whereas other and additional claims under such act and treaties will be filed from time to time, for redress or for benefits claimed to be due to such Indians, and Indian tribes, and according to the present laws with respect to Indian claims must be litigated in the courts with no prospect of final adjudication for many years after the instituting of said actions, and

Whereas the Sioux and other tribes of Indians are, and have been, entitled to a prompt settlement of said claims, and the delay experienced has been to the great loss and inconvenience of said Indians, and

Whereas the Sioux Indians of South Dakota are now in dire need, and that it is imperative for their best interests, and health, that their claims be promptly adjusted, and that in the meantime adequate provisions be made for them as to necessary food, and clothing, and necessities of life, now, therefore, be it

*Resolved*, That for the best interests of the Sioux Indians of South Dakota, the Congress provide by law for the creation of a special claims commission, with the power and authority and jurisdiction to meet with such Indians or Tribal Councils and their attorneys, promptly after the filing of any claim or claims, and settle, compromise, and adjudicate said claim or claims, be it further

*Resolved*, That this joint resolution is intended as a petition to the Congress.

#### THIS SEEMS A SENSIBLE SOLUTION

I believe the foregoing contains an idea, which if adopted by the Congress, would restore us and the Indian tribes to a state of equilibrium desirable to both parties. The proposal, it must be remembered, comes from the legislature of my State, South Dakota, and not from the Sioux Nation, nor does it come from the Department of Justice or the Department of the Interior.

I feel most strongly that the sensible thing to do is for us here in the Congress to accept the idea proposed by the Legislature of South Dakota, and attempt to settle and dispose of all of the matters now in dispute between the United States and the Sioux Nation. I believe this can be done if it is approached by both sides with a full understanding of the situation I have outlined in these remarks.

We are, or we assert that we are, reasonable human beings. This will apply to both the plaintiff and the defendant. There is no reason why differences cannot be composed. There is no reason why a fair settlement for the Sioux Nation should be a raid on the Treasury. There is no reason why the United States should not settle with the Sioux Nation for what it obviously owes to the Sioux people.

I would not propose a method unless that method were fully safeguarded, both as to the United States and to the Sioux Nation. I now propose and will introduce in this House a joint resolution authorizing the appointment of a commission to negotiate a settlement with the Sioux Nation, which settlement shall not be binding on either party until

ratified by the Congress and by three-fourths of the adult members of the Sioux Nation, men and women.

My proposed joint resolution will read substantially as follows:

A PROPOSAL FOR A RESOLUTION

*Resolved, etc.,* That the President be and he is hereby authorized to appoint a Commission of five citizens, which Commission is hereby authorized to organize by the election of a chairman and such other officers as the Commission may deem expedient.

The Commission shall be known as the Sioux Settlement Commission and is authorized to negotiate a settlement agreement in the form of a contract, which settlement agreement shall provide a proposal for the settlement and disposition of the claims of the Sioux Tribe of Indians against the United States brought under the act of June 3, 1920 (41 Stat. 738), in the Court of Claims, No. C-531 (1) to (24), inclusive, wherein the Sioux Tribe of Indians, consisting of the Sioux Tribe of the Rosebud Indian Reservation in the State of South Dakota; the Sioux Tribe of the Standing Rock Indian Reservation in the States of North Dakota and South Dakota; the Sioux Tribe of the Pine Ridge Indian Reservation in the State of South Dakota; the Sioux Tribe of the Cheyenne River Reservation in the State of South Dakota; the Sioux Tribe of the Crow Creek Indian Reservation in the State of South Dakota; the Sioux Tribe of the Lower Brule Reservation in the State of South Dakota; the Sioux Tribe of the Santee Indian Reservation in the State of Nebraska; and the Sioux Tribe of the Fort Peck Indian Reservation in the State of Montana, are plaintiffs, and any other claims which said Sioux Tribe or anyone or more of the eight divisions of said tribe hereinabove named may have against the United States.

The Commission shall take into consideration all of the aforesaid claims, and all expenditures made by the United States for the benefit of the Sioux Tribe, the report of the Comptroller General in the above designated cases, the pleadings, evidence, and briefs filed in said cases by both parties and, in addition, any paper, correspondence, document, record, or testimony which the Commission may desire to consider.

The said settlement agreement shall state a lump sum in dollars, which in the opinion of the Commission is a fair, just, and equitable settlement of the claims of the Sioux Tribe of Indians, both to the Sioux Tribe of Indians and to the United States of America.

Said settlement agreement shall further provide that the agreement itself shall be of no effect until and unless the agreement is ratified and confirmed as a part of an act of Congress, and until and unless the said settlement agreement is ratified and confirmed in writing by three-quarters of the adult members of the Sioux Tribe of the Reservations hereinbefore enumerated.

The said settlement agreement shall further provide that upon adoption and ratification, as herein provided, and upon the placing to the credit of the Sioux Tribe of the lump sum agreed upon, the agreement itself shall operate as a complete release, discharge, and acquittance of all claims of whatsoever nature, of counter-claims, set-offs, charges, and demands which the Sioux Tribe may have against the United States or which the United States may have against the Sioux Tribe, and that upon such ratification neither the United States nor the Sioux Tribe shall have or assert any claim for any matter which arose prior to the date of final ratification of said settlement agreement.

The Commission shall confer with the Sioux Tribe, above designated, and with the attorneys for said tribe, now under contract, at such times and places and under such regulations as the Commission may prescribe, without regard to any existing organization of said tribe but with the purpose of drafting a settlement agreement which in the opinion of the Commission may be acceptable to the Congress and to the adult members of the Sioux Tribe.

The Commission shall also confer with officials of the several departments of the United States, the Comptroller General, the Governors of the States wherein said plaintiffs reside, and with such other public officials or private citizens as the Commission may desire to consult or hear.

Whenever the Commission has reached a decision in conformity with this resolution it shall report the same to the Senate and the House of Representatives with its full report and recommendation for such action as the Senate and the House of Representatives may then see fit.

Nothing in this resolution, nothing in any action taken or thing done by the Commission, and nothing in the final report of the Commission shall in any wise impair, affect, or delay the tribal claims of the Sioux Tribe or action thereon which said claims are those above enumerated and pending in the Court of Claims and the jurisdiction of the Court of Claims shall not be impaired by anything herein contained in regard to said tribal claims of the Sioux Tribe.

There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 for the compensation and expenses of said Commission, which compensation shall be fixed by the President.

The said Commission is hereby directed and required to file its first and final report not later than the opening of the regular session of the Congress next after the session during which this resolution was passed and became law.

LXXXIV—552

THE SIOUX PEOPLE WILL BE FAIR

I have great confidence in the Sioux people who live in my district, in my State, and in the States of Nebraska, North Dakota, and Montana. I believe they are inclined to be fair. I believe they would be willing to settle all disputes with the United States which may have arisen in the past. I believe they would be willing to do this for a consideration which would be acceptable to the Congress.

If the Members of the House will refer to the tabulation setting out Indian tribal claims, which appears in the CONGRESSIONAL RECORD, at page 2529 and at page 4189, they will observe that should this program now be undertaken and consummated, it would dispose of at least one-half of all of the pending Indian tribal claims. If this result can be accomplished, the remaining tribal claims should not be difficult of disposition. I have not consulted other Members of this House. I have not consulted the members of the Sioux Tribe, but I feel that some one should offer a solution of the present difficulty; a solution based upon justice to and fair dealing by both sides of the controversy. I believe my proposed resolution speaks for itself and therefore I ask the Sioux Nation, the Departments of Justice and Interior, and this House to join in a thoughtful, conscientious effort to settle for all time the tribal claims of the Sioux Nation. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I am sure that Members are very much interested in the gentleman's remarks. The gentleman is not only especially familiar with Indian affairs but he has worked diligently in the interest of his Indians. Let me add that I am interested in and sympathetic with the resolution the gentleman expects to introduce. It seems to me that is the only fair way to adjudicate the claims of the Indians. However, there are many other Indians throughout the entire United States, including several tribes in my own State of Oklahoma, that have claims, or at least they feel they have worthy claims against the Government of the United States. So far Congress has refused to give them any consideration. All they have asked is an opportunity to present their cases to the Court of Claims. I am wondering if the gentleman would not feel justified in making his resolution broad enough to include other Indians of other tribes in other States, and have a commission to adjudicate the claims of all Indians who assert that they have claims against the Government of the United States.

Mr. CASE of South Dakota. The gentleman from Oklahoma is one of the best-qualified men in this House to speak on Indian problems, because as a member of the subcommittee of the Appropriations Committee for the Department of the Interior he has had an opportunity to study Indian problems here in the Congress. He is qualified from that experience as well as from a personal knowledge of the Indians in Oklahoma. [Applause.]

I may say to the gentleman I have been much interested in the proposals to establish Indian claims commissions and have supported those proposals in the past. The particular resolution I have worked out is especially adapted to meeting the problems of the Sioux Nation, but I would have no objection to working with the gentleman from Oklahoma in preparing a general claims commission bill; and if he or some other Member will introduce such a bill, I assure the gentleman I shall be pleased to support it.

Mr. JOHNSON of Oklahoma. I thank the gentleman sincerely for his kind and most generous compliment. If the gentleman will permit, I should like to add that I have been interested in the gentleman's able and timely discussion and especially the reasons given by him why it is apparently impossible for the Indians to get a fair and square deal. The gentleman has not touched on one other phase of the question, however, and that is that there are many Members of Congress who live in States where there are no Indians, and



many of whom are absolutely uninterested in the welfare of our Indians.

Mr. CASE of South Dakota. The gentleman is correct.

Mr. JOHNSON of Oklahoma. It is not difficult, politically, for such Members to object to a bill proposing to give the Indian tribes residing in other States an opportunity to go into the Court of Claims, should they desire to do so. It also gives such a Member an opportunity to go home and say, "I saved the country \$10,000,000," or "I saved the country \$100,000,000," or any other figure that might come to their minds.

Mr. CASE of South Dakota. Of course, those figures are all imaginative.

Mr. JOHNSON of Oklahoma. That is true; nevertheless, it shows how difficult it is to get any kind of legislation through Congress to give the Indians a square deal.

Mr. CASE of South Dakota. Of course, the gentleman knows that in estimating those figures they always take what they imagine may be the possible maximum recovery and do not allow for offsets. If the Government comes into court on any such claim it tries to estimate as offsets every possible item of expenditure, whether involved in any of the treaties or not and whether or not the expenditure was made at the wish of the Indians or because of some high-brow legislation in Congress, with the expense passed along to the Indians.

Mr. JOHNSON of Oklahoma. Mr. Speaker, if the gentleman will yield further, the fact is that with respect to all legislation enacted by Congress in the past permitting claims of Indian tribes to be heard by the Court of Claims, the Indians have not collected more than 3 percent of the amount asked.

Mr. CASE of South Dakota. The gentleman is correct.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from North Dakota, who is also a man who knows the Indian problems from first-hand.

Mr. BURDICK. Could the gentleman ever see any logic in the attitude of Congress in refusing to allow the Indians to go into the Court of Claims and present a claim, if they have one?

Mr. CASE of South Dakota. No; I have not, because it has always seemed to me that that was an indication of weakness in the position of the Government. [Applause.]

#### EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore (Mr. JOHNSON of Oklahoma). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from North Dakota [Mr. BURDICK] is recognized for 15 minutes.

#### UNEMPLOYMENT IS NOT A TEMPORARY MATTER

Mr. BURDICK. Mr. Speaker, I have tried many times to convince this House that the question of unemployment in the United States is not a temporary matter at all, but a permanent situation with which this Congress must deal. I have found little support in this contention. Very few officials have supported this theory. The Honorable Harry Hopkins, Secretary of Commerce, expressed this conviction while directing the W. P. A.; the Honorable KENT KELLER, of Illinois, wrote a book several years ago setting forth this conviction abundantly supported by proof. A few Members see the situation, but not enough.

Let me set forth the reasons why I have repeatedly stated on the floor of this House that the unemployment question is a permanent institution in this country.

First of all, let me say that this situation is not chargeable to any particular party. The situation is due to the failure of both major political parties to understand the results which must naturally and inevitably follow from the growth of "special privilege" in this country. As long ago as 1921,

a period of 18 years, President Harding became alarmed over the unemployment situation and appointed a committee on unemployment to study the situation and recommend plans to put the 5,000,000 then unemployed to work. The President appointed one individual from each of the major productions—labor, manufacturing, transportation, and civic groups in the United States. I had the honor of representing agriculture. Samuel Gompers represented labor; Charles Schwab represented the steel industry; Mr. Wooley represented the manufacturing interests; and Ida Tarbell represented the women workers in the United States, and so on down the line. The entire committee, as I recall it, represented 21 different groups. Herbert Hoover, Secretary of Commerce, was the permanent chairman of the organization. We met here in Washington and remained in session several days. Mr. Hoover appointed various committees, and some of these committees acted for a year or more.

At that time there were no business restrictions and business taxes to hamper private business; in other words, private business had a free hand. Various recommendations were made, but the principal action taken was to recommend to the various cities the need of putting the idle to work on civic construction and each mayor of the principal cities of the United States pledged his support in contriving and planning some sort of construction work. At that time I addressed the committee and told them that they were directing their efforts at relieving the pain and not the pathological disorder. I explained that the farmer, because of the price he was receiving and the interest he was paying, was gradually going down the road to bankruptcy, and because of it, the buying power in the country was seriously menaced. I pointed out that in normal times the farmers of the United States purchased two-fifths of all the steel output, 42 percent of the output of the leather mills, and 40 percent of the output of the textile mills, and that unless something was done to stabilize the farm prices, we could expect the unemployment army to increase. Now, after a lapse of 18 years, does anyone doubt the logic of my argument? On this committee I was ignored, the farmers were ignored, and when Chairman Hoover got around to naming a committee on agriculture, I was not even a member of it, although the President had appointed me to represent all the farmers in the United States.

There is no doubt but what the work done by this committee did start up civic work in several cities and many were put to work, but that only stopped the pain in places, but the disorder continued.

Hoover became President in 1929 and at that time no one can say that private business was so tied up with restrictions and taxes that they could not employ people. For the next 4 years business as such had a free rein, but the malady of unemployment increased and increased until business could not operate and we had one of the most disastrous business break-ups ever known in our history. When President Roosevelt came into power, banks, insurance companies, railroads, and manufacturing plants were prostrate and those who had any money in banks could not draw it out. I remember the situation vividly. We were near a crisis in the United States. When buying power is gone, when credit is gone, when available funds cannot be drawn, people become panicky and anything can happen.

That is the record of what private business can do when not hampered by high taxes and restrictions imposed by law. It was the personality of Franklin D. Roosevelt that stepped into the breach in the fall of 1932 and gave assurance to the people that the Government was still all right or could be made right. Chaos disappeared and we emerged into another effort to run the Government with confidence in Government restored to the people. No matter how many mistakes the President has made or will make, history will record the fact that he actually saved this Government from a sickening break-down.

Just as soon as confidence was restored, big business came out in the open to complain of taxation and business restrictions, and loudly protested against the Government's engaging in business. They have fought the T. V. A. to a stand-

still, and yet the finding of the Federal Power Commission shows that measured with reasonable rates, and giving the private power companies credit for taxes paid and free public service, that they are still filching a billion dollars annually from the consumers of the United States. Big business proclaims loudly that if the Government will leave them alone to operate without restrictions and with reduced taxes that they can put the idle to work. Before the Ways and Means Committee of the House the business representatives have already admitted that, with all impeding restrictions withdrawn, not more than 3,000,000 could be put to work. What to do with the other 10,000,000 they do not know.

Will this number of thirteen to fourteen million be increased next year? Certainly—just as surely as the sun will set tomorrow. It is estimated that annually 500,000 students leave our schools for life's work; another 500,000 are being displaced annually by improvements made by science in labor-saving machines. This means we shall have a new crop of 1,000,000 annually to augment the unemployed.

I think this is evidence enough to sustain the proposition that if we continue our present program of Government that the unemployment rolls will increase instead of diminish.

Relief, therefore, must comprehend a long-range program and not an eleventh-hour solution. We have never planned a long-range program; the President has suggested it. Aside from the soil-conservation program, some of the building programs, the historical restoration of the P. W. A., the Youth Administration, the C. C. C., and the Historical Research Division of the W. P. A., our programs have been of a temporary nature. It is all right to put men to work cutting weeds along highways if they are hungry and cannot get anything to eat otherwise, but the weeds will grow again and again. Something more permanent and lasting must be planned. I could suggest many programs of work of this character. To those who believe some foreign country is about to swoop down on us and destroy our liberty, before the banking trust does, I might propose a proper program of national defense that would employ our millions who cannot now get work. We could well afford to build highways across this country from East to West at intervals of 100 miles and from north to south at intervals of the same distance. These roads in time of war, if that time should ever come, would be military roads over which we could move troops and equipment to any section of the country with alarming speed. In the meantime these military roads could remain for the use of the people. Along these military roads could be developed trees and reservoirs for surface waters, fish, and birds. Then the three scourges that visit great areas of the United States would be automatically avoided, floods, droughts, and grasshoppers. The transportation system would be simplified, enlarged, and made available to land-locked communities at conscionable rates. But why enlarge upon this idea? There are many more equally important programs, all of which would bring permanent and lasting benefits to all the people of the United States, and save the millions we are paying out to sustain our people on temporary and unplanned work, millions for flood damage, millions for drought doles, and much money for grasshopper control.

What I wish to show is that permanent work can be planned by the Government and that such work is needed and will add to our national wealth. This makes the argument conclusive, therefore, that the employment of idle people is a new duty of the National Government, and when private industry cannot employ, every citizen will know that he will not have to shift about as a hobo just because private industry will not offer him a job.

These improvements need not burden the people and load them down with debt. We do not have to pay interest on the money used for this work. We can issue money—greenbacks—and do the job without paying a tribute in interest. Three hundred and forty-five million dollars of Lincoln's greenbacks are still in circulation in the United States, and it has cost us nothing since the money was issued. If we will stop issuing bonds and issue money instead, the greatest part of this work program will be accomplished.

Those who are too old to work, crippled, blind, or otherwise afflicted should be guaranteed a decent standard of living through a pension system, and every other person should be guaranteed a job with such a wage as will insure a decent standard of living. We ought not to require these workers to live on a substandard wage.

We cannot stop thought, and we cannot prevent scientific improvement—we ought not to wish to stop it. We should encourage it, and every time a machine is invented that will eliminate the drudgery in human labor we should all welcome it. With these guaranties of a chance for all, the benefits of the improved machine would be distributed to all instead of contributing to the benefit of a handful of men. What they gained in improved methods would come back to the people in taxes to carry on the program of assuring all a fair chance in our economic system.

If private enterprise is to continue in this country, it must be willing to assume the burdens which the operation of the system has cast upon society. No free-born American citizen should ever have to get in a soup line in order to sustain life.

If enough people will realize our present dangerous situation and set about it with unity of action to reach the goal, we would soon get ourselves out of this depression and make another one impossible. If we sit here with our hands folded waiting for private industry to bring back prosperity, we shall wait as we have waited since 1920, and in the final chapter will be written the final overthrow of our private business system and in its place will be a public dictatorship, either of the Nazi, the Fascist, or the Soviet type. You can take your choice of these, but remember they are all military dictatorships. Liberty will be gone as soon as the individualistic system of business operation is ended. Business is on trial now. Business should be supporting public works instead of fighting the very thing that will eventually save business.

I am not afraid of what I have said in this Congress or what I have done here to avert the collapse of this Government, but I am afraid that I have not done enough. While I do not have so many converts to this plan of Government operation, I still think I am right, and while I remain here I will not recede from my position. I believe in this Government—I believe under our Constitution, under the general-welfare clause, we have ample authority to accomplish the release of the people of this country from the bondage of debt, despair, and suffering. Our courts would never overrule those things which must be done to preserve the Government. As Chief Justice Hughes of the Supreme Court so well said at the one hundred and fiftieth anniversary of the founding of this Government, "the people always get what they want."

Should the Republican Party be entrusted with the administration of the affairs of this Government at the next election, and the attitude of the leaders does not change on the question of this unemployment situation, the party will become discredited—at least as discredited as the Democratic Party will be in 1940.

The great American myth that only two parties are necessary in this country has at last become so entrenched in habit that the people can get nothing from either party. The voters can, and no doubt will, jump from Democratic to Republican. They can and probably will sweep one party out and let another in, but that will not settle fundamental questions of government. The people are already dizzy following the old party system. They are seeing more clearly each day that this old two-party system in Congress works smoothly for special privilege but never for the people who need assistance. This old two-party system works through committees in Congress. The dominant party—now the Democrats—names a majority of the committeemen, but the minority party—the Republican—names the rest of the committeemen. The heads of these two parties usually work in harmony. Both parties believe in letting private interests use the Nation's credit free of charge to sell again to the American people under a system of usury.

I do not know whether the time has arrived yet for the people to take the rein in their own hands—I think the time



is about here—but eventually the voters will throw off the shackles of this two-party system and form a party to which all honest men can turn without regard to whether they had formerly been Democrats or Republicans, and turn to the new party with confidence that at least the people had contrived a system of party control that had for its very existence the protection of all the people and not a few. Do not tell me the people of the United States are represented by two great parties; they are not; they are represented by one party and only one, no matter what name is given to the administration. Is there any difference in philosophy between some Members from Virginia and some Members from New York, some Members from Georgia and some Members from Massachusetts? Not in the least. When one of these leaders makes a stand in the House he gets as many votes from the opposite party as he does from his own; the fact is they all belong to one party—a party whose only ambition is to protect the large business interests of the country.

Personally, I would like to see the Republican Party come into power and receive the approval of the American people, but unless the leadership will revise its philosophy and come out flat-footed on a platform to reform the monetary system; to banish from the land all types of special privilege; think of the poor, the distressed, and the weak, and forget banks, the power trust, the steel trust, the machine trust, and every other type of monopolistic privilege, it will be worse for the American people to elect a Republican administration than it will be to continue the Democratic administration, which here and there has attempted to break up private monopolies in the United States.

With little confidence in the hope that the Republican Party can or will turn progressive, I assert that no party since the Civil War has had such a wide-open chance to win the favor of the American people as the Republicans now have. Will the party leadership shut their eyes to the demands all around us for a party to which the average man can turn? A few months more will bring the answer, but any party that shuts its eyes to the unemployment question and seeks to treat it as a temporary matter will meet defeat at the hands of the voters of the United States. [Applause.]

#### EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at a point just preceding the passage of the bill (H. R. 6984).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

#### "INVESTIGATION" OF NATIONAL LABOR RELATIONS ACT AND THE WAGE-HOUR ACT

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point and to include therein a few paragraphs from an editorial from the newspaper Labor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, no one is more eager than I to see the functioning of Government agencies improved and to see constructive amendments passed when they are really needed and will improve the work of those agencies.

No one is more opposed to efforts which, unfortunately, are sometimes made to deliberately discredit the work of various agencies by the simple process of giving a tremendous overemphasis to mistakes and no emphasis at all to the great preponderance of the work which has been well done. As a case in point is the recent W. P. A. investigation.

This Congress has been particularly prone to attack every effort of the Government to protect the rights of the humble people of this country—the unemployed, the wage earners, the farmers, and similar groups.

I hope that this same thing is not going to happen again in the case of the National Labor Relations Act or the Fair Labor Standards Act.

No doubt mistakes have been made by the National Labor Relations Board. It would be strange if this had not been the case, for mistakes are made in every human institution. I myself believe some mistakes have been made in the matter of personnel. But I am convinced that every effort is being made by the Board to pursue a constructive course and to constantly improve administration. The recent appointment of Dr. Leiserson to the Board has certainly met with universal approval.

Therefore, I cannot believe that any good purpose can be served by having the House authorize another effort to make political capital out of a so-called investigation. My own feelings about the matter are well set forth in the following brief paragraphs from the current issue of the newspaper Labor, official organ of the 15 recognized standard railroad labor organizations of America.

Labor says—referring first to the W. P. A. investigating committee:

In a word, the committee played up the mistakes of W. P. A. and suppressed all its good points, thus giving the country and the Congress a grossly distorted picture of the situation.

To repeat that procedure in the case of the National Labor Relations Act and the Wage-Hour Act will, of course, give aid and comfort to sweatshop bosses, but it will produce nothing which will aid serious-minded lawmakers in solving the economic and industrial problems of a sorely harassed nation.

Those Members of the House who believe that American workers are entitled to an American standard of living and that they have a right to join unions of their choice, without coercion or intimidation on the part of employers, will vote against the proposal. The issue is very simple and very clear, and labor hopes that southern workers in particular will watch the roll call.

It is, of course, conceivable that a constructive effort might be made by the House to assist an agency in improving its administration of the law. I am, however, of the opinion that the current resolution is not that kind of an effort.

#### THE WAGNER LABOR RELATIONS ACT

Mr. KELLER. Mr. Speaker, I want to serve notice at the present time that there is to be a resolution presented to this body from the Rules Committee providing a special committee to investigate the Wagner Labor Relations Act.

I serve notice now that I shall not only oppose that, but I shall call all the attention I can broadly to it in this country and to the men who are putting it forward.

Whether conclusively or not it is the first move on the part of those who desire to destroy this Labor Relations Act, the wage and hour law, and to restore to the industrialists the power to control and profit unjustly off of labor as was done before these and other labor laws were enacted.

I appeal to every friend of fair dealing for the men and women who produce the wealth of this country to arise and defeat this attack so thoroughly as to make sure that men who hate labor and deny the rights of laboring men, will not again attempt such a course as this.

Not a single friend of honest labor is for this resolution.

#### ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 3325. An act to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised.

#### BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 2310. An act to provide national flags for the burial of honorably discharged former service men and women;

H. R. 3325. An act to extend the time with the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised;

H. R. 4674. An act to provide for the establishment of a Coast Guard station at or near the city of Monterey, Calif.;

H. R. 5722. An act for the relief of Evelyn Gurley-Kane; and

H. J. Res. 133. Joint Resolution authorizing the President of the United States of America to proclaim October 11, 1939, General Pulaski's Memorial Day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p. m.) the House adjourned (according to its previous order) until Monday, July 10, 1939, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON THE JUDICIARY

On Friday, July 7, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Board; and for other purposes.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the miscellaneous railroad subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, July 10, 1939. Business to be considered: Continuation of hearing on H. R. 5726, to amend the Interstate Commerce Act by providing that the shipper shall not be liable for charges in certain cases.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m., Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

#### COMMITTEE ON IRRIGATION AND RECLAMATION

Hearings will be continued today by the Committee on Irrigation and Reclamation on H. R. 6629 in room 128, House Office Building. The hearings will open at 10 a. m. Friday, July 7, 1939.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

959. A letter from the President, Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to amend an act to provide for a tax on motor-vehicle fuels sold within the District of Columbia; to the Committee on the District of Columbia.

960. A letter from the Secretary of the Interior transmitting the draft of a proposed bill to authorize the erection of a memorial to the late Stephen T. Mather; to the Committee on the Library.

961. A letter from the President, Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to amend an act entitled "An act to amend an act entitled 'An act to regulate the practice of the healing art to protect the public health in the District of Columbia'"; to the Committee on the District of Columbia.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Committee on Rules. House Resolution 229. Resolution creating a select committee to investigate the National Labor Relations Board; with amendment (Rept. No. 1038). Referred to the House Calendar.

Mr. SABATH: Committee on Rules. House Resolution 203. Resolution providing for the consideration of H. R. 5129, a bill authorizing and providing for the construction of additional facilities on the Canal Zone for the purposes of more adequately providing for the defense of the Panama Canal and for increasing its capacity for the future needs of interoceanic shipping; without amendment (Rept. No. 1039). Referred to the House Calendar.

Mr. LANHAM: Committee on Public Buildings and Grounds. House Joint Resolution 341. Joint resolution to dissolve the United States Supreme Court Building Commission; without amendment (Rept. No. 1040). Referred to the Committee of the Whole House on the state of the Union.

Mr. JENKS of New Hampshire: Committee on Naval Affairs. H. R. 6942. A bill to authorize the attendance of the Marine Band at a memorial concert for the benefit of the families of the victims of the United States submarine *Squalus* disaster at Rye, N. H., July 30, 1939, and for other purposes; without amendment (Rept. No. 1041). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. S. 1725. An act relating to the acquisition of the site for the post-office building to be constructed in Poplarville, Miss.; without amendment (Rept. No. 1042). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUTHER A. JOHNSON: Committee on Foreign Affairs. H. R. 6124. A bill giving the consent of Congress to the addition of lands to the State of Texas and ceding jurisdiction to the State of Texas over certain parcels or tracts of land heretofore acquired by the United States of America from the United Mexican States; without amendment (Rept. No. 1043). Referred to the Committee of the Whole House on the state of the Union.

Mr. HARTER of Ohio: Committee on Military Affairs. H. R. 3321. A bill to provide allowances for inactive-status training, and for uniforms and equipment for certain officers of the Officers' Reserve Corps; with amendment (Rept. No. 1044). Referred to the Committee of the Whole House on the state of the Union.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ANDREWS: Committee on Military Affairs. H. R. 4723. A bill to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid; without amendment (Rept. No. 1045). Referred to the Committee of the Whole House.

### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1697) granting a pension to Herman Meikle; Committee on Invalid Pensions discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 6386) granting a pension to Bert R. Reynolds; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.



## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 7090. A bill to amend section 4488 of the Revised Statutes of the United States as amended (U. S. C., 1934 ed., title 46, sec. 481); to the Committee on Merchant Marine and Fisheries.

H. R. 7091. A bill to amend section 4471 of the Revised Statutes of the United States as amended (U. S. C., 1934 ed., title 46, sec. 464); to the Committee on Merchant Marine and Fisheries.

By Mr. GEHRMANN:

H. R. 7092. A bill to amend the Tariff Act of 1930 with respect to the rate of duty on certain dairy, egg, grain, and fur products; to the Committee on Ways and Means.

By Mr. MAY:

H. R. 7093. A bill to provide for the rank and title of lieutenant general of the Regular Army; to the Committee on Military Affairs.

By Mr. VAN ZANDT:

H. R. 7094. A bill to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KENNEDY of Maryland:

H. R. 7095. A bill to provide for reorganization of local government in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KOCIALKOWSKI:

H. R. 7096. A bill to amend an act entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes"; to the Committee on Insular Affairs.

By Mr. O'CONNOR:

H. R. 7097. A bill relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana; to the Committee on Labor.

By Mr. KENNEDY of Maryland:

H. J. Res. 351. Joint resolution to amend section 1102 (c) of the Revenue Act of 1926; to the Committee on Ways and Means.

By Mr. BLOOM:

H. Con. Res. 33. Concurrent resolution to commemorate the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States; to the Committee on Rules.

By Mr. SCHULTE:

H. Res. 245. Resolution authorizing the Committee on Immigration and Naturalization to make a thorough study of need for revision of laws relating to immigration, deportation, and naturalization and to investigate the unlawful entry and smuggling of aliens into the United States; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS:

H. R. 7098. A bill for the relief of L. S. Jones; to the Committee on Claims.

By Mr. CUMMINGS:

H. R. 7099. A bill for the relief of Charles Augustus Lathrop; to the Committee on War Claims.

By Mr. GERLACH:

H. R. 7100. A bill granting a pension to John W. Jones; to the Committee on Pensions.

By Mr. GOSSETT:

H. R. 7101. A bill for the relief of John L. Lasater; to the Committee on Claims.

H. R. 7102. A bill granting a pension to James F. Phillips; to the Committee on World War Veterans' Legislation.

By Mr. PITTENGER:

H. R. 7103. A bill to correct the naval record of Clark Wilson Hoff; to the Committee on Naval Affairs.

By Mr. WHITTINGTON:

H. R. 7104. A bill for the relief of Brig. Gen. Harley B. Ferguson; to the Committee on Military Affairs.

By Mr. GRANT of Alabama:

H. R. 7105. A bill for the relief of Mr. and Mrs. C. W. Black and Marion Rabren; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4188. By Mr. CROWTHER: Petition of sundry citizens of Schenectady, N. Y., urging immediate legislation that will prohibit the sale of munitions and potential war materials to Japan as long as that country acts in violation of the Nine Power Treaty; to the Committee on Foreign Affairs.

4189. By Mr. GEYER of California: Resolution of the Carpenters' Union, No. 909, American Federation of Labor, of Ingelwood, Calif., A. C. Johnson, secretary, protesting against all antialien bills and House bills 4860, 5526, 273, and Senate bills 407 to 411 in particular; also commending the five California Congressmen who voted against the Hobbs bill; to the Committee on Foreign Affairs.

4190. Also, resolution of the Committee for the Protection of Filipino Rights, protesting against all antialien bills and House bills 4860, 5526, 273, and Senate bills 407 to 411 in particular; also commending the five California Congressmen who voted against the Hobbs bill; to the Committee on Foreign Affairs.

4191. By Mr. HAVENNER: Petition of the Italian Federation of California, Inc., of San Francisco, urging the President of the United States and the Congress to adopt a joint resolution manifesting a spirit of friendship toward all nations and expressing the desire of the United States to cooperate impartially toward a lasting world peace; that the President invite England, France, Germany, and Italy to participate in a conference having for its object the settlement of all disputes existing among them, with the United States acting as impartial mediator; that Congress enact the present neutrality law without change; that Congress investigate the nature, sources, and extent of foreign propaganda in the United States calculated to arouse our hatred and suspicion of other nations and to involve us in European quarrels; that Congress provide the United States with adequate air, naval, and land forces for security from threats and attacks of any nation; to the Committee on Foreign Affairs.

4192. By Mr. SHAFER of Michigan: Petition of 25 citizens of Kalamazoo, Mich., urging the elimination of color and racial tests from the immigration and naturalization laws; to the Committee on Immigration and Naturalization.

## SENATE

FRIDAY, JULY 7, 1939

(Legislative day of Thursday, July 6, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal loving Father, whose perfection calls us and whose mercy welcomes us, we lift to Thee our broken cries and turn to Thee our waiting eyes as we ask, not merely for the bestowal of Thy gifts but of Thyself, that we may be bound to Thee with the bond of endless love.

In Thy wisdom, Thou hast seen fit to take unto Thyself the soul of one who, by his devoted service to the welfare of the Nation, endeared himself to all his fellow countrymen. Receive him, dear Lord, into those heavenly habitations where he may go from strength to strength in the life of perfect

service in Thy courts above. Enfold in Thy loving arms the dear ones who remain, and grant especially to her, the beloved companion of his life, the peace and comfort which it is Thine alone to give. Come in the stillness to all who are bereft and laden with sorrow, even as the night enwraps the hills and the stars steal into the skies; come in all tenderness, as a shepherd folds his sheep and a mother stills her child, that we may all know the peace that passeth understanding. Through Jesus Christ our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 6, 1939, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 840. An act to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes;

S. 884. An act for the relief of disbursing officers and other officers and employees of the United States for disallowances and charges on account of airplane travel;

S. 1118. An act to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore, located outside the continental limits of the United States;

S. 1181. An act to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers;

S. 1307. An act authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation;

S. 1907. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River, at or near Poplar, Mont.;

S. 2222. An act to provide for a Deputy Chief of Staff, and for other purposes;

S. 2237. An act to amend the Taylor Grazing Act;

S. 2353. An act to authorize appropriation for the construction of a medical school building at Carlisle Barracks, Pa.;

S. 2503. An act to amend an act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937;

S. 2539. An act to amend section 1223 of the Revised Statutes of the United States; and

S. J. Res. 126. Joint resolution to amend the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1020. An act to authorize the purchase of equipment and supplies for experimental and test purposes; and

S. 2096. An act to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 955. An act creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.;

S. 1018. An act to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes;

S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes; and

S. 1109. An act to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3537) to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4370) authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 168. An act to add to the Cleveland National Forest, Calif., certain contiguous lands of the United States which can be most effectively and economically protected and administered as parts of said national forest;

H. R. 2168. An act to authorize the Secretary of War to make contracts, agreements, or other arrangements for the supplying of water to the Golden Gate Bridge and Highway District;

H. R. 2178. An act to amend sections 6 and 7 of the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936;

H. R. 2415. An act to authorize the addition of certain lands to the Plumas National Forest, Calif.;

H. R. 2548. An act to include within the Pike National Forest certain lands acquired or in course of acquisition by the United States;

H. R. 2642. An act to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes;

H. R. 2752. An act to include within the Kaniksu National Forest certain lands owned or in course of acquisition by the United States;

H. R. 2953. An act authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources;

H. R. 2967. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over a certain road about to be constructed in the Presidio of San Francisco Military Reservation;

H. R. 3025. An act to amend an act entitled "An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes," approved March 4, 1915 (38 Stat. 1214-1215);

H. R. 3224. An act creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss.;

H. R. 3409. An act to amend the act of June 15, 1936 (49 Stat. 1516), authorizing the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes;



H. R. 4185. An act to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien;

H. R. 4190. An act to permit classification of certain unclassified employees of the United States by noncompetitive examination;

H. R. 4306. An act to make the United States Coast Guard Academy library a public depository for Government publications;

H. R. 4540. An act authorizing the restoration to tribal ownership of certain lands upon the Umatilla Indian Reservation, Oreg., and for other purposes;

H. R. 4781. An act to incorporate the Union Church of the Canal Zone;

H. R. 4938. An act to amend the act approved June 26, 1935, entitled "An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes";

H. R. 5333. An act to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924;

H. R. 5401. An act to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons;

H. R. 5506. An act to authorize the Secretary of the Interior to contract with the State Water Conservation Board of Montana and the Tongue River Water Users' Association for participation in the costs and benefits of the Tongue River Storage Reservoir project for the benefit of lands on the Tongue River Indian Reservation, Mont.;

H. R. 5525. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes;

H. R. 5611. An act to amend section 9 of the act of July 3, 1926 (44 Stat. 817), entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes";

H. R. 5681. An act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry;

H. R. 5747. An act to authorize the addition of certain lands to the Wenatchee National Forest;

H. R. 5781. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.;

H. R. 5785. An act granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Georgetown, Miss.;

H. R. 5786. An act granting the consent of Congress to the State of Mississippi or Madison County, Miss., to construct, maintain, and operate a free highway bridge across Pearl River at or near Ratliffs Ferry in Madison County, Miss.;

H. R. 5802. An act granting the retired pay of a chief pharmacist's mate, United States Navy;

H. R. 5963. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 5964. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.;

H. R. 5984. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate free highway bridges across the Monongahela River, in Allegheny County, State of Pennsylvania;

H. R. 5988. An act to amend an act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law, No. 583, 75th Cong., 3d sess.);

H. R. 6037. An act to amend section 194 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. 1088);

H. R. 6049. An act authorizing the village of Cassville, Wis., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cassville, Wis., and to a place at or near the village of Guttenberg, Iowa;

H. R. 6070. An act to amend section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.);

H. R. 6079. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark.;

H. R. 6111. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17;

H. R. 6114. An act to authorize postmasters within the Territory of Alaska to administer oaths and affirmations, and for other purposes;

H. R. 6353. An act granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Conn.;

H. R. 6475. An act to authorize the city of Duluth, in the State of Minnesota, to construct a toll bridge across the St. Louis River, between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6502. An act granting the consent of Congress to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 6503. An act relating to the exchange of certain lands in the State of Oregon;

H. R. 6527. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed, across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio;

H. R. 6528. An act to provide for the creation of the George Rogers Clark National Memorial, in the State of Indiana, and for other purposes;

H. R. 6538. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6539. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6540. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6541. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6560. An act relating to placer mining claims for deposits of phosphate, sodium, potassium, oil, oil shale, or gas on the public domain;

H. R. 6578. An act granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River;

H. R. 6614. An act to amend the Government Losses in Shipment Act;

H. R. 6634. An act amending previous flood-control acts and authorizing certain preliminary examinations and surveys for flood control, and for other purposes;

H. R. 6721. An act to provide a permanent force to classify patents in the Patent Office, and for other purposes;

H. R. 6724. An act to provide for the prompt deportation of aliens engaging in espionage or sabotage, alien criminals, and other undesirable aliens;

H. R. 6747. An act relating to the retirement of employees to whom the provisions of section 6 of the act approved June 20, 1918 (40 Stat. 608; U. S. C., 1934 ed., title 33, sec. 763), as amended, apply;

H. R. 6748. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.;

H. R. 6870. An act to grant to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops

Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass.;

H. R. 6872. An act to amend sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73);

H. R. 6873. An act to amend sections 4904, 4909, 4911, and 4915 of the Revised Statutes (U. S. C., title 35, secs. 52, 57, 59a, and 63);

H. R. 6874. An act to repeal section 4897 of the Revised Statutes (U. S. C., title 35, sec. 38), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78);

H. R. 6875. An act to amend section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51);

H. R. 6878. An act to amend section 4894 of the Revised Statutes (U. S. C., title 35, sec. 37);

H. R. 6984. An act to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes;

H. J. Res. 264. Joint resolution to approve the action of the Secretary of the Interior deferring the collection of certain irrigation construction charges against lands under the San Carlos and Flathead Indian irrigation projects;

H. J. Res. 272. Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio; and

H. J. Res. 314. Joint resolution to provide for the compiling and publishing of a history of the formation, the signing, the ratification, and the establishment of the Constitution, including historical facts and data relative to the commencement of the First Congress of the United States; the inauguration of George Washington as the first President of the United States; the adoption and ratification of the Bill of Rights; and the first meeting of the Supreme Court of the United States; and for other purposes.

#### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahay	La Follette	Russell
Ashurst	Ellender	Lee	Schwartz
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	Lundeen	Slattery
Barkley	Glass	McKellar	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Guffey	Mead	Taft
Borah	Gurney	Miller	Thomas, Okla.
Bulow	Hale	Minton	Townsend
Burke	Hatch	Murray	Truman
Byrd	Hayden	Neely	Tydings
Byrnes	Herring	Norris	Vandenberg
Capper	Hill	Nye	Van Nuys
Chavez	Holman	O'Mahoney	Walsh
Clark, Idaho	Holt	Overton	Wheeler
Clark, Mo.	Hughes	Pepper	White
Connally	Johnson, Calif.	Pittman	
Danaher	Johnson, Colo.	Radcliffe	
Davis	King	Reed	

Mr. MINTON. I announce that the Senator from New Jersey [Mr. SMATHERS] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate because of illness in their families.

The Senator from Florida [Mr. ANDREWS], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from California [Mr. DOWNEY], the Senator from Nevada [Mr. McCARRAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are absent on important public business.

I ask that this announcement stand for the day.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from North Dakota [Mr. FRAZIER] is necessarily detained from the Senate.

The Senator from New Hampshire [Mr. BRIDGES] has been necessarily called away.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

#### MEMORIAL TO THE LATE STEPHEN T. MATHER

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the erection of a memorial to the late Stephen T. Mather, which, with the accompanying paper, was referred to the Committee on the Library.

#### ALLEGED SUBVERSIVE ACTIVITIES IN C. C. C. CAMP NEAR MURRAY, UTAH

The VICE PRESIDENT laid before the Senate a letter from the acting director of the Civilian Conservation Corps, relative to a letter in the nature of a petition laid before the Senate by the Vice President on June 7, 1939, from Edwin Ray Potter, of the Bronx, New York City, praying for an investigation of alleged subversive activities against the United States in a C. C. C. camp in the vicinity of Murray, Utah, and stating that a thorough investigation was made of the charges, and also submitting a report thereon, which, with the accompanying papers, was referred to the Committee on the Judiciary.

#### AMENDMENT OF THE SOCIAL SECURITY ACT—REPORT OF COMMITTEE ON FINANCE

Mr. KING. On behalf of the chairman of the Committee on Finance [Mr. HARRISON], I report back from that committee, with amendments, the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, and I submit a report (No. 734) thereon. I ask that the bill go to the calendar.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar.

#### REPORTS OF COMMITTEES

Mr. CONNALLY, from the Committee on the Judiciary, to which was referred the bill (S. 2557) to amend the act entitled "An act to create a new division of the District Court of the United States for the Northern District of Texas," approved May 26, 1928 (45 Stat. 747), reported it without amendment and submitted a report (No. 735) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (H. R. 777) for the relief of Banks Business College, reported it with an amendment.

Mr. LEE, from the Committee on Military Affairs, to which was referred the bill (S. 506) to provide for a more efficient and economical mileage table of distances and routes to apply for the payments of travel performed for the United States Government by the military personnel, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, reported it with amendments and submitted a report (No. 737) thereon.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for promotion, and for appointment, by transfer, in the Regular Army.

He also, from the same committee, reported favorably the nominations of several officers for appointment to temporary rank in the Air Corps of the Regular Army.

He also, from the same committee, reported favorably the nomination of Brig. Gen. William Robert Dunlap, Pennsylvania National Guard, to be brigadier general in the National Guard of the United States, under the provisions of law.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.



## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUFFEY:

S. 2757. A bill for the relief of Bonifacio Suso; to the Committee on Immigration.

By Mr. HOLMAN:

S. 2758. A bill for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency; to the Committee on Indian Affairs.

## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 168. An act to add to the Cleveland National Forest, Calif., certain contiguous lands of the United States which can be most effectively and economically protected and administered as parts of said national forest;

H. R. 2415. An act to authorize the addition of certain lands to the Plumas National Forest, Calif.;

H. R. 2548. An act to include within the Pike National Forest certain lands acquired or in course of acquisition by the United States;

H. R. 2752. An act to include within the Kaniksu National Forest certain lands owned or in course of acquisition by the United States;

H. R. 2953. An act authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources;

H. R. 3025. An act to amend an act entitled "An act to reserve lands to the Territory of Alaska for educational uses, and for other purposes," approved March 4, 1915 (38 Stat. 1214-1215);

H. R. 3409. An act to amend the act of June 15, 1936 (49 Stat. 1516), authorizing the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes;

H. R. 4938. An act to amend the act approved June 26, 1935, entitled "An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes";

H. R. 5747. An act to authorize the addition of certain lands to the Wenatchee National Forest;

H. R. 6503. An act relating to the exchange of certain lands in the State of Oregon; and

H. R. 6560. An act relating to placer mining claims for deposits of phosphate, sodium, potassium, oil, oil shale, or gas on the public domain; to the Committee on Public Lands and Surveys.

H. R. 2168. An act to authorize the Secretary of War to make contracts, agreements, or other arrangements for the supplying of water to the Golden Gate Bridge and Highway District;

H. R. 2967. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over a certain road about to be constructed in the Presidio of San Francisco Military Reservation;

H. R. 6070. An act to amend section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.); and

H. R. 6870. An act to grant to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass.; to the Committee on Military Affairs.

H. R. 2178. An act to amend sections 6 and 7 of the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936;

H. R. 2642. An act to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936, and for other purposes; and

H. R. 4190. An act to permit classification of certain unclassified employees of the United States by noncompetitive examination; to the Committee on Civil Service.

H. R. 3224. An act creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss.;

H. R. 4306. An act to make the United States Coast Guard Academy library a public depository for Government publications;

H. R. 5525. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes;

H. R. 5611. An act to amend section 9 of the act of July 3, 1926 (44 Stat. 817), entitled "An act to readjust the commissioned personnel of the Coast Guard, and for other purposes";

H. R. 5681. An act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry;

H. R. 5781. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 5785. An act granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Georgetown, Miss.;

H. R. 5786. An act granting the consent of Congress to the State of Mississippi or Madison County, Miss., to construct, maintain, and operate a free highway bridge across Pearl River at or near Ratliffs Ferry in Madison County, Miss.;

H. R. 5963. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 5964. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.;

H. R. 5984. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate free highway bridges across the Monongahela River, in Allegheny County, State of Pennsylvania;

H. R. 6049. An act authorizing the village of Cassville, Wis., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cassville, Wis., and to a place at or near the village of Guttenberg, Iowa;

H. R. 6079. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark.;

H. R. 6111. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17;

H. R. 6353. An act granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Conn.;

H. R. 6475. An act to authorize the city of Duluth, in the State of Minnesota, to construct a toll bridge across the St. Louis River between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6502. An act granting the consent of Congress to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 6527. An act granting the consent of Congress to the Commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio;

H. R. 6578. An act granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River;

H. R. 6634. An act amending previous flood-control acts and authorizing certain preliminary examinations and surveys for flood control, and for other purposes; and

H. R. 6748. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.; to the Committee on Commerce.

H. R. 6721. An act to provide a permanent force to classify patents in the Patent Office, and for other purposes;

H. R. 6872. An act to amend sections 4886, 4887, 4920, and 4929 of the Revised Statutes (U. S. C., title 35, secs. 31, 32, 69, and 73);

H. R. 6873. An act to amend sections 4904, 4909, 4911, and 4915 of the Revised Statutes (U. S. C., title 35, secs. 52, 57, 59a, and 63);

H. R. 6874. An act to repeal section 4897 of the Revised Statutes (U. S. C., title 35, sec. 38), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78);

H. R. 6875. An act to amend section 4903 of the Revised Statutes (U. S. C., title 35, sec. 51); and

H. R. 6878. An act to amend section 4894 of the Revised Statutes (U. S. C., title 35, sec. 37); to the Committee on Patents.

H. R. 4185. An act to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien;

H. R. 5401. An act to provide for the naturalization of certain alien spouses of citizens of the United States and to validate the naturalization of certain persons; and

H. R. 6724. An act to provide for the prompt deportation of aliens engaging in espionage or sabotage, alien criminals, and other undesirable aliens; to the Committee on Immigration.

H. R. 4540. An act authorizing the restoration to tribal ownership of certain lands upon the Umatilla Indian Reservation, Oreg., and for other purposes;

H. R. 5506. An act to authorize the Secretary of the Interior to contract with the State Water Conservation Board of Montana and the Tongue River Water Users' Association for participation in the costs and benefits of the Tongue River Storage Reservoir project for the benefit of lands on the Tongue River Indian Reservation, Mont.; and

H. J. Res. 264. Joint resolution to approve the action of the Secretary of the Interior deferring the collection of certain irrigation construction charges against lands under the San Carlos and Flathead Indian irrigation projects; to the Committee on Indian Affairs.

H. R. 4781. An act to incorporate the Union Church of the Canal Zone;

H. R. 5988. An act to amend an act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938 (Public Law No. 583, 75th Cong., 3d sess.); and

H. R. 6037. An act to amend section 194 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. 1088); to the Committee on the Judiciary.

H. R. 5333. An act to amend the acts granting increased compensation to civilian employees for the period July 1, 1917, to June 30, 1924; to the Committee on Claims.

H. R. 5802. An act granting the retired pay of a chief pharmacist's mate, United States Navy; to the Committee on Naval Affairs.

H. R. 6114. An act to authorize postmasters within the Territory of Alaska to administer oaths and affirmations, and for

other purposes; to the Committee on Post Offices and Post Roads.

H. R. 6538. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6539. An act to amend the Agricultural Adjustment Act of 1938;

H. R. 6540. An act to amend the Agricultural Adjustment Act of 1938; and

H. R. 6541. An act to amend the Agricultural Adjustment Act of 1938; to the Committee on Agriculture and Forestry.

H. R. 6614. An act to amend the Government Losses in Shipment Act; to the Committee on Expenditures in the Executive Departments.

H. R. 6984. An act to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes; to the Committee on Irrigation and Reclamation.

H. R. 6528. An act to provide for the creation of the George Rogers Clark National Memorial, in the State of Indiana, and for other purposes; and

H. J. Res. 272. Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio; to the Committee on the Library.

H. J. Res. 314. Joint resolution to provide for the compiling and publishing of a history of the formation, the signing, the ratification, and the establishment of the Constitution, including historical facts and data relative to the commencement of the First Congress of the United States; the inauguration of George Washington as the first President of the United States; the adoption and ratification of the Bill of Rights, and the first meeting of the Supreme Court of the United States, and for other purposes; to the Committee on Printing.

#### SOCIAL SECURITY ACT—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which was ordered to lie on the table and to be printed.

#### AUTHORIZATION FOR RIVER AND HARBOR WORKS—AMENDMENT

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (H. R. 6264) authorizing the construction upon and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

#### EXAMINATIONS AND SURVEYS FOR FLOOD CONTROL—AMENDMENT

Mr. HATCH (for himself and Mr. CHAVEZ) submitted an amendment intended to be proposed by them to the bill (H. R. 6634) amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

#### REPORT OF COMMITTEE ON COMMERCE

Mr. BAILEY, from the Committee on Commerce, to which was referred the bill (H. R. 6079) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark., reported it without amendment and submitted a report (No. 736) thereon.

#### UNITED STATES AND INTERNATIONAL PROBLEMS—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. HILL asked and obtained leave to have printed in the Record an address on the subject of United States and International Problems, delivered by Senator SCHWELLENBACH on July 6, 1939, before the Institute of Public Affairs at Charlottesville, Va., which appears in the Appendix.]

#### ADDRESS BY SENATOR TAFT BEFORE ASSEMBLY OF THE AFRICAN METHODIST EPISCOPAL CHURCH

[Mr. TOWNSEND asked and obtained leave to have printed in the Record the address delivered on June 22, 1939, by



Senator TAFT, before the bishops' connectional councils and the Congress of Young People of the African Methodist Episcopal Church at Convention Hall, Philadelphia, Pa., which appears in the Appendix.]

**SOCIALIZED MEDICINE—ADDRESS BY DR. R. S. CRISPELL**

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an address on the subject of socialized medicine, delivered by Dr. R. S. Crispell, of Duke University, on September 8, 1938, which appears in the Appendix.]

**THE PRESIDENT AND POLITICS—ADDRESS BY JAY FRANKLIN**

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a radio address on the subject of the President and Politics, delivered by Jay Franklin on July 5, 1939, which appears in the Appendix.]

**THE LICENSED RADIO—ARTICLE BY WESTBROOK PEGLER**

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an article by Westbrook Pegler, published in the Washington Post, entitled "The Licensed Radio," which appears in the Appendix.]

**TOLL BRIDGES ON FEDERAL-AID HIGHWAYS**

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1109) to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds," which were, on page 2, lines 2 and 3, to strike out "the date of approval of this act" and insert "July 1, 1941"; on page 2, line 5, to strike out "1939" and insert "1941"; on page 2, line 7, to strike out "Secretary of Agriculture" and insert "Federal Works Administrator"; on page 2, line 11, to strike out "Secretary of Agriculture" and insert "Federal Works Administrator"; on page 3, after line 8, to insert:

SEC. 2. That section 10 of the Federal Aid Highway Act of 1938 is hereby amended to read as follows:

"SEC. 10. With the approval of the Federal Works Administrator, not to exceed 1½ percent of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads or grade-crossing eliminations."

And to amend the title so as to read: "An act to amend the act entitled 'An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes,' by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds, and for other purposes."

Mr. MILLER. I move that the Senate concur in the House amendments.

The motion was agreed to.

**MRS. QUITMAN SMITH**

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 431) for the relief of Mrs. Quitman Smith, which was, on page 1, line 5, to strike out all after "Treasury", down to and including "Administration" in line 6, and to insert "not otherwise appropriated."

Mr. GEORGE. Mr. President, on behalf of the senior Senator from Mississippi [Mr. HARRISON], who is necessarily absent, I move that the Senate concur in the House amendment.

The motion was agreed to.

**PROCUREMENT OF AIRCRAFT PARTS AND AERONAUTICAL ACCESSORIES**

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1018) to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes, which were on page 1, line 8, after "purchase", to insert "without advertising"; and on page 2,

line 3, after "act", to insert "And provided further, That no purchase shall be made under this act until the Secretary of War shall have certified that a secret order is necessary, and only then after submitting the proposal to three reputable concerns for their respective bids."

Mr. SHEPPARD. I move that the Senate concur in the House amendments.

The motion was agreed to.

**EQUIPMENT AND SUPPLIES FOR EXPERIMENTAL AND TEST PURPOSES**

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1020) to authorize the purchase of equipment and supplies for experimental and test purposes, which was, on line 9, after "defense", to insert "Nothing herein contained shall be construed to waive or alter the provisions of Revised Statutes, section 3709, when purchases are made in quantity."

Mr. SHEPPARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

**EXTENSION OF UNITED STATES EMPLOYEES' COMPENSATION ACT**

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1021) to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes," which were, on page 2, beginning with line 8, to strike out all down to and including "Army", in line 11, and to insert "That the benefits shall accrue to any such member, or his beneficiary, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty when such sickness or disease is proximately caused by service on active duty", and on page 2, line 21, after "limit", to insert "Provided further, That for the purpose of determining the benefits to which entitled under the provisions of this act members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status:"

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

**AMENDMENT OF NATIONAL DEFENSE ACT**

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2096) to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, which was, on page 2, line 5, to strike out "for command purposes."

Mr. SHEPPARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

**BARKMAN LUMBER CO.**

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1385) for the relief of the Barkman Lumber Co., which were, on page 1, line 7, after the word "claims", to insert "against the United States", and on page 2, line 1, to strike out all after "Provided", down to and including "\$1,000" in line 13, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. BARKLEY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

## IDA MAY LENNON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1387) for the relief of Ida May Lennon, which was, on page 1, line 10, to strike out all after "Provided", down to and including "\$1,000" in line 10 of page 2, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. BARKLEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## EGON KARL FREIHERR VON MAUCHENHEIM AND MARGARETE VON MAUCHENHEIM

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1384) for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim, which was, to strike out all after the enacting clause and insert "That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim as of May 19, 1936, and that the order of deportation be canceled, and Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act they shall not be permitted to become a naturalized citizen of the United States unless and until they shall leave the United States and reenter in a lawful way in full compliance with the existing law.

"Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the preference category of the quota during the current year."

Mr. BARKLEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## ANTHONY CONIGLIO

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 221) for the relief of Anthony Coniglio, which was, on page 1, line 12, to strike out all after "Provided", down to and including "\$1,000" in line 11 of page 2, and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. BURKE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT, as in executive session, laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## DEATH OF HON. CLAUDE A. SWANSON

Mr. BARKLEY. Mr. President, the Senate has been apprised, with profound grief, of the death this morning of the Secretary of the Navy, Hon. Claude A. Swanson.

He was a Member of this body for nearly a quarter of a century. He was a Member of the House of Representatives for many years, and Governor of Virginia. During a long period of years he rendered, in whatever station in public life he occupied, outstanding and distinguished service. He was a

patriot of the highest order and quality, devoted to his country and devoted to his State. He was one of the most lovable men who ever served in the Congress of the United States and one of the wisest counselors in public and private affairs it was ever my pleasure to know.

The senior Senator from Virginia [Mr. GLASS] in a moment will submit an appropriate resolution with reference to the death of Senator Swanson, as I still love to call him. I may say that I think the resolution will provide that the funeral services shall be held in the Senate Chamber at 1 o'clock p. m. on Monday.

I now yield to the senior Senator from Virginia to present the resolution.

Mr. GLASS. Mr. President, I submit the resolution which I send to the desk and ask to have read, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 156) was read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Claude A. Swanson, late the Secretary of the Navy, and formerly a Senator from the State of Virginia.

*Resolved*, That a committee of 16 Senators be appointed by the President of the Senate to take order for superintending the funeral of Mr. Swanson, which shall take place in the Senate Chamber on Monday, July 10, 1939, at 1 o'clock p. m., and that the Senate attend the same.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives, transmit a copy thereof to the family of the deceased, and invite the House of Representatives to attend the funeral in the Senate Chamber and to appoint a committee to act with the committee of the Senate.

*Resolved*, That invitations be extended to the President of the United States and the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Senate Chamber.

The VICE PRESIDENT, under the second resolving clause of the resolution (S. Res. 156), appointed the following Senators to constitute the Committee to Take Order for Superintending the Funeral of the late Secretary of the Navy:

The senior Senator from Virginia [Mr. GLASS], the junior Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. BARKLEY], the Senator from Oregon [Mr. McNARY], the Senator from Nevada [Mr. PITTMAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Nebraska [Mr. NORRIS], the Senator from Utah [Mr. KING], the Senator from Maine [Mr. HALE], the Senator from Tennessee [Mr. McKELLAR], the Senator from California [Mr. JOHNSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Massachusetts [Mr. WALSH], the Senator from Maryland [Mr. TYDINGS], the Senator from South Carolina [Mr. BYRNES], and the Senator from Rhode Island [Mr. GERRY].

Mr. GLASS. As a further mark of respect to the memory of the deceased Secretary of the Navy, I move that the Senate do now adjourn until 12:45 o'clock p. m. on Monday next.

The motion was unanimously agreed to; and (at 12 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, July 10, 1939, at 12:45 o'clock p. m.

## NOMINATIONS

*Executive nominations received by the Senate July 7 (legislative day of July 6), 1939*

## COLLECTOR OF CUSTOMS

William J. Storen, of Charleston, S. C., to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C., in place of Charles J. Baker, whose term of office has expired.

## APPOINTMENTS IN THE ARMY

The following-named second lieutenants of the Officers' Reserve Corps to be second lieutenants in the Regular Army in the arm specified with rank from date of appointment:

Dwight True Hunkins, Infantry.

William John Penly, Corps of Engineers.



## SENATE

MONDAY, JULY 10, 1939

The Senate met at 12 o'clock and 45 minutes p. m.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Breathe on us, breath of God,  
Till we are wholly Thine;  
Till all this earthly part of us  
Glow with Thy fire divine.

Breathe on us, breath of God;  
Fill us with life anew,  
That we may love what Thou dost love  
And do what Thou wouldst do.

Breathe on us, breath of God,  
Until our hearts are pure;  
Until with Thee we will one will,  
To do and to endure.

Breathe on us, breath of God,  
So shall we never die,  
But live with Thee the perfect life  
Of Thine eternity.

Amen.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Claude A. Swanson, late the Secretary of the Navy and formerly a Senator and Representative in Congress from the State of Virginia.

The message also communicated the intelligence that the House of Representatives accepted the invitation of the Senate to attend the funeral services of the late Secretary Swanson in the Senate Chamber at 1 o'clock p. m. today, and that the Speaker pro tempore had appointed a committee of 16 Members on the part of the House of Representatives to join with the committee of the Senate appointed to take order for superintending the funeral of the deceased Secretary of the Navy and former Senator and Representative from the State of Virginia.

## CONSTRUCTION AND FINANCING OF SELF-LIQUIDATING PROJECTS

Mr. BARKLEY. Mr. President, I desire to introduce a bill to provide for the construction and financing of self-liquidating projects, and for other purposes, which I ask may be printed in the RECORD, together with a summary by sections thereof, and an accompanying statement.

There being no objection, the bill (S. 2759) to provide for the construction and financing of self-liquidating projects, and for other purposes, was read twice by its title, and referred to the Committee on Banking and Currency, and, together with the summary and statement, was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Self-liquidating Projects Act of 1939."

## AUTHORIZATION OF BONDS

Sec. 2. In order to provide a sound method of financing which, without burdening the national taxing power, will make it possible to increase employment through a self-liquidating improvement program, the Reconstruction Finance Corporation (herein called the Corporation), upon the direction of the President, shall issue from time to time notes, debentures, bonds, or other obligations to enable the Department of Agriculture, the Public Roads Administration, the Public Works Administration, the Rural Electrification Administration, and the Corporation to carry out their respective functions as hereinafter provided.

## PROVISIONS CONCERNING BONDS

Sec. 3. The provisions contained in the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended, shall apply to the notes, debentures, bonds, or other obligations issued to carry out the provisions of this act, except that—

(a) Such notes, debentures, bonds, or other obligations may mature at such time or times, not exceeding 40 years from their date, and contain and be subject to such terms, covenants, and conditions as the Corporation, with the approval of the Secretary of the Treasury, may prescribe; and

(b) The amount of notes, debentures, bonds, or other obligations which the Corporation may issue and have outstanding at any one time under existing law is hereby increased by the amount thereof

directed to be issued by the President, not to exceed \$2,560,000,000, plus an amount equal to the amount of unobligated balances of appropriations transferred under sections 10 and 12 of this act.

## DISPOSITION OF BOND PROCEEDS

Sec. 4. The Corporation is hereby authorized and directed to deposit all proceeds realized from the sale of notes, debentures, bonds, and other obligations issued for the purpose of carrying out this act, with the Treasurer of the United States to the credit of the Corporation. The Treasurer of the United States is hereby authorized and directed to receive such moneys and hold the same in a special account or accounts to the credit of the Corporation, and to transfer from time to time such amounts as the Corporation, upon the direction of the President, shall order to such special disbursing accounts with said Treasurer as the Secretary of the Treasury shall designate, in order to provide funds for the following departments, administrations, and agencies of the Government in not to exceed the following amounts for the following purposes, in addition to sums available for such purposes from tolls and charges collected from the repayments of the interest on and principal of loans made, and from the sale of securities acquired, under this act:

(1) To the Public Roads Administration: The sum of \$750,000,000 for post roads, highways, parkways (in cooperation with the National Park Service of the Department of the Interior), grade-crossings, underpasses, overpasses, viaducts, bridges, and tunnels, including crossings over or under navigable waters, and other transportation facilities, including works, undertakings, or projects incidental thereto or to encourage the use thereof, and all or any part of any of such facilities and appurtenances thereto, such as lands, rights in lands, rights of access, easements, buildings, equipment, and machinery (herein called "highway improvements"), as provided in section 5 of this act and property acquired for investment purposes as provided in said section;

(2) To the Public Works Administration: The sum of \$350,000,000 for projects of the character heretofore financed by loan or grant or both by the Federal Emergency Administration of Public Works under title II of the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, the Public Works Administration Extension Act of 1937, and the Public Works Administration Appropriation Act of 1938 (herein called the non-Federal public works), as provided in section 7 of this act;

(3) To the Corporation: The sum of \$500,000,000 for engines, locomotives, tenders, freight and passenger cars of all types and classes, and parts thereof and appurtenances thereto and other rolling stock and railway shop equipment (herein called "railroad equipment"), as provided in section 8 of this act;

(4) To the Rural Electrification Administration: \$500,000,000 for projects of the character heretofore financed or authorized to be financed or carried on by the Rural Electrification Administration under the Rural Electrification Act of 1936 (herein called "rural electrification projects"), as provided in section 9 of this act; and

(5) To the Department of Agriculture: \$600,000,000 for facilities for farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who have in the past obtained, the major portion of their income from farm operations, including rural rehabilitation loans, projects for the provision of additional water facilities and farm tenant loans as provided for in title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (herein called "rural security projects"), as provided in section 11 of this act.

## HIGHWAY IMPROVEMENTS

Sec. 5. Subject to the provisions of this act, and using in such connection States, municipalities, and other public bodies to the fullest extent consistent with sound administration and economical management, the Public Roads Administration shall have power:

(a) To construct, reconstruct, alter, extend, enlarge, improve, repair, and acquire highway improvements with a view to promoting interstate commerce, aiding in the national defense, facilitating the use of the mails, or promoting the general welfare;

(b) To maintain and operate highway improvements;

(c) With the approval of the Corporation, to fix, maintain, and collect tolls, and other charges for the use of highway improvements which shall be sufficient (after making reasonable allowances for operation and maintenance expenses for depreciation to the extent not provided for by amortization, and contingencies) to amortize the cost of such highway improvements with interest as hereinafter provided;

(d) To use for further highway improvements the revenues derived from such collections to the extent not needed in the judgment of the Corporation to meet reasonable allowances for operation and maintenance expenses or for the amortization of the cost of highway improvements with interest as hereinafter provided, or for depreciation to the extent not provided for by amortization, and contingencies;

(e) To acquire in the name of the United States by gift, purchase, exchange, or by the exercise of the power of eminent domain or otherwise, and to hold, lease (as lessor with or without the option to purchase or as lessee), use, sell, exchange, or otherwise dispose of real property necessary or convenient for carrying out any of its functions hereunder in connection with highway improvements or in connection with any construction undertaken in accordance with the Federal Highway Act, as amended and supplemented;

(f) In connection with any sale or lease to any State, municipality, or other public body, to enter into such contracts and agreements as the Commissioner of Public Roads may deem de-

sirable, which contracts and agreements may include provisions for deducting from the unpaid portion of the sale price, rental payments, or loans an amount equal to any profit which the Corporation may determine to have been realized from the sale of adjacent property acquired pursuant to subsection (g) of this section;

(g) To acquire by purchase, but not by condemnation for investment purposes, any real property in the vicinity of any highway improvements or Federal-aid construction if, in the opinion of the Commissioner of Public Roads and the Corporation, the price at which such real property may be purchased is such as to make it probable that the United States will, as a result of appreciation in land values resulting from any highway improvement or Federal-aid construction, be able to dispose of such property within 20 years at such a price as to result in a profit; and to sell any such real property at public sale after advertisement and competitive bidding and upon such other terms and conditions as the Commissioner of Public Roads and the Corporation may in their judgment deem in the public interest;

(h) To expend moneys for the purpose for which any real property has been purchased, or possession thereof has been taken during the course of condemnation proceedings and in advance of final judgment thereon, in demolishing existing structures thereon, in improving such real property in any way, or in constructing any highway improvement thereon, notwithstanding the provisions of section 355 of the Revised Statutes or any other law restricting the expenditure of public moneys upon real property, the title to which has been acquired by the United States;

(i) To prescribe and publish such rules and regulations for the proper government and protection of, and maintenance of good order on, highway improvements or adjacent real property of the Authority, willful violation of which shall be punishable by a fine of not more than \$500 or imprisonment for not more than 3 months, or both; and to authorize employees of any department of the Government, with the consent of the head of such department, to make arrests for the violation of such rules and regulations, and any person so arrested shall be taken before the nearest United States Commissioner within whose jurisdiction the highway improvement is located for trial; and upon sworn information by any competent person any United States Commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with violation of such rules and regulations; but nothing herein contained shall be construed as preventing the arrest by an officer, agent, or employee of any public body, with or without process, of any person for the violation of any State or local law, ordinance, or regulation for the government and protection of and maintenance of good order on highway improvements, and any person so arrested shall be tried and punished according to the laws of said State;

(j) To institute and carry on, under the direction of the Attorney General, condemnation proceedings for the purpose of taking any real property (which term includes for purposes of this act property devoted to another public use, lands under water, water rights, incorporeal hereditaments, chattels real, and all rights and interests in land, whether fees simple, absolute, or any lesser interest) in the manner or mode of procedure provided by an act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1883, as amended, or of an act entitled "An act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain," approved February 26, 1931, as amended;

(k) To enter on any real property for the purpose of making surveys, borings, tests, and examinations;

(l) To pay all expenses in connection with the acquisition of real property, including all fees for abstracts, official certifications, evidences of title, and recordation, notwithstanding the proviso in section 1 of the act of March 2, 1899, relating to the payment of such expenses and fees.

#### CROSSINGS ON NAVIGABLE WATERS

SEC. 6. The consent of Congress to the construction, reconstruction, or acquisition by the Public Roads Administration of any bridge, tunnel, or other crossing over, under, or across any navigable waters of the United States, under this act, shall be deemed to have been obtained and affirmatively authorized by virtue of this act within the meaning of sections 9, 10, and 11 of the act of March 3, 1899, as amended, whether or not such structures cross rivers and other waterways the navigable portions of which lie wholly within the limits of a single State; but no such structure shall be constructed, reconstructed, or maintained under this act unless and until all the limitations, restrictions, and other provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, as amended, except the provisions of section 6 thereof, shall have been complied with by said Administration.

#### NON-FEDERAL PUBLIC WORKS

SEC. 7. Subject to the provisions of this act, the Public Works Administration shall have power:

(a) To make loans to finance or aid in financing the construction, reconstruction, extension, or improvement of non-Federal public works; and for the temporary operation of any such non-Federal public works for such period as the Commissioner of Public Works shall deem necessary;

(b) To purchase securities to evidence loans for non-Federal public works, and to exchange such securities for other securities if the Commissioner of Public Works shall determine that such

exchange is advisable to assure repayment of any loan made hereunder or interest thereon;

(c) To use the sums realized from repayments of the interest on and principal of loans made by it under this section and the proceeds realized from the sale of any securities acquired by it hereunder for the making of further loans for non-Federal public works to the extent such proceeds are not needed, in the judgment of the Corporation, to maintain the loans for non-Federal public works on a self-liquidating basis;

(d) To organize under the laws of the District of Columbia or of any State or Territory a corporation or corporations to aid the Public Works Administration in carrying out its functions hereunder, and to make loans and advances to any such corporation.

#### RAILROAD EQUIPMENT

SEC. 8. Subject to the provisions of this act, and without regard to the limitations and restrictions of the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended and supplemented, the Corporation shall have power:

(a) To prepare plans and designs for the construction, rebuilding, or repair of railroad equipment;

(b) To enter into contracts for the construction, rebuilding, repair, or scrapping of any railroad equipment upon such terms and conditions as may be agreed upon pursuant to public bidding or private negotiations;

(c) To lease, with or without the option to purchase, or to sell or rent upon such terms and conditions as it shall prescribe, any railroad equipment so acquired;

(d) To enter into contracts for the purchase of old railroad equipment for the purpose of lease or resale in its existing state or for the purpose of rebuilding, repairing, or scrapping the same for lease or resale;

(e) To use the proceeds realized from any leases, sales, or other contracts with regard to railroad equipment for carrying on further operations under this section to the extent such proceeds are not needed, in the judgment of the Corporation, to maintain its operation as to railroad equipment on a self-liquidating basis.

(f) To organize under the laws of the District of Columbia or of any State or Territory a corporation or corporations to aid the Reconstruction Finance Corporation in carrying out its functions hereunder, and to make loans and advances to any such corporation.

#### RURAL ELECTRIFICATION PROJECTS

SEC. 9. Subject to the provisions of this act, the Rural Electrification Administration shall have power:

(a) To make loans to finance or aid in financing rural electrification projects;

(b) To purchase securities to evidence loans made by it, and use the sums realized from repayments of the interest on and principal of loans made by it under this section and the proceeds realized from the sale of any securities acquired by it hereunder for the making of further loans for rural electrification projects to the extent such proceeds are not needed, in the judgment of the Corporation, to maintain the loans for rural electrification on a self-liquidating basis;

(c) To exercise the powers granted by this section without regard to the provisions of subdivisions (b), (c), and (d) of section 3 and the last sentence of section 5 but subject to the requirements of section 2 of the Rural Electrification Act of 1936.

#### TRANSFER TO RURAL ELECTRIFICATION ADMINISTRATION

SEC. 10. The Secretary of the Treasury shall pay over and transfer to such special disbursing account or accounts with the Treasurer of the United States as shall be designated by the Secretary of the Treasury under section 4 of this act all or any part of any unobligated balances of such sums heretofore appropriated or available to the Rural Electrification Administration to enable it to carry out the provisions of the Rural Electrification Administration Act of 1936, and such funds shall thereupon be available to the Rural Electrification Administration for financing or aiding in financing rural electrification projects under this act, in addition to all other moneys available or to be available for such purpose under this act.

#### RURAL SECURITY PROJECTS

SEC. 11. Subject to the provisions of this act, the Secretary of Agriculture shall have power:

(a) To undertake and make loans for rural security projects.

(b) To purchase securities to evidence such loans, and use the sums realized from repayments of the interest on and principal of loans made under this section and the proceeds realized from the sale of any securities acquired by it hereunder for the making of further loans for rural security projects to the extent such proceeds are not needed, in the judgment of the Corporation, to maintain such loans on a self-liquidating basis.

#### TRANSFER TO SECRETARY OF AGRICULTURE

SEC. 12. The Secretary of the Treasury shall pay over and transfer to such special disbursing account or accounts with the Treasurer of the United States as shall be designated by the Secretary of the Treasury under section 4 of this act all or any part of any unobligated balances of sums heretofore appropriated or available to the Secretary of Agriculture to enable him to carry out the provisions of title I of the Bankhead-Jones Farm Tenant Act, the Emergency Relief Appropriation Act of 1938, the Work Relief and Public Works Appropriation Act of 1939, and such funds shall thereupon be available to the Secretary of Agriculture for financing or aiding in financing rural security projects under this act, in addition to all other moneys available or to be available for such purposes under this act.



## DISPOSITION OF PROJECT REVENUES

SEC. 13. The Department of Agriculture, the Public Roads Administration, the Public Works Administration, the Rural Electrification Administration, and the Corporation shall deposit all revenues and receipts derived from the works, projects, or undertakings constructed, leased, rented, or sold, or repayments of the interest on, or principal of, all loans made to aid in financing works, projects, or undertakings, in carrying out their respective functions under this act in a special account or accounts with the Treasurer of the United States to the credit of the Corporation, and all such revenues and receipts shall be used by the Corporation exclusively for the payment of interest on its notes, debentures, bonds, or other obligations issued for the purpose of carrying out the provisions of this act, as such interest shall become due and payable, and for the purchase, retirement, or redemption of such notes, debentures, bonds, or other obligations, except to the extent that the Corporation makes such revenues and receipts available for the construction and financing of further works, projects, or undertakings as provided in this act.

## SALE OF SECURITIES

SEC. 14. The Corporation shall have the power, with the approval of the Secretary of the Treasury as to the time of any such sale, to sell or otherwise dispose of any securities acquired by any department, administration, or agency in carrying out its functions under this act, and in connection with any such sale to make such contracts and agreements as seem to the Corporation advisable; and all sums realized from the sale of such securities shall be deposited by the Corporation in a special account or accounts with the Treasurer of the United States and shall be used exclusively for the payment of interest on notes, debentures, bonds, or other obligations issued for the purpose of carrying out this act, as such interest shall become due and payable, and for the purchase, retirement, or redemption of such notes, debentures, bonds, or other obligations, except to the extent that the Corporation makes the proceeds of such sales available for the making of further loans as provided in this act.

## AVAILABILITY AND AUDIT OF FUNDS

SEC. 15. The departments, administrations, and agencies for which funds shall be provided by the Corporation pursuant to this act may use such funds for the purpose of carrying out their respective functions under this act without further appropriation, and such funds shall be continuously available for such purposes. Except as to the expenditures of the Corporation which shall be governed by the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended and supplemented, all such expenditures shall be accounted for and audited in accordance with the terms and provisions of the Budget and Accounting Act of 1921, as amended, the same as if an appropriate appropriation account had been established therefor pursuant to an appropriation warrant or a covering warrant.

## APPRAISAL OF PROGRAM

SEC. 16. The Secretary of the Treasury and the Federal Loan Administrator shall cause an examination to be made annually of the status of the self-liquidating improvement program for the financing of which notes, debentures, bonds, or other obligations of the Corporation shall have been issued under this act. Such examination shall be made as of the last day of December in each year, beginning with December 31, 1940. The Secretary of the Treasury and the Federal Loan Administrator shall submit a report of such examination to the President and to the Congress. If such examination discloses that the probable recovery of the cost of all works, projects, or undertakings carried out under this act, and of all loans made to aid in the financing of the same, together with the cash on hand in the special account or accounts of the Corporation provided for by section 4 of this act, is less than the principal amount of all notes, debentures, bonds, or other obligations issued pursuant to this act, and interest thereon, the Secretary of the Treasury on behalf of the United States shall pay to the Corporation a sum equal to the amount of such difference. There is hereby authorized to be appropriated annually, commencing with the fiscal year 1941, out of any money in the Treasury not otherwise appropriated, a sum equal to the amount needed to enable the Secretary of the Treasury to make such payment. Whenever such examination shall disclose a surplus, the Corporation shall reimburse the Treasury to the extent of such surplus for the amounts, if any, previously paid under this section.

## DUTY OF FEDERAL AGENCIES

SEC. 17. The Department of Agriculture, the Public Roads Administration, the Public Works Administration, the Rural Electrification Administration, and the Corporation shall exercise their powers under this act with a view to recovering the cost of the works, projects, or undertakings carried out under this act, or loans made to aid in financing the same, with interest to be fixed by the Corporation on the date of enactment of this act and the first day of each calendar quarter thereafter, at a rate or rates which may reasonably be expected to reimburse the Corporation for the cost to it of the capital required for its operations under this act, having due regard to the yield on obligations of the United States of comparable maturity or maturities to that of such loans and the rate and period of amortization of the cost of such works, projects, or undertakings, but not to exceed the multiple of one-eighth of 1 percent next higher than the highest yield to maturity (based on market prices) on the longest term outstanding issue of obligations of the United States, direct or indirect. For the purposes of this section, the yield on any callable obligation selling above par

shall be computed to its earliest callable date, and said date shall be deemed to be the maturity thereof. Nothing herein shall be construed to require the alteration or readjustment of any rate once the interest has been fixed for any such works, projects, undertakings, or loans.

## ASSISTANCE BY GOVERNMENTAL AGENCIES

SEC. 18. Any department, administration, or agency authorized to perform any function under this act shall have power to utilize the services of Federal, State, and local agencies and their employees and, notwithstanding any other provision of law, to reimburse such agencies and their employees for services rendered for such purposes.

## EXCLUSIVE FEDERAL JURISDICTION NOT REQUIRED

SEC. 19. Notwithstanding the provisions of any other law, the obtaining of exclusive jurisdiction in the United States over real property to be acquired under this act shall not be required; but the Attorney General may, in such cases and at such times as he may deem desirable, secure from the State in which such real property is situated, such jurisdiction, exclusive or partial, over any such real property as the Attorney General may deem desirable and accept such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State within the borders of which such real property is situated. Unless and until acceptance of such jurisdiction on behalf of the United States has been made as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

## ADMINISTRATIVE EXPENSES FOR THE FISCAL YEAR 1940

SEC. 20. Administrative expenses of the departments, administrations, agencies of the Government, and amounts required to reimburse States, municipalities, and other public bodies and employees thereof for services rendered in carrying out the purpose of this act shall be paid for the fiscal year ending June 30, 1940, from such amounts as may, with the approval of the Director of the Bureau of the Budget, be reserved from the proceeds realized from the sale of notes, debentures, bonds, or other obligations of the Corporation for the payment thereof, in addition to the unobligated balances of sums heretofore appropriated or authorized to be used for such administrative expenses, any provision in this or any other law to the contrary notwithstanding.

## SAVING CLAUSE

SEC. 21. The powers conferred by this act are in addition and supplemental to the powers conferred by, and shall not be affected by the limitations in, any other law; and nothing in this act shall be construed to limit or in any way curtail the existing powers of any department, administration, or agency of the Government, or the powers conferred upon the President by the Reorganization Act of 1939, approved April 3, 1939, or any reorganization plan heretofore or hereafter transmitted by the President to the Congress which has heretofore taken effect or which may hereafter take effect pursuant thereto; and the administration of the provisions of this act shall be subject to the provisions of such reorganization plans.

## APPROPRIATIONS

SEC. 22. There is hereby authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions of this act.

## EXPORT-IMPORT BANK OF WASHINGTON

SEC. 23. Section 9 of the act approved January 31, 1935 (49 Stat. 4), as amended, is hereby further amended, by striking from the proviso at the end of the last sentence thereof "\$100,000,000" and inserting in lieu thereof "\$200,000,000."

## SUMMARY BY SECTIONS OF THE DRAFT OF BILL TO CARRY OUT THE SELF-LIQUIDATING PROGRAM

Section 1 provides that, when enacted the bill may be cited as the "Self-Liquidating Projects Act of 1939."

Section 2 provides that the Reconstruction Finance Corporation shall issue its notes or other obligations upon the direction of the President to finance the self-liquidating improvement program to be carried on by the Department of Agriculture, the Public Roads Administration, the Public Works Administration, the Rural Electrification Administration, as well as by the Reconstruction Finance Corporation itself.

Section 3 provides that the Reconstruction Finance Corporation Act shall apply to such notes or other obligations, except that the maturity may be 40 years, and increases the amount which may be outstanding under existing law to \$2,560,000,000, plus unobligated balances of present appropriations available to the Department of Agriculture and to the Rural Electrification Administration. The purpose of this latter provision is to avoid duplication of the program.

Section 4 provides for the proceeds of such notes and other obligations to be deposited with the Treasurer of the United States and disbursed to the agencies carrying out the program in amounts indicated by the President's letter to Senator BYRNES of June 21, 1939.

Section 5 authorizes the Public Roads Administration, in cooperation with State agencies, to carry out a program of highway improvements, including toll roads, bridges, tunnels, express bypasses, and the acquisition of adjacent land for investment purposes. This section also confers powers essential to the prompt and effective execution of the program contemplated in the report of the Bureau of Public Roads dated April 27, 1939, and published as House Document No. 272, Seventy-sixth Congress, first session. Provision is made for the Attorney General to handle all condemnation pro-

ceedings under the General Condemnation Act or under the 1931 act permitting possession to be taken by the Government upon filing of a declaration of taking.

Section 6 provides that no further consent of Congress need be required before bridges or tunnels may be built across navigable waters, notwithstanding that such waters may not be wholly within a single State, but requires that the approval of the Secretary of War to the plans and specifications be obtained in accordance with the General Bridge Act.

Section 7 authorizes the Public Works Administration to make loans for projects of the character which it has heretofore financed and contains powers deemed desirable in the light of the experience of that Administration.

Section 8 authorizes the Reconstruction Finance Corporation to enter into contracts for the construction of rolling stock and shop equipment for railroads and selling or leasing the same with or without the option to purchase. Provision is also made for the purchase of old rolling stock and equipment for scrapping or rebuilding.

Section 9 authorizes the Rural Electrification Administration to make loans to finance projects of the character it is authorized to finance under the Rural Electrification Act of 1936 and eliminates restrictive provisions in that act which would militate against an effective program. This section preserves, however, the prohibition in the Rural Electrification Act against the financing of competitive facilities.

Section 10 relates to the \$40,000,000 appropriation made at this session of Congress for Rural Electrification projects for the fiscal year 1940, and authorizes the Secretary of the Treasury to transfer the unobligated balances of appropriations previously made to the Rural Electrification Administration. This section makes an equal amount available to the Administration for financing projects under the bill.

Section 11 authorizes the Secretary of Agriculture to make loans to farm tenants, sharecroppers, and migratory farmers for the purposes provided in the Bankhead-Jones Farm Tenant Act.

Section 12 authorizes the Secretary of the Treasury to transfer the unobligated balance of appropriations previously made to the Secretary of Agriculture to carry out the Bankhead-Jones Farm Tenant Act and supplemental legislation. This section makes available to the Secretary of Agriculture an equal amount for loans under the bill. This section relates to an estimated balance of \$100,000,000 presently available for loans for such purposes by the Secretary of Agriculture.

Section 13 provides that all revenues of the agencies charged with administering the bill which are derived from projects constructed or financed under the bill shall be deposited with the Treasurer of the United States to the credit of the Reconstruction Finance Corporation and requires the Corporation to use such revenues to pay the notes and other obligations issued to finance the program, together with interest thereon, except to the extent that the Corporation makes part of such revenues available as a revolving fund for further projects if there is any surplus available for such purpose.

Section 14 authorizes the Reconstruction Finance Corporation to sell securities acquired as evidence of loans made by any agency under the bill and to use such proceeds as a revolving fund for further loans after providing for the payment of the interest on and principal of its notes and other obligations issued under the bill.

Section 15 makes available funds provided by the Reconstruction Finance Corporation to the agencies charged with carrying out the self-liquidating program without any further appropriation for expenditures under the bill and requires that all such expenditures shall be accounted for and audited by the General Accounting Office.

Section 16 provides that the Secretary of the Treasury and the Federal Loan Administrator shall make an annual examination of the status of the program and report the results to the President and to the Congress. This section also provides to the extent that it appears that the program may not be on a self-liquidating basis the Secretary of the Treasury shall pay the Reconstruction Finance Corporation any estimated deficiency, an appropriation for which is authorized.

Section 17 imposes a duty upon every agency constructing or financing projects under the program to undertake projects and make loans with a view to recovering the amount invested with interest sufficient to reimburse the Reconstruction Finance Corporation for the cost to it of the capital required for its operations under the bill. This section also places a ceiling on the interest rate at the highest yield on the longest term, direct or indirect, obligation of the United States which is outstanding.

Section 18 provides that the services of Federal, State, and local agencies may be utilized and that reimbursement may be made for such services.

Section 19 dispenses as to real property acquired under the bill with the requirement of existing law that the United States must acquire exclusive jurisdiction over real property and empowers the Attorney General to determine how much jurisdiction is desirable.

Section 20 provides that administrative expenses for the fiscal year 1940 shall be paid from the proceeds of notes and other obligations issued by the Reconstruction Finance Corporation in amounts to be fixed by the Director of the Bureau of the Budget.

Section 21 provides that the act confers only cumulative powers and that nothing in it shall be construed to affect the operation of any reorganization plan promulgated pursuant to the Reorganization Act.

Section 22 contains the usual provision authorizing appropriations of such sums as may be necessary to carry out the provisions of the bill. Unless an impairment should be found after the annual appraisal required by section 16, none will be required except for administrative expenses.

Section 23 increases the amount of loans for financing and facilitating exports which the Export-Import Bank of Washington is authorized to have outstanding at any one time from \$100,000,000 to \$200,000,000.

The Barkley-Steagall Self-Liquidating Projects Act of 1939, introduced today, would make available the following sums for the following purposes: Non-Federal public works of a character which will return to the Federal Government its investment in them, \$350,000,000; self-liquidating express post roads and highway improvements, \$750,000,000; rolling stock and shop equipment for lease to railroads, \$500,000,000; rural electrification loans, \$460,000,000, plus \$40,000,000 already appropriated; self-liquidating farm tenancy loans, \$500,000,000, plus not more than \$100,000,000 of funds already appropriated; loans through the Export-Import Bank, \$100,000,000. Of the sums made available for the first time by this act, the President has estimated that the following amounts would be spent in the current fiscal year: Non-Federal public works, \$150,000,000; express post roads, \$150,000,000; railroad equipment, \$100,000,000; rural electrification, \$20,000,000; farm tenancy loans, \$250,000,000. Probably all of the \$100,000,000 to finance foreign trade would be obligated if not disbursed during the current fiscal year. The purposes for which the money could be spent are set forth in more detail in section 4.

The bill would not create any new agency or disturb any existing authority. The money made available for non-Federal public works would be handled by the Commissioner of Public Works, the money for express post roads and other highway improvements would be made available to the Commissioner of Public Roads, money for railroad equipment would be handled by the Reconstruction Finance Corporation, the Rural Electrification Administration would receive the money for enlargement of their program, the Department of Agriculture would handle funds for the farm-tenancy program, and the money for loans to facilitate exports would be made available to the Export-Import Bank.

All disbursements would be for projects which are self-liquidating in character. The bill specifically imposes upon each operating agency the duty to undertake projects and to make loans with the aim of recovering for the Federal Government the full amount invested plus interest sufficient to reimburse the Government for the cost of the borrowing. The maximum interest rate which may be charged by any operating agency on loans under this program would be limited, however, to the highest yield on the longest term direct or indirect obligation of the United States which is then outstanding. At present this would be approximately 2.3 percent. The expectation is that all money paid out will be recouped by the Federal Government through repayment of public works, rural electrification, farm tenancy, and foreign-trade loans, through toll and other highway revenues and through rental of railroad equipment.

The self-liquidating character of the program permits it to be financed through a mechanism which also is provided in the bill introduced today. Because the obligations incurred under the program will be liquidated by the income from the program itself, these obligations may properly be segregated from other public-debt obligations which are in large part dependent upon the Federal taxing power for their ultimate repayment. This principle of segregating self-liquidating obligations of the Federal Government was established in the creation of the Reconstruction Finance Corporation in 1932.

Therefore, to provide the funds for the program the amount of obligations which the Reconstruction Finance Corporation is authorized to have outstanding at any one time would be increased by \$2,700,000,000. This authorization would cover the \$2,560,000,000 made available for the first time by this bill plus not more than \$100,000,000 of the money already appropriated for farm-tenancy loans and the \$40,000,000 already appropriated for rural electrification advances. These latter two appropriations, already made, would be financed through the new mechanism to avoid any artificial division between the sources of money available for these two programs.

The Reconstruction Finance Corporation also would be authorized to issue obligations having maturities up to 40 years, so that the securities issued to finance the program may bear a proper relation to the life and amortization period of the improvements being financed. At present the Reconstruction Finance Corporation cannot issue obligations having a maturity of more than 5 years.

All revenues and loan repayments collected under the program are required by the bill to be deposited with the Treasurer of the United States for the account of the Reconstruction Finance Corporation. The Corporation can use this money to redeem the obligations which it has issued or it can use the repayments as a revolving fund to finance additional projects.

To make doubly sure that the program will be continually solvent the Secretary of the Treasury and the Federal Loan Administrator would be instructed by the act to appraise annually the assets acquired by the various operating agencies. To the extent, if any, that this examination indicates that the program will not be self-liquidating, the Secretary of the Treasury must secure from Congress an appropriation for the account of the Reconstruction Finance Corporation. Thus, if any losses accrue, they will be



charged off currently, and the Corporation will at all times have cash, current revenues, and prospective income sufficient to service the indebtedness incurred for the program and to retire that indebtedness as it matures. Conversely, if there is any surplus, it will be used to reimburse the Treasury for any advances the Treasury has made.

#### FUNERAL OF SECRETARY OF THE NAVY SWANSON

Mr. BARKLEY. I ask unanimous consent to have printed in the RECORD the proclamation issued by the Secretary of State on July 7, 1939, announcing the death of the late Secretary of the Navy Swanson.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

#### *To the people of the United States:*

Claude Augustus Swanson, Secretary of the Navy, died at his camp on the Rapidan River, in the Shenandoah National Forest, on the morning of Friday, July 7, 1939, at 6 minutes after 8 o'clock.

Greatly loved by those who were privileged to know him, and widely honored for his many years of faithful public service, this distinguished member of the President's Cabinet will be mourned throughout the Nation.

Born and educated in the Old Dominion, he represented Virginia in Congress from 1893 until he resigned to become Governor in 1906. Four years later he became a Member of the United States Senate, where he continued to serve until he was appointed Secretary of the Navy by President Roosevelt in 1933. It was a career which exemplified the finest traditions of American public life.

As an expression of national mourning, the President directs that the flag of the United States be displayed at half mast until sunset of the day of interment on all public buildings and at all military posts and naval stations and on all vessels of the United States.

By direction of the President.

CORDELL HULL,  
Secretary of State.

DEPARTMENT OF STATE,  
Washington, July 7, 1939.

Mr. BARKLEY. I ask unanimous consent that at the conclusion of the services today, as a mark of further respect to the memory of the deceased Secretary of the Navy, the Senate stand in recess until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The casket containing the body of the deceased Secretary of the Navy had been previously brought into the Senate Chamber and placed in the area in front of the desk, surrounded by many floral tributes.

A guard of honor was stationed in front of the casket.

The committee appointed by the Vice President, on the part of the Senate, to take order for superintending the funeral of the deceased Secretary, consisting of Senators GLASS, BYRD, BARKLEY, McNARY, PITTMAN, SHEPPARD, NORRIS, HALE, KING, McKELLAR, JOHNSON, HARRISON, WALSH, TYDINGS, BYRNES, and GERRY, were seated to the right of the Vice President.

The committee appointed by the Speaker of the House to attend the funeral of the deceased Secretary, consisting of Messrs. BLAND, DARDEN, SATTERFIELD, DREWRY, BURCH, WOODRUM of Virginia, ROBERTSON, SMITH of Virginia, FLANNAGAN, VINSON of Georgia, SCHUETZ, SUTPHIN, SHANNON, MAAS, CHURCH, and MOTT, entered the Chamber and were seated to the left of the Vice President.

The honorary pall bearers designated by the Navy Department, consisting of Hon. Charles Edison, Acting Secretary of the Navy; Admiral William D. Leahy, Chief of Naval Operations; Maj. Gen. Commandant T. Holcomb, United States Marine Corps; Rear Admiral C. W. Nimitz, Chief of Bureau of Navigation; Rear Admiral W. R. Furlong, Chief of Bureau of Ordnance; Rear Admiral W. B. Woodson, Judge Advocate General; Rear Admiral W. G. DuBose (CC), Chief, Bureau of Construction and Repair; Rear Admiral H. G. Bowen, Chief, Bureau of Engineering; Rear Admiral R. T. McIntire (MC), Chief, Bureau of Medicine and Surgery; Rear Admiral Ben

Moreell (CEC), Chief, Bureau of Yards and Docks; Rear Admiral J. H. Towers, Chief, Bureau of Aeronautics; and Rear Admiral Ray Spears (SC), Chief, Bureau of Supplies and Accounts, entered the Chamber and were seated to the left of the Vice President's desk.

The VICE PRESIDENT. The invited guests of the Senate will be escorted to the places assigned them.

The Members of the House of Representatives, preceded by the Sergeant at Arms and the Doorkeeper and by the Speaker pro tempore [Mr. RAYBURN], entered the Senate Chamber. The Speaker pro tempore was escorted to a seat on the right of the Vice President, and Members of the House were given the seats provided for them.

The members of the diplomatic corps and the naval attachés of foreign embassies and legations entered the Chamber and were seated to the left of the Vice President's desk.

Mr. Justice McReynolds and Mr. Justice Black, representing the Supreme Court of the United States, accompanied by the deputy clerk, entered the Chamber and were seated in the area to the left of the Vice President's desk.

The Chief of Staff of the Army and the Commandant of the Coast Guard entered the Chamber and were seated in the area to the left of the Vice President's desk.

Mrs. Swanson and relatives and friends of the deceased Secretary entered the Chamber and were seated in the area below and to the left of the Vice President's desk.

Rev. Zeb Barney T. Phillips, D. D., Chaplain of the Senate, and Rev. James Shera Montgomery, D. D., Chaplain of the House of Representatives, took their places at the Secretary's desk.

The President of the United States, accompanied by his military and naval aides, and the members of his Cabinet, preceded by the Sergeant at Arms of the Senate, entered the Chamber and were seated in the area in front and to the right of the Vice President's desk.

Mrs. Majorie Stringfellow sang the following three verses from the hymn Abide With Me:

Abide with me! Fast falls the eventide;  
The darkness deepens: Lord, with me abide!  
When other helpers fail, and comforts flee,  
Help of the helpless, O abide with me!

Swift to its close ebbs out life's little day;  
Earth's joys grow dim, its glories pass away,  
Change and decay in all around I see;  
O Thou who changest not, abide with me.

Hold Thou Thy cross before my closing eyes;  
Shine through the gloom, and point me to the skies:  
Heaven's morning breaks, and earth's vain shadows flee:  
In life and death, O Lord, abide with me!

The Chaplain of the House of Representatives recited from the Methodist Episcopal burial service as follows:

*I am the resurrection, and the life: he that believeth on me, though he die, yet shall he live: and whosoever liveth and believeth on me shall never die.*

*For we know that if the earthly house of our tabernacle be dissolved, we have a building from God, a house not made with hands, eternal, in the heavens.*

*And I saw no temple therein: for the Lord God the Almighty, and the Lamb, are the temple thereof. And the city hath no need of the sun, neither of the moon, to shine upon it: for the glory of God did lighten it, and the lamp thereof is the Lamb.*

*Lord, Thou has been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God. For a thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night. Thou carriest them away as with a flood; they are as a sleep: in the morning they are like grass which groweth up. In the morning it flourisheth, and groweth up; in the evening it is cut down, and withereth. So teach us to number our days, that we may apply our hearts unto wisdom. O satisfy us early with Thy mercy; that we may rejoice and be glad all our days. Let Thy work appear unto Thy servants, and Thy glory unto their children. And let the beauty*

of the Lord our God be upon us: and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it.

The Chaplain of the Senate recited from the Episcopal burial service as follows:

(St. John 14: 1)

Jesus said, Let not your heart be troubled; ye believe in God, believe also in Me. In My Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also. And whither I go ye know, and the way ye know. Thomas saith unto Him, Lord, we know not whither Thou goest; and how can we know the way? Jesus saith unto him, I am the way, the truth, and the life: no man cometh unto the Father, but by Me.

(Romans 8: 14)

As many as are led by the Spirit of God, they are the sons of God. For ye have not received the spirit of bondage again to fear; but ye have received the Spirit of adoption, whereby we cry, Abba, Father. The Spirit himself beareth witness with our spirit, that we are the children of God: and if children, then heirs; heirs of God, and joint heirs with Christ; if so be that we suffer with Him, that we may be also glorified together. For I reckon that the sufferings of this present time are not worthy to be compared with the glory which shall be revealed in us. For the earnest expectation of the creature waiteth for the manifestations of the sons of God. We know that all things work together for good to them that love God, to them who are the called according to His purpose. What shall we then say to these things? If God be for us, who can be against us? He that spared not His own Son, but delivered Him up for us all, how shall He not with Him also freely give us all things? Who is he that condemneth? It is Christ that died, yea rather, that is risen again, who is even at the right hand of God, who also maketh intercession for us. Who shall separate us from the love of Christ? Shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword? Nay, in all these things we are more than conquerors through Him that loved us. For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.

Here endeth the lesson.

Mrs. Marjorie Stringfellow sang "Lead, Kindly Light":

Lead, Kindly Light, amid the encircling gloom,  
Lead Thou me on!  
The night is dark, and I am far from home—  
Lead Thou me on!  
Keep Thou my feet; I do not ask to see  
The distant scene—one step enough for me.  
I was not ever thus, nor prayed that Thou  
Shouldst lead me on.  
I loved to choose and see my path; but now  
Lead Thou me on!  
I loved the garish day, and, spite of fears,  
Pride ruled my will; remember not past year.  
So long Thy power hath blessed me, sure it still  
Will lead me on,  
O'er moor and fen, o'er crag and torrent, till  
The night is gone;  
And with the morn those angel faces smile  
Which I have loved long since, and lost awhile.

The Chaplain of the Senate recited further from the Episcopal burial service, as follows:

Man that is born of a woman hath but a short time to live, and is full of misery. He cometh up, and is cut down, like a flower; he fleeth as it were a shadow, and never continueth in one stay.

In the midst of life we are in death; of whom may we seek for succor, but of Thee, O Lord, who for our sins art justly displeased?

Yet, O Lord God most holy, O Lord most mighty, O holy and most merciful Saviour, Thou most worthy Judge eternal,

suffer us not, at our last hour, for any pains of death, to fall from Thee.

I heard a voice from heaven, saying unto me, Write, from henceforth blessed are the dead who die in the Lord: even so saith the Spirit; for they rest from their labors and their works do follow them.

Let us pray.

O merciful God and Heavenly Father, who hast taught us in Thy holy word that Thou dost not willingly afflict or grieve the children of men, look with Thy tender, loving mercy upon the sorrows of these dear ones for whom especially our prayers are offered. In Thy wisdom Thou hast seen fit that trouble and anguish and distress of spirit should come upon them. Remember them, O Lord, in mercy; comfort them with a sense of Thine indwelling; lift up the light of Thy countenance upon them and give them that peace which the world can neither give nor take away—the peace that passeth all understanding. Through Jesus Christ our Lord. Amen.

Almighty God, who hast been pleased to take unto Thyself the soul of this Thy servant, grant unto us who are still in our pilgrimage, and who walk as yet by faith, that, having served Thee with constancy on earth, we may be joined hereafter with Thy blessed saints in glory everlasting. Through Jesus Christ our Lord. Amen.

O Almighty God, who hast knit together Thine elect in one communion and fellowship, in the mystical body of Thy Son, Christ our Lord, grant us grace so to follow Thy blessed saints in all virtuous and godly living, that we may come to those unspeakable joys which Thou hast prepared for those who unfeignedly love Thee. Through Jesus Christ our Lord. Amen.

Almighty God, with whom do live the spirits of those who depart hence in the Lord, and with whom the souls of the faithful, after they are delivered from the burden of the flesh, are in joy and felicity, we give Thee hearty thanks for the noble and gracious example of our beloved friend, Thy servant, who hath but yesterday fallen on sleep. Grant that we, with all those who are departed in the true faith of Thy holy name, may have our perfect consummation and bliss in Thy eternal and everlasting glory. Through Jesus Christ our Lord. Amen.

We seem to give him back to Thee, dear God, who gavest him to us. Yet as Thou didst not lose him in giving, so we have not lost him by his return. Not as the world giveth, givest Thou, O Lover of Souls! What Thou givest, Thou takest not away. For what is Thine is ours always, if we are Thine. And life is eternal; and love is immortal; and death is only a horizon; and a horizon is nothing save the limit of our sight. Lift us up, strong Son of God, that we may see further; cleanse our eyes that we may see more clearly; draw us closer to Thyself that we may know ourselves nearer to our beloved who are with Thee. And while Thou dost prepare a place for us, prepare us for that happy place, that where they are, and Thou art, we too may be. Amen.

O God, the God of the spirits of all flesh, in whose embrace all creatures live in whatsoever world or condition they be, we beseech Thee for him, Thy blessed child, whose name and dwelling place and every need Thou only knowest. Lord, vouchsafe him light and rest, peace and refreshment, joy and consolation in paradise, in the companionship of saints and loved ones, in the presence of Christ, in the ample folds of Thy great love. Grant that his life, so wonderful here, so full of love and tenderness, may yet unfold itself in Thy sight and find sweet employment in the spacious fields of eternity.

If in aught we can minister to his peace, be pleased of Thy love to let this be; and so keep us from every act which may deprive us of the sight of him as soon as our trial time is over or mar the fullness of our joy when the end of the day hath come.

Pardon, O gracious Lord and Father, whatever is amiss in this our prayer, and let Thy will be done, for our will is blind and erring, but Thine is able to do exceedingly abundantly above all that we ask or think; and we only ask in the name and for the sake of Jesus Christ our Lord and Saviour. Amen.



And now, Lord, support us all the day long of this troublous life until the shadows lengthen and the evening comes and the busy world is hushed and the fever of life is over and our work is done. Then in Thy mercy grant us a safe lodging, a holy rest, and peace at the last. Through Jesus Christ our Lord. Amen.

Father, in Thy holy keeping  
Leave we now Thy servant sleeping.

The Chaplain of the House of Representatives pronounced the benediction, as follows:

Now unto Him that is able to keep you from falling, and to present you faultless before the presence of His glory with exceeding joy, to the only wise God, our Saviour, be glory and majesty, dominion and power, both now and ever. Amen.

At 1 o'clock and 25 minutes p. m., the funeral ceremonies having been concluded, Mrs. Swanson and relatives and friends of the deceased Secretary of the Navy, the committee of arrangements of the two Houses, the honorary pallbearers, and the invited guests retired from the Chamber.

#### RECESS

Mr. BARKLEY. Under the order previously entered, I move that the Senate now stand in recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 1 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 11, 1939, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES

MONDAY, JULY 10, 1939

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. RABURN].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our Father's God and everlasting friend, incline Thine ear to us and grant us Thy peace. Thou who wert born of the very life of God and hast given voice to the dumb centuries of the past, give us the bread of human life and take the dimness of our souls away. We pray Thee to impart to blind mortal eyes the loveliness that is immortal, the contentment that is assuredly restful, and make men aware that however dark the night, the shadow-draped hills but conceal the promise of the dawn. Almighty One, open unto us the font of Thy unsearchable riches; stoop to our lowliness and make our souls more capacious for those high spiritual tones wrought in unjarring harmonies. The Lord is righteous in all His ways and holy in all His works. The Lord is high unto all them that call upon Him in truth. We praise Thee that our assured triumph is in the marvelous deliverance of the blessed, holy name of our Saviour. Amen.

The Journal of the proceedings of Thursday, July 6, 1939, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

#### Senate Resolution 156

##### IN THE SENATE OF THE UNITED STATES,

July 7 (legislative day, July 6), 1939.

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Claude A. Swanson, late the Secretary of the Navy, and formerly a Senator from the State of Virginia.

*Resolved*, That a committee of 16 Senators be appointed by the President of the Senate to take order for superintending the funeral of Mr. Swanson, which shall take place in the Senate Chamber on Monday, July 10, 1939, at 1 o'clock post meridian, and that the Senate attend the same.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives, transmit a copy thereof to the family of the deceased, and invite the House of Representatives to attend the funeral in the Senate Chamber and to appoint a committee to act with the committee of the Senate.

*Resolved*, That invitations be extended to the President of the United States and the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the Chief of Staff of the Army, the Chief of Naval Operations of the Navy, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard to attend the funeral in the Senate Chamber.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn until 12 o'clock and 45 minutes post meridian, Monday, July 10, 1939.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 733. An act for the relief of S. A. Rourke;

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;

H. R. 3576. An act to make effective the provisions of the Officers' Competency Certificates Convention, 1936;

H. R. 4497. An act to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes;

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;

H. R. 5288. An act to amend section 691-a of the Code of Law of the District of Columbia, approved March 3, 1901, and of any act or acts amendatory thereof, relating to foreign building and loan associations doing business in the District of Columbia;

H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles; and

H. R. 6836. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 2296. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes;

H. R. 4499. An act authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky;

H. R. 5452. An act to provide certain benefits for World War veterans and their dependents, and for other purposes; and

H. R. 5479. An act granting annual and sick leave with pay to substitutes in the Postal Service.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5. An act to grant certain lands to the Arizona State Elks Association Hospital;

S. 119. An act for the relief of Helen M. Crowley;

S. 255. An act authorizing the Secretary of War to convey to the port of Cascade Locks, Oreg., certain lands for municipal purposes;

S. 577. An act extending civil-service retirement to certain postmasters;

S. 607. An act to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended;

S. 753. An act for the relief of the widow and children of Dr. Jo M. Ferguson;

S. 770. An act to authorize the addition to Glacier National Park, Mont., of certain property acquired for the establishment and operation of a fish hatchery, and for other purposes;

S. 1289. An act for the relief of the city of Leavenworth, Kans.;

S. 1445. An act for the relief of Bruno Arena;  
 S. 1618. An act granting an annuity to William F. Pack;  
 S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes;

S. 1810. An act for the relief of the Citizens State Bank of Marianna, Fla.;

S. 1836. An act to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on farms; and for other purposes;

S. 1839. An act for the relief of Le Roy Breithaupt;

S. 1936. An act for the relief of Harry W. Robertson;

S. 2031. An act authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn;

S. 2083. An act conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee;

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.;

S. 2157. An act for the relief of George H. Eiswald;

S. 2245. An act to prohibit the use of the mails for the solicitation of the procurement of divorces in foreign countries;

S. 2271. An act for the relief of Barnet Warren;

S. 2491. An act for the relief of Edward J. Gebhart;

S. 2562. An act to facilitate certain construction work for the Army, and for other purposes;

S. 2586. An act to authorize the acquisition of additional land for military purposes;

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates;

S. 2624. An act to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks;

S. 2634. An act to reserve to the United States for the Bonneville project a right-of-way across certain Indian lands in the State of Washington, subject to the consent of the individual allottees and the payment of compensation, and for other purposes;

S. 2639. An act relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana;

S. 2697. An act to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad; and

S. J. Res. 107. Joint resolution authorizing the President of the United States to award a gold medal of appropriate design to Dr. Anita Newcomb McGee.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 221. An act for the relief of Anthony Coniglio;

S. 431. An act for the relief of Mrs. Quitman Smith;

S. 875. An act for the relief of Andrew J. Crockett and Walter Crockett;

S. 1018. An act to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes;

S. 1020. An act to authorize the purchase of equipment and supplies for experimental and test purposes;

S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes;

S. 1109. An act to amend the act entitled "An act to aid the several States in making, or for having made, certain toll

bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds and for other purposes;

S. 1291. An act for the relief of William Carl Laude;

S. 1385. An act for the relief of the Barkman Lumber Co.;

S. 1387. An act for the relief of Ida May Lennon;

S. 1437. An act for the relief of the Postal Telegraph-Cable Co.;

S. 1629. An act for the relief of the Canvas Decoy Co.;

S. 2096. An act to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended;

S. 2167. An act to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island; and

S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vazquez de Coronado.

#### SALE OF SECURITIES IN INTERSTATE COMMERCE

Mr. SABATH, from the Committee on Rules, reported the following resolution (H. Res. 248, Rept. No. 1049), for printing under the rule:

#### House Resolution 248

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2065, an act to provide for the regulation of the sale of certain securities in interstate and foreign commerce and through the mails, and the regulation of the trust indentures under which the same are issued, and for other purposes. That after general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### WORLD WAR VETERANS AND THEIR DEPENDENTS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5452) to provide certain benefits for World War veterans and their dependents, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Mississippi calls up the bill, H. R. 5452, with a Senate amendment thereto, and asks unanimous consent that the House concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 1 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended to read as follows:

"Sec. 1. (a) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, who, while receiving or entitled to receive compensation, pension, or retirement pay for 10 percent disability or more presumptively or directly incurred in or aggravated by service in the World War, dies or has died from a disease or disability not service connected shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(b) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was honorably discharged after having served 90 days or more (or who, having served less than 90 days, was discharged for disability incurred in the service in line of duty), who dies or has died from a disease or disability not service connected and at the time of death had a disability directly or presumptively incurred in or aggravated by service in the World War for which compensation would be payable at 10 percent or more in degree, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans'



Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(c) Payment of compensation under the provisions of this act shall not be made to any widow without child, or a child, whose annual income exceeds \$1,000, or to a widow with a child or children whose annual income exceeds \$2,500. In determining annual income, payments of war-risk term insurance, United States Government life (converted) insurance, and payments under the World War Adjusted Compensation Act, as amended (U. S. C., title 38, ch. 11), and the Adjusted Compensation Payment Act, 1936, as amended, shall not be considered. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration; and in no event shall compensation herein authorized be effective prior to the date of enactment of this act."

"Sec. 2. Section 2 of Public Law No. 484, Seventy-third Congress, as amended (U. S. C., title 38, sec. 504), is hereby amended to read as follows:

"Sec. 2. (a) The monthly rates of compensation shall be as follows: Widow but no child, \$30; widow with one child, \$38 (with \$4 for each additional child); no widow but one child, \$15; no widow but two children, \$22 (equally divided); no widow but three children, \$30 (equally divided) (with \$3 for each additional child; total amount to be equally divided).

"(b) The total compensation payable under this section shall not exceed \$64. Where such benefits would otherwise exceed \$64, the amount of \$64 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

"Sec. 3. Section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended (U. S. C., title 38, sec. 506), is hereby amended to read as follows:

"Sec. 4. For the purpose of awarding compensation under the provisions of this act, as amended, service connection of a disability at the date of death, and degree thereof where required, may be determined in any case where a claim has been or is filed by the widow, child, or children of a deceased World War veteran. Proof of disability at the date of death, and degree thereof where required, and evidence as to service connection, may be filed at any time after the date of enactment of this act or the date of death. Evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs."

"Sec. 4. In the administration of laws pertaining to veterans, retired officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, who served honorably during a war period as recognized by the Veterans' Administration, shall be, and are, entitled to hospitalization and domiciliary care in Veterans' Administration facilities on parity with other war veterans and subject to those provisions of paragraph VI (A) of Veterans Regulation No. 6 (c), which provide for reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care."

"Sec. 5. Effective on the 1st day of the month next following the date of enactment of this act, the rates of death compensation payable under the provisions of existing laws or veterans regulations to a surviving widow, child, or children, and/or dependent mother or father now on the rolls or hereafter to be placed on the rolls as the surviving widow, child, or children, and/or dependent mother or father of any World War veteran who died as the result of injury or disease incurred in or aggravated by active military or naval service in the World War, shall be as follows:

"Widow, age under 50 years, \$38; widow, age 50 years or over, \$45; widow with one child, \$10 additional for such child up to 10 years of age, increased to \$15 from age 10 (with \$8 for each additional child up to 10 years of age, increased to \$13 from age 10) (subject to apportionment regulations); no widow but one child, \$20; no widow but two children, \$33 (equally divided); no widow but three children, \$46 (equally divided) (with \$8 for each additional child, total amount to be equally divided); dependent mother or father, \$45 (or both) \$25 each. As to the widow, child, or children, the total compensation payable under this section shall not exceed \$33. The amount of compensation herein authorized shall be paid in the event the monthly payment of compensation under Veterans Regulation No. 1 (g) and the monthly payment of yearly renewable term or automatic insurance does not aggregate or exceed the amount of compensation herein authorized."

"As to the surviving widow, child, or children, and/or dependent mother or father on the rolls on the date of enactment of this act, any increased award herein authorized shall be effective from the date of enactment of this act and in all other cases, except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937, effective dates of awards shall be governed by the provisions of veterans regulations promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933."

"Sec. 6. Subparagraph (k) of paragraph II, part I, of Veterans Regulation No. 1 (a), promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933, is hereby amended to read as follows:

"(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of the use of only one foot, or one hand, or one eye, the rate of pension provided

in part I, paragraph II (a) to (j), shall be increased by \$35 per month."

"Sec. 7. On and after the date of enactment of this act, the rate of interest charged on any loan secured by a lien on United States Government life (converted) insurance shall not exceed 5 percent per annum."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I ask the gentleman from Mississippi why he believes we should not send this bill to conference? Many of the extremely helpful provisions of the House bill have been stricken out by the Senate, which I consider most deplorable, and I should like very much to know why the gentleman feels that the Senate amendment should be agreed to at this time. I should also like to know from the gentleman when the Congress is going to adjourn. If we are to be here all summer, we certainly will have time to send this bill to conference, and there will be no danger of not passing it over a Presidential veto. Personally, I feel we should stay in session all summer for many reasons.

Mr. RANKIN. Mr. Speaker, I shall answer as many of the questions the gentleman from Massachusetts has asked as I can. As to when Congress will adjourn, I am entirely unable to state.

Mrs. ROGERS of Massachusetts. Has the gentleman asked the leaders?

Mr. RANKIN. I have not consulted the leaders as to when Congress will adjourn, because I have found in my years of service here that a guess on the part of the leaders is not worth much more than a guess on the part of the average Member at this stage of the game, so I think they would not know when we are going to adjourn any more than any one of the rest of us.

The SPEAKER pro tempore. If the gentleman will permit an interruption, we have another matter that might take some minutes, and if this matter is going to consume some time, the Chair thinks it would be advisable to defer it for a while. The Chair will put the question. Is there objection to the request of the gentleman from Mississippi?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object.

Mr. RANKIN. Mr. Speaker, I would like to make a statement with reference to this adjournment, but I shall extend in the RECORD a statement showing just the changes that have been made, if it is desired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. I think the gentleman should tell the House what changes the Senate has made. We are all interested in it.

Mr. RANKIN. Very well. In the first place, in the House bill we provided certain benefits for veterans who have service-connected disabilities of less than 10 percent, and also provided for taking care of their widows and orphans.

Mr. MARTIN of Massachusetts. That is the House provision?

Mr. RANKIN. Yes. The Senate struck out a part of that provision as it applied to veterans, but did not strike out the provision with reference to taking care of the widows and orphans of these men. So really we gained a large portion of the objective in that respect. We also provided for taking care of certain dependent parents. That was taken out. But since Congress is still in session and will be in session again in January, we thought it would be best to concur in the Senate amendments, and take those provisions up later.

Mr. MARTIN of Massachusetts. Why is not the suggestion of the lady from Massachusetts [Mrs. ROGERS] a good one, that you send it to conference now?

Mr. RANKIN. To be frank with you, I discussed this matter with Members at the other end of the Capitol, and I doubt if we could get any changes made if we went to conference, and the Congress might adjourn and leave the bill hanging in conference. I would like to get it passed to the other end of the Avenue as soon as possible.

Mr. MARTIN of Massachusetts. The gentleman does not think Congress would adjourn and leave such an important piece of legislation as that hanging in the air?

Mr. RANKIN. They have done so.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. I will not object, under the circumstances, Mr. Speaker, because at least we can surely secure some greatly needed legislation if we accept the conference report.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I will object. We have plenty of time to send the bill to conference.

The SPEAKER pro tempore. Objection is heard.

Mr. RANKIN. I ask unanimous consent to take from the Speaker's desk H. R. 2296 and agree to the Senate amendments.

The SPEAKER pro tempore. The Chair suggests that the gentleman let that go over for the time being.

Mr. RANKIN. Very well, Mr. Speaker.

BRIDGE ACROSS OHIO RIVER NEAR SHAWNEETOWN, GALLATIN COUNTY, ILL.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4499) authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., with a Senate amendment, and agree to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 3, line 16, strike out "reasonable interest and", and insert "interest at a rate of not to exceed 5 percent and reasonable."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Illinois just what the change is?

Mr. PARSONS. The change made in the Senate was that a limitation was put upon the interest that the bonds might bear. The Senate put on a limitation of 5 percent. The House bill contained "reasonable interest."

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PARSONS. I yield.

Mr. SCHAFER of Wisconsin. Mr. Speaker, under reservation of objection, I ask unanimous consent to proceed for 1 minute.

Mr. RANKIN. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair cannot recognize the gentleman for that purpose. A unanimous-consent request is pending.

Mr. SCHAFER of Wisconsin. Reserving the right to object—

Mr. RANKIN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the request of the gentleman from Illinois [Mr. PARSONS]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair will not recognize any other Member to call up any bill until he recognizes the gentleman from Virginia to call up a resolution. The Chair will recognize Members for unanimous-consent requests that will not take any time.

#### EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement by William T. Faulkner in reference to the Binderup-Voorhis monetary-control bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, the same request, and to include an editorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HART. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter from the Governor of New Jersey to the House Committee on Appropriations.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### DIVISION OF WATER POLLUTION CONTROL

Mr. COLMER, from the Committee on Rules, submitted the following privileged resolution (H. Res. 249), which was referred to the House Calendar and ordered to be printed:

##### House Resolution 249

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 685, an act to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Rivers and Harbors, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### CIVIL SERVICE RETIREMENT ACT

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution (H. Res. 250), which was referred to the House Calendar and ordered to be printed:

##### House Resolution 250

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of S. 281, an act to amend further the Civil Service Retirement Act, approved May 29, 1930. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### EXTENSION OF REMARKS

Mr. TARVER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. I make the same request, Mr. Speaker.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a part of a report of minority views on pending legislation, and also to quote from the hearings before the committee.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks and include excerpts from a letter to Secretary Hull.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.



## PERMISSION TO ADDRESS THE HOUSE

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of the usual legislative matters and business on the Speaker's desk, I may be allowed to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

## EXTENSION OF REMARKS

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an editorial from the Fresno Bee.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a letter recently received relative to exports to the United Kingdom.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein three brief editorials from the Cincinnati Times Star of July 4, 1939.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address delivered by myself.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks by including a statement on the Interparliamentary Union.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from C. M. Jansky, of Madison, Wis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Roger W. Babson appearing in the Washington Post of July 10, 1939.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

## COMMITTEE ON THE JUDICIARY

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Bankruptcy of the Committee on the Judiciary may sit during the sessions of the House today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. MAPES. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. HOFFMAN] may have 20 minutes in which to address the House on Thursday next after the disposition of the legislative business for the day and other special orders.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by the gentleman from Michigan [Mr. McLEOD].

The Speaker pro tempore. Without objection, it is so ordered.  
There was no objection.

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The Speaker pro tempore. Without objection, it is so ordered.  
There was no objection.

Mr. ANDREWS. Mr. Speaker, I have just submitted a resolution to investigate certain phases of the Agricultural Adjustment Administration.

In submitting this resolution for a special committee to investigate the political or other activities of the Agricultural Adjustment Administration I am impelled to this action by the publication of evidence showing that in some instances county agents have been engaged in extra-official activities, such as membership campaigns for specific farm organizations.

The Daily News, published in Washington, D. C., disclosed that in Perry County, Ala., a county farm agent through whose office some \$254,000 in benefit payments is currently being distributed had mailed to the farmers in his county, in franked envelopes of the United States Agricultural Department, letters pointing out that since 1933 a total of \$1,523,780 in Agricultural Adjustment Administration payments had been distributed in Perry County, and adding:

There is only one way to continue to receive these payments; it is through membership in an organization which is strong enough to tell Congress what you want.

There followed in this letter aggressive and pointed suggestions that each of those receiving farm benefits join a particular farm organization.

There can be but one meaning attached to the paragraph I have just quoted from this letter, and that is to build up a pressure group by means of funds voted by this Congress for the benefit of the farmers, a pressure group sufficiently strong to bring additional pressure to bear on this Congress to exact still further funds.

Not only was this done in Perry County, Ala., but it later developed that a similar letter was sent out, also in franked envelopes of the United States Department of Agriculture, by a county agent in Mississippi, pointedly suggesting to agricultural beneficiaries the desirability of their joining a specifically named farm organization.

Although reprimand was promised by the officials of the Agriculture Department, it was pointed out by the Secretary of Agriculture that he had no power to hire or dismiss these county agents, and comparatively little interest has been shown in these disclosures beyond the statement that the officials superior to the Alabama county agent were sure that these agents would not repeat the offense.

We are without any information, Mr. Speaker, as to whether or not the use of franked envelopes for this purpose was penalized, although the Post Office Department was reported as saying that the county agent involved would have to pay the postage for these letters. Whether the county agent did so pay, or whether, if 3-cent postage was paid, it was paid out of his own pocket or out of Government-State funds, is also undisclosed.

These two are not the only instances of activities within the Agricultural Adjustment Administration which indicate dangerous extra-official activities being carried on with Government funds.

In a form—which I am told is very difficult to secure—there is disclosed another angle of this situation.

The form I refer to is entitled "Form RR 13, Field Copy. Michigan Rural Rehabilitation Corporation. Farm Management Plan." On page 12 of that application is a paragraph in which the recipient agrees not to waive his rights or in any other manner give title to any livestock, tool, or any other properties furnished, rented, sold, or leased to him by the Michigan Rural Rehabilitation Corporation. After the usual provisions in the paragraph to protect the property covered by the mortgage, there occurs this final sentence:

I agree that at any time prior to the final liquidation of my loan from the Michigan Rural Rehabilitation Corporation to do nothing that is in opposition to the A. A. A. program.

[Applause.]

Mr. Speaker, it is reasonable to presume that these specific instances are merely indicative of what may be a widespread

condition and activity. To remedy these isolated instances is merely to treat symptoms—symptoms of a condition wholly dangerous to free government, to personal liberty, and to the proper disposition of the taxpayers' money appropriated by this Congress for specific purposes.

I am convinced that this whole situation requires, in the public interest, a thorough and unprejudiced investigation not only in order that Congress may be advised how extensive such extra-official or political activities are and how long they have been going on, but also in order that Congress may in the most intelligent and efficient way possible adopt such remedial measures as may be found wise and necessary in the premise.

#### PERMISSION TO FILE MINORITY VIEWS

Mr. MAY. Mr. Speaker, I ask unanimous consent that I and other members of the Committee on Military Affairs may be permitted to file minority views on the bill (H. R. 4723) to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it. Mr. JENKINS of Ohio. Is it the purpose of the Chair to recognize Members to address the House for 1 minute upon our return from the Senate?

The SPEAKER pro tempore. Yes; that is correct.

#### EXTENSION OF REMARKS

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a speech on the John Ericson Memorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELOSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. SABATH. Mr. Speaker, I did not hear the gentleman's request.

The SPEAKER pro tempore. The gentleman from Montana asked unanimous consent to extend his own remarks in the RECORD.

Mr. SABATH. Are they his own remarks?

The SPEAKER pro tempore. The Chair must take the word of Members, and that is what the gentleman asks.

Mr. SABATH. Mr. Speaker, I do not want to object to anything the gentleman may wish to put in as his own remarks, but I have it on good authority that he is cluttering up the RECORD with things that have been furnished to him and are being furnished to him by others; things that are unfit and unjustified to be printed.

The SPEAKER pro tempore. The Chair hears no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. BLAND].

#### THE LATE HON. CLAUDE A. SWANSON

Mr. BLAND. Mr. Speaker, it is my painful duty to inform the House of the death on July 7, 1939, at Rapidan Camp, Va., of the Honorable Claude A. Swanson, Secretary of the Navy in the Cabinet of President Roosevelt.

From March 4, 1893, until his resignation, effective January 30, 1906, to assume his duties as Governor of Virginia, to which he had been elected in November 1905, Secretary Swanson was a distinguished Member of this House, and occupied a leading place in its councils. He served as Governor of Virginia from the beginning of his term in February 1906 until the expiration of that term in 1910.

Under the Constitution of Virginia, the Governor cannot succeed himself; but soon after his term expired, the death of Virginia's senior Senator, Hon. John W. Daniel, of Lynch-

burg, Va., left a vacancy and Mr. Swanson was appointed on August 1, 1910, to fill out the unexpired term of Senator Daniel, which expired March 3, 1911. He was again appointed February 28, 1911, and subsequently elected to succeed Senator Daniel.

Senator Swanson served in the Senate of the United States until March 4, 1933.

From December 6, 1910, to March 4, 1933, Senator Swanson served in the Senate, and from March 4, 1933, until his death he served as Secretary of the Navy.

For 46 years and 4 months, with but slight intermission, Secretary Swanson was in public life. No man in public life was more beloved than he. His State felt for him a devotion it is impossible to express. His intelligence, zeal, fidelity, devotion, cordiality, and charm endeared him to every citizen of the Commonwealth until his name was a household word, and he was always welcome as a personal friend at every public gathering, in every home, and at every fireside.

The Nation learned to love him as did his native State, and the news that he has passed away causes universal and inexpressible grief.

As Secretary of the Navy, Mr. Swanson brought to the performance of his duties expert knowledge gathered from his service in the Senate, an intimate acquaintance with those with whom he was called to work, an intense patriotism based upon an unfaltering conviction that the safety of the Nation rested primarily in the Navy, and a sincere love of peace for the United States which he believed could be best assured by a strong navy. A summary of that service will appear in the RECORD later.

The Nation and Virginia have lost an illustrious patriot, a zealous, devoted, and efficient servant, and a statesman of the first order.

Secretary Swanson's life was filled with great service for his State and Nation, and he will ever rank as one of the ablest of the Secretaries of the Navy the Nation has ever had, and one of the most useful Senators who has ever represented the State of Virginia in the Halls of Congress.

Every member of the Virginia delegation feels a personal loss. I mourn the passing of a devoted personal friend.

Mr. Speaker, I offer a resolution, and pending that I yield to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Speaker, the House has just received the sad announcement of the passing of a former able, distinguished, and beloved Member of this body, Hon. Claude A. Swanson. I appreciate your willingness to halt long enough in your daily labor to permit me to take this occasion to briefly refer to his labors in behalf of his country.

Starting his career as a farmer boy in his native State, Virginia, he rose successively, by hard work and ability, to become a Member of the House of Representatives, Governor of Virginia, a Member of the Senate of the United States, and Secretary of the Navy—12 years as a Member of this body, one term of 4 years as Governor of Virginia, 23 years in the United States Senate, and 6 years as Secretary of the United States Navy. He entered the House at the age of 31 and he lived to be 77—46 years in the service of his State and Nation.

Not many men in the history of our country have had such a long continuous period of service and few men can point to a record of greater constructive achievement. In his first term in the House he became a member of the Ways and Means Committee and was one of the leaders of his party. As Governor of Virginia, his foresight, good judgment, and ability pushed forward the development of the State in a remarkable series of financial, educational, and social progressive measures. As Senator his work and long experience gave him a prominent place in the shaping of legislative policies for which he is still remembered. It seems rather strange, however, that in all his legislative activities this farmer boy, born in the rolling hills of the Piedmont section, far from the sea, should have as his great desire the upbuilding of the United States Navy. Some hereditary influence, probably, which caused him to bend his energies to the greater development of the Naval Establishment. His



long activity in the Senate in behalf of the Navy and his work as Secretary of the Navy, if he had done nothing else in life, would have memorialized him as a great American. Today when the troubled waters of the world presage a storm, the Nation is in a position of greater security because the Navy—the first line of defense—is ready for any eventuality. For his service to his country the people of the Nation honor him; for his unswerving integrity in his public trusts they admire and respect him; for his great-heartedness and many acts of loving kindness to his fellow beings he is beloved. We, who knew Claude Swanson, loved him, and we know that the world is better for his having lived in it. He has gone, but we feel that what may seem to us to be but sad funeral tapers are in reality "heaven's distant lamps."

Sophocles said:

There is an ancient saying, famous among men, that thou shouldst not judge fully a man's life before he dieth, whether it should be called blest or wretched.

He is dead. The people of his country have read the scroll of his life as it unrolled before them. It is their verdict that the life of Claude Swanson should be called "blest." In that verdict, as the Nation goes on to its destiny, those who come after us will the more agree and his name will be recorded on the Nation's tablets along with other great Virginians who have helped to make this country blessed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### House Resolution 246

*Resolved*, That the House has heard with profound sorrow and deep regret the announcement of the death of Hon. Claude A. Swanson, late the Secretary of the Navy, and formerly a Senator and Representative in Congress from the State of Virginia.

*Resolved*, That a committee of 16 Members be appointed on the part of the House to join with the committee appointed on the part of the Senate to attend the funeral.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair appoints as members of the committee on the part of the House to join the committee appointed on the part of the Senate to attend the funeral the following Members of the House: Mr. BLAND, Mr. DREWRY, Mr. WOODRUM of Virginia, Mr. BURCH, Mr. FLANNAGAN, Mr. SMITH of Virginia, Mr. ROBERTSON, Mr. DARDEN, Mr. SATTERFIELD, Mr. VINSON of Georgia, Mr. SCHUETZ, Mr. SUTPHIN, Mr. SHANNON, Mr. MAAS, Mr. CHURCH, and Mr. MOTT.

Mr. DREWRY. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

#### House Resolution 247

*Resolved*, That the House of Representatives accepts the invitation of the Senate to attend the funeral services of the late Hon. Claude A. Swanson to be held in the Senate Chamber Monday, July 10, 1939, at 1 o'clock p. m., and that the committee appointed by the Speaker of the House to attend the funeral shall act in conjunction with the committee of the Senate to make the necessary arrangements.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolution was agreed to.

The SPEAKER pro tempore. The House will stand in recess until 12:45 p. m., and then the Members will proceed to the Senate Chamber.

Mr. RANDOLPH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANDOLPH. Do I understand the District of Columbia calendar will be called following the funeral services in the Senate?

The SPEAKER pro tempore. The gentleman is correct.

The House will stand in recess until 12:45 p. m., at which time the Members will proceed to the Senate Chamber.

Accordingly (at 12 o'clock and 35 minutes p. m.) the House stood in recess until 12:45 p. m.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12:45 p. m.

The SPEAKER pro tempore. Pursuant to resolution previously adopted, the Chair will take his place at the head of the column, preceded by the Sergeant at Arms and the committee, and proceed to the Senate Chamber.

Thereupon the Members of the House, preceded by the Speaker pro tempore [Mr. RAYBURN], proceeded to the Senate Chamber.

At 1:36 p. m. the Members of the House returned to their Chamber and were called to order by the Speaker pro tempore [Mr. RAYBURN].

#### FELICITATIONS FROM THE CHAMBER OF DEPUTIES OF CHILE

The Chair laid before the House the following communication, which was read:

SANTIAGO, July 4, 1939.

To the Speaker of the House of Representatives of the United States of North America, Washington, D. C.:

The Chamber of Deputies of Chile, on the anniversary of the Declaration of the Independence of the United States of North America, resolved to send salutations to the House of Representatives of that country and hope for the rapprochement and solidarity of the countries of the American continent. In transmitting this message I beg to express my sincere wishes for your personal happiness.

GREGORIO AMUNATEGUI, Speaker.  
JUAN VILLAMIL, Clerk.

#### THE LATE GEN. EDWARD L. LOGAN

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House briefly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the Members of the House of Representatives have just joined with the Members of the United States Senate in attending the funeral services and in paying our respect to a great American, one of our outstanding statesmen and citizens, the late Secretary of the Navy, Hon. Claude A. Swanson.

Today, in the city of Boston, another great American, Gen. Edward L. Logan, has been laid to rest. His death is a great loss to the Nation and the Commonwealth that he so loved and served, as well as to his family and to his many friends and admirers. To me his death is a personal loss.

General Logan was a courageous soldier, an outstanding legislator, and a brilliant and kind jurist.

As a soldier, as a young man he served with honor and distinction in the Spanish-American War with the famous Ninth Massachusetts Regiment, serving under the leadership of his late father, Gen. Lawrence J. Logan, who was also a famous soldier and an outstanding citizen.

At the time of his enlistment for service in the Spanish-American War he was a student at Harvard College, returning to Harvard College to complete his law studies upon the termination of the Spanish-American War.

In 1916 General Logan commanded the old Ninth Massachusetts Regiment on the Mexican Border, and when the United States entered the World War he became the first colonel of the famous One Hundred and First Infantry Regiment of the Twenty-sixth Division—Yankee Division—serving in the campaign of the Marne, Aisne-Marne, St. Mihiel, Meuse-Argonne, receiving the Silver Star citation and other citations for his brilliant and gallant leadership. He was one of the outstanding soldiers and officers of the World War.

Upon the reorganization of the Massachusetts National Guard in 1920 he was again made colonel of the One Hundred and First Infantry Regiment and was later appointed by the late President Calvin Coolidge—then Governor of Massachusetts—as brigadier general of the Fifty-first Infantry Brigade. Two years later he was commissioned a major general.

On March 21, 1928, after having had 31 years' service in the National Guard of Massachusetts, General Logan was retired with the rank of lieutenant general, the first man in

the National Guard history to hold that high rank. At that time, upon his retirement with the rank of lieutenant general, he declined, with his usual modesty, the rank of a full general.

Everyone who served with and under General Logan entertain for him the greatest feeling of confidence, of respect, and of devotion. Always exacting discipline and devotion to duty from his men, he received their unreserved cooperation because those who served under him knew he would always see that they "got a square deal." Fighting for the welfare of his men was a pleasure to General Logan which some of the Regular Army officers did not like but which received for General Logan the support, the approval, and the commendation of the American public. When General Logan was recommended for gallantry, his answer was "the real credit is due to the men who served under me."

In 1899, while a student at Harvard Law School, General Logan was elected to the legislative body of the city of Boston, and was reelected in 1900. In 1901 and 1902 he served as a member of the Massachusetts House of Representatives. He then retired from politics to practice law, but in 1905 he was again urged to reenter politics, which he did, resulting in an overwhelming election to the Massachusetts State Senate, in which body he served during a part of 1906. During that year a vacancy occurred, by death, in the Governor's Executive Council, and General Logan was elected by his colleagues of the Massachusetts Senate to fill that vacancy.

In his elective positions, General Logan performed his duties in an outstanding manner.

In 1907 he was appointed associate justice of the South Boston municipal court, and 7 years later he was named presiding justice of the same court by Gov. David I. Walsh, now United States Senator, serving in that important position until the time of his death.

General Logan loved the people of South Boston, his judicial district, in which he was born and which he served so faithfully as a legislator and as a jurist, refusing other judicial appointments and to aspire, as urged frequently, to become a candidate for high public office, due to his belief, which he often expressed to me, that he "could render greater public service in the position of presiding judge of the South Boston municipal court than in any other position."

His career as a jurist is outstanding in his humane consideration of the problems of those who came before him to have the facts of their cases judged and determined.

On May 7, 1919, General Logan was mustered out of active World War service. Shortly thereafter he took a leading part in the organization of the American Legion, and at the first Massachusetts State convention, he was the unanimous choice for the first commander of the Massachusetts department. His interest in Legion and veteran affairs ceased only with his death.

In 1923 he was elected president of the National Guard Association of the United States.

In addition to his active military, legislative, and judicial career, General Logan gave untiringly of his capacity and time to other public activities, serving upon many unpaid commissions, and at the time of his death he was serving upon an unpaid commission, created by the Massachusetts Legislature, to study the solution of the street-railway problem of the city of Boston. In addition, he always responded for service in charitable and other fields of private and public activity, to relieve human suffering and distress.

His life has been a remarkable one. It is an example for all Americans to follow. In time of war and in time of peace, he was always at the beck and call of his country and his Commonwealth.

One of the Boston newspapers recently summarized his great career in a few words:

Lieutenant General Logan, in addition to being one of the great soldiers of the World War as commander of the One Hundred and First Regiment of the Yankee Division, was also possessor of a record of public service unsurpassed in Boston and the State.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. General Logan was admired and beloved by everyone in the State of Massachusetts and by those all over the country who knew him during the World War. He was a very fine, brilliant soldier, as well as an able jurist. No one could have had a better friend.

Mr. McCORMACK. I thank the gentlewoman from Massachusetts. I know the late General Logan entertained the finest feeling and friendship for the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, in the passing of Lt. Gen. Edward L. Logan, wartime colonel of the One Hundred and First Infantry, Twenty-sixth Division, the Commonwealth of Massachusetts has lost a great soldier, an able jurist, and a splendid citizen.

His military record was most outstanding. He was the son of a famous soldier; his father, Gen. Laurence J. Logan, having been colonel of the "Fighting Ninth," which later became the One Hundred and First Infantry. While a student at Harvard University, the son left his studies temporarily to serve with his father's regiment in the Spanish-American War. He was mustered out of this service as sergeant major November 26, 1898. He returned to the regiment in 1901 as a second lieutenant and received promotions to first lieutenant, captain, and major, until he was placed in command as colonel while in the Mexican border service in 1916.

When war with Germany was declared by the United States he became colonel of the One Hundred and First Infantry, Twenty-sixth Division, and saw active front-line service in the Champagne-Marne defensive, the Chateau-Thierry offensive, the Toul sector, the St. Mihiel offensive, and the Battle of the Argonne. For gallantry in action he was awarded a Silver Star citation on July 25, 1918. After the war the Massachusetts National Guard was reorganized and he again became colonel of the One Hundred and First Infantry. Later he was commissioned brigadier general of the Fifty-first Infantry Brigade, and was promoted to major general in command of the Twenty-sixth Division, Massachusetts National Guard. He was retired on March 21, 1928, with the rank of lieutenant general.

To his men he was always "Colonel Eddie." He was the sort of commanding officer who had the full loyalty and devotion of those serving under him. The greater portion of his regiment during the World War came from Boston and the surrounding towns and was made up of men whom he had seen grow up from childhood. Their comfort and their safety was his personal interest. The late "Billy" Connery served under him, as did our colleague, LAWRENCE J. CONNERY. They have told me of the great human qualities General Logan had, qualities which created a personal bond between him and his men.

The city of Boston and the Commonwealth of Massachusetts had good reason to be proud of him. He was an outstanding citizen, not only in military life but in his civil duties. As a presiding judge of a district court for 25 years he became noted for his fairness and justice in dealing with delinquents. He brought to the bench the same interest and concern which he felt for his men in military life.

Many honors were showered upon him, but he always remained the good friend and loyal comrade which had made him so loved and respected by those with whom he served on the battlefields of France. All who knew him feel sad over his passing. Massachusetts will miss him greatly. To his widow and family goes the deep sympathy of all his friends.

CONSTRUCTION OF BRIDGE ACROSS OHIO RIVER NEAR SHAWNEETOWN, ILL.

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4499) authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown,



Gallatin County, Ill., with Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 16, strike out "reasonable interest and" and insert "interest at a rate of not to exceed 5 percent and reasonable."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. PARSONS]?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]?

There was no objection.

#### NEW DEAL ADMINISTRATOR SEEKS TO DESTROY OR CONTROL WEEKLY NEWSPAPERS OF THIS COUNTRY

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I take this time to call attention to a ruling that has been made by the Wage and Hour Division of the Federal Government. In an attempt of the New Deal to secure control of or to destroy the free press in this country, the Wage-Hour Administrator has issued a ruling which takes away the exemption from more than 8,000 weekly country newspapers that were exempted in the wage-hour law passed by the Congress last year.

The Wage-Hour Administrator has ruled that if any of these small weekly country newspapers with a circulation of 3,000 or less engage in job printing, a part of which may go into interstate commerce, the exemption will not apply. This means that every weekly newspaper in the country, numbering from eight to ten thousand, will lose their exemption under this ruling.

It is an outrage that we have an administration in Washington seeking to destroy the press and seeking to set aside the intent of Congress, which definitely had in mind complete exemption for all country weekly newspapers in this class, in every respect. Something should be done about it by this Congress in the way of amending the wage and hour law to take away the authority of the Administrator to destroy the rights of the American people. [Applause.]

This ruling of the Wage and Hour Administrator comes without notice or hearing. For him to deliberately set aside a clear and definite legislative intent on the part of Congress may be plainly termed as a bureaucratic "steal" of the rawest character.

Congress clearly intended, and so stated in the law, that weekly newspapers having a circulation of less than 3,000 subscribers were to be exempt from the provisions of the Wage and Hour Act. Members of Congress realized the low and limited income of country-weekly newspapers and therefore provided the exemption for the weekly newspaper plant as a complete printing unit, so that this type of American free press might continue in its historic function of building a better America for the preservation of our traditional democracy.

If the Wage and Hour Administrator does not rescind his ruling, a large percentage of the country-weekly press will be forced out of business because of inability to meet the additional financial obligations. The inevitable result will be closing down of printing plants, throwing thousands of faithful employees out of work and the taking away from hundreds of small American cities and villages their community builder—the country-weekly newspaper.

Does Administrator Andrews intend to "crack down" on all country-weekly newspapers? They are all in the same class—getting out a weekly paper and doing job printing. Or does he intend to only punish and penalize the weekly newspapers which are now opposed to the policies of the New Deal? Can it be possible that he now wants to use his arbitrary authority by making an illegal and unfounded ruling in order to whip eight or ten thousand weekly newspapers into line for future

political purposes? Does he intend, by his ruling, to control or destroy the country press? His agents are now "cracking down" on a small weekly newspaper in Minnesota. Will you be the next, Mr. Editor?

Interpretations of laws should be made according to the intent of Congress and not according to the ideas of a Washington bureaucrat whose sole aim may be to secure more power.

The ruling of the Administrator as to country weeklies should be rescinded immediately; and if this is not done, Congress should act at once to take away from him all discretionary power to make interpretations of any law placed under his jurisdiction.

It is not my purpose at this time to argue the merits of the wage and hour law or any other social or economic act. I do, however, feel it my duty to call to the attention of Congress the attempt now being made by the Administrator to control or destroy the weekly press of this country by bureaucratic ruling contrary to the intent of Congress. [Applause.]

#### AMENDMENT OF BANKRUPTCY ACT

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5407) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, with Senate amendments thereto, disagree to the Senate amendments, and ask a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and without objection, appoints the following conferees: Mr. CHANDLER, Mr. McLAUGHLIN, and Mr. MICHENER.

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, on the front page of a recent issue of the Christian Science Monitor there appears an article written from Llanelly, Wales, which shows that the youth of that little country agree with the youth of our great country in their opposition to war. Just recently 5,000 of them from all parts of their country assembled in their annual Eisteddfod to engage in literary, musical, and kindred cultural contests. At the close of their 3-day session they broadcast the following message to the youth of the world:

This is Wales calling! The boys and girls of Wales are calling the boys and girls of all the world!

We rejoice to think that, above the tumult, on this one day of the year, we can greet each other as members of one great family, the family of the nations of the future.

The world is full of suffering, cruelty, and strife, and we are told civilization may perish. Let us tell the world that civilization shall not perish.

More than ever the world needs what we alone can give—the confidence and comradeship of youth.

May we then, on this good-will day, dedicate ourselves afresh to the services of our fellows in ever-widening circles, to the services of our home, of our neighborhood, of our country, so that our country may better serve the world to which we all belong?

So shall we, millions of us, grow up to be the friends of all and the enemies of none.

[Applause.]

#### THE LATE NEWTON W. GILBERT

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GILLIE. Mr. Speaker, Indiana—mother of authors, patriots, and statesmen—has taken unto her fertile soil another distinguished Hoosier, the Honorable Newton W. Gil-

bert, former Member of Congress from the old Twelfth Indiana District and one time acting Governor General of the Philippine Islands.

As Congressman from the district in northeastern Indiana which Mr. Gilbert so ably represented some 25 years ago, I rise to recount in my humble way and in a few words something of the life and service of this beloved Hoosier.

Mr. Gilbert departed this life in Orange, Calif., on July 5, 1939, at the age of 77 years, leaving behind him a host of friends and political acquaintances. He was tenderly laid to rest today in Angola, Ind., scene of his earlier political triumphs.

Newton W. Gilbert was an adopted son of Indiana. He was born in Worthington, Ohio, attended my alma mater, the Ohio State University, and began the practice of law in 1895 and in 1896 was elected to the Indiana State Senate, where he served for 4 years. Two years later he won appointment as Steuben County surveyor.

In 1904 he was a candidate for Lieutenant Governor on the Republican ticket headed by the late Winfield T. Durbin. He was elected in the second McKinley triumph and was second ranking officer of the State until 1905.

In 1904 he was elected to the Fifty-ninth Congress from the Twelfth Indiana District in the heart of the lumberlost country, which since has become the Fourth District. He served in this august body until 1906, when he resigned to become judge of the Court of First Instance in Manila, P. I.

From 1906 until 1913 Mr. Gilbert remained in the Philippines, serving at various times as a member of the Philippine Commission, secretary of public instruction, and president of the board of regents of Philippine University.

In 1909 he began a term as Vice Governor of the Philippines, and in 1912 and 1913 he was Acting Governor General of the islands.

After turning over the executive functions to his successor, Governor Gilbert took three trips around the world, and in 1916 he established himself in the practice of law in New York City.

Such was the remarkable career of this man who became Steuben County's most distinguished political figure and who brought honor and glory to the great Hoosier State.

Distinguished by devotion to duty, mastery of details, a friendly manner, and the respect in which he was held by political friend and foe alike, Newton W. Gilbert belongs to that company of outstanding Hoosiers who have risen to posts of prestige and power.

Mr. Speaker, it can well be said of him that he was a—

Statesman, yet a friend of truth. Of soul sincere,  
In action faithful, and in honor clear;  
Who broke no promise, served no private ends.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that at the close of the legislative program of today I may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a very brief editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made with reference to the late General Logan, of Massachusetts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.  
Mr. JENKINS of Ohio. Mr. Speaker, I was present on the day the present occupant of the chair made a certain request, and we adopted tentatively a rule with regard to extending remarks in the Record. I have received a good many requests to explain this rule, but I am not able to explain definitely just what we did at that time. Would it be appropriate for the Chair to give me at this time a brief explanation of that rule? I may say specifically that I hold in my hand a brief article that I should like to start to read after getting permission to address the House for 1 minute, but I am not sure that it would be appropriate to do so. If it is not appropriate, of course, I shall wish to ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. The Record of June 10, at pages 6949 and 6950 covers this matter fully. I believe the conclusion reached by all on that day was approximately this, that if 1-minute speeches are made before the legislative program of the day is taken up, and permission is given to revise and extend those remarks, such speeches are to go in the Appendix of the Record. However, if during the consideration of a bill a Member should speak for 1 minute or 5 minutes, and if his extension of remarks is germane to the matter under consideration his remarks would go in the Record at that point.

Mr. JENKINS of Ohio. Further, my understanding is that if a Member should receive permission to extend remarks made during the consideration of a bill and the remarks so extended were not germane, it would not be proper for him to extend his remarks at that point.

The SPEAKER pro tempore. That is correct, and that was the conclusion that I believe was reached by all in the colloquy we had on June 10.

Mr. JENKINS of Ohio. I believe such a rule is entirely proper.

Mr. Speaker, I now ask unanimous consent to extend my own remarks in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record with reference to legislation pertaining to Puerto Rico.

The SPEAKER pro tempore. Is there objection to the request of the Commissioner from Puerto Rico?

There was no objection.

#### ANNUAL AND SICK LEAVE WITH PAY TO SUBSTITUTES IN THE POSTAL SERVICE

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5479) granting annual and sick leave with pay to substitutes in the Postal Service, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 10, insert:

"Sec. 2. No substitute shall be entitled to sick leave for an illness or disability incurred while such substitute is not on active duty or on annual leave."

After line 10, insert:

"Sec. 3. In no event shall a substitute employee be granted more than 15 days' annual and 10 days' sick leave allowed by existing law to regular employees."

After line 10, insert:

"Sec. 4. No substitute shall be entitled to the benefits of this act until he has served 2,448 hours."

Line 11, strike out "2" and insert "5."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, as I understand, this is a bill that is



supposed to take care of a worthy group of employees who have been rather neglected in the past.

Mr. ROMJUE. That is correct.

Mr. MARTIN of Massachusetts. How do these Senate amendments affect the legislation?

Mr. ROMJUE. The first two Senate amendments are merely clarifying amendments. I believe the bill really covered those matters before. However, the last amendment requires the substitute to work a full year before being entitled to this benefit in the way of sick leave.

Mr. SWEENEY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Ohio.

Mr. SWEENEY. May I say to the gentleman that the bill came out of the Committee on the Post Office and Post Roads by a unanimous vote. These amendments strengthen the bill. Most of the great postal organizations want this correction made because a large group of men who have been working for years have been deprived of annual and sick leave. To obtain the benefits under this bill these men have to qualify and put in 2,448 hours.

Mr. MARTIN of Massachusetts. This is a progressive step for a group of postal employees?

Mr. SWEENEY. This is a progressive move for those employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent that after the disposition of matters on the Speaker's desk and the legislative program of the day, I may address the House for 20 minutes on next Thursday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### DISTRICT OF COLUMBIA DAY

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from West Virginia [Mr. RANDOLPH].

#### REGISTRATION OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 1575) to provide that the annual registration of motor vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That paragraph (c) of section 2 of title IV of the District of Columbia Revenue Act of 1937, as amended, is amended to read as follows:

"(c) Every registration made under this title shall expire at midnight on the last day of the registration year for which the registration was made, unless the time be extended by the Commissioners. Any such registration may be renewed for the ensuing registration year upon application made by the owner during the months of February and March, and upon payment of the fees required by law. During the month of March it shall be lawful to operate a motor vehicle registered for the ensuing registration year. For the purposes of this title, a registration year shall be deemed to begin on April 1 and end on March 31: *Provided*, That motor vehicles that may have been registered for the period ending February 29, 1940, shall be deemed to be registered for the registration year ending March 31, 1940."

Sec. 2. Paragraph (c) of section 3 of such title, as amended, is amended by striking out "September" and inserting in lieu thereof "October."

Mr. RANDOLPH. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: On page 1, after the word "vehicles" in line 1 of the title, insert the following: "and the annual licensing of certain public vehicles."

Mr. RANDOLPH. Mr. Speaker, the amendment would make the license period of public vehicles conform with the registration period that is proposed, and I may say in this connection that the measure changes the date for registration of motor vehicles in the District of Columbia from March 1 to April 1, so that it will conform with the laws in effect in the adjoining States and avoid a certain amount of confusion.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. CARTER. At what time does this measure become effective?

Mr. RANDOLPH. Next year.

Mr. CARTER. Does it become effective on the first of the year or on the first of April? What are you going to do with respect to the period from the first of the year to the first of April?

Mr. RANDOLPH. Does the gentleman mean from the 1st of March to the 1st of April?

Mr. CARTER. Does it provide for a year from the first of April to the last of March?

Mr. RANDOLPH. That is right.

Mr. CARTER. I am wondering what the people of the District who own automobiles are going to do in January of next year.

Mr. RANDOLPH. The month is March, and not January, I may say. And the automobiles now registered shall be deemed to be registered for the year ending March 31, 1940.

Mr. CARTER. Their present licenses expire in January, do they not?

Mr. RANDOLPH. No; on March 1.

Mr. CARTER. Just what does this bill do?

Mr. RANDOLPH. It extends it from March to April to coincide with the practice in the adjoining States.

The amendment was agreed to.

Mr. RANDOLPH. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: Page 2, line 11, after section 2, insert the following:

"Sec. 3. That subparagraphs (c) and (d) of paragraph 31 and paragraph 33 of an act entitled 'An act to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and other purposes,' approved July 1, 1932, are amended to read as follows:

"(c) Owners of passenger vehicles for hire having a seating capacity of eight passengers or more, in addition to the driver or operator, other than those licensed in the preceding subparagraph, shall pay a license tax of \$100 per annum for each vehicle used. No such vehicle shall be operated unless there shall be conspicuously displayed therein a license issued under the terms of this subparagraph. Licenses issued under this subparagraph shall date from April 1 of each year, but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly.

"(d) Owners of passenger vehicles for hire, whether operated from a private establishment or from public space, other than those licensed in the two preceding subparagraphs, shall pay a license tax of \$25 per annum for each such vehicle used in the conduct of their business. Stands for such vehicles upon public space, adjacent to hotels or otherwise, may be established in the manner provided in section 6 (e) of the act entitled "An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth." The Public Utilities Commission is hereby authorized to make and enforce all such reasonable and usual police regulations as it may deem necessary for the proper conduct, control, and regulation of all vehicles described in this and the preceding subparagraphs and paragraph 33 hereof. Licenses issued under this subparagraph shall date from April 1 of each year, but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly.

"Par. 33. Owners of vehicles for hire used in hauling goods, wares, or merchandise, and operating from public space, shall pay a license tax of \$25 per annum for each vehicle. Stands for such vehicles upon public space may be established in the manner provided in section 6 (e) of the act entitled "An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth." Licenses issued under this subparagraph shall date from April 1 of each year, but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly.

"Sec. 4. That an act entitled 'An act to amend paragraphs 31 and 33 of an act entitled 'An act to amend section 7 of an act entitled 'An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902, and for other purposes,' approved July 1, 1932' (Public, No. 24, 76th Cong.), approved April 5, 1939, is hereby repealed."

The amendment was agreed to.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REGULATING THE PRACTICE OF OPTOMETRY, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 5238) to regulate the practice of optometry in the District of Columbia and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from West Virginia calls up the bill H. R. 5238 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. LANHAM. Mr. Speaker, I object.

Mr. PARSONS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. RANDOLPH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 121]

Austin	Fay	Maloney	Seeger
Barton	Ferguson	Martin, Ill.	Shafer, Mich.
Bender	Fitzpatrick	Mason	Simpson
Bland	Flannagan	May	Smith, Conn.
Bolton	Gamble	Mitchell	Smith, Ill.
Brewster	Gifford	Monkiewicz	Smith, Maine
Buckley, N. Y.	Grant, Ala.	Mott	Smith, Ohio
Burch	Gross	Murdock, Utah	Smith, Va.
Burdick	Harness	Myers	Snyder
Cartwright	Hartley	Norton	Somers, N. Y.
Casey, Mass.	Hoffman	O'Brien	Stearns, N. H.
Celler	Holmes	O'Connor	Sullivan
Cluett	Johnson, Ind.	Oliver	Sumners, Tex.
Connery	Keller	O'Neal	Sutphin
Corbett	Kelly	O'Toole	Thomas, N. J.
Crowther	Kennedy, Martin	Pierce, N. Y.	Vinson, Ga.
Culkin	Kennedy, Michael	Rabaut	Wadsworth
Curley	Keogh	Rich	Wheat
Darden	Kirwan	Risk	White, Ohio
Dies	McGranery	Robertson	Wigglesworth
Dingell	McKeough	Robinson, Utah	Williams, Del.
Durham	McMillan, Thos. S.	Routzohn	Wolfenden, Pa.
Eaton, Calif.	McReynolds	Sacks	Youngdahl
Eaton, N. J.	Maas	Satterfield	
Evans	Maclejewski	Schuetz	
Faddis	Magnuson	Scrugham	

The SPEAKER pro tempore. Three hundred and twenty-five Members have answered to their names, a quorum.

Mr. RANDOLPH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. RANDOLPH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5238) to regulate the practice of optometry in the District of Columbia. Pending that motion, I ask unanimous consent that the time for general debate be limited to 30 minutes, 15 minutes on a side, one-half to be controlled by myself and one-half by the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER pro tempore. The gentleman from West Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5238. Pending that, he asks unanimous consent that general debate be limited to 30 minutes, 15 minutes on a side, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. DIRKSEN]. In there objection?

Mr. LANHAM. I object.

Mr. RUTHERFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The question is on the motion of the gentleman from West Virginia

that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5238.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Minnesota demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 207, not voting 121, as follows:

#### [Roll No. 122]

##### YEAS—101

Allen, Ill.	Cooley	Houston	Reed, Ill.
Arnold	Courtney	Hunter	Rees, Kans.
Barden	Cox	Izac	Rogers, Okla.
Barnes	Creal	Jarman	Romjue
Bates, Ky.	Cummings	Johnson, W. Va.	Sasscer
Bates, Mass.	Delaney	Kitchens	Schulte
Beam	Dempsey	Leavy	Schwert
Bell	Dirksen	Lemke	Shannon
Boland	Doxey	Lesinski	Smith, Wash.
Boykin	Duncan	Lewis, Colo.	Smith, W. Va.
Brooks	Dunn	Ludlow	Snyder
Brown, Ga.	Eberhart	McAndrews	Spence
Buckler, Minn.	Edmiston	McCormack	Stearns, N. H.
Burdick	Ferguson	McGehee	Tenerowicz
Burgin	Flaherty	Martin, Colo.	Terry
Byrns, Tenn.	Flannery	Massingale	Treadway
Cannon, Fla.	Fries	Nelson	Vincent, Ky.
Cannon, Mo.	Fulmer	Nichols	Wallgren
Carlson	Gibbs	O'Day	Weaver
Clark	Gregory	Pace	Welch
Clason	Guyer, Kans.	Parsons	Williams, Mo.
Clevenger	Hart	Pittenger	Wood
Cochran	Harter, Ohio	Ramspeck	Zimmerman
Coffee, Wash.	Havenner	Randolph	
Colmer	Healey	Rankin	
	Hill	Rayburn	

##### NAYS—207

Alexander	Folger	Kramer	Rogers, Mass.
Allen, La.	Ford, Leland M.	Kunkel	Rutherford
Allen, Pa.	Ford, Miss.	Lambertson	Ryan
Andersen, H. Carl	Ford, Thomas F.	Landis	Sandager
Anderson, Calif.	Garrett	Lanham	Schaefer, Ill.
Anderson, Mo.	Gathings	Larrabee	Schaefer, Wis.
Andersen, A. H.	Gearhart	LeCompte	Schiffier
Angell	Gehrmann	Lewis, Ohio	Schuetz
Arends	Gerlach	Luce	Secombe
Ashbrook	Geyer, Calif.	McDowell	Secrest
Ball	Gilchrist	McLaughlin	Shafer, Mich.
Beckworth	Gillie	McLean	Sheppard
Blackney	Gore	McLeod	Short
Boren	Gossett	McMillan, John L.	Simpson
Bradley, Mich.	Graham	Mahon	South
Bradley, Pa.	Grant, Ind.	Mansfield	Sparkman
Brown, Ohio	Green	Maps	Springer
Bryson	Griffith	Marcantonio	Starnes, Ala.
Buck	Gwynne	Marshall	Stegall
Bulwinkle	Halleck	Martin, Iowa	Stefan
Byrne, N. Y.	Hancock	Martin, Mass.	Sumner, Ill.
Case, S. Dak.	Hare	Michener	Sutphin
Chapman	Harrington	Miller	Sweeney
Chipherfield	Harter, N. Y.	Mills, Ark.	Taber
Church	Hawks	Mills, La.	Talle
Claypool	Heinke	Monroney	Taylor, Colo.
Coffee, Nebr.	Hendricks	Moser	Taylor, Tenn.
Cole, Md.	Hess	Mott	Thill
Cole, N. Y.	Hinshaw	Mouton	Thomas, Tex.
Collins	Hobbs	Mundt	Thomason
Cooper	Holmes	Murdock, Ariz.	Thorkelson
Costello	Hook	Murray	Tibbott
Crawford	Horton	Norrell	Tinkham
Crowe	Hull	O'Brien	Tolan
Culkin	Jacobsen	O'Connor	Van Zandt
Curtis	Jenkins, Ohio	Patman	Voorhis, Calif.
D'Alesandro	Jenks, N. H.	Patrick	Vorys, Ohio
Darrow	Jensen	Patton	Vreeland
Disney	Johns	Pearson	Walter
Dondero	Johnson, Ill.	Peterson, Fla.	Ward
Doughton	Johnson, Luther A.	Peterson, Ga.	Warren
Douglas	Johnson, Lyndon	Pierce, Oreg.	West
Dowell	Johnson, Okla.	Plumley	Wheat
Dworschak	Jones, Tex.	Poage	Wheelchel
Elliott	Kean	Polk	White, Idaho
Ellis	Keefe	Powers	Whittington
Elston	Kennedy, Md.	Reece, Tenn.	Williams, Del.
Engel	Kerr	Reed, N. Y.	Winter
Englebright	Kilday	Richards	Wolcott
Fenton	Kinzer	Risk	Wolverton, N. J.
Fish	Knutson	Robison, Ky.	Woodruff, Mich.
	Kocialkowski	Rodgers, Pa.	

##### NOT VOTING—121

Andrews	Bloom	Burch	Chandler
Austin	Boehne	Caldwell	Cluett
Barry	Bolles	Carter	Connery
Barton	Bolton	Cartwright	Corbett
Bender	Brewster	Casey, Mass.	Crowther
Bland	Buckley, N. Y.	Celler	Cullen



Curley	Hartley	Maloney	Satterfield
Darden	Hennings	Martin, Ill.	Scrugham
DeRouen	Hoffman	Mason	Seger
Dickstein	Hope	May	Shanley
Dies	Jarrett	Merritt	Sirovich
Dingell	Jeffries	Mitchell	Smith, Conn.
Ditter	Johnson, Ind.	Monkiewicz	Smith, Ill.
Drewry	Jones, Ohio	Murdock, Utah	Smith, Maine
Durham	Kee	Myers	Smith, Ohio
Eaton, Calif.	Keller	Norton	Smith, Va.
Eaton, N. J.	Kelly	O'Leary	Somers, N. Y.
Evans	Kennedy, Martin	Oliver	Sullivan
Faddis	Kennedy, Michael	O'Neal	Summers, Tex.
Fay	Keogh	Osners	Tarver
Fernandez	Kirwan	O'Toole	Thomas, N. J.
Fitzpatrick	Kleberg	Pfeifer	Vinson, Ga.
Flannagan	Lea	Pierce, N. Y.	Wadsworth
Gamble	McArdle	Rabaut	White, Ohio
Gartner	McGranery	Rich	Wigglesworth
Gavagan	McKeough	Robertson	Wolfenden, Pa.
Gifford	McMillan, Thos. S.	Robinson, Utah	Woodrum, Va.
Grant, Ala.	McReynolds	Rockefeller	Youngdahl
Gross	Maas	Routzohn	
Hall	Maciejewski	Sabath	
Harness	Magnuson	Sacks	

The SPEAKER pro tempore. The Clerk will call my name. The Clerk called the name of Mr. RAYBURN, and he voted "aye."

So the motion was rejected.

The Clerk announced the following pairs:  
General pairs:

Mr. Bland with Mr. Wolfenden of Pennsylvania.  
Mr. Kleberg with Mr. Seger.  
Mr. Woodrum of Virginia with Mr. Austin.  
Mr. Cullen with Mr. Gartner.  
Mr. Burch with Mr. Hartley.  
Mr. Robertson with Mr. Wadsworth.  
Mr. Tarver with Mr. Hoffman.  
Mr. Sullivan with Mr. Ditter.  
Mr. Satterfield with Mr. Cluett.  
Mr. Vinson of Georgia with Mr. Barton.  
Mr. Gavagan with Mr. Jones of Ohio.  
Mr. Chandler with Mr. Eaton of New Jersey.  
Mr. Darden with Mr. Crowther.  
Mr. McReynolds with Mr. Rich.  
Mr. Martin J. Kennedy with Mr. Bolton.  
Mr. Drewry with Mr. Mason.  
Mr. May with Mr. White of Ohio.  
Mr. Rabaut with Mr. Jeffries.  
Mr. Flannagan with Mr. Gifford.  
Mr. DeRouen with Mr. Rockefeller.  
Mr. Pfeifer with Mr. Bender.  
Mr. Fernandez with Mr. Oliver.  
Mr. Shanley with Mr. Thomas of New Jersey.  
Mr. Keogh with Mr. Hall.  
Mr. Maloney with Mr. Jarrett.  
Mr. Kelly with Mr. Carter.  
Mr. Bloom with Mr. Johnson of Indiana.  
Mr. Thomas S. McMillan with Mr. Osners.  
Mr. Caldwell with Mr. Corbett.  
Mr. Sabath with Mr. Eaton of California.  
Mr. Grant of Alabama with Mr. Hope.  
Mr. Boehne with Mr. Pierce of New York.  
Mr. Cartwright with Mr. Bolles.  
Mr. Dies with Mr. Andrews.  
Mr. Fitzpatrick with Mr. Brewster.  
Mr. O'Leary with Mr. Maas.  
Mr. McKeough with Mr. Smith of Maine.  
Mr. Summers of Texas with Mr. Monkiewicz.  
Mr. Scrugham with Mr. Smith of Ohio.  
Mr. Durham with Mr. Routzohn.  
Mr. Faddis with Mr. Gamble.  
Mrs. Norton with Mr. Wigglesworth.  
Mr. O'Neal with Mr. Youngdahl.  
Mr. Celler with Mr. Gross.  
Mr. Evans with Mr. Harness.  
Mr. Kirwan with Mr. Barry.  
Mr. Connery with Mr. Martin of Illinois.  
Mr. Sirovich with Mr. Dingell.  
Mr. Merritt with Mr. Smith of Connecticut.  
Mr. Casey of Massachusetts with Mr. Magnuson.  
Mr. O'Toole with Mr. Somers of New York.  
Mr. Robinson of Utah with Mr. McArdle.  
Mr. Buckley of New York with Mr. Hennings.  
Mr. McGranery with Mr. Fay.  
Mr. Dickstein with Mr. Murdock of Utah.  
Mr. Lea with Mr. Michael J. Kennedy.  
Mr. Myers with Mr. Kee.  
Mr. Maciejewski with Mr. Curley.

Mr. COLLINS changed his vote from "aye" to "no."

Mr. GREEN changed his vote from "aye" to "no."

Mr. REED of New York changed his vote from "aye" to "no."

Mr. HAWKS changed his vote from "aye" to "no."

Mr. GRANT of Indiana changed his vote from "aye" to "no."

Mr. MOSER changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

#### LIMITING NUMBER OF PUBLIC VEHICLES IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (H. R. 6477) to authorize and empower the Public Utility Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia, and to limit the number of taxicab drivers' licenses to be issued; and I ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. PATMAN. Mr. Speaker, I object.

Mr. RANDOLPH. Mr. Speaker, I move that the House—

Mr. PATMAN. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. PATMAN. I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and thirty Members are present, a quorum.

Mr. RANDOLPH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6477, and, pending that motion, I ask unanimous consent that the time for debate be limited to 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. PATMAN. Mr. Speaker, reserving the right to object, I hope the gentleman will let me have about 15 minutes. I am opposed to the bill. At one time I was a member of this committee, and I believe I know what the object is in getting this bill passed. I would like to oppose it. I would like some time in which to do it.

Mr. RANDOLPH. Mr. Speaker, I would modify the request to make it 40 minutes, 20 minutes on each side, the time to be equally controlled by the gentleman from Illinois and myself?

Mr. PATMAN. How much time would I have?

Mr. DIRKSEN. I could not tell—

Mr. THOMAS F. FORD. Mr. Speaker, I object.

Mr. SCHAFER of Wisconsin. The regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. THOMAS F. FORD. Mr. Speaker, I object.

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6477.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 36, noes 80.

Mr. DIRKSEN. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and twenty-three Members are present, a quorum.

So the motion was rejected.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. The Chair thinks he should recognize the gentleman from West Virginia, chairman of the committee, as this is District Day and the gentleman is in charge of the bills from that committee.

Mr. RANDOLPH. Mr. Speaker, this concludes the business on the District of Columbia calendar for today.

I ask unanimous consent to address the House for 5 minutes.

Mr. NICHOLS. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. RANDOLPH] asks unanimous consent to address the House for 5 minutes. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker and Members of the House, I am sure that none of you would envy an individual who serves as a member of the District of Columbia Committee of the House of Representatives. Ours is not an easy task, as we listen to the pleas of voteless citizens of the District of Columbia, study the problems here, and attempt to propose legislation for the city of Washington.

I want to pay tribute this afternoon to the members of that committee, men who give much time, a certain amount of that time naturally taken from other important duties in this body, to the consideration of legislation which that committee desires to bring to the floor of this House.

I am sure there is no Member of this body who is easier to get along with than myself. I believe that in my 7 years here, that statement is predicated upon fact. What I shall say now is in no respect a criticism of the House but simply a statement of my very deep feeling about the legislative situation for the District, a feeling which is accentuated by what has just taken place this afternoon.

Certain bills were considered by subcommittees of the House District of Columbia Committee, with hearings held upon the measures running not 1 or 2 hours but going through days and days. Yet we did not consider these measures today. Some 150 witnesses were heard, and the hearings consumed weeks of time. Now, I am sure that no member of the District Committee, at least myself, would have any argument with any Member of this body if, after a discussion of the bills upon this floor on District day, he would, after considered judgment, vote down the proposals. I do believe, however, that this House—and I say this now in a very kindly way, and I am certain my remarks are temperate and spoken in good spirit—I believe this House fails to play fair with its own Committee on the District of Columbia when the membership will not allow that committee to bring measures upon this floor and have them either passed or defeated after debate and consideration. I believe this is the regular procedure that should be followed in this body, not alone from the standpoint of bills from the District Committee but from all legislative committees. Certainly, we would have no quarrel if you would vote the bill down or if you would vote the bill up, but we feel it should be considered on its merits.

I hold no feeling against any Member who, as I understand it, failed today in his obligation to allow orderly procedure here in the House on District legislation. I do, however, feel very strongly as chairman of the House District Committee about the manner in which the bills were disposed of this afternoon. We do not bring in so many measures that are controversial. We try very hard to iron out controversies in the committee. I feel we do pretty well on that score. In the consideration of approximately 50 measures for the District of Columbia this session there has been only one or two which were controversial and about which you as Members have heard back home from your constituency. We have held up the consideration of certain measures trying to iron out the difficulties in the District of Columbia Committee before bringing those bills to the floor.

In presenting the bill which would have regulated, and we believe improved, the practice of optometry in the District of Columbia, doing away with certain evil practices in connection with advertisements in the newspapers, and in bringing before you the taxicab-limitation bill, knowing that in the District of Columbia the number of taxicabs far exceeds the number in New York City or Chicago, and that a real traffic and safety problem exists here, we of the District Committee would like to have had the opportunity of having this House consider these proposals upon their merits and vote them up or down. I trust now that you will forgive me as chairman for having taken this time in defense of the committee, and that in the future there may be perhaps a little more kindly attitude on the part of the membership of the

House in the consideration of District of Columbia legislation about which there is controversy. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. NICHOLS. Mr. Speaker, the Members have a responsibility that they probably are not responsible for; but under the law as it now exists, or under our procedure in this body and the body at the other end of the Capitol, governing the District of Columbia, when you assumed your oath of office, as a part of that oath you agreed to take your portion of the responsibility of carrying on orderly government in the District of Columbia. By a vote of this House this afternoon you just refused to do that thing which you said in your oath you would do. I agree, of course, with the gentleman from West Virginia [Mr. RANDOLPH]; no one would quarrel with you about your vote as to whether you voted for or against a bill, but here is a city of approximately 700,000 population. You do not like them. Why? Because you are mad at the newspapers? Yes; and I cannot say that I blame you for that, but your responsibility is to consider at least laws for the District of Columbia—a voteless District of Columbia, I might add. The only way under the shining sun that they can get a law is for you to give it to them. Now, if you are going to refuse to consider legislation for the District, then, in the name of common sense, let us not continue to embarrass a standing committee of this House; let us do it some other way; let us abolish the District of Columbia Committee. I do not enjoy the long hours of work I put in on that committee; it is not very popular back home even; but somebody has got to assume the responsibility, a portion of which is yours, to do something for this District of Columbia down here with 700,000 people in it without a vote, and I think it is a rather sad commentary that this House of Representatives would refuse even to consider two pieces of legislation, whether they are important or not. I venture the assertion that there is but a very, very, very small percentage of the membership of the House that has even seen the outside cover of either one of the bills they refused to consider, or know the contents of either.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. ROBSION of Kentucky. I do not wish the gentleman to make the statement of me that I am mad at the people of the District of Columbia for any purpose; in fact, I like them. I voted "no" on both these propositions because I did not believe in either bill. [Applause.]

Mr. NICHOLS. That is fine.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. JOHNSON of Oklahoma. Does not the gentleman recall that not only once but on several occasions this House heretofore has by an overwhelming vote refused to pass at least one of the very two bills that it refused to consider this afternoon?

Mr. NICHOLS. My friend from Oklahoma is entirely wrong. In the last session of Congress a bill came before the House to limit the number of taxicabs in the District of Columbia, and I led the fight against the bill, but it has not been here this session, and this is an entirely different bill from the bill that was here last year. The bill to regulate the practice of optometry in the District of Columbia was before the House for the first time this afternoon, the first time at any session since I have been here and been a member of the District of Columbia Committee.

I have no feeling in this matter, but I just think that we are not playing the game, fellows. These folks are dependent upon us. They cannot get anything that we do not give them, and I think that we ought in the future, surely, to at least consider the legislation that a standing committee of



this House has worked hard enough on to get to the floor in the shape of a bill. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, the only bill that was presented by the Committee on the District of Columbia this afternoon for what purported to be your consideration but which turned out to be not for your consideration, presents a rather curious legislative enigma to me in my service on the District of Columbia Committee. It was a bill to regulate the practice of optometry in the District of Columbia. I am quite sensitive of the fact that most every Member of the House has received a letter from the county and State optometric associations of their respective States protesting against and urging opposition to the bill.

That presents a rather curious problem to us. Being quite mindful of human frailties and of the political implications of bills presented here in the interest of the District of Columbia but which have certain repercussions back home, I can understand the general attitude of the House, because my own attitude has been precisely that on some occasions. So I suggest this query to you this afternoon: If, for instance, we are seeking to pass a bill to better regulate optometry in the District of Columbia, set up certain standards to regulate the practice of optometry, license those who are to practice here, and effectuate certain reciprocity with other States, then every optometric association in the 48 States of the Union objects. What ought to be our attitude? We are not legislating for Illinois or Wisconsin; we are not legislating for Massachusetts or Vermont; we are not legislating for New York, California, or Kentucky. The bill that must govern that practice at home is going to be determined by our respective legislatures.

We bring in a bill fashioned after considerable hearings and deliberation which is acceptable to the executive authority of the District of Columbia, namely, the District of Columbia Commissioners; it is acceptable to the optometrists in the District of Columbia; it is acceptable to most of those who came and testified before the subcommittee. There are some weaknesses in the bill. I had fashioned three amendments which I was going to offer before the bill came on for final passage. Put yourselves in our position. What are we going to do about it?

Personally, I believe there ought to be certain improved regulations, but I have no stomach for offering another bill in view of the action of the House this afternoon. It occurs to me this bill should have been considered. Of course, it will not be considered now, and I suppose it will be some time before the District of Columbia will have the benefit of a statute for the better regulation of optometrists. Right behind the House Office Building we caught a fellow last year who was peddling all kinds of eyeglasses, some heavily ground, some lightly ground, but certainly those who were going to use the glasses would have ruined their eyes. In the interest of the ocular health of the District of Columbia I thought there was some merit to the bill. Now it goes by the board.

The same statement can be made about taxicabs. I have opposed certain taxicab limitations in the District, because I did not like the basis or principle upon which the bill was set up; however, under the general rules of the House, the bill could have been perfected. There are those who believe that there exists a traffic hazard in Washington as a result of cruising taxicabs at all hours of the day and night. But in the wisdom of the House, the bill was not considered, and I assume it will go by the board also.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. DIRKSEN. I yield to my genial friend from Kentucky.

Mr. ROBSION of Kentucky. The gentleman has stated that the optometrists of the various States are opposed to this bill?

Mr. DIRKSEN. Yes.

Mr. ROBSION of Kentucky. Why are they opposed to the bill?

Mr. DIRKSEN. I assume, from what I have heard, that they are afraid this might become a so-called model measure which may be adopted by the different States of the Union, but who am I, as a Member of Congress and as a member of the District of Columbia Committee, to say in what manner the 48 legislatures of the 48 States shall legislate on this matter? I do not intend to impose my will or judgment upon them. That is a matter for the people back home to decide. But shall we impale the District of Columbia simply because somebody from back home makes the statement they do not like a certain measure for fear, a remote fear, at best, that it may become a model bill?

A year or two ago there was pending a bill dealing with real estate in the District of Columbia, a bill which I believe I had introduced. I received a letter from the secretary of a building managers' association in my State protesting against the bill. When the session was over and I got back home, he being a good friend of mine, I asked him what prompted the sending of that telegram? He said, "Oh, you know we meet these various people at the convention and one of them sent me a telegram to wire my Member of Congress that we were opposed to the bill." He said, "We had no interest in it." I fancy also that many of the State optometrical associations have no abiding interest in this bill, as such, but somebody has suggested, in the interest, shall I say, of legislative integrity, that they send a letter to their Congressman for fear this might become a model bill for the 48 States of the Union, and thus the House refuses to consider the bill by a very substantial vote. The action of the House today furnishes a most interesting commentary upon the tortuous course of legislation for the District of Columbia, a District with whose legislative responsibilities the Congress is specifically charged by the Constitution of the United States.

[Here the gavel fell.]

#### POLITICAL ACTIVITIES

Mr. DEMPSEY, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 1079), which was referred to the House Calendar and ordered to be printed:

#### House Resolution 251

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1871, an act to prevent pernicious political activities. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### CERTAIN BENEFITS FOR WORLD WAR VETERANS AND THEIR DEPENDENTS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5452) to provide certain benefits for World War veterans and their dependents, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That section 1 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended to read as follows:

"SECTION 1. (a) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, who, while receiving or entitled to receive compensation, pension, or retirement pay for 10 percent disability or more presumptively or directly incurred in or aggravated by service in the World War, dies or has died from a disease or disability not service connected shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(b) The surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or

if the person was serving with the United States military forces in Russia before April 2, 1920, and who was honorably discharged after having served 90 days or more (or who, having served less than 90 days, was discharged for disability incurred in the service in line of duty), who dies or has died from a disease or disability not service connected and at the time of death had a disability directly or presumptively incurred in or aggravated by service in the World War for which compensation would be payable if 10 percent or more in degree, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation as provided by this act.

"(c) Payment of compensation under the provisions of this act shall not be made to any widow without child, or a child, whose annual income exceeds \$1,000, or to a widow with a child or children whose annual income exceeds \$2,500. In determining annual income, payments of war risk term insurance, United States Government life (converted) insurance, and payments under the World War Adjusted Compensation Act, as amended (U. S. C., title 38, ch. 11), and the Adjusted Compensation Payment Act, 1936, as amended, shall not be considered. Except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this act shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration; and in no event shall compensation herein authorized by effective prior to the date of enactment of this act."

"Sec. 2. Section 2 of Public Law No. 484, Seventy-third Congress, as amended (U. S. C., title 38, sec. 504), is hereby amended to read as follows:

"Sec. 2. (a) The monthly rates of compensation shall be as follows: Widow but no child, \$30; widow with one child, \$38 (with \$4 for each additional child); no widow but one child, \$15; no widow but two children, \$22 (equally divided); no widow but three children, \$30 (equally divided) (with \$3 for each additional child; total amount to be equally divided).

"(b) The total compensation payable under this section shall not exceed \$64. Where such benefits would otherwise exceed \$64, the amount of \$64 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

"Sec. 3. Section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended (U. S. C., title 38, sec. 506), is hereby amended to read as follows:

"Sec. 4. For the purpose of awarding compensation under the provisions of this act, as amended, service connection of a disability at the date of death, and degree thereof where required, may be determined in any case where a claim has been or is filed by the widow, child, or children of a deceased World War veteran. Proof of disability at the date of death, and degree thereof where required, and evidence as to service connection, may be filed at any time after the date of enactment of this act or the date of death. Evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs."

"Sec. 4. In the administration of laws pertaining to veterans, retired officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, who served honorably during a war period as recognized by the Veterans' Administration, shall be, and are, entitled to hospitalization and domiciliary care in Veterans' Administration facilities on parity with other war veterans and subject to those provisions of paragraph VI (A) of Veterans' Regulation No. 6 (c), which provide for reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care."

"Sec. 5. Effective on the 1st day of the month next following the date of enactment of this act, the rates of death compensation payable under the provisions of existing laws or veterans regulations to a surviving widow, child, or children, and/or dependent mother or father now on the rolls or hereafter to be placed on the rolls as the surviving widow, child, or children, and/or dependent mother or father of any World War veteran who died as the result of injury or disease incurred in or aggravated by active military or naval service in the World War, shall be as follows:

"Widow, age under 50 years, \$38; widow age 50 years or over, \$45; widow with one child, \$10 additional for such child up to 10 years of age, increased to \$15 from age 10 (with \$3 for each additional child up to 10 years of age, increased to \$13 from age 10) (subject to apportionment regulations); no widow but one child, \$20; no widow but two children, \$33 (equally divided); no widow but three children, \$46 (equally divided) (with \$3 for each additional child, total amount to be equally divided); dependent mother or father, \$45 (or both) \$25 each. As to the widow, child, or children, the total compensation payable under this section shall not exceed \$83. The amount of compensation herein authorized shall be paid in the event the monthly payment of compensation under Veterans Regulation No. 1 (g) and the monthly payment of yearly renewable term or automatic insurance does not aggregate or exceed the amount of compensation herein authorized."

"As to the surviving widow, child, or children, and/or dependent mother or father on the rolls on the date of enactment of this act, any increased award herein authorized shall be effective from the date of enactment of this act and in all other cases, except as provided in section 6 of Public Law No. 304, Seventy-fifth Congress, approved August 16, 1937, effective dates of awards shall be governed by the provisions of veterans regulations promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933."

"Sec. 6. Subparagraph (k) of paragraph II, part I, of Veterans Regulation No. 1 (a), promulgated under Public Law No. 2, Seventy-third Congress, March 20, 1933, is hereby amended to read as follows:

"(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or the loss of the use of only one foot, or one hand, or one eye, the rate of pension provided in part I, paragraph II (a) to (j), shall be increased by \$35 per month."

"Sec. 7. On and after the date of enactment of this act, the rate of interest charged on any loan secured by a lien on United States Government life (converted) insurance shall not exceed 5 percent per annum."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

Mrs. ROGERS of Massachusetts. I reserve the right to object, Mr. Speaker.

Mr. RANKIN. I presume the lady wants a statement as to what changes have been made?

Mrs. ROGERS of Massachusetts. I know the House will want such a statement.

Mr. RANKIN. If the House will bear with me for just a minute I will be pleased to give it.

I have gone over the report carefully, and also the bill. I have a statement analyzing it that was compiled by Capt. Tom Kirby, of the Disabled American Veterans of the World War. In as few words as possible I shall give you the changes made by the Senate.

Permit me to say that I much prefer the House bill. We worked for months, we held hearings for I suppose 2 months, and finally when the bill was passed it was sent to the Senate and got through the Senate only a day or two ago with some limiting amendments. We are now drawing near the end of the session and we would like to get this bill through before Congress adjourns.

The first thing this bill would do as passed by the Senate would be to provide that if a man died from a nonservice-connected disability and had a service-connected disability of any degree, even less than 10 percent, his widow and dependents would be eligible for benefits just as though his percentage was 10 or more. One of the main objects in inserting that provision in the bill was to take care of the veterans' widows and orphans in case he should pass away. The Senate struck out the provision as it applied to the veteran, because the disability was so small, but left the provision as to the widow and orphans in the bill. So I make this statement advisedly: Under this bill, if a veteran who has a minor gunshot wound or other service-connected disability that does not disable him up to 10 percent should die and leave a widow and orphans, they are to be cared for. The ones whose disabilities amount to 10 percent or more are already cared for.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mrs. ROGERS of Massachusetts. Will the gentleman agree to call the committee together at once in order to report that provision and other good provisions that the Senate has stricken from the bill, out separately?

Mr. RANKIN. I cannot commit myself on that point, but I will do the best I can. I am not going to make that commitment on the floor of the House, and I do not think it ought to be made.

Second, the bill will provide an increase from \$22 to \$30 a month for the widow of a service-connected veteran who under present law is compensable, and who dies from any cause. If there is a widow and one child the amount is \$38, with the present rate of \$4 a month for each additional child.

Third, the law will be amended so as to make the changes conform with other sections of the amended bill.

It is estimated that 2,900 new cases would be brought in under amendments 1, 2, and 3, at an annual cost of \$1,268,000, and that there would be increases to 14,850 widows already on the rolls, at an annual cost of \$1,426,000.

Fourth, as to hospital and domiciliary care, retired officers and enlisted men of the Army, Navy, and Marine Corps, and the Coast Guard who served during a war period are placed on a parity with other veterans.



This provision was put in by the Senate, being one of the Senate amendments.

Fifth, the bill would raise the death compensation to dependents of World War veterans whose death is due to service as follows: The compensation for a widow under 50 years of age is raised from \$37.50 to \$38 a month, which is an increase of 50 cents, and a widow over 50 would receive \$45. This would be an increase over Public, 304, of \$8 per month for a widow under 50 years of age and \$7.50 for widows up to 65 years of age.

The bill would effectuate no change in the rates payable for children or dependent parents. The total amount of compensation which would be payable to widows or children is changed from \$75 as it appeared before in Public Law No. 304 to \$83. The House bill provided for \$82.50. Such increases conform with the increase in rates to widows.

The section further would change the limitation contained in Public Law No. 304, with reference to receipt of insurance payments to eliminate United States Government life—converted—insurance from the limitation. It is estimated that these increases would affect 27,800 widows at an annual cost of \$2,628,000.

The bill, as it now stands, would raise the present statutory award for anatomical loss or the loss of use of one hand or one foot or one eye from \$25 to \$35 a month. That is a material change, made by the Senate. We provided that an amputation case who was drawing under \$100 a month should be raised to \$100 a month. The Senate sought to change that, and instead of agreeing to the provision they struck it out and added this increase of \$10 a month for amputation cases. It is estimated that this would affect 9,000 World War veterans and 240 Spanish War veterans, at an annual cost of \$1,113,000.

It would reduce interest charges on loans secured by liens on Government insurance from 6 to 5 percent.

There is one thing in this bill that I do not like. It left out in some instances dependent parents. However, Congress is still in session, and we will be back here in another session on the 3d of next January. Those changes can be made later. However, I feel that with the benefits to be derived from this bill it would be a mistake not to agree to the Senate amendments and let the bill become a law at once.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. A great hardship is worked on the amputation cases by their not receiving the increase to \$100 a month as was provided in the House bill. I know the gentleman feels very badly about that. It is a very great disappointment to me.

Mr. RANKIN. From my viewpoint, I would rather that the House provision had prevailed.

Mrs. ROGERS of Massachusetts. I know the gentleman must regret exceedingly, just as I do, the Senate's elimination of the payment of compensation to veterans who are deemed less than 10 percent disabled as in the bill he will not get any compensation at all unless he has a 10-percent disability. I know the Members have had a very difficult time in securing compensation for many men because the Veterans' Administration has ruled so frequently that a veteran's disability was less than 10 percent in order to prevent compensation from being paid to him.

Mr. RANKIN. I will say to the gentlewoman from Massachusetts that the greatest hardship in that connection has fallen on the widows and orphans of these men who passed away and under the Senate bill they are taken care of.

Mrs. ROGERS of Massachusetts. They are given something, but not the men.

Mr. RANKIN. But in doing that they carried out a great portion of the objective to which we were driving.

Mr. VAN ZANDT. Mr. Speaker, reserving the right to object, the World War Veterans' Committee spent many months considering all phases of the veterans' problem before report-

ing H. R. 5452, which was later on adopted by this House with the overwhelming vote of 360 to 1. Today we have before us what is left of the bill after the Senate just about tore it to pieces by deleting from it the two most important House provisions. One which established a minimum compensation of \$100 per month for amputation cases and another providing a statutory award of 10 percent to all battle casualties.

The Senate, by emasculating this important veteran measure, jeopardizes the entire veteran program for this session. Here is the position in which the veteran supporters in the House find themselves. If this House does not concur in the Senate amendments, the bill faces a pocket veto by reason of the fact Congress may adjourn before action could be taken on same by the President. In the event of a veto by the President with the Congress in adjournment, we would be denied the privilege of overriding his veto, as has been done in the past and which I am certain this body will do again in simple justice to the deserving veteran and his dependents affected by this important measure.

In view of the precarious position of this measure as the results of the Senate action I feel, as do other members of the World War Veterans' Committee, that it is with a great deal of restraint that we reluctantly go along with the recommendations of the committee chairman by concurring in the Senate amendments in order that the bill will reach the White House at the earliest possible moment. This action is being taken with the hope that something will be salvaged from a difficult situation or, in other words, "a half a loaf is better than none."

Mr. RANKIN. Let me say to the gentleman from Pennsylvania that I cannot speak with respect to a pocket veto.

Mr. VAN ZANDT. What I have in mind is the President's former vetoes of several important veteran measures and the subsequent action of the Congress.

Mr. RANKIN. I took this proposition up with the representatives of the three principal veterans' organizations, whom we have always consulted, and I also consulted the minority members of the committee, including the gentleman from Pennsylvania, the gentlewoman from Massachusetts, and the gentleman from Michigan [Mr. ENGEL], who has been on the committee for many years, and we thought that under the circumstances it would be better to go ahead and concur in the Senate amendments, and then, if we are not satisfied, we can change the law later.

Mrs. ROGERS of Massachusetts. I will say to the gentleman that I feel it is a very cruel thing to have the bill taken up at this hour. I, personally, would like to stay in session, and already I have introduced a concurrent resolution that we stay in continuous session, in order to take up this measure and this important matter, but if there is danger of Congress adjourning, and danger of a pocket veto, as has been hinted, I do not feel that I, perhaps, ought to object. So I withdraw my objection, although I hate to do so, because I feel it is giving the veterans very short shrift. The House passed veterans' legislation weeks ago, and I blame the administration severely for the delay in bringing these bills from the other body at this late date. I believe that if there were time to send this bill to conference that we could prevail upon the Senate to agree to our House bill and if it were vetoed by the President then we could pass it over his veto.

Mr. RANKIN. I will say to the gentlewoman from Massachusetts that there is nothing cruel about it, for the simple reason that I am thoroughly convinced the only thing we could do now would be to go to conference and, probably, we would have to go to the Rules Committee to get a rule to send the bill to conference and we might lose the entire bill, as a result of the delay.

Mr. ROBSION of Kentucky. Mr. Speaker, I reserve the right to object because I want to get some information. As I understand the bill that the House passed, it gave to each veteran who had a wound due to service a 10-percent disability rating.

Mr. RANKIN. That is right.

Mr. ROBSION of Kentucky. And upon his death, or if he died before this date, it would give his widow—

Mr. RANKIN. His widow and orphans.

Mr. ROBSION of Kentucky. It would give his widow and orphans compensation.

Mr. RANKIN. Yes.

Mr. ROBSION of Kentucky. As I understand, that has been stricken out and in its place has been written a provision that will give the widow and children compensation for any veteran that had any service-connected disability before his death, even though it was not 10 percent. Am I correct about that?

Mr. RANKIN. The gentleman is correct.

Mr. ROBSION of Kentucky. But it will not give that to the veteran.

Mr. RANKIN. No.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. TAYLOR of Tennessee. Does not the gentleman think if we should pass the liberal bill that the House voted out, in the event the President vetoes it, we could pass it over his veto?

Mr. RANKIN. You mean this bill?

Mr. TAYLOR of Tennessee. Yes.

Mr. RANKIN. I think this bill will pass all right, and I believe the President will sign it.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Iowa.

Mr. DOWELL. The gentleman just stated that the House bill is preferable to the Senate amendments.

Mr. RANKIN. Yes; I think it is.

Mr. DOWELL. Then is it not possible to get a conference with the Senate?

Mr. RANKIN. That is exactly the thing we do not want and I have consulted not only with the members of the committee, but with the veterans' organizations. One man can object and send this bill to conference and, probably, kill it; and that is what we do not want.

Mr. DOWELL. No one wants to kill it, but if it should go to conference—

Mr. RANKIN. We have no assurance that the Senate would recede and we are afraid we might kill it by such action. We might become tied up and leave this bill hanging in that way until Congress adjourns.

Mr. DOWELL. And this is the best bill that we can get? If the House bill is better, I think it unfortunate we cannot get it, but if this is the best bill we can get under the circumstances there seems nothing else to do.

Mr. RANKIN. I think it is the best we can get under the circumstances.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

#### BENEFITS TO WORLD WAR VETERANS SUFFERING FROM PARALYSIS, ETC.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2296) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. The gentleman from Mississippi calls up the bill H. R. 2296, with Senate amendments thereto, and ask unanimous consent to concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 1, line 6, after "disability", insert "and who was in receipt of compensation therefor on March 19, 1933."

Page 2, line 2, strike out "1934" and insert "1934, as amended by section 5 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937."

Page 2, line 6, strike out all after "further", down to and including "parents" in line 18, and insert: "That where a World War veteran

dies or has died from disease or injury, service connection of which is or would have been reestablished under the provisions of this act, his surviving widow, child, or children, if otherwise eligible thereto, shall be awarded death compensation under Public Law No. 484, Seventy-third Congress, as amended."

Page 2, strike out lines 19 to 23, inclusive.

Page 3, line 1, strike out "3" and insert "2."

Page 3, line 1, after "Payments", insert "to veterans restored to the rolls."

Page 3, line 2, after "act", insert "and payments to widows or children shall be effective the date of enactment of this act."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I reserve the right to object in order to ask the gentleman to explain the purposes of the Senate amendments.

Mr. RANKIN. Mr. Speaker, as is well known, somewhere back in the beginning of World War veterans' legislation a provision was written into the law which denied a veteran compensation where his disability was attributable to his misconduct. That does not apply to any other veteran in any war that we had ever had. It does not apply to Civil War veterans, and it does not apply to Spanish War veterans. It is cruel and unjust.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. ROBSION of Kentucky. It did apply to the Spanish War veterans, but in 1930 we had it taken out of the law.

Mr. RANKIN. But it does not apply to them now.

A large number of these men, 1,100 or 1,200, are, some of them paralyzed, some blind, some bedridden, and we agreed to an amendment that will take care of them. The Senate changed it to some extent. According to the Senate bill it would restore to the compensation rolls veterans who were on the rolls on March 19, 1933, suffering from paralysis, paresis, blindness, or who were helpless or bedridden. That was the economy bill that struck these men from the rolls. As in the case of service-connected cases, under statutory presumption, compensation of these misconduct cases would be rated at 75 percent of what is paid in directly service-connected cases.

Widows and children in misconduct cases in which veterans have died since the Economy Act or in cases of alleged misconduct cases in which the veteran dies in the future would be granted the same allowances as go to widows and children of compensable veterans who die from causes other than those for which compensated. It is estimated that 1,100 veterans would be restored to the rolls under this bill at a cost of \$1,198,000.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. ZIMMERMAN. Is there any provision here to keep the Veterans' Administration from finding after almost 20 years that a man was guilty of misconduct, after he has drawn compensation for all of these years, as in cases that have come to my observation in the last couple of years?

Mr. RANKIN. Even if they did find it now he would be taken care of under this law.

Mr. ZIMMERMAN. I am very glad of that.

Mr. RANKIN. I have tried for years and years to get that provision taken out of the law. It has been penalizing some of the best soldiers we ever had. It has disgraced them for life, and has visited that disgrace upon the widows and children after they have died. This bill comes as near doing justice to these men as anything that we have ever been able to get through both Houses. I hope that no one will object to this request and that the President will sign it and that it will soon become law.

Mr. GEYER of California. The gentleman says that the Senate did something to this bill?

Mr. RANKIN. The Senate made some slight changes.

Mr. GEYER of California. And the gentleman has just read them?

Mr. RANKIN. Yes.

Mr. GEYER of California. I misunderstood the gentleman.



Mr. RANKIN. My recollection of the way we passed the bill, we put these presumptive cases all at 100 percent. The Senate put them back to 75 percent, because the presumptive cases now who are not charged with misconduct draw only 75 percent as much as a man not charged with misconduct.

Mr. GEYER of California. Of course, it is deplorable that the Senate would do that, but I suppose it is the best we can do.

Mr. RANKIN. Do not blame the Senate, because this original provision did not originate in the Senate. It originated in the House of Representatives 20 years ago.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RANKIN. I yield.

Mrs. ROGERS of Massachusetts. It restores all who went out under the Economy Act, does it not?

Mr. RANKIN. I think it does. I think it just about restores those men who were stricken out as a result of the so-called Economy Act and takes care of their widows and orphans.

Mr. IZAC. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. IZAC. I notice it covers only paresis and similar ailments. How about insanity and the neuropsychiatric cases?

Mr. RANKIN. I think you will find that it covers them. Not only that, but they are all hospitalized.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. JOHNSON of Oklahoma. I congratulate the gentleman on bringing in a report of this kind, even though it is not altogether satisfactory. This remedial legislation should have been enacted several years ago. I know the gentleman from Mississippi, the distinguished chairman of the Veterans' Committee, has been earnestly advocating this amendment for several years. This is a long delayed justice to many needy, deserving World War veterans who have been discriminated against.

Mr. RANKIN. I thank the gentleman from Oklahoma, who is himself an overseas veteran and a real friend of the veterans.

The SPEAKER pro tempore. Is there objection?

Mrs. ROGERS of Massachusetts. I shall not object. The same situation exists here that exists in the other veterans' bill under discussion today, and that is fear of a pocket veto, and the House must make sure of as much as possible for the veterans.

Mr. VAN ZANDT. Reserving the right to object, Mr. Speaker, the House passed this bill some time ago unanimously?

Mr. RANKIN. I think there was one dissenting vote.

Mr. VAN ZANDT. Not on this particular bill.

Mr. RANKIN. No; I believe not on this bill.

Mr. VAN ZANDT. Is it not true that this bill is a step in the direction of removing the misconduct clause from all existing World War legislation?

Mr. RANKIN. That is right. It is belated justice.

Mr. CASE of South Dakota. Reserving the right to object, can the gentleman state whether or not these cases will be automatically reviewed if this bill becomes law, or will it be necessary to have new applications made?

Mr. RANKIN. I do not know whether they will be automatically reviewed or not, but they will go back on the rolls, or be entitled to go back on. They may have to make new applications.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. GREEN. I hope the gentleman's committee will give favorable consideration to bringing out a special pension bill for the World War veterans.

Mr. RANKIN. That is what the gentleman was asking about a while ago. That will be taken up later.

Mr. CASE of South Dakota. Of course, in mental cases it will be very difficult to file new applications.

Mr. RANKIN. Oh, yes; those cases are all taken care of. I hope no one will object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendments were agreed to.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on these two bills, if they so desire.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, following the legislative program and any other special orders that may be made, the gentleman from California [Mr. LELAND M. FORD] be allowed to address the House for 25 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### BONNEVILLE POWER

Mr. PIERCE of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PIERCE of Oregon. Mr. Speaker, there appeared recently in one of the daily papers in Portland, Oreg., an article, Why Hasn't Bonneville Power Been Sold? A reply to this brilliantly written article has been written by an Oregonian in Washington. This answer, in the shape of a letter, is a clear and concise statement showing the forces which seem likely to prevent the people of the Northwest from enjoying the benefits which will come from the cheap electric energy developed on the Columbia River. That there is great danger that the objectives of the T. V. A. and the Columbia River projects may be thwarted by privileged private interests, there can be no doubt. The Pacific Northwest can be made by Columbia River power and navigation projects into a new world, provided those in control are faithful to the trust imposed upon them.

I ask unanimous consent to revise and extend my remarks and to include therein the letter heretofore mentioned, written by Cornelia Marvin Pierce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The letter referred to is as follows:

#### SELLING BONNEVILLE POWER THROUGH "FIRST CITIZENS"

To the "Lesser Citizens" of Oregon:

Why hasn't Bonneville power been sold? This question is emblazoned across the top of a page of a Portland paper for July 2, 1939. The subhead is, "Opposing factions bicker over distribution of current while big generators whirl uselessly."

As a matter of fact, Bonneville power is being sold. The contracts may soon be signed, selling all available Bonneville power, so the Acting Administrator announces in the Portland paper just received. He predicts capacity power contracts within 6 months and forecasts immediate use for all which will be generated when the new installations are completed. This means that the private utilities are ready and will get most of the power, except for legal reservations. This July 10, 1939, is a day which the Pacific Northwest will long remember. It is less than a week since July 4, the Independence Day of our forefathers. Today Bonneville power seems likely to be absorbed by the private utilities and Bonneville navigation benefits are endangered, if not destroyed, by a transportation bill introduced into the House by its Commerce Committee, similar to Senator WHEELER's bill which has already passed the Senate. We shall later get a special name for this day.

#### FARM BENEFITS SEEM DOOMED

We frequently heard, in the early Bonneville days, that the great dam which spans the Columbia was a dual-purpose dam. It was for power which would offer a new opportunity to the toilers of the Northwest, and for navigation which was to mean so much to the wheat farmers, enhancing land values and reducing freight rates to Portland. That, too, appears to have been just a rosy dream. Transportation rates on gas went down under competition a few weeks ago, but the Government soon put a stop to that. When we came to Washington in 1933 it cost 21½ cents to carry our 23-cent wheat 300 miles to Portland and put it in the warehouse. It hardly seemed worth while to grow wheat.

Now with public power and navigation benefits endangered, what is left of Bonneville benefits for the average citizen? The Portland Chamber of Commerce representative told the farmers plainly that

their sole part in Bonneville was to be the production of food for the workers massed in Bonneville industries. They knew that kilowatts don't eat. They left the farmers to find that out after the power was sold to "first citizens." Possibly the farmers may still feed some tourists who come to look at the dam, but there are two other benefits still left which may trickle down to the common people, the "lesser citizens" of Oregon, if they will just hold out their little tin cups to catch the trickles. There are two Pierce bills which might still help. One bill extends 1 year, to January 1, 1942, the time for reservation of half of Bonneville power for the use of publicly owned distributing systems. The other would provide for the use of Bonneville power for Government manufacture of sodium chlorate, the much needed weed killer, thus cheapening its price.

It is necessary to get a public-utility district all finished before the Government may contract to sell it power, but a private-utility bankruptcy must just be filed in order to make the company available for contracts. So the "lesser citizens" of Oregon and Washington who have seen the power and navigation benefits of Bonneville monopolized by its "first citizens" may still hold out their little tin cups in the hope that some "first citizen" passing by might be moved by pity to toss a privilege into the cup of the "lesser citizen." But there is quite a story in connection with the sale of Bonneville power, and that is the first story which I want to tell my friends among the "lesser citizens" of Oregon, and I shall set about it with the promise that the other stories, particularly about primary elections, etc., shall be told later. (I still think it was the intention of the President that Bonneville should benefit the people of the Northwest. These things cannot be done in a flash. It requires sustained effort and a tremendous fight. Those who have the vision cannot always carry the burden of the struggle.)

#### PUBLIC-POWER MARKETS DELAYED

Why has Bonneville power not been sold? That is a very pertinent question to be asked by the people of the Pacific Northwest, but to whom shall it be directed? My speculation turns in other directions from those taken by the scintillating author of the Sunday Magazine Section. From my observation post in a different location I offer a reply, in several sections. There might be many more, but these very naturally occur to anyone who has been interested in Bonneville power and who has moved, as have the obstructionists, from coast to coast, from the battlefield in Oregon to the battlefield in Washington, D. C. These reasons have not been advanced by the other observer. The theme of the obstructionists has always been that there is no market for Bonneville power except through the private utilities. The plan has been to destroy the market which might be afforded by publicly owned municipal plants, public-utility district, and Rural Electrification Administration power projects. This could be done by routing transmission lines away from municipal projects and by keeping others from organizing. The idea of the opponents of public power was to delay until only private utilities were ready, and then hurry to sell all the power before the public utilities could get ready.

The Bonneville Act reserves 50 percent of the power for such public organizations until January 1, 1941. Delay was therefore the very apparently advantageous strategy for the private-utility companies, which will undoubtedly oppose extension of this period.

The utilities apparently realized, as Mr. Pierce has often pointed out, that they could not distribute Bonneville power at low rates, passing on the benefits, because of the impediment of their great debt burden. Naturally one asks how this debt was accumulated during such prosperous times for the utilities, and during their great expansion period. The answer is that it was because of manipulation by which the profits were taken by financial holding companies instead of being honestly used to pay investors and amortizing the debt.

The author of the interesting newspaper article is in error when he says that the public power advocates planned Bonneville power project. It was actually planned from the start by certain people that it should be used for the benefit of the private utilities and private industry. I myself heard the official representative of the Portland Chamber of Commerce state this before 200 or more people gathered in Washington to celebrate Oregon's seventy-fifth anniversary. The orator said that the sole purpose of Bonneville power was to provide power for industry at tidewater; that it was not to be used to reduce the rates of private consumers, nor to take electricity to farmers. This was the plan of the Portland Chamber of Commerce from the beginning. This is why representatives of the private utilities have so bitterly fought transmission-line appropriations by Congress.

#### THE WASHINGTON WATER POWER CO. TAKES CHARGE

The first reply to the question, "Why is Bonneville power not sold?" must always be an explanation, yet to be made by the Government, of the reason for refusing to use the great quantities of Bonneville power in Government construction at Coulee Dam. This would have solved the problem of early use. This would have taken a part of the idle power until the public power districts had been organized, if the private utilities had allowed them to start. It was the original plan.

With these facts in mind, I shall now launch out on a sort of "farewell to Bonneville" for which words and music will undoubtedly be composed as time goes on, as it is destined to become the folksong of Oregon.

First, I would mention the glamorous Mr. Robinson, president of the Washington Water Power Co., of Spokane, ruling a far-flung empire extending from Spokane and Grand Coulee by a somewhat devious route through Portland, eastern Oregon, and Idaho,

to Washington, D. C., and New York City. I mention New York because it is the home of the parent company to which agency alone Mr. Robinson yields supremacy—the Electric Bond & Share Co.

For brevity's sake I will use the term exhibit A as a short appellation for Mr. Robinson, president of the Washington Water Power Co., of Spokane, a subsidiary of the Electric Bond & Share Co. of New York.

I do not see the Spokane papers, but I just take it for granted that Mr. Robinson must have been elected "first citizen" by the publicity organizations of that compliant city.

And speaking of parents, I might just as well clear relationships and give a few genealogical items right here, because those who watch the summer struggle in Spokane will find them interesting. The Washington Water Power Co. is actually the child of the American Power & Light, which is papa; the Electric Bond & Share is grandpa, and the Chase National Bank of New York is great-grandpa. How greedy these parents and grandparents are in relation to the earnings of their progeny. It takes a lot of money to support Wall Street relatives. Grandpa being in debt has claimed practically all the earnings of his offspring; nothing was left for "investors" of the far West. Actually they were not investors, as it amounted to taking up a collection for grandpa in New York.

Incidentally, I might mention that this parent company wrote up and wrote down about a half-billion dollars of electric securities of companies such as Mr. Robinson operates, and is now in arrears about \$92,000,000 on dividends due its stockholders. Evidently the Portland author had not followed the career of this busy and successful agent of the private power companies. There if, of course, much I do not know. My knowledge is very sketchy but, pieced together, these little items make a patchwork quilt which should take honorable mention, if not the blue ribbon, in the exhibit of the private utilities' successful manipulations against public power, especially in relation to Bonneville, Grand Coulee, and Rural Electrification Administration projects in the Pacific Northwest. Patches might even be found in eastern Oregon and Idaho irrigation districts where the first tottering steps of the brilliant child were taken.

Those interested to account for delays might get a side light by looking about that region of eastern Washington and pondering the facts on the Government's rural electrification projects as touched in the same section by the same exhibit A. These projects also were potential users of Bonneville and Coulee power. It is generally reported in Washington that while Mr. Robinson, exhibit A, was the Senate committee's chosen adviser and Coulee's chosen heir, he was also the chief obstructionist to Government progress on rural electrification plans to consummate projects begun in that section.

For factual material, let us turn first to Washington during this session of Congress. The Bonneville transmission line appropriation was before the Senate Appropriations Committee after having passed the House. Exhibit A (I will use this term as a short appellation and plans. It was a closed session of the Senate committee, and he was the only person privileged to discuss the Bonneville appropriation for the information of members of that committee. His feeble argument on markets, which seemed so strong when coupled with his magic presence, was, perforce, filed officially and is available for study by those of us who are vitally interested in preserving Bonneville for public benefit, but were excluded from the Senate session.

#### WHY SHOULD SPOKANE PREFER PRIVATE POWER?

To show the power of exhibit A, let us turn quickly, as does Mr. Robinson, to Spokane, the city in the shadow of Coulee, and so immensely benefited by it. Through its municipal council this city has just agreed to renew for 25 years the light and power franchise granted the company of exhibit A, though the present franchise had still 5 years to run, and the city charter forbids granting renewals within 3 years of the expiration date of the present franchise. The new franchise, which would be granted for this generation and the next, would give to a private company the exclusive right to furnish power and light to that western city largely maintained by a Federal Government pay roll. To be entirely accurate, and to continue my genealogical data, I should say that the new franchise is actually granted to the Central Heating Co., the offspring and a subsidiary of the Washington Water Power, which now becomes "papa" in its own right. Just watch it soak Spokane for its "sonny boy."

Fortunately there are in Spokane some sensitive persons who are not willing to be bought and sold even through the mechanizations of the brilliant Mr. Robinson, who has such keen foresight. Spokane's "lesser citizens" were outraged. The referendum has been called, and this summer there will be an election held to determine whether Spokane shall benefit from Grand Coulee power or shall turn the benefits over to the defaulting Electric Bond & Share Co., of New York, through exhibit A.

Incidentally, I should mention that when Grand Coulee appropriations are under consideration in Washington, the city of Spokane bawls loudest for the full amount. Evidently its "first citizens" on the local council understand something of the advantages of private utilities. They must have been well schooled by Mr. Robinson before they agreed to forego all the power advantages of mammoth Grand Coulee Dam.

#### BONNEVILLE POWER FOR COULEE CONTRACTS

I have described Mr. Robinson's activities because they are typical of those working to destroy public power development. Really of most significance as related to Bonneville delays is the fact that



the electric power needed in Grand Coulee construction is to be furnished for the next 5 years by this same Washington Water Power Co. Spokane's brilliant "First Citizen" managed to overcome the reluctance which businesslike contractors must have felt when they decided to forego the opportunity of cheaper Bonneville power and to tie themselves up for 5 years to the power furnished from Spokane by the Washington Water Power Co. The late J. D. Ross planned that Grand Coulee should buy the first great block of Bonneville power, and that the necessities of the Grand Coulee construction would furnish an immediate and continuing income for Bonneville, taking great lots of power until the public power districts could be formed in Washington and Oregon. Mr. Ross was a man of vision and had great and sometimes misplaced confidence in his fellow men. He naturally assumed that the Government of the United States, which was constructing both Bonneville and Grand Coulee with public funds, would be interested to help secure a customer for Bonneville through the Reclamation Service of its Interior Department, under which Coulee is being constructed. But Bonneville's best potential customer was lost. The transmission lines to Coulee were of first importance in the Ross plan. They were pushed as a first project of Bonneville. Now only the eastern Oregon and Washington deserts are left as sole beneficiaries of this example of Mr. Ross' vision and foresight.

Mr. Ross knew that the process of forming public-utility districts for the utilization of Bonneville power would be slow, but how slow it might be made, no one unacquainted with the skill of "first citizens" could possibly foretell. It is strange enough that the United States Government, through its Interior Department and Reclamation Service did not come to the aid of those who should have carried out the plans entrusted to them for Bonneville distribution for public benefit. Surely the public will be amazed and chagrined to learn that the contractors, and the Government with which they contracted, have not been impressed with the advantages of cheap Bonneville power. Surely it is an amazing thing that the interests of both projects, Grand Coulee and Bonneville, were sacrificed for exhibit A.

I speak frequently of "government." Government is not wise nor all-seeing. It consists of a few individuals in high places who have so many responsibilities and duties they must delegate most of them, so the decisions on matters like Bonneville must often be made without adequate investigation or delegated—to whom? "First citizens?" They are so handy, always on the spot, always well-informed, and always resourceful. The best intention is often perverted to something really destructive, and the official is frequently unaware of the significance of an act.

#### A PORTLAND UTILITY SETS THE PACE

Let us turn now from Spokane and the blinding glitter of exhibit A to the "first citizen" of Portland, Ore. Now, I do read the Portland papers, and I know that exhibit B, Mr. Franklin T. Griffith, of Portland, was chosen officially by the publicity agencies of Portland as its "first citizen." Just what do you imagine the Portland Electric Power Co.'s thousands of defrauded stockholders must think of the secondary and "lesser citizens" of Portland when they learn that the man who lured their savings as an "investment" is its "first citizen"? I have just heard from an Oregon visitor here in Washington the story of two old people losing \$10,000—their total old-age and burial funds, through Pepco's second reorganization or bankruptcy escapade in a very few years, a bankruptcy so costly to those humble people, who are something less than "first citizens." Yes; the burial funds of practically all the thrifty people in the Willamette Valley will be paying for receivership of Pepco, just as they have paid for the delays in the selling of Bonneville power. The burial-fund victims must be entirely familiar with the obstructionist tactics of Portland's "first citizen" and Pepco's president, who has spent so much of the investors' savings to defeat in the Oregon Legislature the bills necessary to enable Oregon to benefit from Bonneville.

Do you ask whether the Federal Government should contract with a company undergoing two bankruptcies or organizations within a few of utilities' most prosperous years? What happened to all those earnings? Might the Federal Government also lose its burial funds if it contracted with "first citizens" who manage private power companies? Is it safe for the Government to contract with companies which have shown little regard for even group-insurance contracts? Yes; it takes some time to get bankruptcies through the court. Why should there not be delay in the sale of Bonneville power until these important matters are concluded?

Then what great blocks of burial funds have been spent to obstruct the organization of public power districts in Oregon, which were preparing to use enormous quantities of Bonneville power. If it had not been for the activities of Portland's "first citizen," with the funds procured from the "lesser citizens" of Oregon, the 50-percent reservation of Bonneville power for publicly operated districts might be pretty well pledged by this time.

#### DELAY HAS BEEN THE PROGRAM

Delay has been the program, and delay will continue to be the program, laid out by the private utilities. The "lesser citizens" of Oregon and Washington may not fully realize the potency of their "first citizens" in State and National capitals, in chambers of commerce, and other places where "first citizens" congregate. "First citizens" are welcome guests in committee rooms and offices of the air-cooled buildings of Washington, D. C., where they become the advisors and helpmates of those who rule over us and over Bonneville. Whether on Capitol Hill or in the buildings below the hill which the tourists view with such awe, wherever the symbol of

government is installed there will be found the "first citizens" or their henchmen who can open offices in Washington to do their bidding in a minor way when the "first citizens" are occupied with legislatures and bankruptcies at home.

I shall not continue to enumerate all the reasons why Bonneville power has not been sold. But I would like to say that I noticed that the magazine section article casually mentioned the chief reason: Delay. Delay has been the order of the day; it has, as I said, been the program, and it may continue to be the program in Washington, D. C., in Washington State, and in Oregon. Delay, even if not calculated, nevertheless, has been the chief factor in obstruction of the opportunities giving Bonneville power for public use. These delays, even if not calculated, have been almost fatal to the success of Bonneville as a public power project. First, the illness of Mr. Ross and months with no plan and no substitute. The long delay in appointing a successor as Administrator. Finally, this problem unsolved and an Acting Administrator selected, with the future still uncertain. Naturally, the delay in appointment of Administrator is most satisfactory to the private companies, even though the Acting Administrator is a man of great ability and integrity. In the interval, exhibit A, the meteoric Mr. Robinson, and exhibit B, "first citizen" Griffith, are busy and effective on both fronts, the Pacific coast and the Atlantic coast—with Washington officialdom and otherwise. They flit here and there, visiting important officers, planning still further delay and strategic moves, which will turn Bonneville power to the only market they have permitted to exist—the private utilities. Bonneville still has no permanent head and no permanent staff. If a public-ownership man should be made Administrator, he would fall heir to a permanent organization which he might have difficulty in molding to that purpose.

#### GOVERNMENT REFUSES AID TO PUBLIC POWER

The Bonneville Act, giving it an Administrator and setting forth his powers and duties, originally contained a provision requiring the Administrator to help the groups trying to make organizations for the use of Bonneville power through public power districts and municipalities. That provision was stricken from the original bill by the careful planning of the utilities, so now the burden of initiating and financing movements for power districts rests upon the "lesser citizens," who are busy with their own affairs, and who have paid so much tribute to the private power companies that it is difficult for them to finance these expensive undertakings. It does not appear that the "lesser citizens" who have so courageously undertaken the organization of power districts have fully appreciated the advantages enjoyed on both coasts and in State and Federal legislative bodies and other halls by "first citizens." It is the T. V. A. policy to help the people in their unequal struggle for the right to use the power generated at a Government project.

For further detail, we might ask the citizens of Forest Grove and McMinnville just how they feel toward those who are reported to have deprived them of Bonneville benefits, which they were promised they might enjoy, through the construction of secondary and feeder Bonneville lines to their successful municipal plants.

Delayed industrial development is given in the article as another cause of the failure to sell Bonneville power; also, the Pierce weed bill. This is all another story; the details of these stories might be followed in Washington and Oregon Legislatures and municipal chambers, but they are too complex to be included here. It is, however, pertinent to raise the question as to whether "first citizens" will also be allowed to punish farmers by denying Bonneville power to make them cheap sodium chlorate in a Government plant. This weed exterminator is now so expensive and so essential in the great weed-control campaign that "first citizens" are determined that the Government shall not manufacture it, but that exclusive rights to Bonneville power for that purpose shall be granted "first citizens" of another section who have so successfully monopolized Niagara power. Yes; if "first citizens," some chambers of commerce, and legislatures have their way, the farmers also will be penalized, but that fight is not yet over.

The rushing waters of the Columbia have been stilled for miles, not for the benefits which the public might have enjoyed but apparently only to murmur endlessly a slow dirge over the saddest lost opportunity in the history of the Pacific Northwest.

#### PUBLIC POWER WILL WIN

I say to the public-ownership friends in Oregon that this fight, carried on in Washington so long by Oregon's Representative from the Second District, must be carried to the end. We may lose another round just as we have lost others, but we must come back and continue the struggle. Keep your eye on contracts, privileges, and transmission lines. Pay no heed to idle rumor; insist upon the facts; study budgets and congressional hearings. It will be shameful to betray such a cause. Select your own "first citizens," and have a care when you do it. All who cry "public power" are not free from the control and money taint of the privately owned utilities, which have fought to be the sole beneficiaries of power generated on Federal projects. Public-ownership advocates have demanded only a 50-percent reservation. The private utilities have schemed in order to secure the whole benefit.

Bonneville, Coulee, and the irrigation dams which had valuable power rights given away by governmental agencies, have taught us expensive but valuable lessons. "Lesser citizens," you must determine that you, also, shall benefit from our natural resources, and you must work, sacrifice, study, and demand your rights when you know what they are.

Delay! Why hasn't Bonneville power been sold? What is the cause of the delay? It takes time to get bankruptcies through the

courts; it takes time to squeeze out obligations to "lesser citizens"; it takes time to kill public-utility district bills in legislatures; it takes time to kill P. U. D. elections by organizing taxpayers' leagues. Why was Bonneville power not sold more quickly? Why did public power districts not take it? Ask the "first citizens."

Yours for public power,

CORNELIA MARVIN PIERCE.

#### EXTENSION OF REMARKS

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a radio address I made last night.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a memorial from the General Assembly of the State of Ohio regarding the Anthony Wayne Memorial Parkway.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STEARNS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein an editorial from the Concord (N. H.) Monitor, on the question of neutrality.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article from the Philippine-American Advocate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made today, and also to extend my remarks and include therein a statement of the members of the membership committee for the preservation of the Fair Labor Standards Act.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a resolution of the Bar Association of Illinois.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 20 minutes.

#### PROGRAM OF EMPLOYMENT

Mr. VOORHIS of California. Mr. Speaker, the reason I have asked for this time this afternoon is not so much to discuss the immediate details of legislation as to ask the House to bear with me for a short time to consider the big problem that America faces.

I want to begin by pointing out that up to date in this Congress we have made provision for a very much smaller program of employment resulting from governmental expenditures than was done last year. The W. P. A. can be only two-thirds as big in the coming year as it was last year and keep within the appropriation. Last year, furthermore, we had \$965,000,000 available for P. W. A. loans and grants; this year so far nothing. The President has made his proposal for a program of self-liquidating loans and Government investment apparently as a substitution for P. W. A.; but unless we get action on that program it will be of paramount importance that P. W. A. be extended, and if that is not done, or if W. P. A. is left in the shape it is in now, I am going to predict that we are going to be called back into special session in the fall of the year because of the necessity of doing something to further stimulate employment.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. COCHRAN. I understand that the chairman of the Committee on Banking and Currency introduced a bill today that the President recommended.

Mr. VOORHIS of California. I thank the gentleman. I am very glad indeed to know that. I believe that if we can pass that bill in good shape it will be of very great assistance.

The main point I am making is that it is most important for us to do something of the sort before we adjourn.

Mr. COCHRAN. When the chairman of an important committee himself introduces a bill it looks as though we would get action on it.

Mr. VOORHIS of California. The gentleman is undoubtedly correct. I thank the gentleman for the information.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield gladly to my distinguished and able friend from Mississippi.

Mr. RANKIN. It looks to me as if we were going to get a settlement of the T. V. A. controversy. I do not know whether the gentleman from California is familiar with what is going on or not.

Mr. VOORHIS of California. I am very much interested in it.

Mr. RANKIN. I know the gentleman is interested, but I did not know whether he was familiar with what is going on. It looks as if we might get a settlement within a very few days now.

Mr. VOORHIS of California. I believe it would be one of the finest things that could happen to the United States of America at this time.

Mr. RANKIN. I am in agreement with the gentleman from California.

Mr. VOORHIS of California. The main point I want to bring to your consideration this afternoon is the fact that whenever there has been a considerable increase in Government employment and public works, there has been a corresponding betterment in general conditions throughout the country. At the same time there has taken place an increase in the public debt, and more and more we hear from the esteemed gentlemen in the House, notably the gentleman from Pennsylvania [Mr. RICH], speeches about the problem of that national debt and the amount of "red ink" we are up against. Presumably their point of view is that we should at once balance the Budget by curtailment of these governmental expenditures. I take it that, generally, is the position of the Republican Party. What I want to say most of all this afternoon is that you cannot save the situation by that kind of method, and my reasons I will try to explain.

If we try to proceed to balance our Budget by the curtailment of employment on W. P. A., reduced farm-security loans, and cutting down similar enterprises, here is what would happen inevitably: You might, it is true, have a burst of sudden enthusiasm on the part of some of the people of money who would pour some of their funds into Wall Street, and there might be a flurry of activity, but it could not last; and the reason it could not last is because at the bottom of our problem is a problem of lack of balance between the capacity of the industries in this country to produce wealth on the one hand and the people's ability to buy the goods they produce upon the other. Just as surely as we get away from this conception we are going to run into bypaths where we will not find the answer to our problem.

#### IS EVER-MOUNTING DEBT INEVITABLE?

An attempt to balance the Budget by the curtailment of these expenditures would mean a deflation of serious consequences, it would mean an increase in the value of the dollar and a corresponding decrease in the value of all goods produced, including agricultural commodities. It would mean an increase in the real debt burden and in foreclosures and bankruptcies, and it would bring about a situation far worse than any we have seen yet. As we weigh these questions, shall we therefore conclude that the only answer to our problem is that we must necessarily have an ever-mounting public debt? I think that is not the answer to the problem, and for the following reasons:

#### REASON FOR INCREASE IN PUBLIC DEBT

The real reasons for the increase in public debt recently are these: Up until 1929 private enterprise was borrowing at a very considerable volume in order to finance additional production and expansion. Furthermore, consumers in the Nation had contracted by 1929 a total indebtedness of



\$11,000,000,000—largely by buying on the installment plan. They were really trying to purchase more goods than they could pay for out of their current incomes. They were postponing the depression. Furthermore, up until the year 1933 local governmental bodies were borrowing on the average of \$1,000,000,000 per year. Since that year their total indebtedness has not increased. The increase of the Federal public debt since that time has not been an over-all addition to the total indebtedness of the country, but most of it has, rather, been a substitution for the indebtedness formerly contracted by private industry and local governmental bodies. The next point in this connection is a very simple one.

#### AMERICA'S DEBT MONEY

America transacts 95 percent of all her business transactions by means of what I call check-book money, which is to say that the medium of exchange that we use is not cash but mostly bank credit. Now, additional bank credit is brought into circulation only when people borrow at the banks and when the banks create deposits for the borrowers against the borrowers' security, if any. The commercial banking system of the Nation can expand in this way up to about five times the amount of the reserves that they hold with the Federal Reserve System.

Therefore, it is evidently the case, and the most singular factor in the whole picture, that the contraction of additional debt by the Government is principally for the purpose of inducing the banks to create a medium of exchange. In other words we are presenting them with Government bonds to induce them to create some more of this peculiar type of money that we depend upon today.

#### HOW TO GET RID OF THE "RED INK" WITHOUT CAUSING WORSE DEPRESSION

If we remember, then, that if private borrowers do not borrow, the Government must, and that America is dependent for a medium of exchange on bank credit, I believe we will then see what is evidently the case, that the way you can get rid of this "red ink" we are worried about is to take the very reasonable position that when the people of the United States increase through their industry and enterprise the capacity of this country to produce wealth, they thereby earn the right to have their sovereign Government exercise its sovereign right to bring into circulation an additional volume of money in order to prevent a deflation in the value of goods and services produced, and to prevent an increase in the value of the dollar with the consequent increase of the real debt burden.

All I am contending for is governmental action in the exercise of its sovereign right to have the sole power in this Nation to bring money or credit originally into circulation and the exercise of that right upon the principle of maintaining always a stable value in the dollar. We find today that in order to maintain a steady growth of prosperity in the country and increase our productive capacity we must increase the public debt; but under a rational system such as I am talking about, an increase in productive capacity and wealth would automatically lead to an increase in the amount of funds available with which to discharge their public debt. This is the difference between darkness and light, it seems to me.

Mr. LEAVY. Will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Washington.

Mr. LEAVY. I am in full accord with the statement the gentleman is making. He shows a profound understanding of the subject.

Mr. VOORHIS of California. I thank the gentleman.

Mr. LEAVY. But to accomplish this purpose, would it not be necessary that the Federal Government either own a central banking system or own the 12 Federal Reserve banks and likewise require a 100-percent reserve for demand deposits?

Mr. VOORHIS of California. I thank the gentleman. I sincerely believe the gentleman is exactly correct. Indeed, I have introduced a bill to do both of those things—H. R. 4931. I believe the bank of issue of the Nation should certainly be a bank belonging to the National Government.

And that situation would be brought about if we spent \$132,000,000 to buy the capital stock of the now privately owned Federal Reserve. And the reason I believe a 100-percent reserve system is necessary is because otherwise when the Government puts new money into circulation it may form additional reserves in the banks, and without a 100-percent reserve it may lead to an uncontrolled inflation of bank credit.

Mr. LEAVY. Is that not exactly what has been happening in the last 5 or 6 years?

Mr. VOORHIS of California. Yes. Excess reserves have been piling up, but they are reserves upon which credit could be extended if banks and borrowers could get together. They do not represent actual money directly available to the people for expenditure. And another thing: Every time a proposal has been made that the Government issue money instead of increasing the public debt, the objection about increasing idle reserves has been the one that has defeated the suggestion. At the moment we are confronted with the possibility of utilizing some \$3,000,000,000 of absolutely unobligated gold and silver which belongs to our Treasury as a credit base for the proposed lending program, and we could do that as well as we could issue bonds. It is exactly what any private bank would do if it had that gold and silver. But I am not sure but what that objection about increasing reserves may be raised when it is proposed. Therefore, I am especially grateful to my fine colleague from Washington [Mr. LEAVY] for bringing out this matter of 100-percent reserves. On tomorrow I plan to put an extension of remarks in the RECORD dealing with my bill H. R. 4931, to which I have referred, answering the gentleman from Washington. I want to speak a little more generally today in the time that remains.

#### WHAT THE ECONOMISTS ARE POINTING OUT

For once in the history of the United States we have a reasonable agreement between what I think I am safe in saying are our ablest economists. They have been seeking a cure for the depression; they have been seeking to find the answer to the depression for years. I believe that we could get a pretty general agreement now at least on this point—that the depression is due to the fact that the national income, which equals goods and services produced and equals, therefore, the money paid out by industry and agriculture, is not equaled by the amount of money currently spent to purchase goods produced by industry and agriculture. Thus unsold goods accumulate and unemployment results.

Evidently industry and agriculture must recover at least their cost annually when they sell their goods or else they cannot continue to profitably operate.

Part of the money that is distributed in income to the American people is spent at once for goods. There is no trouble about that. But part of it is not so spent. It is either saved or invested and part is also set aside in depreciation accounts. So that I can state the general problem in four different ways and be right in every instance. I am going to do so, and prevent anyone coming along and saying, "But you did not give the right explanation."

#### FOUR WAYS TO STATE ONE PROBLEM

The first one runs like this: The general trouble is that not all of the national income received is currently spent for goods purchased on account of the fact that the national income is poorly distributed. That is, some of the people get so little of it and such a large percentage of it goes to a comparatively few people who necessarily do not have to spend it currently for goods, and therefore do not. Undoubtedly this is correct and we shall not solve unemployment until we get a better distribution of income.

The second explanation is that savings are subtracted from the stream of buying power, but not all such savings are promptly invested in new capital goods. This is clearly true but I would add that even if all those savings were currently invested in capital goods, the people who were foolish enough to make such investments would find they had embarked upon a venture which could only end in a kind of loss that

was experienced in 1929. And the reason would be—once again—lack of a sufficient volume of consumer buying power to buy the goods produced by the new investment.

In 1937 we had a volume of savings equal to \$19,000,000,000. I do not know of a single economist in this country who would contend that we have room for annual investment of anything like that amount. Our problem resolves itself into the necessity of reducing the volume of total savings on the one hand, in order that the amount of money available for investment will not be too great, and using those revenues through payment of general old-age retirement pensions or in similar ways in order to stimulate the general level of consuming power of the people of the Nation. And if we mean business about saving democracy we cannot go at this business in any half-hearted way.

The third explanation—that means practically the same thing—is that the volume of active buying power in circulation in the country never keeps up with the volume of production. I am one who believes—and I am not quoting economists now; I am merely speaking personally—that it never can equal the value of goods and services produced until you have the type of monetary system that I was speaking about a few moments ago. The reason I believe this is because it seems to me evident that every new capital investment means both a storing up of a portion of current income for future use and also an increase in future productive capacity. This should lead—but does not now lead—to a direct debt-free increase in the volume of money, and therefore buying power, in active circulation. Only Congress is authorized by the Constitution to bring that additional money into circulation.

The fourth explanation that can be made—and I am certain it is sound—is that this trouble is due to the fact of monopoly control over many of our industries, which monopoly control is largely traceable to large financial houses. Monopoly, therefore, is in a position to hold its prices up artificially, to secure for itself too much of the total national expenditures, to pile up surpluses either in individual or corporate hands, and thus to deprive competitive industries, such as agriculture, for example, of their just share of the national income.

Under these circumstances, if we are going to start in working in earnest on this problem, we evidently are confronted—and I revert to something I said in the beginning of my speech—with the fact that new borrowing has to equal the amount of current income which is not currently spent for goods, and unless new borrowing does equal, therefore, the amount of money set aside, saved, hoarded, or whatever you want to call it, you have a depression. To prevent that result, and at the same time prevent constant increase in the national debt, is our problem. To solve it will require, first, a constitutional monetary system; second, a tax-pension system to give us better distribution of buying power; third, a program to keep monopoly from artificially curtailing production and maintaining prices above fair levels; and, fourth, also a program of public investment and employment to make use of all America's skill and workmanship and to give our people confidence in the fact of threatened unemployment.

#### INCREASED LIVING STANDARDS ONLY PLACE FOR EXPANSION OF INDUSTRY TODAY

In the past in the United States we had two great things on which we could depend. One of them was increasing population and the other was westward expansion. Both of these forces, together with the discovery of new timber, minerals, fertile lands, and so on, gave everybody an assurance that the money loaned for repayment in the future would be able to be paid back, generally speaking. It also meant that values were going to increase and that new values were constantly going to be created, and that, therefore, it was possible for a larger volume of borrowing and debt always to be absorbed and carried. In those days dependence on bank credit as a medium of exchange was therefore not so serious as now.

As time went on, on account of the fact that our Nation is all settled, its resources exploited and its factories built, that factor no longer is operative. Our population growth is slack-

ening off, too, and before long, we are told, will have ceased to increase at all. We have to look for expansion of our industry to an increased standard of living of the people of this Nation, and that is the only place we can look for it. That means a better distribution of buying power; it means an additional volume of buying power; it means that the people who want a general old-age pension are right, and not wrong; and it means that Government investment has to take place in such things as additional hospital facilities, soil conservation, natural-resource development, and probably a low-cost housing, the things that private industry cannot do profitably but which will raise the standard of living of the people. An increasing percentage of our national income will have to be spent on these things in the future if we are to avoid depression. That is necessary, not just because I want it and not just because the poor people of America would like it, or because they need these things, but for the sake of the health of the economic system of this whole great Nation. That is what it is necessary for. I regret to say, although I do feel I must say it, that there has been all too little consideration of these problems in this session of Congress. I believe the time has come when we are going to be impelled to give consideration to them—when the Congress will have to face its central responsibility.

There are several things we could do right now. I have already made mention of my monetary-control bill. I do not want to speak about that today any further than I already have, but on tomorrow I will put in the Record an extension of my remarks explaining the bill in rather considerable detail and telling about the wide interest in it.

There are several other things I should like to point out. I believe that we are necessarily focusing our attention upon the evident necessity of bringing about a balance between the capacity of the Nation to consume, on the one hand, and its power to produce, on the other, and can readily see the importance of three or four things. In the first place, let me mention a tax structure falling, I would say, not so heavily on active small business or on consumption, but falling sufficiently heavily upon individual incomes and inheritances to reduce the volume of those surplus savings and to provide revenue to be utilized for various types of payment to those groups of people in the Nation who cannot in the nature of the case and ought not in the nature of the case to be employed. I refer to dependent children, people beyond the age where they can expect employment, disabled people, and people like that. I believe that kind of system is necessary and essential, and I hope it is going to come true.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. How would the gentleman be able to reduce this tax on individual business and at the same time engage in increased Government borrowing?

Mr. VOORHIS of California. In the first place, I am not talking about increased borrowing, I will say. But in the second place, I am not at all sure how much revenue would be lost by a decrease of the taxes on small competing businesses. In the third place, I am perfectly ready to stand the gaff now or at any other time for a substantial increase in the rates on individual personal incomes and inheritances and other similar types of taxation. That is the way I would try to do it. I have no objection, either, to a general tax falling on practically everybody in the Nation, if it is not too burdensome, providing that the money is all to be used for some such general purpose as the payment of a general pension. The essential thing, however, is increased national income, which will mean increased tax revenues. Increased national income, however, must mean increased consumer buying power as the central thing. We have, I believe, to attack unemployment and to solve it. I believe we will be compelled by events to do this soon. I want us to take considered action before we are forced to take precipitous action. I have only had time to suggest today some of the things I



believe we must do. Above all, my appeal is for a positive consecration on the part of the Congress to this task.  
[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a brief editorial.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a table from official sources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## BIRTHDAY OF HON. FRANK CROWTHER

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I was very much surprised earlier in the session this afternoon to have a young man step up to me and say, "Congratulate me, it is my birthday." He is a typical, outstanding example of a sound mind in a sound body. I prefer the English version to the old Latin version that I learned a good many years ago. I know the former version is correct and I would not be quite certain in quoting the Latin, and I am not sure our distinguished stenographer would get it just right if I did. So let it go at that—a sound mind in a sound body.

To have a sound mind a man must have, in my opinion, a sound body. When a man can get up at daylight in the morning and go out and shoot a 35 on a golf course and keep that up day in and day out in the temperature that Washington has been enduring in the last few weeks, he must have a sound body.

That this same man has a sound mind, we here in the House of Representatives have known for a long time. He is one of the outstanding Members of this House. He has been a Member of it for 22 years. I have had the pleasure and privilege of sitting next to him on the Ways and Means Committee for probably more than half the length of service he has rendered in the House, and for one I can testify to the sound mind. You Members of the House have heard him on this floor and have measured his mentality by the quality of his remarks, as well as the ease with which he addresses this body, too infrequently, in my opinion. We wish we might hear from him more frequently.

A few days ago we did honor to the oldest Member of the House, the distinguished gentleman from Colorado [Mr. TAYLOR], who on the day I refer to was 81 years old, or rather, I think it would be better to put it, 81 years young—an astonishing man. The man whom I am referring to now is likewise an astonishing man, and, if I am any prognosticator with respect either to mentality or physical power, he will continue his service here until he reaches the age that our good friend TAYLOR already has attained; but today he is quite a ways from that age, and therefore I want particularly at this time, Mr. Speaker, to have the privilege of paying tribute to the service that this man has rendered during the more than 20 years he has been a Member of the House, and refer to the fact that today he is only 69 years young. We all wish him well in a continuation, not alone of his service here but his service to his country.

I refer to the gentleman from New York, the Honorable FRANK CROWTHER. [Applause.]

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, if I had been aware of the fact that this great event, the birthday of my colleague, Hon. FRANK CROWTHER, was to occur today, I would, of course, have come here properly dressed for the occasion. I feel a little too informally attired to discuss such an important subject at this time. [Laughter.] The distinguished gentleman from Massachusetts [Mr. TREADWAY] has referred to the mental vigor of my colleague at the age of 69. You know we have to make comparisons sometimes. Just the other day I learned that an old gentleman down in Kentucky who at the age of 126 married a young woman aged 26, and that in the course of time they had a child. Time went along and after a while the wife passed away. The old gentleman insisted on taking care of the baby, but his father-in-law, who had reached the age of 78 years, thought that his son-in-law, at the age of 127, was hardly fit to take care of a child of such tender age.

When the old gentleman was away from home one day, the father-in-law, aged 78, went over and took the baby to his home. When the pappy at the age of 127 came in and found that the baby was gone and was told that his father-in-law had taken him, he immediately took his Winchester rifle, mounted a mule, and rode over and got the baby. This vigorous old Kentuckian died at the age of 136. So far as I can ascertain, the vigor of our colleague is superior to that of the old gentleman from Kentucky. So, knowing of your long and distinguished service in the House, we wish you all the vitality and longevity displayed by the old gentleman from Kentucky. FRANK, we are proud of your services in this House. You are beloved by every one of your colleagues and we wish for you a long and prosperous life. [Applause.]

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore (Mr. Hook). Is there objection?

There was no objection.

Mr. COOPER. Mr. Speaker, I do not want to let this opportunity pass without at least raising my voice briefly in acquiescence of the remarks made by the distinguished gentleman from Massachusetts [Mr. TREADWAY] and the distinguished gentleman from New York [Mr. REED] with respect to the birthday of our genial friend, highly esteemed, and distinguished colleague, the gentleman from New York, Dr. CROWTHER. It has been my privilege as a majority Member of the House and of the Ways and Means Committee to serve with him for several years and to enjoy his delightful companionship and know something of his outstanding ability and his devotion to duty, and also his great value as a legislator, and on behalf of the majority side of the House, especially the majority members of the Committee on Ways and Means, I offer sincere congratulations and felicitations and wish him many happy returns of the day. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore (Mr. Hook). Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, there is a great deal that I could say about the gentleman from New York [Mr. CROWTHER], of my pleasure in serving with him and my great admiration for him, but I dwell largely upon his services to the people of the country in his championship of the protective tariff. I believe there is not a worker in the United States today who does not wish Dr. CROWTHER many happy returns of the day. A great believer in and a great fighter for a tariff that will protect the jobs of the people of the United States against foreign imports made by poorly paid labor, he has been responsible for winning many battles for different industries and for labor. I wish him many happy returns of the day, as they do. He has been a tre-

mendous asset to this country, as well as to the House of Representatives. In wishing you many happy returns of the day, Dr. CROWTHER, I wish for the country many more years of your service in Congress. [Applause.]

The SPEAKER pro tempore (Mr. COOPER). The Chair will be pleased to recognize the gentleman from New York [Mr. CROWTHER], if he desires recognition.

Mr. CROWTHER. Mr. Speaker, certainly I am appreciative of these wondrously kind remarks that have been made in reference to my long service in the House and as a member of the Ways and Means Committee. I am reminded of two Irishmen who went to a funeral and listened to a long dissertation by a Methodist preacher eulogizing their employer who had been a hard taskmaster. On the way home, one looking rather disconsolately at the other said, "Mike, you seem awfully glum." Mike replied, "Yes, I am, but I am feeling better than I was, and I am thinking what a fine thing it would be if every man could only listen to his own funeral sermon." [Laughter.] Once again, I thank you all for the very generous references you have made regarding my service. [Applause.]

#### EXPLANATION

Mr. CREAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CREAL. Mr. Speaker and Members of the House, since coming here on April 3 I have missed only one vote; and, as luck usually goes, it was the one vote of all votes that I most disliked to miss.

I represent a farming district of 19 counties. That vote was on the parity-payment program. I merely wanted to get something in the Record to state my position. I have tried at various times on various days since then to get recognition, but each time senior Members having the floor, and always believing in the maxium of not being forward with your superiors, I have been wafted aside and have not had an opportunity.

All my colleagues and my friends know my record for 4 years. I have never voted against any farm bill, if the farmers wanted it. In that case I was paired and the result would be the same. When the buzzer rang I was on my way here and encountered delay on both elevators and I arrived a few seconds late. I would very much have preferred to vote and relieve the gentleman with whom I was paired in order to be on record.

I wanted to state that I was in favor of that measure, and while I was paired and the result was the same, I regret very much not having been recorded. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. EATON of California (at the request of Mr. ANDERSON of California), indefinitely, on account of illness.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 5. An act to grant certain lands to the Arizona State Elks Association Hospital; to the Committee on the Public Lands.

S. 119. An act for the relief of Helen M. Crowley; to the Committee on Claims.

S. 255. An act authorizing the Secretary of War to convey to the port of Cascade Locks, Oreg., certain lands for municipal purposes; to the Committee on Military Affairs.

S. 577. An act extending civil-service retirement to certain postmasters; to the Committee on the Civil Service.

S. 607. An act to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; to the Committee on the Judiciary.

S. 753. An act for the relief of the widow and children of Dr. Joe M. Ferguson; to the Committee on Claims.

S. 1289. An act for the relief of the city of Leavenworth, Kans.; to the Committee on Claims.

S. 1445. An act for the relief of Bruno Arena; to the Committee on Claims.

S. 1618. An act granting an annuity to William F. Pack; to the Committee on the Civil Service.

S. 1750. An act authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes; to the Committee on Military Affairs.

S. 1810. An act for the relief of the Citizens State Bank of Marianna, Fla.; to the Committee on Claims.

S. 1836. An act to promote farm ownership by amending the Bankhead-Jones Farm Tenant Act to provide for Government-insured loans to farmers; to encourage sale of farms held by absentee owners to farm tenants; and to enable tenant farmers to become owners of farm homes through long-term low-interest-rate loans on farms, and for other purposes; to the Committee on Agriculture.

S. 1839. An act for the relief of Le Roy Breithaupt; to the Committee on Claims.

S. 1936. An act for the relief of Harry W. Robertson; to the Committee on Military Affairs.

S. 2031. An act authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn; to the Committee on Military Affairs.

S. 2083. An act conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee; to the Committee on Claims.

S. 2152. An act to protect scenic values along the Catalina Highway within the Coronado National Forest, Ariz.; to the Committee on the Public Lands.

S. 2157. An act for the relief of George H. Elswald; to the Committee on Naval Affairs.

S. 2245. An act to prohibit the use of the mails for the solicitation of the procurement of divorces in foreign countries; to the Committee on the Judiciary.

S. 2271. An act for the relief of Barnet Warren; to the Committee on Claims.

S. 2491. An act for the relief of Edward J. Gebhart; to the Committee on Claims.

S. 2562. An act to facilitate certain construction work for the Army, and for other purposes; to the Committee on Military Affairs.

S. 2586. An act to authorize the acquisition of additional land for military purposes; to the Committee on Military Affairs.

S. 2607. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates; to the Committee on Claims.

S. 2624. An act to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks; to the Committee on the Public Lands.

S. 2634. An act to reserve to the United States for the Bonneville project a right-of-way across certain Indian lands in the State of Washington, subject to the consent of the individual allottees and the payment of compensation, and for other purposes; to the Committee on Indian Affairs.

S. 2639. An act relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana; to the Committee on Labor.

S. J. Res. 107. Joint resolution authorizing the President of the United States to award a gold medal of appropriate design



to Dr. Anita Newcomb McGee; to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

- H. R. 733. An act for the relief of S. A. Rourke;
  - H. R. 3537. An act to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States;
  - H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;
  - H. R. 3576. An act to make effective the provisions of the Officers' Competency Certificates Convention, 1936;
  - H. R. 4370. An act authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill.;
  - H. R. 4497. An act to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes;
  - H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;
  - H. R. 5288. An act to amend section 691-a of the Code of Law of the District of Columbia, approved March 3, 1901, and of any act or acts amendatory thereof relating to foreign building and loan associations doing business in the District of Columbia;
  - H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles; and
  - H. R. 6836. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended.
- The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:
- S. 12. An act for the relief of Dica Perkins;
  - S. 129. An act for the relief of Howard Arthur Beswick;
  - S. 216. An act for the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams;
  - S. 221. An act for the relief of Anthony Coniglio;
  - S. 431. An act for the relief of Mrs. Quitman Smith;
  - S. 510. An act to authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;
  - S. 556. An act for the relief of Catherine Humler;
  - S. 633. An act for the relief of Ray Wimmer;
  - S. 661. An act for the relief of Ida A. Deaver;
  - S. 681. An act to give proper recognition to the distinguished services of Col. Ernest Graves;
  - S. 746. An act to authorize Maj. Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered;
  - S. 840. An act to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes;
  - S. 875. An act for the relief of Andrew J. Crockett and Walter Crockett;
  - S. 884. An act for the relief of disbursing officers and other officers and employees of the United States for disallowances and charges on account of airplane travel;
  - S. 1001. An act for the relief of Albert Pina Afonso, a minor;
  - S. 1018. An act to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes;
  - S. 1020. An act to authorize the purchase of equipment and supplies for experimental and test purposes;
  - S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers'

Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes.

- S. 1109. An act to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds, and for other purposes;
- S. 1118. An act to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore located outside the continental limits of the United States;
- S. 1181. An act to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers;
- S. 1186. An act for the relief of Herbert M. Snapp;
- S. 1291. An act for the relief of William Carl Laude;
- S. 1307. An act authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation;
- S. 1385. An act for the relief of the Barkman Lumber Co.;
- S. 1387. An act for the relief of Ida May Lennon;
- S. 1452. An act for the relief of Loyd J. Palmer;
- S. 1487. An act for the relief of the Postal Telegraph-Cable Co.;
- S. 1517. An act for the relief of F. E. Perkins;
- S. 1523. An act to authorize the payment of burial expenses and expenses in connection with last illness and death of native employees who die while serving in offices abroad of executive departments of the United States Government;
- S. 1629. An act for the relief of the Canvas Decoy Co.;
- S. 1692. An act for the relief of J. Vernon Phillips;
- S. 1778. An act authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land;
- S. 1847. An act for the relief of Naomi Straley and Bonnie Straley;
- S. 1894. An act for the relief of Ivan Charles Grace;
- S. 1895. An act for the relief of Maria Enriquez Crisanta, Anselmo, Agustin, and Irineo de los Reyes;
- S. 1907. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Poplar, Mont.;
- S. 2096. An act to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended;
- S. 2126. An act authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Inc.;
- S. 2167. An act to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island;
- S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vazquez de Coronado;
- S. 2222. An act to provide for a Deputy Chief of Staff, and for other purposes;
- S. 2237. An act to amend the Taylor Grazing Act;
- S. 2353. An act to authorize appropriation for the construction of a medical school building at Carlisle Barracks, Pa.;
- S. 2503. An act to amend an act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937;
- S. 2539. An act to amend section 1223 of the Revised Statutes of the United States;
- S. J. Res. 2. Joint resolution providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased;

S. J. Res. 124. Joint resolution authorizing the President to invite foreign countries to participate in the San Diego-Cabrillo Quadricentennial Celebration to be held in 1942; and

S. J. Res. 126. Joint resolution to amend the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939.

#### ADJOURNMENT

Mr. HOOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 11, 1939, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Tuesday, July 11, 1939, at 10:30 a. m., for the continuation of executive session on child refugee bills.

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 12, 1939, at 10:30 a. m., for the public consideration of H. R. 7004 and S. 1533.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

There will be a meeting of the Committee on Merchant Marine and Fisheries at 10 a. m., Tuesday, July 11, 1939, for the consideration of H. R. 6881, to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

The notice of June 27, 1939, advised that public hearings would be held on Tuesday, July 11, 1939, at 10 a. m. on H. R. 6881, a bill to implement the provisions of the Shipowners' Liability (sick and injured seamen) Convention, 1936.

On the same day hearings will be held on H. R. 6726, a bill to amend the Merchant Marine Act, 1936, as amended, to provide compensation for disability or death resulting from injury to officers and members of the crew of vessels under the jurisdiction of the United States, and for other purposes. It has been decided to hold hearings jointly on these bills because of the relation between the two.

On Tuesday, July 18, 1939, at 10 a. m., hearings will be held on H. R. 7090, to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481), and H. R. 7091, to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 464).

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the bridge subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Wednesday, July 12, 1939. Business to be considered: Hearing on H. R. 5382, entitled "A bill authorizing the city of Keokuk, Iowa, to purchase, construct, maintain, and operate a toll bridge across the Mississippi River at or near Keokuk, Iowa."

#### COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday, July 12, 1939, at 10:30 a. m., for the consideration of H. R. 909, H. R. 953, H. R. 5377, H. R. 6506, H. R. 6859, H. R. 3229, House Joint Resolution 289, and S. 72.

#### COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs in the committee rooms, the Capitol, Tuesday, July 11, 1939, at 10:30 a. m., for the consideration of the following: House Joint Resolution 207, to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments; and S. 1045, to give effect to the International Agreement for the Regulation of Whaling, signed at London June 8, 1937, and for other purposes.

#### COMMITTEE ON IRRIGATION AND RECLAMATION

A meeting of the Committee on Irrigation and Reclamation will be held at 10:15 a. m. Tuesday, July 11, 1939, in room 128, House Office Building, for the consideration of H. R. 6629.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

962. A letter from the Secretary of War, transmitting the draft of a bill to amend section 55, National Defense Act, as amended; to the Committee on Military Affairs.

963. A letter from the President, Board of Commissioners, District of Columbia, transmitting a proposed bill to amend the act entitled "An act to provide for insanity proceedings in the District of Columbia"; to the Committee on the District of Columbia.

964. A communication from the President of the United States, transmitting a draft of a proposed provision affecting the appropriation for "Flood control, general," contained in the War Department Civil Appropriations Act, 1940 (H. Doc. No. 392); to the Committee on Appropriations and ordered to be printed.

965. A communication from the President of the United States, transmitting a modification of the estimate of appropriation for foreign agricultural service, Department of Agriculture, as submitted in the Budget for the fiscal year ending June 30, 1940 (H. Doc. No. 393); to the Committee on Appropriations and ordered to be printed.

966. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1940, amounting to \$19,000, for the Department of State (H. Doc. No. 394); to the Committee on Appropriations and ordered to be printed.

967. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Interstate Commerce Commission for the fiscal year 1940, amounting to \$40,000 (H. Doc. No. 395); to the Committee on Appropriations and ordered to be printed.

968. A communication from the President of the United States, transmitting a supplemental estimate for appropriation in the amount of \$25,000,000 for the fiscal year ending June 30, 1940, to remain available until expended, for the Treasury Department, Procurement Division, for the purchase, storage, maintenance, and rotation of strategic and critical minerals essential to national defense (H. Doc. No. 396); to the Committee on Appropriations and ordered to be printed.

969. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department amounting to \$2,000,000 (H. Doc. No. 397); to the Committee on Appropriations and ordered to be printed.

970. A communication from the President of the United States, transmitting supplemental estimates of appropriations in the sum of \$1,444,520 for the Post Office Department for the fiscal year 1940 (H. Doc. No. 398); to the Committee on Appropriations and ordered to be printed.

971. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the Department of the Interior (H. Doc. No. 399); to the Committee on Appropriations and ordered to be printed.

972. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Department of the Interior for the fiscal years 1939 and 1940, amounting to \$3,611,652.21, together with drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 400); to the Committee on Appropriations and ordered to be printed.

973. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Navy Department for the fiscal year 1940, amounting to \$2,000,000 (H. Doc. No. 401); to the Committee on Appropriations and ordered to be printed.



## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JONES of Texas: Committee on Agriculture. House Joint Resolution 342. Joint resolution relating to section 322 of the Agricultural Adjustment Act of 1938, as amended; without amendment (Rept. No. 1046). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. House Joint Resolution 343. Joint resolution to amend section 335 (c) of the Agricultural Adjustment Act of 1938, as amended; without amendment (Rept. No. 1047). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. H. R. 5764. A bill to provide for the establishment of a cemetery within the Crab Orchard Creek Dam project, Williamson County, Ill.; with amendment (Rept. No. 1048). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 248. Resolution for the consideration of S. 2065. An act to provide for the regulation of the sale of certain securities in interstate and foreign commerce and through the mails, and the regulation of the trust indentures under which the same are issued, and for other purposes; without amendment (Rept. No. 1049). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 249. Resolution for the consideration of S. 685, an act to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes; without amendment (Rept. No. 1050). Referred to the House Calendar.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 250. Resolution for the consideration of S. 281, an act to amend further the Civil Service Retirement Act, approved May 29, 1930; without amendment (Rept. No. 1051). Referred to the House Calendar.

Mr. KING: Committee on Military Affairs. H. R. 4008. A bill to authorize an exchange of lands between the War Department and the Department of Labor; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON: Committee on Ways and Means. H. R. 6555. A bill to amend the act of March 28, 1928 (45 Stat. 374), as amended, relating to the advance of funds in connection with the enforcement of acts relating to narcotic drugs, so as to permit such advances in connection with the enforcement of the Marihuana Tax Act of 1937, and to permit advances of funds in connection with the enforcement of the customs laws; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTSON: Committee on Ways and Means. H. R. 6556. A bill to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport narcotic drugs, firearms, and counterfeit coins, obligations, securities, and paraphernalia, and for other purposes; without amendment (Rept. No. 1054). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. H. R. 6672. A bill to amend the act entitled "An act to create a new division of the District Court of the United States for the Northern District of Texas," approved May 26, 1928 (45 Stat. 747); without amendment (Rept. No. 1055). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 6167. A bill to provide that the district judge for the western district of Washington, authorized to be appointed under the act of May 31, 1938, shall be a district judge for the eastern and western districts of Washington; with amendment (Rept. No. 1056). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 2336. An act to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.; without amendment

(Rept. No. 1057). Referred to the Committee of the Whole House on the state of the Union.

Mr. KOCIALKOWSKI: Committee on Insular Affairs. H. R. 7096. A bill to amend an act entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes"; without amendment (Rept. No. 1058). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1059. Report on the disposition of records in the Department of Commerce. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1060. Report on the disposition of records in the United States Tariff Commission. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1061. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1062. Report on the disposition of records in the United States District Court for the Eastern District of Washington by the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1063. Report on the disposition of records in the Northwest Territory Celebration Commission. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1064. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1065. Report on the disposition of records in the Post Office Department. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1066. Report on the disposition of records in the Department of the Treasury. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1067. Report on the disposition of records in the Department of Commerce. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1068. Report on the disposition of records in the Department of the Navy. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1069. Report on the disposition of records of the Panama Canal. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1070. Report on the disposition of records in the Federal Housing Administration. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1071. Report on the disposition of records in the Department of Labor. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1072. Report on the disposition of records in the United States Civil Service Commission. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1073. Report on the disposition of records of the United States marshal at Pittsburgh, Pa., by the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1074. Report on the disposition of records of the United States marshal for the Southern District of Illinois by the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1075. Report on the disposition

of records of the United States District Court for the Northern District of California with the approval of the senior judge. Ordered to be printed.

Mr. ELLIOTT: Committee on the Disposition of Executive Papers. House Report No. 1076. Report on the disposition of records in the United States marshal's office. Ordered to be printed.

Mr. DIMOND: Committee on Military Affairs. H. R. 3795. A bill to provide a right-of-way through the Chilkoot Barracks Military Reservation, Alaska; without amendment (Rept. No. 1077). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMASON: Committee on Military Affairs. H. R. 5912. A bill authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation; without amendment (Rept. No. 1078). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rules. House Resolution 251. Resolution for the consideration of S. 1871, an act to prevent pernicious political activities; without amendment (Rept. No. 1079). Referred to the House Calendar.

Mr. O'CONNOR: Committee on Indian Affairs. H. R. 2738. A bill providing for the disposition of certain Klamath Indian tribal funds; with amendment (Rept. No. 1080). Referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 3980) for the relief of Clarence Herbert Peltier, and the same was referred to the Committee on Naval Affairs.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SABATH:

H. R. 7106. A bill to restore the prevailing wage rate on work-relief projects; to the Committee on Appropriations.

By Mr. KELLER:

H. R. 7107. A bill to provide for payment of the prevailing rates of pay on Work Projects Administration projects and to repeal the provision relating to compulsory removal from the rolls; to the Committee on Appropriations.

By Mr. BOEHNE:

H. R. 7108. A bill to amend the Internal Revenue Code by imposing an excise tax on tapioca, cassava, and sago; to the Committee on Ways and Means.

By Mr. BRADLEY of Pennsylvania:

H. R. 7109. A bill to amend the Emergency Relief Appropriation Act of 1939 to provide for the reestablishment of the prevailing rates of pay for persons employed upon work projects; to the Committee on Appropriations.

By Mr. LESINSKI:

H. R. 7110. A bill to permit approximately 3,000 natives of India who entered the United States prior to July 1, 1924, to become naturalized; to the Committee on Immigration and Naturalization.

By Mr. MAY:

H. R. 7111. A bill to facilitate the procurement of aircraft for the national defense; to the Committee on Military Affairs.

By Mr. O'CONNOR:

H. R. 7112. A bill to provide that prevailing wage rates shall apply on Work Projects Administration projects and to eliminate the provision for automatic separation from the rolls; to the Committee on Appropriations.

By Mr. ROBSION of Kentucky:

H. R. 7113. A bill to provide retirement after 25 years' service for enlisted men of the Regular Army, Navy, Marine Corps, and Coast Guard of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SCHWERT:

H. R. 7114. A bill to amend paragraph (c) of section 6 of the District of Columbia Traffic Act, as amended by act

approved February 27, 1931; to the Committee on the District of Columbia.

H. R. 7115. A bill to amend the District of Columbia Revenue Act of 1937; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

H. R. 7116. A bill authorizing the defraying of cost of necessary work between the Yuma project and Boulder Dam; to the Committee on Rivers and Harbors.

By Mr. IGLESIAS:

H. R. 7117. A bill to amend an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; to the Committee on Insular Affairs.

H. R. 7118. A bill to amend the Organic Act of Porto Rico, approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. MARCANTONIO:

H. R. 7119. A bill to correct United States citizenship status of certain persons born in Puerto Rico, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. STEAGALL:

H. R. 7120. A bill to provide for the construction and financing of self-liquidating projects, and for other purposes; to the Committee on Banking and Currency.

By Mr. VOORHIS of California:

H. R. 7121. A bill to amend the Relief Appropriation Act of 1939; to the Committee on Appropriations.

By Mr. CASE of South Dakota:

H. J. Res. 352. Joint resolution to authorize creation of a Sioux Claims Commission; to the Committee on Indian Affairs.

By Mr. ANDREWS:

H. Res. 252. Resolution authorizing an investigation of farm organizations; to the Committee on Rules.

H. Res. 253. Resolution authorizing the expenses for House Resolution 252; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 7122. A bill for the relief of Bernard Halpern; to the Committee on Naval Affairs.

By Mr. BLOOM:

H. R. 7123. A bill for the relief of Nathan Silver; to the Committee on Claims.

By Mr. BRYSON:

H. R. 7124. A bill granting a pension to Victoria Turner; to the Committee on Pensions.

By Mr. BLOOM:

H. R. 7125. A bill for the relief of Walter Wolfskehl; to the Committee on Claims.

By Mr. JOHNSON of West Virginia:

H. R. 7126. A bill granting a pension to Mary Pauline Payne; to the Committee on Invalid Pensions.

By Mr. KELLER:

H. R. 7127. A bill to make Younghill Kang eligible for naturalization; to the Committee on Immigration and Naturalization.

By Mr. LESINSKI:

H. R. 7128. A bill for the relief of Hubert Harry Griffiths; to the Committee on Immigration and Naturalization.

By Mr. McGRANERY:

H. R. 7129. A bill for the relief of Nettie Richardson; to the Committee on Claims.

By Mr. PITTENGER:

H. R. 7130. A bill to correct the military record of Abraham J. Palo, also known as Abram Palo; to the Committee on Military Affairs.

By Mr. REECE of Tennessee:

H. R. 7131. A bill for the relief of C. M. Kiser; to the Committee on Claims.

By Mr. ROBSION of Kentucky:

H. R. 7132. A bill to amend an act entitled "An act for the relief of the Playa de Flor Land & Improvement Co.," approved May 21, 1934; to the Committee on the Judiciary.



## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4193. By Mr. CASE of South Dakota: Resolution of the South Dakota State Medical Association, adopted at Aberdeen, S. Dak., on April 24, 1939, petitioning the Congress for the funds necessary for a new and adequate building for the Army Medical Library and Museum; to the Committee on Appropriations.

4194. By Mr. CURLEY: Petition of the New York Board of Trade, Inc., in support of Senate bill 1871, the Hatch bill, to prevent pernicious political activities; to the Committee on the Judiciary.

4195. By Mr. HAWKS: Petition of sundry residents of Waukesha County, Wis., opposing the proposed amendments to the Marketing Agreement Act; to the Committee on Agriculture.

4196. By Mr. KEOGH: Petition of the Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio, favoring the President's recommendation for a \$3,860,000,000 recovery fund; to the Committee on Appropriations.

4197. Also, petition of the W. E. Long Co., Chicago, Ill., concerning the existing National Labor Relations Act; to the Committee on Labor.

4198. Also, petition of Jacob Elishewitz & Sons, Inc., New York City, concerning the Norton bill (H. R. 5435) to amend the Fair Labor Standards Act of 1938; to the Committee on Labor.

4199. Also, petition of the American Federation of Housing Authorities, Washington, D. C., favoring the passage of Senate bill 591; to the Committee on Banking and Currency.

4200. Also, petition of the Joint Conference on Retirement, Washington, D. C., favoring the passage of Senate bill 281; to the Committee on the Civil Service.

4201. Also, petition of the Internal Revenue Local, No. 47, United Workers, concerning the Dempsey bill (H. R. 4960), the Hobbs bill (H. R. 5643), the Smith bill (H. R. 5133), and the Reynolds bills (S. 403 and S. 410); to the Committee on the Judiciary.

4202. By Mr. PFEIFER: Petition of the Jacob Elishewitz & Sons Co., Inc., New York City, concerning the Norton bill (H. R. 5435), to amend the Fair Labor Standards Act of 1938; to the Committee on Labor.

4203. Also, petition of the American Federation of Housing Authorities, Washington, D. C., endorsing Senate bill 591; to the Committee on Banking and Currency.

## SENATE

TUESDAY, JULY 11, 1939

(Legislative day of Monday, July 10, 1939)

The Senate met at 12 o'clock meridian on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, who hast formed all hearts to love Thee and hast created all desire to be unsatisfied save in Thee, bless, we humbly beseech Thee, the multitudes of men who are confused and sore within, who long for love and friendship but feel that no one cares for them, and who see life only as a tragedy, brackish with the salt of human tears. Take Thou their trembling hands in Thine and lead them through the shadowland into the brightness of Thy light.

Upon Thy servants here bestow Thine especial gifts of wisdom and understanding, that, with pure hearts and minds, they may solve these problems that confront them, with their tangled, changing worth, to the lasting benefit of our own people and to the amelioration of all the troubles of the world, as by faith we feel after Thee, as through love we find the way, and as in hope we bring ourselves to Thee. We ask it for the sake of Jesus Christ, our Lord. Amen.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the calendar days Friday, July 7, 1939, and Monday, July 10, 1939, was dispensed with, and the Journal was approved.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

## CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwellenbach
Andrews	Frazier	Lodge	Sheppard
Austin	George	Logan	Shipstead
Barbour	Gerry	Lucas	Slattery
Barkley	Gibson	Lundeen	Smith
Bilbo	Gillette	McKellar	Stewart
Bone	Glass	McNary	Taft
Borah	Green	Maloney	Thomas, Okla.
Bridges	Guffey	Mead	Thomas, Utah
Bulow	Gurney	Miller	Townsend
Burke	Hale	Minton	Truman
Byrd	Harrison	Murray	Tydings
Byrnes	Hatch	Neely	Vandenberg
Capper	Hayden	Norris	Van Nuys
Chavez	Herring	Nye	Wagner
Clark, Idaho	Hill	O'Mahoney	Walsh
Clark, Mo.	Holman	Overton	Wheeler
Connally	Holt	Pittman	White
Danaher	Johnson, Calif.	Radcliffe	Wiley
Davis	Johnson, Colo.	Reed	
Donahay	King	Reynolds	
Downey	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. PEPPER] are absent on important public business.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

- S. 12. An act for the relief of Dica Perkins;
- S. 129. An act for the relief of Howard Arthur Beswick;
- S. 216. An act for the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams;
- S. 221. An act for the relief of Anthony Coniglio;
- S. 431. An act for the relief of Mrs. Quitman Smith;
- S. 510. An act to authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;
- S. 556. An act for the relief of Catherine Humler;
- S. 633. An act for the relief of Ray Wimmer;
- S. 661. An act for the relief of Ida A. Deaver;
- S. 681. An act to give proper recognition to the distinguished services of Col. Ernest Graves;
- S. 746. An act to authorize Maj. Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered;
- S. 840. An act to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes;
- S. 875. An act for the relief of Andrew J. Crockett and Walter Crockett;

S. 884. An act for the relief of disbursing officers and other officers and employees of the United States for disallowances and charges on account of airplane travel;

S. 1001. An act for the relief of Albert Pina Afonso, a minor;

S. 1018. An act to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes;

S. 1020. An act to authorize the purchase of equipment and supplies for experimental and test purposes;

S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes;

S. 1109. An act to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds, and for other purposes;

S. 1118. An act to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore located outside the continental limits of the United States;

S. 1181. An act to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers;

S. 1186. An act for the relief of Herbert M. Snapp;

S. 1291. An act for the relief of William Carl Laude;

S. 1307. An act authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation;

S. 1385. An act for the relief of the Barkman Lumber Co.;

S. 1387. An act for the relief of Ida May Lennon;

S. 1452. An act for the relief of Loyd J. Palmer;

S. 1487. An act for the relief of the Postal Telegraph-Cable Co.;

S. 1517. An act for the relief of F. E. Perkins;

S. 1523. An act to authorize the payment of burial expenses and expenses in connection with last illness and death of native employees who die while serving in offices abroad of executive departments of the United States Government;

S. 1629. An act for the relief of the Canvas Decoy Co.;

S. 1692. An act for the relief of J. Vernon Phillips;

S. 1778. An act authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land;

S. 1847. An act for the relief of Naomi Straley and Bonnie Straley;

S. 1894. An act for the relief of Ivan Charles Grace;

S. 1895. An act for the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes;

S. 1907. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Poplar, Mont.;

S. 2096. An act to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended;

S. 2126. An act authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Inc.;

S. 2167. An act to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island;

S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vazquez de Coronado;

S. 2222. An act to provide for a Deputy Chief of Staff, and for other purposes;

S. 2237. An act to amend the Taylor Grazing Act;

S. 2353. An act to authorize appropriation for the construction of a medical school building at Carlisle Barracks, Pa.;

S. 2503. An act to amend an act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937;

S. 2539. An act to amend section 1223 of the Revised Statutes of the United States;

S. J. Res. 2. Joint resolution providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased;

S. J. Res. 124. Joint resolution authorizing the President to invite foreign countries to participate in the San Diego-Cabrillo Quadricentennial Celebration to be held in 1942; and

S. J. Res. 126. Joint resolution to amend the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939.

#### INDEPENDENCE DAY FELICITATIONS FROM SENATE OF CHILE

The VICE PRESIDENT laid before the Senate a cablegram dated July 4, 1939, from the Senate of Chile, signed by its president and secretary, unanimously congratulating the Senate of the United States on the occasion of the national anniversary of the independence of the United States, which was ordered to lie on the table.

#### GRADING AND CLASSIFICATION OF CLERKS IN THE FOREIGN SERVICE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations:

*To the Congress of the United States of America:*

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State and the accompanying draft of proposed legislation to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, July 11, 1939.

[Enclosures: Report of Secretary of State with enclosures as listed.]

#### INSPECTIONAL FACILITIES AT INTERNATIONAL TOLL BRIDGES AND TUNNELS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to require owners or operators of international toll bridges and tunnels to provide and maintain free and adequate inspectional facilities for Federal agencies stationed at such bridges and tunnels for the purpose of supervising and regulating commerce with foreign nations, which, with the accompanying papers, was referred to the Committee on Finance.

#### LAND AT VETERANS' ADMINISTRATION FACILITY, COATESVILLE, PA.

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Co. for right-of-way purposes a small strip of land at Veterans' Administration facility, Coatesville, Pa., which, with the accompanying papers, was referred to the Committee on Finance.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of the Coconutmen's Association of the Philippines in the Barrio of Pils, Municipality of Lucban, Province of Tayabas, P. I., praying that section 602½ of the Revenue Act of 1934 be amended by authorizing the government of the Philippine Commonwealth to turn over to the copra producers one-half or three-eighths of the fund received as excise tax on coconut oil, etc., which was referred to the Committee on Finance.



He also laid before the Senate resolutions adopted at the conference of the Western Association of State Game and Fish Commissioners at Del Monte, Calif., requesting that the Bureau of Biological Survey provide sufficient funds to purchase winter feed for migratory water fowl; that funds be provided under the so-called Pittman-Robertson Act for the maintenance of game projects; relative to Regulations G-20-A of the Secretary of Agriculture, and also extending thanks to the Forest Service, the Soil Conservation Service, the Bureau of Biological Survey, and the Bureau of Fisheries for their cooperation, which were referred to the Committee on Agriculture and Forestry.

He also laid before the State a resolution adopted at the conference of the Western Association of State Game and Fish Commissioners at Del Monte, Calif., requesting closer cooperation between the Bureau of Fisheries and the Bureau of Reclamation in connection with future reclamation projects, which was referred to the Committee on Irrigation and Reclamation.

He also laid before the Senate resolutions adopted at the conference of the Western Association of State Game and Fish Commissioners at Del Monte, Calif., requesting that the Secretary of the Interior reconsider his action in ruling that lands leased under the so-called Taylor Grazing Act may be closed to hunting and fishing and to promulgate new regulations insuring shooting privileges to the American public on the public domain; also, a resolution opposing the establishment of any more national parks in the Western States or the extension of existing park areas; and, also, a resolution protesting against the interpretation given to regulations G-22-A and G-22-C of the Forest Service relative to actual owners of game in the Pisgah National Forest, N. C., which were referred to the Committee on Public Lands and Surveys.

He also laid before the Senate a resolution adopted at the conference of the Western Association of State Game and Fish Commissioners at Del Monte, Calif., expressing thanks to the mayor of Monterey, to Ralph O. Marron, and Bill Williams, of Monterey, and particularly to Herbert C. Davis, executive officer of the California Division of Fish and Game, in connection with the nineteenth annual conference of the association, which was ordered to lie on the table.

He also laid before the Senate a resolution of the Commissioners of the City of Wilmington, N. C., with respect to making funds available for continuation of the Housing Authority program and the extension of the public works program by Congress, which was ordered to lie on the table.

Mr. HOLT presented a paper in the nature of a memorial from members of the Auxiliary Unit of American Legion, Belle Post, No. 95, in the State of West Virginia, remonstrating against the enactment of legislation to increase immigration to the United States until needy American people are cared for, which was referred to the Committee on Immigration.

He also presented the petition of members of Unit No. 15, American Legion Auxiliary of Parkersburg, W. Va., favoring the prompt enactment of measures to assist disabled veterans of the World War and their dependents, which was ordered to lie on the table.

He also presented the petitions of Townsend Club, No. 1, of Hendricks; Townsend Club, No. 1, of Dakota; Townsend Club, No. 1, of Hampshire County; and Townsend Club, No. 1, of Wheeling, all in the State of West Virginia, praying for the enactment of the joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United States relating to old-age assistance, which were ordered to lie on the table.

#### NAMING OF AGGRESSOR NATIONS—PETITION

Mr. REYNOLDS. Mr. President, although we shall not consider at this session of Congress the so-called neutrality bill passed several days ago by the House in the form of the Bloom bill, I should like to have printed in the CONGRESSIONAL RECORD and appropriately referred a petition I have just received from a group of my good friends and fellow citizens of North Carolina, signed by Dr. Frank P. Graham, of Chapel

Hill, N. C., and many others, and which is in support of the Thomas amendment to the Neutrality Act. Before presenting it for the RECORD, however, I should like to make clear that the position taken in this petition is contrary to my own position, and that I am against any proposal that would permit the naming of an aggressor. I believe that extension of the power to name an aggressor would inevitably draw us into war, and particularly the suggestion that the aggressor be made uncomfortable and unpopular, presumably by this Nation.

Mr. President, we cannot police the world. We have troubles enough right here at home to keep us busy for many years to come. Let us get those attended to before we tackle anything else.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD without all the names attached, as follows:

#### To North Carolina's Senators and Representatives in the Congress of the United States:

There is one public question which at this time overshadows in importance all others, and that is the question of world peace or world war. This is a question whose determination has the capacity to promote or disastrously to impair the happiness and well-being of our State and Nation. As citizens of North Carolina we desire to present to you a request for consideration of the only course of action which in our judgment can contribute to peace.

Our relation to the present world situation makes clear what our procedure should be. While we are removed from the immediate scenes of international disturbance, we must admit, if we are realistic, that in the event of war against the democracies of the world, the greatest and richest democracy of all will find it difficult to keep out of such a world war. Therefore, the surest and perhaps the only way for us to have peace is to prevent such a world war. Only two methods of prevention have been proposed.

One is to do nothing, to let aggression take its course, to maintain a strict and therefore utterly impotent neutrality, to pursue a policy of unconcerned and irresponsible isolation. This is the method favored by those who believe that we can have peace by merely wishing it, and without doing anything to achieve it. The trouble with this method is that it is neither effective nor ethical.

The other method is the realistic, common-sense method which we use when domestic disorder arises. We locate the aggressor, and we do all we can to render aggression uncomfortable and unpopular. There is no trouble to locate the international aggressor if we accept the formula that whenever a nation refuses to negotiate and resorts to force, that nation is the aggressor. It is not necessary for us to throw bombs at the aggressor when a little well-timed economic mustard gas will be just as effective. We can refuse to associate with or to do business with aggressor nations, and we can give aid and comfort to nations who are the victims of aggression. That is the effective way, and that is the ethical way in a community of nations.

We would respectfully urge you to support a foreign policy which will seek to promote peace by the prevention of aggression. We urge you to support such a policy and such legislation under whatever name appearing, such as the Thomas amendment to the Neutrality Act or other legislation seeking peace by the way of prevention of aggression by any means short of war.

Respectfully submitted.

DR. FRANK P. GRAHAM, Chapel Hill, N. C.

MR. A. W. MCALISTER, Greensboro, N. C.

R. O. BROWNING, Burlington, N. C.

(And others).

#### MANUFACTURE OF SMALL AMERICAN FLAGS

Mr. DAVIS. Mr. President, during the recent visit of the King and Queen of England to Washington, when United States flags were very much in evidence, I am informed that small flags of our country made in Japan were being sold for 10 cents, while similar flags made here were being sold for 25 cents. I was reminded of this situation upon receipt of resolutions from the Cambria County Committee of the American Legion. I ask unanimous consent to have these resolutions printed in the RECORD and referred to the Committee on Finance, showing that a thorough search of the shops in the city of Johnstown, Pa., revealed the fact that no small American flags were available except those stamped "Made in Germany" or "Made in Japan."

The VICE PRESIDENT. Without objection, the resolutions will be printed in the RECORD and referred to the Committee on Finance.

The resolutions are as follows:

Whereas at a recent celebration in the vicinity of the city of Johnstown, Pa., requiring the use of small American flags a thorough search of the shops in the city of Johnstown revealed the

fact that no small American flags were available except those stamped "Made in Germany" or "Made in Japan"; and

Whereas the only conclusion to be drawn from such a situation is that our own producers of American flags are not adequately protected: Now, therefore, be it

*Resolved*, That the Cambria County committee of the American Legion, representing all the 17 American Legion Posts of Cambria County, at its regular monthly meeting held in Barnesboro on Tuesday, the 20th of June 1939, go on record as condemning the situation outlined above; and be it further

*Resolved*, That this committee urge the United States Senators from Pennsylvania and the Representatives in Congress from the Twenty-seventh Congressional District to support measures to correct the aforesaid situation.

I hereby certify the foregoing to be a true and correct copy of the resolution adopted at the regular monthly meeting of the Cambria County committee held at Barnesboro on Tuesday, June 20, 1939.

T. J. RODGERS, Secretary.

#### REPORTS OF COMMITTEES

Mr. GURNEY, from the Committee on Military Affairs, to which was referred the bill (S. 2740) to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds, reported it without amendment and submitted a report (No. 738) thereon.

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (S. 2739) to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States, reported it without amendment and submitted a report (No. 739) thereon.

Mr. HILL, from the Committee on Military Affairs, to which was referred the bill (S. 2366) for the relief of Franklin C. Richardson, reported it with amendments and submitted a report (No. 740) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 2496) for the relief of James E. Barry, reported it without amendment and submitted a report (No. 741) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2585) to reimburse the cotton cooperative associations for losses occasioned by the Federal Farm Board's stabilization operations, and for other purposes, reported it with an amendment and submitted a report (No. 742) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 2750) to prohibit the issuance and coinage of certain commemorative coins, and for other purposes, reported it without amendment and submitted a report (No. 743) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 6) to return a portion of the Grand Canyon National Monument to the public domain, reported it with amendments and submitted a report (No. 744) thereon.

He also, from the same committee, to which was referred the bill (S. 2469) relating to the exchange of certain lands in the State of Oregon, reported it without amendment and submitted a report (No. 745) thereon.

Mr. O'MAHONEY, from the Committee on Indian Affairs, to which was referred the bill (S. 1878) to provide for the distribution of the judgment fund of the Shoshone Tribe of the Wind River Reservation in Wyoming, and for other purposes, reported it with amendments and submitted a report (No. 746) thereon.

Mr. LUCAS, from the Committee on Patents, to which was referred the bill (S. 2688) to amend section 4884 of the Revised Statutes (U. S. C., title 35, sec. 40), reported it without amendment and submitted a report (No. 747) thereon.

Mr. CLARK of Idaho, from the Committee on Patents, to which was referred the bill (S. 2687) to establish a circuit court of appeals for patents, reported it with amendments and submitted a report (No. 748) thereon.

He also, from the same committee, to which was referred the bill (S. 2689) to amend section 33 of the act entitled "An act to amend and consolidate the acts respecting copyright,"

approved March 4, 1909, and for other purposes, reported it without amendment and submitted a report (No. 760) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 140) proposing an amendment to the Constitution relating to the power of the Congress to declare war, reported it without recommendation and submitted a report (No. 749) thereon.

He also, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 84) proposing an amendment to the Constitution of the United States for a referendum on war, reported it with amendments and without recommendation, and submitted a report (No. 750) thereon.

He also, from the same committee, to which was referred the bill (S. 1282) to extend the privilege of retirement for disability to judges appointed to hold office during good behavior, reported it with amendments and submitted a report (No. 751) thereon.

He also, from the same committee, to which was referred the bill (S. 2262) to provide for a change in the time for holding court at Rock Hill and Spartanburg, S. C., reported it without amendment and submitted a report (No. 762) thereon.

Mr. GUFFEY, from the Committee on Mines and Mining, to which was referred the joint resolution (S. J. Res. 155) consenting to an interstate oil compact to conserve oil and gas, reported it without amendment and submitted a report (No. 752) thereon.

Mr. AUSTIN, from the Committee on Immigration, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 1328. A bill for the relief of Lena Hendel, nee Lena Goldberg (Rept. No. 753);

S. 1478. A bill for the relief of Haim Genishier, alias Haim Satyr (Rept. No. 754); and

S. 1998. A bill for the relief of Ernestine Huber Neuheller (Rept. No. 755).

Mr. MALONEY, from the Committee on Immigration, to which was referred the bill (H. R. 4646) to provide means by which certain Filipinos can emigrate from the United States, reported it with amendments and submitted a report (No. 756) thereon.

Mr. STEWART (for himself and Mr. HOLMAN), from the Committee on Immigration, to which was referred the bill (S. 409) to protect American labor and stimulate the employment of American citizens on American jobs, reported it with amendments and submitted a report (No. 757) thereon.

Mr. O'MAHONEY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 6984) to provide a feasible and comprehensive plan for the variable payment of construction charges on United States reclamation projects, to protect the investment of the United States in such projects, and for other purposes, reported it with amendments and submitted a report (No. 758) thereon.

Mr. MURRAY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1977) for the relief of John A. Farrell, reported it without amendment and submitted a report (No. 759) thereon.

Mr. CONNALLY, from the Committee on the Judiciary, to which was referred the bill (H. R. 5643) to invest the circuit courts of appeals of the United States with original and exclusive jurisdiction to review the order of detention of any alien ordered deported from the United States whose deportation or departure from the United States otherwise is not effectuated within 90 days after the date the warrant of deportation shall have become final; to authorize such detention orders in certain cases; to provide places for such detention; and for other purposes, reported it with an amendment and submitted a report (No. 761) thereon.

Mr. ELLENDER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2573) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in rice and providing for the orderly marketing of rice at fair prices in interstate and foreign commerce, reported it with amendments and submitted a report (No. 763) thereon.



## BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MEAD:

S. 2760. A bill for the relief of Mijo Stanisic; to the Committee on Immigration.

By Mr. BRIDGES:

S. 2761. A bill to admit Alfred Schwabl permanently to the United States; to the Committee on Immigration.

By Mr. TRUMAN:

S. 2762. A bill granting an increase of pension to Mary E. Ozenberger; to the Committee on Pensions.

By Mr. LOGAN:

S. 2763. A bill to authorize the Comptroller General of the United States to allow credit and to relieve certain disbursing officers for National Recovery Administration payments; to the Committee on Claims.

By Mr. ANDREWS:

S. 2764. A bill conferring jurisdiction upon the District Court of the United States for the Southern District of Florida, to hear, determine, and render judgment upon the claims of Zook Palm Nurseries, Inc., a corporation, and Mike L. Blank, respectively; to the Committee on Claims.

(Mr. MURRAY (for himself and others) introduced Senate bill 2765, which, after debate, was referred to the Committee on Appropriations, and appears under a separate heading.)

By Mr. BARBOUR (for himself and Mr. SMATHERS):

S. 2766. A bill to authorize the presentation of Congressional Medals of Honor to Howard C. Smith and Richard Aldworth; to the Committee on Military Affairs.

By Mr. GURNEY:

S. 2767. A bill to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid; to the Committee on Military Affairs.

By Mr. RADCLIFFE:

S. 2768. A bill authorizing the naturalization of Thomas A. Lambie; to the Committee on Immigration.

By Mr. SHEPPARD:

S. 2769. A bill to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps; to the Committee on Military Affairs.

By Mr. ADAMS:

S. 2770. A bill for the relief of Charles Augustus Lathrop; to the Committee on Finance.

By Mr. PITTMAN:

S. 2771. A bill providing for the coinage of certain silver into standard silver dollars, and for other purposes; to the Committee on Banking and Currency.

By Mr. ASHURST:

S. 2772. A bill granting an increase of pension to Kean St. Charles; to the Committee on Pensions.

S. 2773 (by request). A bill to authorize the payment of compensation to recess appointees in certain cases; to the Committee on the Judiciary.

By Mr. DOWNEY:

S. 2774. A bill for the relief of Jose Mauri; to the Committee on Immigration.

By Mr. CLARK of Missouri:

S. 2775. A bill for the relief of Henry Gideon Schiller; to the Committee on Immigration.

By Mr. KING:

S. 2776. A bill to provide for reorganization of local government in the District of Columbia;

S. 2777. A bill to amend an act entitled "An act to provide for insanity proceedings in the District of Columbia," approved June 8, 1938;

S. 2778. A bill to amend an act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," approved April 23, 1924; and

S. 2779. A bill to amend an act entitled "An act to regulate the practice of the healing art to protect the public

health in the District of Columbia," known as the Healing Arts Practice Act, District of Columbia, 1928, approved February 27, 1929; to the Committee on the District of Columbia.

By Mr. BURKE:

S. 2780. A bill to enable the people of Puerto Rico to form a constitution and State government and be admitted into the Union on an equal footing with the States; to the Committee on Territories and Insular Affairs.

By Mr. THOMAS of Oklahoma:

S. 2781. A bill conferring jurisdiction on the Court of Claims to adjudicate the rights of the Otoe and Missouri Tribes of Indians to compensation on a basis of guardian and ward; to the Committee on Indian Affairs.

By Mr. VAN NUYS (for Mr. McCARRAN):

S. J. Res. 167. Joint resolution designating September 11 to 24, 1939, as a period for the national observance of air progress; to the Committee on the Judiciary.

## POSTPONEMENT OF NEUTRALITY LEGISLATION—RESTRICTION OF CERTAIN EXPORTS

Mr. PITTMAN. Mr. President, I feel I should announce to the Senate that at a meeting of the Committee on Foreign Relations held this morning the committee voted to postpone further consideration of the pending bills on neutrality until the next session of Congress.

However, there are two resolutions pending before the committee dealing with exports to signatories of the Nine Power Treaty or Pact. The resolutions propose to place restrictions or to grant the power to place restrictions upon certain exports of war materials to countries that are violating the Nine Power Pact, resulting in death and danger of death to our citizens and the deprivation of the rights of our citizens under that treaty. One of the resolutions was introduced by the Senator from Washington [Mr. SCHWELLENBACH] and the other was introduced by me. The matter was taken up before the committee, and Friday morning at 10:30 o'clock has been set as the time to consider the two resolutions.

I am offering an amendment in the nature of a substitute for the resolution which I have pending before the committee. The resolution which I have pending before the committee is known as Senate Joint Resolution 123. In that resolution very large discretion was proposed to be granted to the President over the control of commerce, both export and import trade. It occurred to me, of course, that in dealing with import trade we would be dealing with a revenue question, and that the initiation of that question rests solely within the jurisdiction of the House of Representatives. So the amendment I am submitting as a substitute deals solely with exports. It names the exports. It names arms, ammunition, and implements of war, as defined in the Neutrality Act, and iron, steel, oil, gasoline, scrap iron, scrap steel, scrap metals containing a combination of iron and steel, and other metals or a combination of metals. In other words, I have limited the articles as nearly as I could to such articles as enter directly into war and are used directly at the present time in the war of Japan against China.

The resolution by its terms expires on May 1, 1940. Of course, any existing offenses or prosecutions arising prior to that time will continue in force.

I ask to have the amendment in the nature of a substitute for the joint resolution printed in the RECORD at this point as a part of my remarks, so that it may be available to the Senate, and that it be printed in the usual form and referred to the Committee on Foreign Relations.

The amendment in the nature of a substitute intended to be proposed by Mr. PITTMAN to the joint resolution (S. J. Res. 123) relative to violation of a treaty, was referred to the Committee on Foreign Relations, and ordered to be printed, and printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. PITTMAN in the nature of a substitute to the joint resolution (S. J. Res. 123) relative to violation of a treaty, viz: Strike out all after the resolving clause and insert in lieu thereof the following:

"That whenever the President shall find that any foreign state which is a party to the treaty known as the Nine Power Pact between the United States, Belgium, the British Empire, China, France,

Italy, Japan, the Netherlands, and Portugal, regarding principles and policies to be followed in matters concerning China, signed at Washington, February 6, 1922, is endangering the lives of citizens of the United States, or depriving such citizens of their legal rights and privileges, through the commission of acts, or the failure to perform required acts, in violation of the express provisions and guaranties in said treaty, the President is authorized by proclamation to restrict or prohibit the export from the United States to such foreign state, and to any other place under the physical or political control thereof, of any of the following articles and materials: 'Arms, ammunition, implements of war,' as defined in the act approved May 1, 1937 (Public Res. No. 27, 75th Cong., 1st sess.), and iron, steel, oil, gasoline, scrap iron, scrap steel, and scrap metal containing a combination of iron or steel and other metals or any combination of metals.

"SEC. 2. (a) Each proclamation issued by the President under section 1 shall definitely enumerate the articles and materials referred to in such section the export of which is to be restricted or prohibited by such proclamation, and shall name the foreign state or states and the places under the physical or political control thereof to which such proclamation is to apply.

"(b) Each such proclamation shall take effect upon the 30th day after the date such proclamation is issued, and shall remain in effect until changed, modified, or revoked as hereinafter provided.

"(c) The President may from time to time by proclamation change, modify, or revoke in whole or in part, any such proclamation, and he is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this joint resolution.

"(d) Whenever in the judgment of the President the conditions which caused him to issue any such proclamation have ceased to exist, he shall revoke the proclamation and the provisions of this joint resolution shall thereupon cease to apply with respect to the foreign state or states and the places under the physical or political control thereof named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation.

"SEC. 3. (a) It is hereby declared to be the intent of Congress that the authority granted to the President by this joint resolution shall be exercised only to the extent necessary for the protection of the lives of citizens of the United States and the rights and privileges guaranteed to them under the treaty referred to in section 1, and that such authority shall not be exercised until after the President shall have made every reasonable effort to induce the foreign state or states concerned in any violation of said treaty to comply with the terms of said treaty in order to protect the lives of such citizens and the rights and privileges so guaranteed.

"(b) In carrying out the provisions of this joint resolution there shall be no discrimination between foreign states which are parties to and so violating said treaty.

"SEC. 4. (a) Whoever shall export, or attempt to export, or cause to be exported, from the United States to any foreign state or states or to any place under the physical or political control thereof named in any proclamation issued by the President under section 1, any articles or materials enumerated in such proclamation the export of which is restricted or prohibited, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223-225; U. S. C., 1934 ed., title 22, secs. 238-245).

"(b) In the case of the forfeiture of any articles or materials by reason of a violation of any such proclamation, no public or private sale shall be required; but such articles or materials shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President.

"SEC. 5. This joint resolution and all proclamations issued thereunder shall not be effective after May 1, 1940, except with respect to offenses committed, or forfeitures incurred, prior to such date."

Mr. KING. Mr. President, is this joint resolution in the nature of a statute, or does it merely confer upon the President of the United States power to interdict certain exports?

Mr. PITTMAN. It is in the nature of a power to the President. It allows the President to place a quota on exports, we will say, limiting them to normal, or to place a quota on some and an absolute embargo on others, so long as violations of our rights continue. The joint resolution expressly states that it is intended that the President shall make every effort to obtain recognition of our rights before the action is taken, and that he shall give notice 30 days in advance of the taking effect of the proclamation definitely describing the articles the export of which is restricted or embargoed, so that everyone may have notice.

Mr. SCHWELLENBACH. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I yield the floor.

Mr. SCHWELLENBACH. I should like to ask the Senator from Nevada a question.

Mr. PITTMAN. I yield.

Mr. SCHWELLENBACH. The Senator stated that I had a resolution upon the same question. Last Friday evening, over the National Broadcasting Co. system, I gave an explanation of my resolution. Would the Senator have any objection to my inserting the address in the RECORD at the conclusion of his remarks?

Mr. PITTMAN. No; I myself should like to have the pleasure of inserting the address. I think it is a very able one.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I have no desire to duplicate Orson Welles' fright-producing efforts in his radio drama portraying the conquerors from Mars (H. G. Wells' play, *The War of the World*). However, in order that you may fully appreciate the situation in the Far East let me present it in this way:

Suppose that tomorrow morning your newspapers should carry the story that your Government had decided to go to war. It had no provocation for this war. In fact, the war would be a direct violation of the treaty to which this Nation had solemnly obligated itself. Suppose that the governmental dispatches stated that it had no intention of declaring war, as required by recognized rules of international law. It was to be a war not of defense but of conquest. However, we were not to partake of any of the conquered territory. We were to ally ourselves with one of the principal aggressor nations of the world and assist in an attack upon one of the most defenseless nations in the world. The nation attacked, incidentally, was to be one which had always been friendly with us and which had relied upon our friendship to such an extent that it was in no measure able to defend itself. Our allies had demonstrated in the past that they were fierce fighters, ruthless and destructive. They never had any regard for even those slight principles of decency which had governed international conduct in times of war. They assured us that their methods in this war were to be the most frightful ever known. However, this was to be a safe war so far as we were concerned. None of our boys would be killed. None of them would be wounded. None of our property was to be destroyed. Our part of the war was to make money out of it. Huge profits were to go to our citizens and our corporations which furnished the necessary supplies for the conduct of the war. All we needed to do was to furnish the supplies and to take the profits.

What would be your reaction to such a news dispatch tomorrow morning? Would you approve of such conduct on the part of our Government? I have no doubt that if these radio airwaves could be reversed from each of you listening to me back into this broadcasting station the reverberations of the "Noes" thundered in answer to that question would drive me out of the station. You individually would disapprove of it; the American people as a whole would disapprove of it; the Nation would disapprove of it.

Yet for all practical purposes the situation I have described unofficially exists today in our relationship with the Japanese conquest of China.

We, more than any other nation in the world, are directly assisting in the continuation of Japan's activities in China. Were it not for the assistance of the United States, Japan's Chinese campaign would probably have collapsed many months ago. Japan is a nation without the necessary materials of war. The whole purpose of her Chinese conquest is to acquire territory from which she may secure resources for further extension of war. We speak of her as having Germany and Italy as her allies. The fact is that we are her most important ally. Japan has no oil with which to operate her airplanes, her tanks, her trucks, her automobiles, or even her battleships. We furnish 65.67 percent of that which she secures from the outside world. She must have scrap iron and steel with which to manufacture her munitions. We furnish 90.39 percent of that. She must have copper for her munitions. We furnish 90.98 percent of that. She must have other metals and alloys, and we furnish 99.33 percent of those. She must have metal-working machinery. Our contribution is 67.9 percent of that. We furnish 64.67 percent of the automobiles and parts which she is using in China. We furnish 76.92 percent of the aircraft and parts with which she bombs the hospitals, schools, and missions in which the Chinese people seek shelter. There never has been in the history of the world—civilized or uncivilized—a more ruthless and frightful campaign of conquest than that which Japan has been waging in China during the last 2 years.

We have been told that the next war will be a war against populations and not between armies. If this is true, Japan is certainly furnishing a hideous sample of what we may expect. The murder of the old and young noncombatants, the destruction of schools and places of worship, the humiliation and ravishment of China's womanhood all paint for us a picture of lustful aggression gone rampant. The experts tell us that Japan has in adequate quantity only 2 of the 26 materials necessary to carry on modern warfare. Of the most important of the other 24 I have given you the figures



as to the extent of our participation. If the writers of history in the future actually know how warfare was conducted in 1939 through the use of necessary materials, they will write down a description of China's conquest not by the Japanese but by a Japanese-American alliance—the Japs taking the conquered land and the Americans taking the profits from the sale of our raw materials.

We criticize the Japanese for not making an open declaration of war on China. Perhaps we should pause and wonder whether we are more than slightly less guilty.

To make this situation even more humiliating, it is in direct violation of treaty obligations upon our part toward China. We criticize Germany and Italy for their attitude toward treaties. We criticize England and France for their attitude toward Ethiopia and Czechoslovakia. In the proposals before the Congress that we should name the aggressor nations the distinction which we are urged to accept is upon the basis of treaty violations. Yet we are just as effectively violating a treaty as any of these nations ever have. It is true we send no enlisted American troops. We send only the materials for use by Japanese troops. We provide no drivers of trucks, or tanks, or pilots for airplanes. We just furnish the gasoline which propels these trucks and tanks and airplanes. We don't even take the chances that the Japanese take. All we do is to take the profits that we can make.

What treaty are we violating? In 1921, in an endeavor to reduce naval expenditures among the great powers, the Washington Conference was called. It had the leadership of the then very able Secretary of State and now revered Chief Justice Mr. Charles Evans Hughes. Its chief purpose in the beginning was the limitation of naval armaments. The most important accomplishment of the conference, however, was the adoption and signing of the Nine Power Pact. The purpose of this Nine Power Pact is stated in the treaty as follows:

"To adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity."

This was not the first contact our Nation had had with China. For 125 years we have been sending over missionaries to open schools, colleges, hospitals, and churches. It might be said that that would create no obligation upon our part. So far as the Chinese were concerned it did create an obligation. The trust which the Chinese people had in American missionaries, doctors, nurses, and teachers was transferred to the American people and the American Nation as a whole. In 1899 we intervened in China and insisted upon the open-door policy. We insisted that our rights in China be recognized and that no other nation could create a sphere of influence there. After the Boxer Rebellion in 1900 we again bound China to us by refusing our indemnities. Such was the feeling of the Chinese people toward our country that in 1911, when the new Government was set up, ours was taken as the example and model. We encouraged such an attitude upon the part of the Chinese people. During the World War, when the rest of the world was busily engaged, Japan made an effort through her 21 demands to destroy the territorial integrity of China. In that she was blocked by Woodrow Wilson. In return for this China readily complied with President Wilson's request and declared war upon the Central Powers shortly after we entered the world conflict. When that war ended, however, China profited not at all. The net result, so far as China was concerned, was that her old rival and enemy—Japan—was given all of the German rights in China in addition to many other rights in Shantung which was China's sacred Province. In retaliation of that, and with disappointment with the way she had been treated by her Allies, the Chinese people commenced their effective blockade against Japanese goods. It was an effective blockade. Its success struck vitally at the economic structure of Japan. It must be remembered that then Japan did not have her diversified foreign trade, her merchant marine had not been built to the strength that it now occupies. To Japan, Chinese trade was of vital importance. By the time of the Washington Conference on Armistice Day, 1921, the Chinese blockade had reached a state of well-nigh perfection. In that conference we asked Japan to agree to a naval program which meant economy for us and also lessened the danger to us in the Pacific. In consideration of Japan's agreement in the naval side of the conference we induced China to discontinue the blockade. In payment for this action on China's part we wrote into article I of the Nine Power Pact the agreement "to respect the sovereignty, the independence, and the territorial and administrative integrity of China."

All nine of the nations agreed to it. So solemn was the declaration on our part that President Coolidge proclaimed:

"To the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

China, relying entirely upon her trust in us, surrendered her most effective weapon. China believed her sovereignty and independence, administrative and territorial integrity would be respected by the nations of the world. Did she not have the strong arm of her American friend to uphold her? Yet today China suffers and her independence and her territorial and administrative integrity are being destroyed. We, for the filthy profits involved, are aiding, abetting, and cooperating in that destruction.

What right have we to point the finger of scorn at Germany, Italy, France, or England when they regard treaties as scraps of paper? Contemporary historians of these days are striking a saddened note describing this era as one of treaty breakers. Can anyone doubt that our oil and our copper and our scrap steel and

iron are the most effective agents in this violation of a treaty that this era has yet seen?

So far as China and Japan are concerned, it isn't a matter of us getting into the war. We already are in the war. We are in the war in violation of a treaty which we signed in order to gain an advantage which we sought. The background of our relations with China should make that treaty the most sacred of any ever written.

The courts of equity place upon the individual who has gained the respect and confidence of another individual a much higher duty for the faithful performance of an agreement than upon one who is dealt with at arm's length. The same rule should apply to nations. So far as we are concerned, it should have particular application in regard to China.

There is another aspect of this problem which we must discuss. It involves the relationship between the Far East and Europe. Japan's conquest of China has a direct bearing upon the possibility of war in Europe. One need only to review the events of the past 2 years to reach this conclusion. Certainly, the events of the last 2 weeks have cinched the conclusion. No person with his eyes open can escape believing that there is a direct relationship between the situation in China and the situation on the continent of Europe. It may be that the Rome-Berlin axis has not been extended in military form to Tokyo; no well-informed person will deny that the Tokyo end of the alliance does directly cooperate with Rome and Berlin. It is no coincidence that every time Mr. Hitler has decided to seize more territory in Europe the attention of those who might oppose him has been distracted by annoyances from Japan. What other explanation can be given to the Tientsin incidents of the past few weeks and of the outbreaks between Japan and Russia upon the Mongolian border? Japan certainly doesn't today desire to add to its opposition. Japan's armies and its resources are fully occupied by the Chinese controversy. Yet deliberately it chooses, from time to time, to provoke unnecessary conflicts with England, France, and Russia. Such conflicts uniformly come simultaneously with threats of further acquisition of territory by Germany and Italy. No more decisive steps could be taken by a nation desiring to prevent war in Europe than those which would prevent Japan from rendering indirect assistance toward furthering of a war in Europe.

We in Congress are in the midst of vigorous debate over what we should do in event war comes to Europe. We have no treaty obligations in Europe. We do have most definite and sacred treaty obligations in Asia. Yet, we almost completely neglect consideration of them even though respect for them would probably materially lessen the chance of the European war we so much fear. In my opinion, every consideration of logic, justice, and responsibility requires that our first step should be to get out of the present war in which we are so effectively participating.

#### TRANSMISSION OF FRANKABLE MATTER THROUGH THE MAILS

Mr. O'MAHONEY. Mr. President, several days ago, when the calendar was last under consideration, the Senate passed Senate Joint Resolution 134. It was withheld from the House, however, because I offered the text of the joint resolution as an amendment to the third deficiency bill. The amendment was adopted by the Senate, agreed to by the conferees, and is now a part of the law; so Senate Joint Resolution 134 need no longer receive the attention of the Congress.

I therefore ask unanimous consent that the vote by which the joint resolution was passed by the Senate may be reconsidered, in order that I may move its indefinite postponement.

Mr. AUSTIN. Mr. President, I should like to have the joint resolution identified. What is its number?

Mr. O'MAHONEY. It is the joint resolution providing certain limitations upon the transportation of frankable mail in the mails.

Mr. AUSTIN. Is it on the calendar?

Mr. O'MAHONEY. It was passed when the calendar was considered several days ago, and I now desire to have it indefinitely postponed.

Mr. AUSTIN. I do not find it on the calendar.

Mr. O'MAHONEY. It is not on the calendar, because it was passed.

Mr. AUSTIN. Very well. I have no objection.

The VICE PRESIDENT. Without objection, the vote whereby the joint resolution was passed will be reconsidered.

Mr. O'MAHONEY. I now move that Senate Joint Resolution 134 be indefinitely postponed.

The motion was agreed to.

#### AUTHORIZATION FOR RIVER AND HARBOR WORKS—AMENDMENT RELATIVE TO KODIAK HARBOR, ALASKA

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the bill (H. R. 6264) authorizing the construction, repair, and preservation of certain

public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

#### SOCIAL SECURITY ACT—AMENDMENTS

Mr. HAYDEN and Mr. CONNALLY each submitted an amendment, and Mr. WAGNER submitted two amendments intended to be proposed by them, respectively, to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which were ordered to lie on the table and to be printed.

#### PENSIONS TO MEMBERS OF THE REGULAR ARMY, NAVY, ETC.—AMENDMENT

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 522) to provide pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein, equivalent to 90 percent of the compensation payable to war veterans for similar service-connected disabilities, and for other purposes, which was ordered to lie on the table and to be printed.

#### EXPENSES IN CONNECTION WITH FUNERAL OF THE LATE SECRETARY SWANSON

Mr. GLASS submitted the following resolution (S. Res. 157), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Claude A. Swanson, late Secretary of the Navy and former Senator from the State of Virginia, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### INVESTIGATION OF "SHORT SELLING" ON THE CHICAGO BOARD OF TRADE

Mr. NYE submitted the following resolution (S. Res. 158), which was referred to the Committee on Agriculture and Forestry:

##### Senate Resolution 158

*Resolved*, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized and directed to make a full and complete investigation and study with respect to (1) the nature and legality of transactions in commodities involving the speculative sale thereof for future delivery, commonly known as "short selling," as conducted on the Board of Trade of the City of Chicago, a contract market under and subject to the Commodity Exchange Act; (2) the nature and legality of the methods employed by the said Board of Trade of the City of Chicago in connection with trading in commodities for future delivery; (3) the nature and legality of the methods employed by the Secretary of Agriculture and the Commodity Exchange Administration for enforcing and administering the Commodity Exchange Act with respect to trading in commodities for future delivery on the said Board of Trade of the City of Chicago; and (4) the possibility of improving the methods of trading in commodities for future delivery on the said Board of Trade of the City of Chicago in the interest of honesty, economy, and better service to the public and the legitimate grain trade. The committee shall report to the Senate, at the beginning of the next regular session of the Congress, the results of its investigation and study, together with its recommendations, if any, for legislation.

For the purposes of this resolution, the committee is authorized to sit and act, as a whole or by subcommittee, at such times and places in the United States as it deems advisable; to employ and fix the compensation of such counsel, clerical, stenographic, and other assistants; to hold such hearings; to administer such oaths and affirmations; to take testimony; to provide for the attendance of witnesses; to have such printing and binding done; and to make such other expenditures (not exceeding the sum of \$25,000) as it deems necessary.

For purposes of conducting such investigation the expenses of the committee shall be paid out of the contingent fund of the Senate on vouchers authorized by such committee or any subcommittee, signed by the chairman of the committee, and approved by the Committee to Audit and Control the Contingent Expenses of the Senate. The official committee reporters shall be used at all hearings held in the District of Columbia.

#### THE CRAMP SHIPYARDS

Mr. DAVIS. Mr. President, in any well-considered plan of national defense it is not possible to exaggerate the importance of economic efficiency. Mass unemployment stands as a national weakness. This foe within is more to be feared than foes without. The workman back of the guardsman is of equal importance, and without his unfailing support all plans of military, naval, or aerial strategy will fail.

It is in this connection that I wish briefly to refer to the need for reopening the Cramp Shipyards in Philadelphia. The necessary adjustments with local tax authorities, I understand, are now being negotiated, and all eyes are being turned to see what action will be taken in Washington on this important matter. I have taken it up with Rear Admiral Emory S. Land, of the Maritime Commission, and hope something constructive will be done in the near future.

The reopening of the Cramp Shipyards in Philadelphia would be a great advantage to our national-defense program. It would give employment within a year to five or six thousand men. It would give employment to skilled workmen, who, without hope of such employment, are destined to lose their skill through lack of use. This in itself would be a national calamity, for it takes two or three generations to produce the skilled worker. If we continue on as now, we are likely to find ourselves as was the case in South Wales a short time ago, when skilled workmen had been idle so long that there was a genuine shortage when the nation was vitally in need of their services.

There is nothing economical or sensible in allowing skill in the hand to be lost through mass unemployment. Our first line of national defense should be jobs for our workers. I believe reopening the Cramp Shipyards would be genuinely helpful in this program.

#### HEARINGS BEFORE TEMPORARY NATIONAL ECONOMIC COMMITTEE

Mr. O'MAHONEY. Mr. President, I desire to announce that the third part of the hearings of the Temporary National Economic Committee has just been printed by the Government Printing Office. This volume will now be available to Members and to the public generally. It will be found of particular interest by Members at this time, because it deals with certain proposals for the modification of the patent laws. These proposals, which were fully canvassed by the Temporary National Economic Committee, have been framed into bills which I understand are being reported by the Patents Committees in this body and in the House. Not only will the Members of the Senate and the House find the hearings of interest, but I am sure the public likewise will do so.

I desire to say at this time that part 3 of the hearings will be available at the Government Printing Office at 35 cents a copy, part 1 is available at 25 cents, and part 2 at 75 cents.

Mr. BONE. Mr. President, I inquire of the Senator from Wyoming whether or not his committee has formally recommended the passage of the bills to which he has referred? I did not hear the first part of his statement.

Mr. O'MAHONEY. I may say that the committee has formally recommended the passage of the bills, or the adoption of the proposals. The recommendation, however, has not as yet been printed; but I hope it will be available in printed form before the end of the week. I am at liberty to say that the committee has formally made these recommendations.

Mr. BONE. The bills will soon be before the Senate for action, since they have been reported by the Committee on Patents, and they embody the ideas of the Commissioner of Patents. They do not touch the basic patent law but serve to clear up a great many things which, in my judgment, have been very detrimental to the operation of the entire patent law of the country.

Mr. O'MAHONEY. The bills to which the Senator refers deal practically exclusively with matters of procedure.

Mr. BONE. That is correct.

Mr. O'MAHONEY. There will be other recommendations. The Senator may be interested in having this volume.

Mr. BONE. They do not touch the substantive law but merely the mechanics of enforcement.

#### THE PRESERVATION OF AMERICAN INDEPENDENCE—ADDRESS BY SENATOR CLARK OF MISSOURI

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Senator CLARK of Missouri at the American Legion outing at Cape Girardeau, Mo., on July 4, 1939, on the subject The Preservation of American Independence, which appears in the Appendix.]



## GUARANTY OF BANK DEPOSITS—ADDRESS BY SENATOR RADCLIFFE

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD a radio address delivered by Senator RADCLIFFE on March 14, 1939, relative to the guaranty of bank deposits, which appears in the Appendix.]

## ADDRESS BY SENATOR BARBOUR BEFORE COUNCIL AGAINST INTOLERANCE

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BARBOUR on Friday, June 30, 1939, as part of the Independence Day ceremony of the Council Against Intolerance in America, which appears in the Appendix.]

## WOMEN AND THE NATION'S POWER—ARTICLE BY SENATOR DAVIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article entitled "Looking to Women for Nation's Power," written by himself and published in the Philadelphia Inquirer of July 2, 1939, which appears in the Appendix.]

## RESOURCES AND OPPORTUNITIES OF THE SOUTH—ARTICLE BY SENATOR BILBO

[Mr. BILBO asked and obtained leave to have printed in the RECORD an article prepared by himself entitled "The Deep South," to be published in the next issue of the Southern Agriculturist of Nashville, Tenn., which appears in the Appendix.]

## THE WORLD OF TOMORROW—ADDRESS BY GOVERNOR AIKEN

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address delivered on July 2, 1939, at the New York World's Fair, by Hon. George D. Aiken, Governor of Vermont, which appears in the Appendix.]

## THE CHURCH AND AMERICAN DEMOCRACY—ADDRESS BY DR. OSCAR F. BLACKWELDER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a radio address delivered on July 2, 1939, by Dr. Oscar F. Blackwelder, pastor of the Lutheran Church of the Reformation, Washington, D. C., on the subject The Contribution of the Church to the Problems of American Democracy, which appears in the Appendix.]

## THE PLIGHT OF AMERICAN AGRICULTURE—ADDRESS BY MORRIS ERICKSON

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD a radio address delivered by Morris Erickson, a director of the National Farmers' Union, on June 24, 1939, on the agricultural situation, which appears in the Appendix.]

## CURRENCY MANAGEMENT—ARTICLE BY WILLIAM TRUFANT FOSTER

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an article entitled "A Competently Managed Currency Is the Answer," by William Trufant Foster, director, Pollak Foundation for Economic Research, published in the Rotarian of July 19, 1939, which appears in the Appendix.]

## NEUTRALITY AND FOREIGN POLICY—STATEMENT BY LOUIS B. WARD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a statement by Louis B. Ward before the Committee on Foreign Relations on the subject of Neutrality, Peace Legislation, and Our Foreign Policy, which appears in the Appendix.]

## ADDRESS BY ROLLAND BRADLEY BEFORE BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an address delivered by Hon. Rolland Bradley before the tri-State meeting of the Brotherhood of Locomotive Firemen and Enginemen, held at Houston, Tex., June 9, 1939, which appears in the Appendix.]

## LABOR CONDITIONS IN THE PHILIPPINES—ARTICLE BY H. FORD WILKINS

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article by H. Ford Wilkins, published in the New York Times of July 9, 1939, entitled "Philippine Labor Signs Peace Pact," which appears in the Appendix.]

## PURCHASE OF FOREIGN SILVER

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an editorial from the New York Times of July 11, 1939, relating to the purchase of foreign silver, which appears in the Appendix.]

## SOCIAL SECURITY ACT—AMENDMENT

Mr. HARRISON obtained the floor.

Mr. LEE. Mr. President, will the Senator yield for a brief unanimous-consent request?

Mr. HARRISON. Yes; I yield for that purpose.

Mr. LEE. I understand that the social-security bill is coming up today. I wish to offer an amendment to the bill which will be here presently, and which I ask to have printed and lie on the table.

The amendment is a substitute for the part of the bill providing for old-age pensions to the needy and State matching. The amendment which I offer provides an outright Federal pension of \$40 a month to all persons 60 or more years of age who are not gainfully employed.

I ask unanimous consent to have the amendment printed and lie on the table, to be taken up at the proper time.

The VICE PRESIDENT. Without objection, it is so ordered.

## AMENDMENT OF EMERGENCY RELIEF APPROPRIATION ACT

Mr. MURRAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. HARRISON. I yield to the Senator.

Mr. MURRAY. On my own behalf and on behalf of a group of Senators, I introduce a bill to amend the Emergency Relief Appropriation Act of 1939 to provide for the reestablishment of the prevailing rates of pay for persons employed upon work projects. I ask that the bill be referred to the referred to the Committee on Education and Labor.

Mr. ADAMS. Mr. President, I inquire of the Senator from Montana why a bill amending relief legislation should be referred to the Committee on Education and Labor.

Mr. MURRAY. Because it is a matter of legislation, and the Committee on Education and Labor is the appropriate committee to which to refer the bill.

Mr. BYRNES. Mr. President, all the legislation with reference to the Works Progress Administration has been handled by the Appropriations Committee. The act which it is sought to amend was reported from the Appropriations Committee.

Mr. KING. Mr. President, does an objection lie? If so, I object to the reference of the bill to the Committee on Education and Labor.

The VICE PRESIDENT. The Senator from Utah objects to the reference of the bill to the Committee on Education and Labor.

Mr. MURRAY. Mr. President, I understand that it is not a matter of unanimous consent, but that I have a right to have the bill referred as I have requested.

The VICE PRESIDENT. Let us see if it is a matter of right.

The Chair understands that under the rules of the Senate, when a Senator introduces a bill, it is the duty of the Chair to refer it to the proper committee. If a Senator asks to have a bill referred to a certain committee, the custom is to refer it to that committee; but, as the Chair understands, that does not take away the right of the Chair to refer the bill to the appropriate committee.

Mr. MURRAY. Mr. President, I understand that the appropriate committee is the Committee on Education and Labor.

The VICE PRESIDENT. That is a matter which the Chair will decide, unless the Senate decides otherwise.

Mr. HARRISON. Mr. President, I think I have the floor, and I prefer not to have that matter decided at this time.

The VICE PRESIDENT. The Chair thinks the Senate ought to determine at this moment to what committee the

bill shall be referred. The Senator from Montana contends that as a matter of right he is entitled to have the bill referred to the Committee on Education and Labor. The Chair thinks the Senate ought to decide at this moment whether the bill shall go to that committee or to the Appropriations Committee.

Mr. MURRAY. Mr. President, I move that the bill be referred to the Committee on Education and Labor.

Mr. ADAMS. Mr. President, I move as an amendment that the bill be referred to the Committee on Appropriations.

Mr. SCHWELLENBACH. Mr. President—

The VICE PRESIDENT. The amendment is not in order. The question is on the motion of the Senator from Montana.

Mr. SCHWELLENBACH. Mr. President, I should like to discuss the motion.

Mr. HARRISON. Mr. President, I had the floor, and I yielded it merely to permit the introduction of a bill. I did not intend to yield the floor in order that Senators might engage in a long discussion. I am very anxious to bring up the social-security bill. I ask the Senator from Montana to withhold for the present his motion with regard to the reference of this bill.

The VICE PRESIDENT. A motion is now pending, made by the Senator from Montana [Mr. MURRAY] to refer the bill to the Committee on Education and Labor.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Under the rules of the Senate, notwithstanding any custom with reference to Senators noting on bills the names of the committees to which they wish to have them referred, it is the duty of the Chair to send the bills to the appropriate committees. I thought the Chair was about to rule on the reference of this bill a moment ago when the motion was made. Is it in order, prior to the action of the Chair in deciding where a bill shall go, to move that it be sent to a certain committee?

The VICE PRESIDENT. The motion of the Senator from Montana is in order. The motion is that the bill be referred to the Committee on Education and Labor.

Mr. SCHWELLENBACH. Mr. President, it is true that in the past various matters with reference to the Works Progress Administration have been handled by the Committee on Appropriations. I desire, however, to read a statement which was made by the Senator from Colorado [Mr. ADAMS] on June 27, appearing at page 7960 of the CONGRESSIONAL RECORD, at which time he was asking unanimous consent with respect to restrictions on amendments to the joint resolution which was then under consideration.

The Senator from Colorado said:

I ask the Chair whether or not under the rules the relief joint resolution comes under the head of a general appropriation bill? I am hopeful the Chair will so rule. The situation has changed. Heretofore relief measures have been regarded as emergency legislation. Each one was to be the last. However, we have now reached a situation of relief appropriations being an annual event.

That is not all, Mr. President. Under the provisions of the Reorganization Act a definite agency is created for the management of public works and W. P. A. projects. So we now have set up by statute a new agency, which includes the National Youth Administration, which will continue, the National Resources Board, and the Farm Security Administration. These permanent organizations are now being taken care of by annual appropriation bills. I ask the Chair whether or not in that situation a measure to take care of such permanent agencies has now acquired the status of a regular appropriation bill, remembering that the joint resolution will take effect after the 1st of July, after the reorganization plan has gone into effect.

The Vice President, presiding, ruled against the Senator from Colorado. He then made a request for unanimous consent, and it was objected to.

I think the Senator from Colorado in that statement has very accurately described the situation which now exists after the 1st of July. This is the only situation I know of in congressional legislation in which matters of legislation as well as matters of appropriation are handled by the Appropriations Committee.

The War Department comes before the Congress and asks for legislation authorizing appropriations; and the Congress,

as a legislative matter, passes upon the question. Every other department of government comes before the Congress and has its legislation presented in a separate bill, which is referred to a separate committee. Then, when the legislative side of the matter has been agreed upon, the Departments go before the Appropriations Committee and ask for appropriations to take care of the legislative requirements.

As the Senator from Colorado pointed out in his statement on June 27, there has been a very definite recognition that we have reached a permanent situation so far as the Works Progress Administration is concerned. We cannot, consistently with every other sort of legislation we have, fail to recognize the changed situation, and fail to recognize the necessity and desirability of having committees of the Senate pass on legislative problems so far as the W. P. A. is concerned. It seems to me it would be absolutely inconsistent with every other action the Senate has taken in the past to continue this subject indefinitely in the Appropriations Committee.

I certainly do not want to cast even the semblance of a reflection upon the Appropriations Committee. So far as I am concerned, I do not know anybody who tries more ardently than does the Senator from Colorado [Mr. ADAMS] to be fair in his consideration of these problems. Many times I have disagreed with him; but I am always amazed at his fairness, and particularly at the fact that when he takes part in conferences he fights even for things in which he does not believe. But we have now reached the point where this subject no longer has an emergency status. Heretofore, it has always been handled in that way; but we have now reached the point where we must consider it as a regular business, and it should fit into the regular rules and the regular customs of the Senate.

Therefore, I think the motion of the Senator from Montana [Mr. MURRAY] should prevail.

Mr. BYRNES. Mr. President, I merely wish to say that in the House a bill similar to that proposed by the Senator from Montana has, according to my information, already been referred to the Committee on Appropriations. I submit that if the bill introduced by the Senator from Montana should not be referred to the Committee on Appropriations of the Senate, there is no other committee to which it should be referred other than the Committee on Unemployment, which by the Senate was instructed to report legislation referring to unemployment. I believe the bill should go to the Committee on Appropriations, because a subcommittee of that committee, and the Committee on Appropriations as a whole, have considered the very legislation which it is sought now to amend.

Mr. ADAMS. Mr. President, as the chairman of the subcommittee which handled the relief bill I wish to say just a word. Very obviously in the request for the reference of the bill there is an implication as to the attitude of the Committee on Appropriations. The Senator from Montana obviously feels that he can secure certain considerations from another committee which could not be secured from the Committee on Appropriations. I call his attention to the fact that he is interested in the establishment of the prevailing wage, provision for which was adopted by the Senate, and the Committee on Appropriations stood by it. The Senator from Montana has no right to cast a reflection upon the Committee on Appropriations by asking for a reference which, in itself, is a reflection upon that committee.

So far as the committee is concerned, I know the members of the committee would be delighted to be spared this burden; it is not a pleasant undertaking. But, speaking for myself, and I think for other members of the committee, we resent the implication that the committee would not carry out its functions as it should.

Mr. MURRAY. Mr. President, I have no desire to cast any reflection upon the able Senator who is the chairman of the subcommittee of the Committee on Appropriations, or to obtain any advantage whatever.

Mr. ADAMS. The Senator knows I have voted for prevailing wage legislation whenever it has been presented.



Mr. MURRAY. The only purpose I had in mind was to have the bill referred to what I considered to be the appropriate committee. I had only that in mind, and nothing impelled me to attempt to sidetrack it, or short circuit it, as the Senator has stated. I had only a desire to have the bill considered by the committee which is provided by the Senate for the consideration of a legislative matter of this kind.

Mr. BARKLEY. Mr. President, I have no interest, except from a legislative standpoint, in what committee considers any bill. I think that the Senate ought to have more definite rules with respect to the assignment of bills. As the Chair knows, I have never agreed that the Chair is under any moral or legislative or parliamentary obligation to refer any bill to a committee to which it should not go simply because the introducer puts the name of such a committee on the bill. I think the Senate ought to have a rule about that matter. Failure to observe some form of rule with respect to the propriety of the assignment of bills really interferes with the appropriate consideration of legislation.

I voted for the prevailing-wage provision when the legislation was before us recently, and I have voted for it uniformly. Three or four years ago there was a fight on the floor of the Senate about the prevailing wage, but it was settled by an amendment which the Senate adopted, and which has been in the law ever since.

The Committee on Appropriations has reported the relief bill each time with the prevailing-wage provision in it. It was the House which inserted the language to which objection has been made, and the bill came to the Senate from the House with the so-called security-wage provision in it, and on the floor of the Senate we almost unanimously adopted an amendment substituting what has been in force for 3 or 4 years, the prevailing-wage provision, in lieu of the House language.

I understand that when the bill went to conference the Senate conferees fought for the retention of the Senate amendment as long as they reasonably could. The House conferees were obdurate and would not concede, and in view of the limitation of time under which we were all operating, the Senate conferees were compelled to yield.

I feel that, in view of the record of the Committee on Appropriations with respect to this legislation, not only on the point referred to, but the fact that it has always considered it even when there were legislative provisions in the measures under consideration in addition to the mere appropriation—and there had to be legislative provisions in order to fix the terms of the appropriation—I feel that the bill should be considered by the Committee on Appropriations. The bill has been referred to the Committee on Appropriations in the House and will be considered by that committee, and if we change the rule in the Senate now and refer amendments such as the one now suggested to some other committee, we may create a situation which will cause disharmony between the committees of the two Houses which have heretofore been dealing with the proposed legislation.

For these reasons I feel constrained to vote against the motion to refer the bill to the Committee on Education and Labor.

Mr. KING. Mr. President, before a vote is taken I desire to invite the attention of the Senate to an occurrence in the city of Minneapolis to which reference is made in this morning's press.

It appears that a large number of Works Progress Administration employees, engaged in what is commonly called a strike, and interfered with other Works Progress Administration employees who refused to strike. The striking employees assaulted some persons who continued at work, and killed a patrolman who was attempting to protect those employees who were loyal to their employer—the Government of the United States. The reports in the press state that three patrolmen were beaten; one of them was knocked down and one, Gearty, received injuries from which he died in the general hospital an hour after he was beaten. The newspaper reports state that an armored police car came to the rescue of the persons who were assailed and escorted

the patrolman and a Mr. Fisher to the city hall. It is claimed that some 300 pickets immediately stormed into the corridors, threatened the police and Fisher with violence, and Fisher was held in jail for his own protection and later taken to the general hospital. Fisher was a Works Progress Administration worker but a nonstriker.

Senators will draw from the published reports such conclusions as they regard as warranted. If the press has correctly described the incident referred to, then it would seem that the conduct of the strikers cannot be defended.

I ask to have inserted in the RECORD the statement appearing in the Philadelphia Inquirer of this date in order that Senators may be advised of the incident referred to.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Philadelphia Inquirer of July 11, 1939]

**POLICEMAN DIES AFTER BEATING IN W. P. A. RIOT; A. F. L. THREATENS ENDLESS STRIKES AGAINST LAW—VIOLENCE IS FIRST IN NATION**

MINNEAPOLIS, MINN., July 10.—Violence that brought death to a policeman climaxed the W. P. A. strike in Minneapolis today. Injured in the riot were two other policemen and a nonstriking W. P. A. worker the three officers were escorting through jeering and threatening crowds of pickets.

The fight that ended fatally for Patrolman John B. Gearty developed in the second disturbance of a day marking the first violence in the Nation-wide strikes.

Dr. G. W. Gallerstrom, who conducted a post mortem tonight, said Gearty died from coronary sclerosis. He was unable to stand the excitement and the beating he was given by angry strikers because of a poor heart condition, the physician said.

#### VICTIM PUMMELED

His companion, Patrolman Paul Larson, said Gearty was pummeled over the head and shoulders by at least a half dozen men as they tried to put Frank Fischer, 45, the nonstriking W. P. A. worker, on a street car for home.

Gearty died in General Hospital. He had suffered a head injury. Fischer was X-rayed for possible head injuries and released from the hospital. Larson was struck across the neck, but not seriously hurt.

In Minneapolis, the "hot spot" of the W. P. A. strike, little work was done on relief projects. Roving bands of pickets, traveling in cars and visiting all outdoor construction projects every half hour, kept virtually all of the 8,000 workers on construction jobs off the projects.

#### PICKETS STORM SCHOOL

But white-collar projects, a historical research employing 180 men and women at Trudeau School, and a sewing project employing 200 continued in operation.

This morning 75 to 100 pickets stormed the Trudeau School, shouting to the workers to "Close up! Close up!" Police arrived in time to disperse the pickets after a disturbance that, compared to what came later, was minor. One worker was pummeled and his clothes ripped from his back, but no one was injured seriously.

But at noon, as the sewing-project workers prepared to leave, there was an ominous gathering of pickets. A human barricade of men and women, numbering 300 or more and massed tightly, blocked the entrance to the building at 123 Second Street North.

Approximately 30 policemen, including officers recruited from traffic duty, arrived to escort workers through the lines.

#### POLICE RESCUE WORKERS

There were jeers and threats, but no violence until Fischer, 45, machinist on the project, tried to leave the building. Pickets leaped on Fischer and pummeled him badly. Patrolmen Larson and Arthur Miller came to Fischer's aid.

They took him through the throng to a streetcar, but the motorman, fearing violence from the dense crowd milling about, refused to open the gates.

A moment later a wild fight broke out. Patrolman Gearty came to the aid of his mates. The three patrolmen were beaten with fists. Larson was knocked down and Gearty was pinned against an automobile. No weapons were used, but fists flew wildly.

An armored police car came to the rescue and escorted the patrolmen and Fischer to the city hall. There some 300 pickets stormed into the corridors, calling names and threatening the police and Fischer with violence. Fischer was held in jail "for his own protection," and later was taken to General Hospital. Chief Frank Forstall ordered the pickets to disperse and a force of 30 or more policemen backed them out of the building.

#### RAID WORKERS ALLIANCE

Soon afterward Gearty complained of a severe headache. He was taken to General Hospital, where he died an hour later.

This evening a force of 30 policemen raided the headquarters of the Workers Alliance, W. P. A. union, but made no arrests.

Thousands of strikers and a liberal sprinkling of the curious gathered at the Parade, a municipal playground, tonight for a mass meeting sponsored by the Workers Alliance. There speakers from the Alliance, A. F. of L. unions representing skilled building trades-

men involved in the strike, and C. I. O. spokesmen urged a continuance of the strike.

Policemen were on duty, but aside from oral violence, the gathering was peaceful.

#### UNION DEFIES CHIEF

In anticipation of more trouble tomorrow, Chief Forestal ordered all policemen, detectives, and plainclothesmen from the night and middle shifts to report at the city hall tomorrow morning. He canceled leaves of 100 policemen.

The Workers Alliance late tonight issued a call for a meeting at 5 a. m. as a preliminary to a march on the city hall at 10 a. m.

The police chief said he would not permit the march.

Gearity's was the first death in the wake of street fighting here since the truck strike of 1934, when two special deputies were slain.

**THE VICE PRESIDENT.** The question is on the motion of the Senator from Montana [Mr. MURRAY] to refer the bill introduced by him to the Committee on Education and Labor.

Mr. MURRAY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MINTON. I announce that the Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness in his family.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Missouri [Mr. CLARK], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

The Senator from Washington [Mr. BONE], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHAY], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. HOLT], the Senator from Nevada [Mr. PITTMAN], the Senator from Connecticut [Mr. MALONEY], and the Senator from Illinois [Mr. SLATTERY] are detained in various Government departments on matters pertaining to their respective States.

The Senator from Illinois [Mr. LUCAS] and the Senator from Montana [Mr. WHEELER] are detained in important committee meetings.

The Senator from Washington [Mr. BONE] is paired with the Senator from North Carolina [Mr. BAILEY]. I am advised that the Senator from Washington, if present and voting, would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. AUSTIN. The Senator from Ohio [Mr. TAFT] is detained on official business.

The Senator from New Hampshire [Mr. TOBEY] is necessarily absent. He has a general pair with the Senator from Florida [Mr. PEPPER].

Mr. CONNALLY. The senior Senator from Arizona [Mr. ASHURST] is absent on account of illness in his family.

The result was announced—yeas 21, nays 52, as follows:

#### YEAS—21

Bilbo	La Follette	Neely	Thomas, Utah
Borah		Norris	Wagner
Davis	Lundeen	Schwartz	Walsh
Frazier	Mead	Schwellenbach	
Gillette	Minton	Shipstead	
Guffey	Murray	Thomas, Okla.	

#### NAYS—52

Adams	Danaher	Hill	Radcliffe
Andrews	Downey	Holman	Reed
Austin	Ellender	Johnson, Calif.	Reynolds
Barbour	George	Johnson, Colo.	Sheppard
Barkley	Gerry	King	Smith
Bridges	Gibson	Lodge	Stewart
Bulow	Glass	Logan	Townsend
Burke	Green	McKellar	Truman
Byrd	Gurney	McNary	Tydings
Byrnes	Hale	Miller	Vandenberg
Capper	Harrison	Nye	Van Nuys
Chavez	Hatch	O'Mahoney	White
Connally	Herring	Overton	Wiley

#### NOT VOTING—23

Ashurst	Clark, Idaho	Lucas	Slattery
Bailey	Clark, Mo.	McCarran	Smathers
Bankhead	Donahay	Maloney	Taft
Bone	Hayden	Pepper	Tobery
Brown	Holt	Pittman	Wheeler
Caraway	Hughes	Russell	

So Mr. MURRAY's motion was rejected.

The bill (S. 2765) to amend the Emergency Relief Appropriation Act of 1939 to provide for the reestablishment of the prevailing rates of pay for persons employed upon work projects introduced by Mr. MURRAY (for himself and Mr. McCARRAN, Mr. WAGNER, Mr. MEAD, Mr. GUFFEY, Mr. SCHWELLENBACH, Mr. NEELY, Mr. DOWNEY, Mr. DONAHAY, Mr. BILBO, Mr. SMATHERS, Mr. TRUMAN, Mr. SCHWARTZ, Mr. MINTON, Mr. WHEELER, Mr. O'MAHONEY, Mr. BROWN, Mr. GILLETTE, Mr. BORAH, Mr. LA FOLLETTE, Mr. VAN NUYS, and Mr. GREEN), was read twice by its title and referred to the Committee on Appropriations.

#### MISSISSIPPI RIVER BRIDGE—DUBUQUE AND EAST DUBUQUE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 955) creating the City of Dubuque Bridge Commission and authorizing said Commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill., which were, on page 2, line 3, to strike out all after "navigation," down to and including "1906", in line 6; on page 2, lines 8 and 9, after "purchase," to insert "reconstruct,"; on page 2, line 21, after "such," to insert "privately owned"; and on page 3, line 17, after "purchased", to insert a comma and "reconstruct,"; on page 4, line 9, to strike out "their respective dates" and insert "the date of approval of this act"; on page 4, line 21, to strike out "twenty" and insert "thirty"; on page 4, line 22, to strike out "date of the bonds" and insert "approval of this act"; on page 8, line 13, to strike out all after "the" where it appears the second time, down to and including "Agriculture" in line 14, and insert "Public Roads Administration of the Federal Works Agency"; on page 9, line 8, to strike out all after "the" where it appears the first time, down to and including "Agriculture" in line 9, and insert "Commissioner of Public Roads, Federal Works Agency"; on page 11, line 22, after "Commission", to strike out all over to and including "management" in lines 1 and 2 on page 12, and insert "as a free bridge"; on page 12, lines 18 and 19, to strike out "Secretary of Agriculture" and insert "Federal Works Administrator"; on page 13, line 20, to strike out "Secretary of Agriculture" and insert "Federal Works Administrator"; on page 14, line 1, to strike out "Secretary of Agriculture" and insert "Federal Works Administrator"; on page 15, lines 14 and 15, to strike out "Chief of the Bureau" and insert "Commissioner"; on page 18, after line 18, to insert:

SEC. 14. Any bridge or bridges constructed, acquired, or reconstructed under authority of this act shall be constructed, maintained, and operated in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, notwithstanding any provisions contained herein to the contrary.

And, on page 18, line 19, to strike out "14" and insert "15."

Mr. GILLETTE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EGON KARL FREIHERR VON MAUCHENHEIM AND MARGARETE VON MAUCHENHEIM

Mr. BARKLEY. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. I yield.

Mr. BARKLEY. On Thursday last the Senate agreed to an amendment of the House of Representatives to Senate bill 1384, for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim.

The State Department advises that there is an error in the House amendment, and that the words "one number" in the following sentence should read "two numbers," viz:

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the preference category of the quota during the current year.

I therefore ask unanimous consent that the vote agreeing to the House amendment be reconsidered, that the words "one number" in the House amendment be amended to read "two numbers," and that, as amended, the House amendment be agreed to.



The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote by which the House amendment was agreed to is reconsidered, and the amendment to the amendment of the House submitted by the Senator from Kentucky is agreed to, and the House amendment as amended by the Senate is agreed to.

The House amendment to Senate bill 1384, as amended by the Senate, is to strike out all after the enacting clause and insert:

That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Egon Karl Frieherr von Mauchenheim and Margarete von Mauchenheim as of May 19, 1936, and that the order of deportation be canceled, and Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this act they shall not be permitted to become a naturalized citizen of the United States unless and until they shall leave the United States and reenter in a lawful way in full compliance with the existing law.

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the preference category of the quota during the current year.

#### AMENDMENT OF SOCIAL SECURITY ACT

Mr. HARRISON. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that House bill 6635, to amend the Social Security Act, and for other purposes, be taken up by the Senate for consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. NEELY. Mr. President, reserving the right to object, will the Senator from Mississippi yield to me in order that I may propound an inquiry to the majority leader, the Senator from Kentucky [Mr. BARKLEY].

Mr. HARRISON. I yield.

Mr. NEELY. My inquiry is this: Provided there is no objection to the request of the Senator from Mississippi, may I be assured that at the conclusion of the consideration of House bill 6635 no effort will be made or approved by the majority leader further to displace S. 280, the so-called moving-picture bill, with any other proposed legislation, excepting actual emergency measures?

Mr. BARKLEY. And conference reports?

Mr. NEELY. Certainly; including conference reports and other privileged matters. If I may have this assurance, I shall withhold my objection. Otherwise, I shall be compelled to make it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BARKLEY. In the first place, let me say that there has been no effort made to sidetrack consideration of Senate bill 280. When it was taken up it was understood by every Member of the Senate that emergency matters, such as the relief bill, the monetary bill, and the social security bill, would be taken up if they came before the Senate. Automatically Senate bill 280, without any motion, is the unfinished business as soon as the bill referred to by the Senator from Mississippi is disposed of. It comes up automatically, as I understand, when it is laid aside temporarily and action has been completed on the matter for which it was laid aside. So far as I am concerned, I have not only no intention but no desire in any way to interfere with the consideration of that bill, because I imagine I am as anxious as are other Members of the Senate to have it disposed of one way or the other at the earliest possible date. I do not know of any emergency matter that would come in unless it is a conference report or something of that sort.

The VICE PRESIDENT. The Chair understands that the Senator from Mississippi asks unanimous consent temporarily to lay aside the unfinished business in order that he may ask for consideration of House bill 6635. Is there objection?

Mr. NEELY. Mr. President, in view of the statement of the Senator from Kentucky, which I construe to mean that he will not countenance any effort that may be made further to displace Senate bill 280 and that in the absence of emergency legislation, and privileged matters, we shall proceed to the consideration of this bill just as soon as the social-security bill is out of the way. I withhold my objection.

Mr. CONNALLY. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. Is it not in order to move to displace the unfinished business and take up the bill proposing to amend the Social Security Act?

The VICE PRESIDENT. Of course, such a motion is in order. The Senator from Mississippi is trying to take the road of least resistance and least friction, as the Chair understands, by asking unanimous consent temporarily to lay aside the unfinished business in order that he may ask for consideration of the social-security measure.

Mr. CONNALLY. Mr. President, I should like to ask the Senator from Mississippi a question. It seems to me the conditions imposed by the Senator from West Virginia [Mr. NEELY] are so nebulous and uncertain as to extort from the majority leader some promise that if so-and-so happens and if something else happens the movie bill will not be laid aside. It is very unusual for the Senate to regulate its conduct in that way.

Mr. BARKLEY. Mr. President, if the Senator will permit me, I will say that under the rules of the Senate, when a bill which is the unfinished business is temporarily laid aside for consideration of some other bill, when that bill is disposed of, then automatically the previous unfinished business comes before the Senate for consideration.

I cannot control the activities of anyone else. Any Senator could move to take up some other bill, and if such a motion should prevail by majority vote the consideration of that bill would displace the unfinished business. I certainly have no intention or desire to do such a thing, and if any other Senator attempts to do it, it will not be done with my consent, unless it is an emergency matter which could not be delayed.

I hope that satisfies the Senator.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi [Mr. HARRISON]?

There being no objection, the Senate proceeded to consider the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which had been reported from the Committee on Finance, with amendments.

Mr. HARRISON. Mr. President, now that the social-security measure is before the Senate I am informed by the Senator from Louisiana [Mr. OVERTON] that he wishes to present a conference report on the District of Columbia revenue bill and that it must go before the House at an early date, because it is a very urgent and necessary matter.

The VICE PRESIDENT. The Senator from Mississippi has asked unanimous consent that the social-security measure be considered. That request has been agreed to, and the measure is now pending before the Senate. Does the Senator from Mississippi wish to have the formal reading of the bill dispensed with and the bill read for amendments?

Mr. HARRISON. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRISON. Mr. President, I wish to accommodate the Senator from Louisiana. I have no objection to the consideration of the conference report, at the conclusion of which I shall explain the details of the social-security measure briefly and answer any questions that may be asked with respect to it.

DISTRICT OF COLUMBIA TAXES—CONFERENCE REPORT (S. DOC. NO. 92)

Mr. OVERTON submitted the following report, which was ordered to be printed as a Senate document:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as

follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—FEDERAL PAYMENT

"For the fiscal year ending June 30, 1940, and for each fiscal year thereafter, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, the sum of \$6,500,000.

"TITLE II—INCOME TAX

"This title divided into sections and paragraphs according to the following table of contents, may be cited as the 'District of Columbia Income Tax Act':

"TABLE OF CONTENTS

- "Sec. 1. Application of title.
- "Sec. 2. Imposition of tax.
  - "(a) Tax on individuals.
  - "(b) Tax on corporations.
  - "(c) Definition of 'taxable income.'
  - "(d) Exemptions from tax.
- "Sec. 3. Net income—definition.
- "Sec. 4. Gross income and exclusions therefrom.
  - "(a) Of resident individuals.
  - "(b) Of corporations and nonresident individuals.
  - "(c) Exclusions from gross income.
- "Sec. 5. Deductions from gross income.
  - "(a) Items of deduction.
  - "(b) Allocation of deductions.
  - "(c) Corporations and nonresident individuals to file return of total income.
- "Sec. 6. Gain or loss from sale of assets.
  - "(a) Gain or loss in capital assets not recognized.
  - "(b) Gain or loss in assets other than capital.
- "Sec. 7. Exchanges.
- "Sec. 8. Deductions not allowed.
  - "(a) General rule.
  - "(b) Holders of life or terminable interest.
- "Sec. 9. Personal exemptions and credit for dependents.
  - "(a) Credits.
  - "(b) Change of status.
  - "(c) In return for fractional part of year.
- "Sec. 10. Accounting periods.
- "Sec. 11. Period in which items of gross income included.
- "Sec. 12. Period for which deductions and credit taken.
- "Sec. 13. Installment basis.
  - "(a) Dealers in personal property.
  - "(b) Sales of realty and casual sales of personalty.
  - "(c) Change from accrual to installment basis.
  - "(d) Gain or loss upon disposition of installment obligations.
- "Sec. 14. Inventories.
- "Sec. 15. Individual returns.
  - "(a) Requirement.
  - "(b) Persons under disability.
  - "(c) Fiduciaries.
- "Sec. 16. Corporation returns.
- "Sec. 17. Taxpayer to make return whether return form sent or not.
- "Sec. 18. Time and place for filing returns.
- "Sec. 19. Extension of time for filing returns.
- "Sec. 20. Allocation of income and deductions.
- "Sec. 21. Publicity of returns.
  - "(a) Secrecy of returns.
  - "(b) When copies may be furnished.
  - "(c) Reciprocal exchange of information with States.
  - "(d) Publication of statistics.
  - "(e) Penalties for violation of this section.
- "Sec. 22. Returns to be preserved.
- "Sec. 23. Fiduciary returns.
  - "(a) Requirement of return.
  - "(b) Joint fiduciaries.
  - "(c) Law applicable to fiduciaries.
- "Sec. 24. Estates and trusts.
  - "(a) Application of tax.
  - "(b) Computation of tax.
  - "(c) Net income.
  - "(d) Different taxable year.
  - "(e) Revocable trusts.
  - "(f) Income for benefit of grantor.
  - "(g) Definition of 'In discretion of grantor.'
  - "(h) Income from intangible personal property held by trust.
- "Sec. 25. Partnerships.
  - "(a) Partners only taxable.
  - "(b) Partnership return.
- "Sec. 26. Payment of tax.
  - "(a) Time of payment.
  - "(b) Extension of time for payment.
  - "(c) Voluntary advance payment.
  - "(d) Fractional part of cent.
  - "(e) Payment to the collector and receipts.
- "Sec. 27. Tax a personal debt.
- "Sec. 28. Information from Bureau of Internal Revenue.
- "Sec. 29. Assessor to administer.
  - "(a) Duties of the assessor.
  - "(b) Records, statements, and special returns.
  - "(c) Examination of books and witnesses.
  - "(d) Return by assessor.

- "Sec. 30. Assessment and collection of deficiencies.
- "Sec. 31. Determination and assessment of deficiencies.
- "Sec. 32. Jeopardy assessments.

- "(a) Authority for making.
- "(b) Bond to stay collection.
- "Sec. 33. Period of limitation upon assessment and collection.
  - "(a) General rule.
  - "(b) False return.
  - "(c) Waiver.
  - "(d) Collection after assessment.
- "Sec. 34. Refunds.
- "Sec. 35. Closing agreements.
- "Sec. 36. Compromises.
  - "(a) Authority to make.
  - "(b) Concealment of assets.
  - "(c) Of penalties.
- "Sec. 37. Failure to file return.
- "Sec. 38. Interest on deficiencies.
- "Sec. 39. Additions to tax in case of deficiency.
  - "(a) Negligence.
  - "(b) Fraud.
- "Sec. 40. Additions to tax in case of nonpayment.
  - "(a) Tax shown on return.
  - "(b) Deficiency.
  - "(c) Fiduciaries.
- "Sec. 41. Time extended for payment of tax shown on return.
- "Sec. 42. Penalties.
  - "(a) Negligence.
  - "(b) Willful violation.
  - "(c) Definition of 'person.'
  - "(d) No fraud penalty if full disclosure made.
- "Sec. 43. Definitions.

"APPLICATION OF TITLE

"SECTION 1. The provisions of this title shall apply to the taxable year 1939 and succeeding taxable years, except that in the case of a taxable year beginning in 1938 and ending in 1939 the income taxable under this title shall be that fraction of the income for the entire fiscal year equal to the number of days remaining in the fiscal year after January 1, 1939, divided by three hundred and sixty-five: *Provided, however*, That if the taxpayer's records properly reflect the income for that part of the fiscal year falling in the calendar year 1939, then the portion of the fiscal year's income taxable hereunder shall be the portion received or accrued during the calendar year 1939.

"IMPOSITION OF TAX

"SEC. 2. (a) Tax on individuals: There is hereby levied for each taxable year upon the taxable income of every individual domiciled in the District of Columbia on the last day of the taxable year a tax at the following rates:

- "One per centum on the first \$5,000 of taxable income.
- "One and one-half per centum on the next \$5,000 of taxable income.
- "Two per centum on the next \$5,000 of taxable income.
- "Two and one-half per centum on the next \$5,000 of taxable income.

"Three per centum on the taxable income in excess of \$20,000.

"(b) Tax on corporations: There is hereby levied for each taxable year upon the taxable income from District of Columbia sources of every corporation, whether domestic or foreign (except those organizations expressly exempt under paragraph (d) of this section), a tax at the rate of 5 per centum thereof.

"(c) Definition of 'taxable income': As used in this section, the term 'taxable income' means the amount of the net income in excess of the credits against net income provided in section 9 of this title.

"(d) Exemptions from tax: There shall be exempt from taxation under this title the following organizations: Corporations, including any community chest, fund, foundation, cemetery, association, teachers' retirement fund association, church, or club, organized and operated exclusively for religious, charitable, scientific, literary, educational, or social purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and labor organizations, trade associations, boards of trade, chambers of commerce, citizens' associations or organizations, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual; banks, insurance companies, building and loan associations, and companies, incorporated or otherwise, which guarantee the fidelity of any individual or individuals, such as bonding companies, all of which pay taxes upon gross premiums or earnings under existing laws of the District of Columbia; and voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such associations or their dependents, if (1) no part of their net earnings inures (other than such payments) to the benefit of any private shareholder or individual, and (2) 85 per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

"NET INCOME

"SEC. 3. Definition: The term 'net income' means the gross income of a taxpayer less the deductions allowed by this title.

"GROSS INCOME AND EXCLUSIONS THEREFROM

"SEC. 4. (a) Of individuals: The words 'gross income,' as used in this title, include gains, profits, and income derived from salaries,



wages, or compensation for personal services of whatever kind and in whatever form paid, including salaries, wages, and compensation paid by the United States to its officers and employees to the extent the same is not immune from taxation under the Constitution, or income derived from professions, vocations, trades, businesses, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership, or use of, or interest in, such property; also from rent, royalties, interest, dividends, securities, or transactions of any business carried on for gain or profit, or gains or profits, and income derived from any source whatever.

"(b) Of corporations: In the case of any corporation, gross income includes only the gross income from sources within the District of Columbia. The proper apportionment and allocation of income with respect to sources of income within and without the District may be determined by processes or formulas of general apportionment under rules and regulations prescribed by the Commissioners.

"(c) Exclusions from gross income: The following items shall not be included in gross income and shall be exempt from taxation under this title:

"(1) Life insurance: Amounts received under a life-insurance contract paid by reason of the death of the insured, whether in a single sum or otherwise (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income).

"(2) Annuities, and so forth: Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts and other than amounts received as annuities) under a life-insurance or endowment contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. Amounts received as an annuity under an annuity or endowment contract shall be included in gross income; except that there shall be excluded from gross income the excess of the amount received in the taxable year over an amount equal to 3 per centum of the aggregate premiums or consideration paid for such annuity whether or not paid during such year, until the aggregate amount excluded from gross income under this title in respect to such annuity equals the aggregate premiums or consideration paid for such annuity. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life-insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph (1) or this paragraph.

"(3) Gifts, bequests, and devises: The value of property acquired by gift, bequest, devise, or inheritance (but the income from such property shall be included in gross income).

"(4) Tax-free interest: Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States; or (C) the obligations of the United States or its possessions.

"(5) Compensation for injuries or sickness: Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received, whether by suit or agreement on account of such injuries or sickness.

"(6) Ministers: The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation.

"(7) Income exempt under treaty: Income of any kind to the extent required by any treaty obligation of the United States.

"(8) Dividends from China Trade Act corporations: In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a resident of China, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

"(9) Income of foreign governments.

#### "DEDUCTIONS FROM GROSS INCOME

"Sec. 5. (a) Items of deduction: In computing net income there shall be allowed as deductions:

"(1) Expenses: All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

"(2) Interest: All interest paid or accrued within the taxable year on indebtedness.

"(3) Taxes: Taxes paid or accrued within the taxable year, except—

"(A) income taxes;

"(B) estate, inheritance, legacy, succession, and gift taxes;

"(C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall

not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges; and

"(D) taxes paid to any State or Territory on property, business, or occupation the income from which is not taxable under this title.

"(4) Losses in trade or business: Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business, the income from which is subject to taxation under this title.

"(5) Losses in transactions for profit: Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit would be subject to taxation under this title, though not connected with the trade or business.

"(6) Intercompany dividends: In the case of a corporation, the amount received as dividends from a corporation which is subject to taxation under this title.

"(7) Bad debts: Debts ascertained to be worthless and charged off within the taxable year or, in the discretion of the assessor, a reasonable addition to a reserve for bad debts; and when satisfied that a debt is recoverable only in part, the assessor may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

"(8) Insurance premiums: All fire-, tornado-, and casualty-insurance premiums paid during the taxable year in connection with property held for investment or business.

"(9) Depreciation: A reasonable allowance for exhaustion, wear, and tear of property used in the trade or business, including a reasonable allowance for obsolescence; and including in the case of natural resources allowances for depletion as permitted by reasonable rules and regulations which the Commissioners are hereby authorized to promulgate.

"(10) Charitable contributions: Contributions or gifts actually paid within the taxable year to or for the use of any corporation, or trust, or community fund, or foundation, maintaining activities in the District of Columbia and organized and operated exclusively for religious, charitable, scientific, literary, military, or educational purposes, no part of the net income of which inures to the benefit of any private shareholder or individual: *Provided*, That such deductions shall be allowed only in an amount which in all of the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this subparagraph.

"(11) Wagering losses: Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

"(b) Allocation of deductions: In the case of a taxpayer, other than an individual, the deductions allowed in this section shall be allowed only for and to the extent that they are connected with income arising from sources within the District and taxable under this title to a nonresident taxpayer; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the District shall be determined by processes or formulas of general apportionment under rules and regulations to be prescribed by the Commissioners. The so-called charitable contribution deduction allowed by subparagraph (10) of paragraph (a) of this section shall be allowed whether or not connected with income from sources within the District.

"(c) Corporations and nonresident individuals to file return of total income: A corporation shall receive the benefits of the deductions allowed to it under this title only by filing or causing to be filed with the assessor a true and accurate return of its total income received from all sources, whether within or without the District.

#### "GAINS OR LOSSES FROM SALE OF ASSETS

"Sec. 6. (a) Gain or loss in capital assets not recognized: No gain or loss from the sale or exchange of a capital asset shall be recognized in the computation of net income under this title. For the purposes of this title, 'capital assets' means property held by the taxpayer for more than two years (whether or not connected with his trade or business) but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of a taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

"(b) Gain or loss in assets other than capital: Gains or losses from the sale or exchange of property other than a capital asset shall be treated in the same manner as other income or deductible losses, and the basis for computing such gain or loss shall be the cost of such property or, if acquired by some means other than purchase, the fair market value thereof at the date of acquisition.

#### "EXCHANGES

"Sec. 7. Where property is exchanged for other property, the property received in exchange for the purpose of determining the gain or loss shall be treated as the equivalent of cash to the amount of its fair market value; but when in connection with the reorganization, merger, or consolidation of a corporation a taxpayer receives, in place of stock or securities owned by him, new stock or securities of the reorganized, merged, or consolidated corporation, no gain or loss shall be deemed to occur from the exchange until the new stock or securities are sold or realized upon and the gain or loss is definitely ascertained, until which time the new stock or securities received shall be treated as taking the place of the stock and securities exchanged; provided such reorganization, merger, or consolidation is a "reorganization" within the meaning of the term "reorganization" as defined in section 112 (g) of the Federal Revenue Act of 1936.

#### "DEDUCTIONS NOT ALLOWED

"Sec. 8. (a) General rule: In computing net income no deductions shall be allowed in any case in respect to—

"(1) personal, living, or family expenses;

"(2) any amount paid out for new buildings or for permanent improvements or betterments, made to increase the value of any property or estate;

"(3) any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; and

"(4) premiums paid on any life-insurance policy covering the life of any officer or employee or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy.

"(b) Holders of life or terminable interest: Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act (except the deductions provided for in subsections (1) and (m) of section 23 of the Federal Revenue Act of 1926 as amended) for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled.

#### "PERSONAL EXEMPTIONS AND CREDIT FOR DEPENDENTS

"Sec. 9. (a) Credits: There shall be allowed to individuals the following credits against net income:

"(1) Personal exemption: In the case of a single person or married person not living with husband or wife, a personal exemption of \$1,000; in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$2,500; a husband and wife living together shall receive but one personal exemption, the amount of such personal exemption shall be \$2,500. If such husband and wife make separate returns the personal exemption may be taken by either or divided between them.

"(2) Credit for dependents: \$400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

"(b) Change of status: If the status of the taxpayer, insofar as it affects personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned under rules and regulations prescribed by the Commissioners, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional portion of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

"(c) In return for fractional part of year: In the case of a return made for a fractional part of a year, the personal exemption and credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which the return is made bears to twelve months.

#### "ACCOUNTING PERIODS

"Sec. 10. The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the assessor does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 43 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year. If the taxpayer makes a Federal income-tax return, his income shall be computed, for the purposes of this title, on the basis of the same calendar or fiscal year as in such Federal income-tax return.

#### "PERIOD IN WHICH ITEMS OF GROSS INCOME INCLUDED

"Sec. 11. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer unless, under methods of accounting permitted under section 10, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer there shall be included, in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect to such period or a prior period.

#### "PERIOD FOR WHICH DEDUCTIONS AND CREDITS TAKEN

"Sec. 12. The deductions and credits provided for in this title shall be taken for the taxable year in which 'paid or accrued' or 'paid or incurred', dependent upon the method of accounting upon the basis of which the net income is computed unless, in order to clearly reflect the income, the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect to such period or a prior period.

#### "INSTALLMENT BASIS

"Sec. 13. (a) Dealers in personal property: Under regulations prescribed by the Commissioners, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed bears to the total contract price.

"(b) Sales of realty and casual sales of personal property: In the case of (1) a casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year) for a price exceeding \$1,000, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed 30 per centum of the selling price, the income may, under regulations prescribed by the Commissioners, be returned on the basis and in the manner above prescribed in this section. As used in this section the term 'initial payments' means the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

"(c) Change from accrual to installment basis: If a taxpayer entitled to the benefits of subsection (a) elects for any taxable year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other disposition of property made in any prior year shall not be excluded.

"(d) Gain or loss upon disposition of installment obligations: If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (1) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (2) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission, or disposition. Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect to which the installment obligation was received. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full. This paragraph shall not apply to the transmission at death of installment obligations if there is filed with the assessor, at such time as he may by regulation prescribe, a bond in such amount and with such sureties as he may deem necessary, conditioned upon the return as income, by the person receiving any payment in such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and had received such payment.

#### "INVENTORIES

"Sec. 14. Whenever in the opinion of the assessor the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the assessor may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

#### "INDIVIDUAL RETURNS

"Sec. 15. (a) Requirement: The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe:

"(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband or wife;

"(2) Every individual having a net income for the taxable year of \$2,500 or over, if married and living with husband or wife; and

"(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income.

"(b) Husband and wife: If a husband and wife living together have an aggregate net income for the taxable year of \$2,500 or over, or an aggregate gross income for such year of \$5,000 or over—

"(1) Each shall make a return, or

"(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

"(c) Persons under disability: If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

"(d) Fiduciaries: For returns to be made by fiduciaries, see section 23.

#### "CORPORATION RETURNS

"Sec. 16. Every corporation not expressly exempt from the tax imposed by this title shall make a return and pay a filing fee of \$25 which shall be credited against the tax. Such returns shall state specifically the items of its gross income and the deductions and credits allowed by this title, and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe. The return shall be sworn to by the president, vice president, or other principal officer, and by the treasurer, assistant treasurer, or chief accounting officer. In cases where receivers, trustees in bankruptcy, or assignees are



operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

**"TAXPAYER TO MAKE RETURN WHETHER RETURN FORM IS SENT OR NOT"**

"SEC. 17. Blank forms of returns for income shall be supplied by the assessor. It shall be the duty of the assessor to obtain an income-tax return from every taxpayer who is liable under the law to file such return; but this duty shall in no manner diminish the obligation of the taxpayer to file a return without being called upon to do so.

**"TIME AND PLACE FOR FILING RETURN"**

"SEC. 18. All returns of income for the preceding taxable year shall be made to the assessor on or before the 15th day of March in each year, except that such returns, if made on the basis of a fiscal year, shall be made on or before the 15th day of the third month following the close of such fiscal year, unless such fiscal year has expired in the calendar year 1939 prior to the approval of this Act, in which event returns shall be made on or before the 15th day of the third month following the approval of this Act.

**"EXTENSION OF TIME FOR FILING RETURNS"**

"SEC. 19. The assessor may grant a reasonable extension of time for filing income returns whenever in his judgment good cause exists and shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no such extension shall be granted for more than six months, and in no case for more than one year. In the event time for filing a return is deferred, the taxpayer is hereby required to pay, as a part of the tax, an amount equal to 6 percentum per annum on the tax ultimately assessed from the time the return was due until it is actually filed in the office of the assessor.

**"ALLOCATION OF INCOME AND DEDUCTIONS"**

"SEC. 20. In any of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the District of Columbia, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the assessor is authorized to distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses. The provisions of this section shall apply, but shall not be limited in application to any case of a common carrier by railroad subject to the Interstate Commerce Act and jointly owned or controlled directly or indirectly by two or more common carriers by railroad subject to said Act.

**"PUBLICITY OF RETURNS"**

"SEC. 21. (a) Secrecy of returns: Except to any official of the District, having a right thereto in his official capacity, it shall be unlawful for any officer or employee of the District to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return under this title.

"(b) When copies may be furnished: Neither the original nor a copy of the return desired for use in litigations in court shall be furnished where the District of Columbia is not interested in the result whether or not the request is contained in an order of the court: *Provided*, That nothing herein shall be construed to prevent the furnishing to a taxpayer of a copy of his return upon the payment of a fee of \$1.

"(c) Reciprocal exchange of information with States: Notwithstanding the provisions of this section, the assessor may permit the proper officer of any State imposing an income tax or his authorized representative to inspect income-tax returns, filed with the assessor or may furnish to such officer or representative a copy of any income-tax return provided such State grants substantially similar privileges to the assessor or his representative or to the proper officer of the District charged with the administration of this title.

"(d) Publication of statistics: Nothing herein shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports and the items thereof, or of the publication of delinquent lists showing the names of taxpayers who have failed to pay their taxes at the time and in the manner provided by law, together with any relevant information which in the opinion of the assessor may assist in the collection of such delinquent taxes.

"(e) Penalties for violation of this section: Any offense against the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding \$1,000 or imprisonment for 6 months, or both, in the discretion of the court.

**"RETURNS TO BE PRESERVED"**

"SEC. 22. Reports and returns received by the assessor under the provisions of this title shall be preserved for 6 years and thereafter until the assessor orders them to be destroyed.

**"FIDUCIARY RETURNS"**

"SEC. 23. (a) Requirement of return: Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for

any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe:

"(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband and wife;

"(2) Every individual having a net income for the taxable year of \$2,500 or over, if married and living with husband or wife;

"(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income;

"(4) Every estate or trust the net income of which for the taxable year is \$1,000 or over;

"(5) Every estate or trust the gross income of which for the taxable year is \$5,000 or over, regardless of the amount of the net income.

"(b) Joint fiduciaries: Under such regulations as the Commissioners may prescribe, a return by one of two or more joint fiduciaries and filed in the office of the assessor shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate, or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct.

"(c) Law applicable to fiduciaries: Any fiduciary required to make a return under this title shall be subject to all the provisions of law which apply to individuals.

**"ESTATES AND TRUSTS"**

"SEC. 24. (a) Application of tax: The taxes imposed by this title upon individuals shall apply to the income of estates or of any kind of property held in trust, including—

"(1) Income accumulated in trust for the benefit of unborn or unascertained person or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

"(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

"(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

"(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

"(b) Computation of tax: The tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary, except as provided in paragraph (e) of this section (relating to revocable trusts) and paragraph (f) of this section (relating to income for benefit of the grantor).

"(c) Net income: The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

"(1) there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under subsection (2) of this section in the same or any succeeding taxable year;

"(2) in the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary;

"(3) there shall be allowed as a deduction (in lieu of the deductions for charitable contributions authorized by section 5 (a) (10)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating a trust, is during the taxable year paid or permanently set aside for the purposes and in the manner provided in section 5 (a) (10) or is to be used exclusively for the purposes enumerated in section 5 (a) (10).

"(d) Different taxable year: If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under subparagraph (1) of paragraph (c) of this section, to include in computing his net income, shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within or with his taxable year.

"(e) Revocable trusts: Where at any time the power to revest in the grantor title to any part of the corpus of the trust is vested—

"(1) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom; or

"(2) in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, then the income of such part of the trust shall be included in computing the net income of the grantor.

"(f) Income for benefit of grantor: Where any part of the income of a trust—

"(1) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

"(2) may, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

"(3) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in section 5 (a) (10), relating to the so-called 'charitable contribution' deduction); then such part of the income of the trust shall be included in computing the net income of the grantor.

"(g) Definition of 'in discretion of grantor': As used in this section, the term 'in the discretion of the grantor' means 'in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question.'

"(h) Income from intangible personal property held by trust: Income from intangible personal property held by any trust company or by any national bank situated in the District (with or without an individual trustee, resident or nonresident) in trust to pay the income for the time being to, or to accumulate or apply such income for the benefit of any nonresident of the District, shall not be taxable hereunder if—

"(1) such beneficial owner or cestui que trust was at the time of the creation of the trust a nonresident of the District; and

"(2) the testator, settlor, or grantor was also at the time of the creation of the trust a nonresident of the District.

#### "PARTNERSHIPS

"SEC. 25. (a) Partners only taxable: Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity, and no income tax shall be assessable hereunder upon the net income of any partnership. All such income shall be assessable to the individual partners; it shall be reported by such partners as individuals upon their respective individual income returns; and it shall be taxed to them as individuals along with their other income at the rate and in the manner herein provided for the taxation of income received by individuals. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year; or if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the taxable year upon the basis of which the partner's net income is computed.

"(b) Partnership return: Every partnership shall make a return for each taxable year stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and the addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

#### "PAYMENT OF TAX

"SEC. 26. (a) Time of payment: The total amount of tax imposed by this title shall be paid on the 15th day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the 15th day of the third month following the close of the fiscal year, except a fiscal year which expired in the calendar year 1939 prior to the approval of this act, in which event the tax shall be paid on the 15th day of the third month following the approval of this act.

"(b) Extension of time for payments: At the request of the taxpayer the assessor may extend the time for payment by the taxpayer of the amount determined as the tax, for a period not to exceed six months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect to which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

"(c) Voluntary advance payment: A tax imposed by this title, or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

"(d) Fractional part of cent: In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

"(e) Payment to collector and receipts: The tax provided under this title shall be collected by the collector and the revenues derived therefrom shall be turned over to the Treasury of the United States for the credit to the District in the same manner as other revenues are turned over to the United States Treasury for the credit to the District. The collector shall, upon written request, give to the person making payment of any income tax a full written or printed receipt therefor.

#### "TAX A PERSONAL DEBT

"SEC. 27. Every tax imposed by this title, and all increases, interest, and penalties thereof, shall become, from the time it is due and payable, a personal debt, from the person or persons liable to pay the same to the District, and shall be entitled to the same

priority as other District taxes; and the taxes levied hereunder and the interest and penalties thereon shall be collected by the collector of taxes in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection.

#### "INFORMATION FROM THE BUREAU OF INTERNAL REVENUE

"SEC. 28. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed by this title.

#### "ASSESSOR TO ADMINISTER

"SEC. 29. (a) Duties of assessor: The assessor is hereby required to administer the provisions of this title. The assessor shall prescribe forms identical with those utilized by the Federal Government, except to the extent required by differences between this title and its application and the Federal Act and its application. He shall apply as far as practicable the administrative and judicial interpretations of the Federal income-tax law so that computations of income for purposes of this title shall be, as nearly as practicable, identical with the calculations required for Federal income-tax purposes. As soon as practicable after the return is filed the assessor shall examine it and shall determine the correct amount of the tax.

"(b) Statements and special returns: Every taxpayer liable to any tax imposed by this title shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the Commissioners from time to time may prescribe. Whenever the assessor judges it necessary he may require any taxpayer, by notice served upon him, to make a return, render under oath such statements, or keep such records as he deems sufficient to show whether or not such taxpayer is liable to tax under this title and the extent of such liability.

"(c) Examination of books and witnesses: The assessor, for the purpose of ascertaining the correctness of any return filed hereunder, or for the purpose of making an estimate of the taxable income of any taxpayer, is authorized to examine any books, papers, records, or memoranda of any person bearing upon the matters required to be included in the return and may summon any person to appear and produce books, records, papers, or memoranda bearing upon the matters required to be included in the return, and to give testimony or answer interrogatories under oath respecting the same, and the assessor shall have power to administer oaths to such person or persons. Such summons may be served by any members of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then, and in that event, the assessor may report that fact to the District Court of the United States for the District of Columbia, or one of the Justices thereof, and said court or any Justice thereof hereby is empowered to compel obedience to such summons to the same extent as witnesses may be compelled to obey the subpoenas of that court. Any person in custody or control of any books, papers, records, or memoranda bearing upon the matters required to be included in such returns, who shall refuse to permit the examination by the assessor or any person designated by him of any such books, papers, records, or memoranda, or who shall obstruct or hinder the assessor or any person designated by him in the examination of any books, papers, records, or memoranda, shall upon conviction thereof be fined not more than \$300. All prosecutions under this section shall be brought in the police court of the District of Columbia on information by the corporation counsel of the District of Columbia in the name of the District of Columbia.

"(d) Return by assessor: If any person fails to make and file a return at the time prescribed by law or by regulations made under authority of law, or makes, willfully or otherwise, a false or fraudulent return, the assessor shall make the return from his own knowledge and from such information as he can obtain through testimony or otherwise. Any return so made and subscribed by the assessor shall be prima facie good and sufficient for all legal purposes.

#### "ASSESSMENT AND COLLECTION OF DEFICIENCIES

"SEC. 30. Definition of 'deficiency': As used in this title in respect of a tax imposed by this title 'deficiency' means—

"(1) the amount by which the tax imposed by this title exceeds the amount shown as the tax by the taxpayer upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

"(2) if no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax.

#### "DETERMINATION AND ASSESSMENT OF DEFICIENCY

"SEC. 31. If a deficiency in tax is determined by the assessor, the taxpayer shall be notified thereof and given a period of not less than thirty days, after such notice is sent by registered mail, in which to file a protest and show cause or reason why the deficiency should not be paid. Opportunity for hearing shall be granted by the assessor, and a final decision thereon shall be made as quickly as practicable. Any deficiency in tax then determined to be due



shall be assessed and paid, together with any addition to the tax applicable thereto, within ten days after notice and demand by the collector. The taxpayer may appeal from such assessment to the Board of Tax Appeals for the District of Columbia in the same manner and to the same extent as set forth in sections 3, 4, 7, 8, 9, 10, 11, and 12 of title VI of an Act to amend the District of Columbia Revenue Act of 1937, and for other purposes, approved May 16, 1938.

#### "JEOPARDY ASSESSMENT"

"Sec. 32. (a) Authority for making: If the assessor believes that the collection of any tax imposed by this title will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties, the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful.

"(b) Bond to stay collection: The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, the collection of which is stayed, at the time at which, but for this section, such amount would be due.

#### "PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION"

"Sec. 33. (a) General rule: Except as provided in paragraph (b) of this section—

"(1) The amount of income taxes imposed by this title shall be assessed within two years after the return is filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

"(2) In the case of income received during the lifetime of a decedent, or by his estate during the period of administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within twelve months after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of two years after the return is filed. This subparagraph shall not apply in the case of a corporation unless—

"(A) such written request notifies the assessor that the corporation contemplates dissolution at or before the expiration of such twelve-month period; and

"(B) the dissolution is in good faith begun before the expiration of such twelve-month period; and

"(C) the dissolution is completed.

"(3) If the taxpayer omits from gross income an amount properly includable therein which is in excess of 25 per centum of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within five years after the return was filed.

"(4) For the purposes of subparagraphs (1), (2), and (3), a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

"(b) False return: In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

"(c) Waiver: Where before the expiration of the time prescribed in paragraph (a) for the assessment of the tax, both the assessor and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

"(d) Collection after assessment: Where the assessment of any income tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (A) within three years after the assessment of the tax or (B) prior to the expiration of any period for collection agreed upon in writing by the assessor and the taxpayer before the expiration of such three-year period. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

#### "REFUNDS"

"Sec. 34. Except as otherwise provided in section 31 of this title, where there has been an overpayment of any tax imposed by this title, the amount of such overpayment shall be refunded to the taxpayer. No such refund shall be allowed after two years from the time the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of the refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or, if no claim was filed, then during the two years immediately preceding the allowance of the refund. Every claim for refund must be in writing, under oath; must state the specific grounds upon which the claim is founded, and must be filed with the assessor. If the assessor disallows any part of a claim for refund, he shall send to the taxpayer by registered mail a notice of the part of the claim so dis-

allowed. Within ninety days after the mailing of such notice, the taxpayer may file an appeal with the Board of Tax Appeals for the District of Columbia, in the same manner and to the same extent as set forth in sections 3, 4, 7, 8, 9, 10, 11, and 12 of title IX of an Act to amend the District of Columbia Revenue Act of 1937, and for other purposes, approved May 16, 1938. The remedy provided to the taxpayer under this section shall not be deemed to take away from the taxpayer any remedy which he might have under any other provision of law, but no suit by the taxpayer for the recovery of any part of such tax shall be instituted in any court if the taxpayer has elected to file an appeal in accordance with this section.

#### "CLOSING AGREEMENTS"

"Sec. 35. The assessor is authorized to enter into an agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any income tax for any period ending prior to the date of the agreement. If such agreement is approved by the Commissioners within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—the case shall not be reopened as to the matters agreed upon or the agreement modified; and in any suit or proceeding relating to the tax liability of the taxpayer such agreement shall not be annulled, modified, set aside, or disregarded.

#### "COMPROMISES"

"Sec. 36. (a) Authority to make: Whenever in the opinion of the Commissioners there shall arise with respect of any tax imposed under this title any doubt as to the liability of the taxpayer or the collectibility of the tax for any reason whatsoever the Commissioners may compromise such tax.

"(b) Concealment of assets: Any person who, in connection with any compromise under this section or offer of such compromise or in connection with any closing agreement under this title or offer to enter into any such agreement, willfully (1) conceals from any officer or employee of the District of Columbia any property belonging to the estate of the taxpayer or other person liable with respect of the tax, or (2) receives, destroys, mutilates, or falsifies any book, document, or record or makes under oath any false statement relating to the estate or the financial condition of the taxpayer or to the person liable in respect of the tax, shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both.

"(c) Of penalties: The Commissioners shall have the power for cause shown to compromise any penalty arising under this title.

#### "FAILURE TO FILE RETURN"

"Sec. 37. In case of any failure to make and file a return required by this title, within the time prescribed by law or prescribed by the Commissioners in pursuance of law, 25 per centum of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was due to reasonable cause and not due to willful neglect, no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

#### "INTEREST ON DEFICIENCIES"

"Sec. 38. Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 1 per centum per month from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed.

#### "ADDITIONS TO THE TAX IN CASE OF DEFICIENCY"

"Sec. 39. (a) Negligence: If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency.

"(b) Fraud: If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid.

#### "ADDITIONS TO THE TAX IN THE CASE OF NONPAYMENT"

"Sec. 40. (a) Tax shown on return.—

"(1) General rule: Where the amount determined by the taxpayer as the tax imposed by this title, or any installment thereof, or any part of such amount or installment, is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

"(2) If extension granted: Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 41 is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subparagraph (1) of this paragraph, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

"(b) Deficiency: Where a deficiency, or any interest or additional amounts assessed in connection therewith under section 38, or under section 39, or any addition to the tax in case of delinquency provided for in section 37 is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

"(c) Fiduciaries: For any period an estate is held by a fiduciary appointed by order of any court of competent jurisdiction or by will, there shall be collected interest at the rate of 1 per centum per month in lieu of the interest provided in subparagraphs (a) and (b) of this section.

#### "TIME EXTENDED FOR PAYMENT OF TAX SHOWN ON RETURN

"SEC. 41. If the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, is extended under the authority of section 26 (c), there shall be collected, as a part of such amount, interest thereon at the rate of 1 per centum per month from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

#### "PENALTIES

"SEC. 42. (a) Negligence: Any person required under this title to pay or collect any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply information, who fails to pay or collect such tax, to make such return, to keep such records, or supply such information, at the time or times required by law or regulations shall, upon conviction thereof (in addition to other penalties provided by law), be fined not more than \$300 for each and every such failure, and each and every day that such failure continues shall constitute a separate and distinct offense. All prosecutions under this paragraph shall be brought in the police court of the District of Columbia on information by the corporation counsel or his assistants in the name of the District of Columbia.

"(b) Willful violation: Any person required under this title to pay or collect any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of this title, who willfully refuses to pay or collect such tax, to make such returns, to keep such records, or to supply such information, or who willfully attempts in any manner to defeat or evade the tax imposed by this title, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and shall be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with costs of prosecution.

"(c) Definition of 'person': The term 'person' as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under duty to perform the act in respect to which the violation occurs.

#### "DEFINITIONS

"SEC. 43. For the purpose of this title and unless otherwise required by the context—

"(1) The word 'person' means an individual, a trust or estate, a partnership, or a corporation.

"(2) The word 'taxpayer' means any person subject to a tax imposed by this title.

"(3) The word 'partnership' includes a syndicate, group, pool, joint adventure, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the word 'partner' includes a member in such a syndicate, group, pool, joint adventure, or organization.

"(4) The word 'corporation' includes associations, joint-stock companies, and insurance companies.

"(5) The word 'domestic' when applied to a corporation other than an association, means created under the law of United States applicable to the District of Columbia; and when applied to an association or partnership means having the principal office or place of business within the District of Columbia.

"(6) The word 'foreign' when applied to a corporation or partnership means a corporation or partnership which is not domestic.

"(7) The word 'fiduciary' means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

"(8) The word 'individual' means all natural persons, whether married or unmarried; and also all trusts, estates, and fiduciaries acting for other persons; it does not include corporations or partnerships acting for or in their own behalf.

"(9) The words 'taxable year' mean the calendar year or the fiscal year ending during such calendar year upon the basis of which the net income is computed under this title. The term 'taxable year' includes, in the case of a return made for a fractional part of a year under the provisions of this title, the period for which such return is made.

"(10) The words 'fiscal year' mean an accounting period of twelve months and ending on the last day of any month other than December.

"(11) The words 'paid or incurred' and 'paid or accrued' shall be construed according to the method of accounting upon the basis of which the net income is computed under this title.

"(12) The words 'trade or business' include the engaging in or carrying on of any trade, business, profession, vocation or calling,

or commercial activity in the District of Columbia; and include the performance of the functions of a public office.

"(13) The word 'stock' includes a share in an association, joint-stock company, or insurance company.

"(14) The word 'shareholder' includes a member in an association, joint-stock company, or insurance company.

"(15) The words 'United States' when used in a geographical sense include only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

"(16) The word 'dividend' means any distribution made by a corporation out of its earnings or profits to its stockholders or members whether such distribution be made in cash, or any other property, other than stock of the same class in the corporation. It includes such portion of the assets of a corporation distributed at the time of dissolution as are in effect a distribution of earnings.

"(17) The word 'include', when used in a definition contained in this title, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"(18) The word 'Commissioners' means the Commissioners of the District of Columbia or their duly authorized representative or representatives.

"(19) The word 'District' means the District of Columbia.

"(20) The word 'assessor' means the assessor of the District of Columbia.

"(21) The word 'collector' means the collector of taxes of the District of Columbia.

#### "TITLE III—FEES AND FINES

"On and after July 1, 1939, there shall be credited to the District of Columbia that proportion of the fees and fines collected by the District Court of the United States for the District of Columbia, including fees and fines collected by the offices of the clerk of that court and of the United States marshal for the District of Columbia, as the amount paid by the District of Columbia toward salaries and expenses of such court and of the offices of the United States district attorney for the District of Columbia and of the United States marshal for the District of Columbia bears to the total amount of such salaries and expenses; and such proportion of the fees and fines, if any, collected by the United States Court of Appeals for the District of Columbia, including fees and fines, if any, collected by the office of the clerk of that court, as the amount paid by the District of Columbia toward the salaries and expenses of such court bears to the total amount of such salaries and expenses.

#### "TITLE IV—AMENDMENTS TO AND REPEAL OF PRIOR ACTS

##### "INTANGIBLE PERSONAL PROPERTY

"SEC. 1. The tax on intangible personal property imposed by any law relating to the District shall not apply with respect to any year subsequent to the fiscal year ending June 30, 1939.

##### "TAX ON CERTAIN UTILITIES

"SEC. 2. (a) Paragraph 5 of section 6 of the Act entitled 'An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes,' approved July 1, 1902, is hereby amended to read as follows:

"PAR. 5. Each national bank as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal-tax appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings or gross receipts, as the case may be, for the preceding year ending the 30th day of June, and each national bank and all other incorporated banks and trust companies respectively shall pay to the collector of taxes of the District of Columbia per annum 6 per centum on such gross earnings and each gas company, electric lighting company, and telephone company shall pay to the collector of taxes of the District of Columbia per annum 4 per centum on such gross receipts, from the sale of public-utility commodities and services within the District of Columbia. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street-railroad companies shall pay 3 per centum per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 2 per centum on premium receipts as provided by existing law. Each gas, electric-lighting, telephone and street railroad company shall pay, in addition to the tax herein mentioned, the corporate income tax imposed by title II of the District of Columbia Revenue Act of 1939, and the personal property tax on merchandise stock in trade. So much of the Act approved October 1, 1890, entitled 'An Act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia' as is inconsistent with the provisions of this section is hereby repealed.

"(b) This section shall not apply to gross earnings or gross receipts for any fiscal year ending the 30th day of June prior to the fiscal year ending June 30, 1940. Taxes shall be levied and collected for the fiscal years preceding the fiscal year ending June 30, 1940, under said paragraph 5 of section 6 of said Act of July 1, 1902, as if this title had not been enacted.



"(c) Section 6 of the Act of July 1, 1902 (c. 1352, 32 Stat. 619), is amended by striking out paragraph 8, so that the corporate excess tax therein provided shall become inoperative.

#### "TAX ON REAL PROPERTY

"Sec. 3. Title VII of the District of Columbia Revenue Act of 1937, as amended, is amended to read as follows: 'For the fiscal year ending June 30, 1940, the rate of taxation imposed on real and tangible personal property in the District of Columbia shall be 1.75 per centum of the assessed value of such property.'

#### "TAXABLE STATUS OF MOTOR VEHICLES AS TANGIBLE PERSONAL PROPERTY

"Sec. 4. Notwithstanding any other provision of law, the tangible personal-property tax on motor vehicles, except when consisting of stock in trade of merchants, shall be prorated according to the number of months such property has a situs within the District; and all such motor vehicles shall be assessed at their value as of April 1 each year: *Provided, however,* That where a motor vehicle shall be registered in the District of Columbia for the first time on a date between April 1 of one year and April 1 of the succeeding year, such motor vehicle shall be assessed, for taxation for the period ending with the succeeding April 1, at its value as of date of application for such first registration.

#### "TAX APPEALS

"Sec. 5. (a) The first sentence of the second paragraph of section 2 of title IX of the District of Columbia Revenue Act of 1937, as amended by the Act approved May 16, 1938, is amended to read as follows: 'The salary of such person so appointed shall be \$8,000 per annum.' This amendment shall be effective on and after July 1, 1939.

"(b) Section 3 of title IX of the District of Columbia Revenue Act of 1937, as amended, is amended as follows:

"Sec. 3. Any person aggrieved by any assessment by the District against him of any personal-property, inheritance, estate, business-privilege, gross-receipts, gross-earnings, insurance-premiums, or motor-vehicle-fuel tax or taxes, or penalties thereon, may, within ninety days after notice of such assessment, appeal from such assessment to the Board, provided such person shall first pay such tax, together with penalties and interest due thereon, to the collector of taxes of the District of Columbia under protest in writing. The mailing to the taxpayer of a statement of taxes due shall be considered notice of assessment with respect of such taxes. The Board shall hear and determine all questions arising on said appeal and shall make separate findings of fact and conclusions of law, and shall render its decision thereon in writing. The Board may affirm, cancel, reduce, or increase such assessment.'

"(b) Subsections (a), (b), and (c) of section 5 of title IX of the District of Columbia Revenue Act of 1937, as amended, are amended to read as follows:

"(a) The assessor and deputy assessor of the District and the board of all of the assistant assessors, with the assessor as chairman, shall compose a Board of Equalization and Review, and as such Board of Equalization and Review they shall convene in a room to be provided for them by the Commissioners, on the first Monday of January of each year, and shall remain in session until the first Monday in April of each year, after which date no complaint as to valuation as herein provided shall be received or considered by such Board of Equalization and Review. Public notice of the time and place of such session shall be given by publication for two successive days in two daily newspapers in the District not more than two weeks or less than ten days before the beginning of said session. It shall be the duty of said Board of Equalization and Review to fairly and impartially equalize the value of real property made by the board of assistant assessors as the basis for assessment. Any five of said Board of Equalization and Review shall constitute a quorum for business, and, in the absence of the Assessor, a temporary chairman may be selected. They shall immediately proceed to equalize the valuations made by the board of assistant assessors so that each lot and tract and improvements thereon shall be entered upon the tax list at their value in money; and for this purpose they shall hear such complaints as may be made in respect of said assessments, and in determining them they may raise the valuation of such tracts or lots as in their opinion may have been returned below their value and reduce the valuation of such as they may believe to have been returned above their value to such sum as in their opinion may be the value thereof. The valuation of the real property made and equalized as aforesaid shall be completed not later than the first Monday of May annually. The valuation of said real property made and equalized as aforesaid shall be approved by the Commissioners not later than July 1 annually, and when approved by the Commissioners shall constitute the basis of taxation for the next succeeding year and until another valuation is made according to law, except as hereinafter provided. Any person aggrieved by any assessment, equalization, or valuation made, may, within ninety days after October 1 of the year in which such assessment, equalization, or valuation is made, appeal from such assessment, equalization, or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided.

"(b) Annually, on or prior to July 1 of each year, the board of assistant assessors shall make a list of all real estate which shall have become subject to taxation and which is not then on the tax list, and affix a value thereon, according to the rules prescribed by law for assessing real estate; shall make return of all new structures erected or roofed, and additions to or improvements of old

structures which shall not have been theretofore assessed, specifying the tract or lot of land on which each of such structures has been erected, and the value of such structure, and they shall add such valuation to the assessment made on such tract or lot. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause, the said board of assistant assessors shall reduce the assessment on said property to the extent of such damage: *Provided,* That the Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments between September 1 and September 30 and determine the same not later than October 15 of the same year. Any person aggrieved by any assessment or valuation made in pursuance of this paragraph may, within ninety days after October 15 of the year in which said valuation or assessment is made, appeal from such assessment or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided.

"(c) In addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under proof prior to January 1 of each year, in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessment for the second half of the then current year payable in the month of March. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause prior to January 1 of each year the said board of assistant assessors shall reduce the assessment on said property to the extent of said damage for the second half of the then current year payable in the month of March. The Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments for the second half of said year between March 1 and March 31 and determine said complaints not later than April 15 of the same year. Any person aggrieved by any assessment made in pursuance of this paragraph may, within ninety days after April 15 of the year in which such assessment is made, appeal from such assessment in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however,* That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided.'

"(c) Title IX of the District of Columbia Revenue Act of 1937, as amended, is amended by adding thereto a new section reading as follows:

"Sec. 13. In any matter affecting taxation, the determination of which is by law left to the discretion of the Commissioners, the Commissioners may, if they so elect, refer such matter to the Board to make findings of fact and submit recommendations, such findings of fact and recommendations, if any, to be advisory only and not binding on the Commissioners, and shall be without prejudice to the Commissioners to make such further and other inquiry and investigation concerning such matter as they in their discretion shall consider necessary or advisable.'

#### "TANGIBLE PERSONAL PROPERTY STORED IN TRANSIT

"Sec. 6. Nothing in this act contained, nor shall any prior act of Congress relating to the District of Columbia be deemed to impose upon any person, firm, association, company, or corporation a tax based upon tangible personal property owned and stored by such person in a public warehouse in the District of Columbia for a period of time no longer than is necessary for the convenience or exigencies of reshipment and transportation to its destination without the District of Columbia.

#### "TITLE V—INHERITANCE AND ESTATE TAXES

"Title V of the District of Columbia Revenue Act of 1937, as amended by an act entitled 'An act to amend the District of Columbia Revenue Act of 1937, and for other purposes,' approved May 16, 1938, is amended to read as follows:

"Taxes shall be imposed in relation to estates of decedents, the shares of beneficiaries of such estates, and gifts as hereinafter provided:

#### "ARTICLE I—INHERITANCE TAX

"Sec. 1. (a) All real property and tangible and intangible personal property, or any interest therein, having its taxable situs in the District of Columbia, transferred from any person who may die seized or possessed thereof, either by will or by law, or by right of survivorship, and all such property, or interest therein, transferred by deed, grant, bargain, gift, or sale (except in cases of a bona fide purchase for full consideration in money or money's worth), made or intended to take effect in possession or enjoyment after the death of the decedent, or made in contemplation of death, to or for the use of, in trust or otherwise (including property of which the decedent has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from such property or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom), to the father, mother, husband, wife, children by blood or legally adopted children, or any other lineal descendants or lineal ancestors of the decedent, shall be subject to a tax as follows: 1 per centum of so much of said property as is in excess of \$5,000 and not in excess of \$50,000; 2 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 3 per centum of so much of said property as is

in excess of \$100,000 and not in excess of \$500,000; 4 per centum of so much of said property as is in excess of \$500,000 and not in excess of \$1,000,000; 5 per centum of so much of said property as is in excess of \$1,000,000.

"(b) So much of said property so transferred to each of the brothers and sisters of the whole or half blood of the decedent shall be subject to a tax as follows: 3 per centum of so much of said property as is in excess of \$2,000 and not in excess of \$25,000; 4 per centum of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 6 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 8 per centum of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 10 per centum of so much of said property as is in excess of \$500,000.

"(c) So much of said property so transferred to any person other than those included in paragraphs (a) and (b) of this section and all firms, institutions, associations, and corporations shall be subject to a tax as follows: 5 per centum of so much of said property as is in excess of \$1,000 and not in excess of \$25,000; 7 per centum of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 9 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 12 per centum of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 15 per centum of so much of said property as is in excess of \$500,000.

"(d) Executors, administrators, trustees, and other persons making distribution shall only be discharged from liability for the amount of such tax with the payment of which they are charged by paying the same as hereinafter described.

"(e) Property transferred exclusively for public or municipal purposes, to the United States or the District of Columbia, or exclusively for charitable, educational, or religious purposes within the District of Columbia, shall be exempt from any and all taxation under the provisions of this section.

"(f) Where any beneficiary has died or may hereafter die within six months after the death of the decedent and before coming into the possession and enjoyment of any property passing to him, and before selling, assigning, transferring, or in any manner contracting with respect to his interest in such property, such property shall be taxed only once, and if the tax on the property so passing to said beneficiary has not been paid, then the tax shall be assessed on the property received from such share by each beneficiary thereof, finally entitled to the possession and enjoyment thereof, as if he had been the original beneficiary, and the exemptions and rates of taxation shall be governed by the respective relationship of each of the ultimate beneficiaries to the first decedent.

"(g) The provisions of article I of this title shall apply to property in the estate of every person who shall die after this title becomes effective.

"(h) The transfer of any property, or interest therein, within 2 years prior to death, shall, unless shown to the contrary, be deemed to have been made in contemplation of death.

"(i) All property and interest therein which shall pass from a decedent to the same beneficiary by one or more of the methods specified in this section, and all beneficial interests which shall accrue in the manner herein provided to such beneficiary on account of the death of such decedent, shall be united and treated as a single interest for the purpose of determining the tax hereunder.

"(j) Whenever any person shall exercise a general power of appointment derived from any disposition of property, made either before or after the passage of this title, such appointment, when made, shall be deemed a transfer taxable, under the provisions of this title, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power; and whenever any person possessing such power of appointment so derived shall omit or fail to exercise the same, within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this title shall be deemed to take place to the extent of such omissions or failure in the same manner as though the person or persons thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by the will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

"(k) The doctrine of equitable conversion shall not be invoked in the assessment of taxes under this article.

"Sec. 2. The tax provided in section 1 shall be paid on the market value of the property or interest therein at the time of the death of the decedent as appraised by the assessor, or, in the discretion of the assessor, upon the value as appraised by the probate court of the District. The taxable portion of real or personal property held jointly or by the entireties shall be determined by dividing the value of the entire property by the number of persons in whose joint names it was held.

"Sec. 3. The appraisal thus made shall be deemed and taken to be the true value of the said property or interest therein upon which the said tax shall be paid, and the amount of said tax and the tax imposed by article II of this title shall be a lien on said property or interest therein for the period of ten years from the date of death of the decedent: *Provided, however*, That such lien shall not attach to any personal property sold or disposed of for value by an administrator, executor, or collector, or of the estate of such decedent appointed by the District Court of the United States for the District of Columbia or by a trustee appointed under a will filed with the register of wills for the District or by

order of said court, or his successor approved by said court, but a lien for said taxes shall attach on all property acquired in substitution therefor for a period of ten years after the acquisition of such substituted property: *And provided further*, That such lien upon such substituted property shall, upon sale by such personal representatives, be extinguished and shall reattach in the manner as provided with respect of such original property.

"Sec. 4. The personal representative of every decedent, the gross value of whose estate is in excess of \$1,000, shall, within fifteen months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose an itemized schedule of all the property (real, personal, and mixed) of the decedent, the market value thereof at the time of the death of the decedent, the name or names of the persons to receive the same and the actual value of the property that each will receive, the relationship of such persons to the decedent, and the age of any persons who receive a life interest in the property, and any other information which the assessor may require. Said personal representative shall, within eighteen months of the date of the death of the decedent and before distribution of the estate, pay to the collector of taxes the taxes imposed by section 1 upon the distributive shares and legacies in his hands and the tax imposed by section 1 hereof against each distributive share or legacy shall be charged against such distributive share or legacy unless the will shall otherwise direct.

"Sec. 5. The personal representative of the decedent shall collect from each beneficiary entitled to a distributive share or legacy the tax imposed upon such distributive share or legacy in section 1 hereof, and if the said beneficiary shall neglect or fail to pay the same within 15 months after the date of the death of the decedent such personal representative shall, upon the order of the District Court of the United States for the District of Columbia, sell for cash so much of said distributive share or legacy as may be necessary to pay said tax and all the expenses of said sale.

"Sec. 6. Every person entitled to receive property taxable under section 1 hereof, which property is not under the control of a personal representative, and is over \$1,000 in value, shall, within six months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose, an itemized schedule of all property (real, personal, and mixed) received or to be received by such person; the market value of the same at the time of the death of the decedent and the relationship of such person to the decedent; and any other information which the assessor may require. The tax on the transfer of any such property shall be paid by such person to the collector of taxes within nine months after the date of the death of the decedent: *Provided, however*, That with respect to real estate passing by will or inheritance such report shall be made within fifteen months after the death of the decedent, and the tax on the transfer thereof shall be paid within eighteen months after the date of the death of the decedent.

"Sec. 7. In the case of any grant, deed, devise, descent, or bequest of a life interest or term of years, the donee for life or years shall pay a tax only on the value of his interest, determined in a manner as the Commissioners by regulation may prescribe, and the donee of the future interest shall pay a tax only on his interest as based upon the value thereof at the time of the death of the decedent creating such interest. The value of any future interest shall be determined by deducting from the market value of such property at the time of the death of such decedent the value of the precedent life interest or term of years. Where the future interest is vested the donee thereof shall pay the tax within the time in which the tax upon the precedent life interest or term of years is required to be paid under the provisions of sections 4 and 6 of this article, as the case may be. Where the future interest is contingent the personal representative of such decedent or the persons interested in such contingent future estate shall have the option of (1) paying, within the time herein provided for the payment of taxes due upon vested future interests, a tax equal to the mean between the highest possible tax and the lowest possible tax which could be imposed under any contingency or condition whereby such contingent future interest might be wholly or in part created, defeated, extended, or abridged; or (2) paying the tax upon such transfer at the time when such future interest shall become vested at rates and with exemptions in force at the time of the death of the decedent: *Provided*, That the personal representative or trustee of the estate of the decedent or the persons interested in the future contingent interest shall deposit with the assessor a bond in the penal sum of an amount equal to twice the tax payable under option (1) hereof. Such bonds shall be payable to the District and shall be conditioned for the payment of such tax when and as the same shall become due and payable. The tax upon the transfer of future interests or remainders shall be a lien upon the property or interest transferred from the date of the death of the decedent creating the interests and shall remain in force and effect until ten years after the date when such remainder or future interest shall become vested in the donee thereof. If the tax upon the transfer of a contingent future interest is paid before the same shall become vested, such tax shall be paid by the personal representative out of the corpus of the estate of the decedent, otherwise by the person or persons entitled to receive the same.

#### "ARTICLE II—ESTATE TAXES

"Sec. 1. In addition to the taxes imposed by article I, there is hereby imposed upon the transfer of the estate of every decedent who, after this title becomes effective, shall die a resident of the District, a tax equal to 80 per centum of the Federal estate tax



imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted.

"Sec. 2. There shall be credited against and applied in reduction of the tax imposed by section 1 of this article the amount of any estate, inheritance, legacy, or succession tax lawfully imposed by any State or Territory of the United States, in respect of any property included in the gross estate for Federal estate-tax purposes as prescribed in title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted: *Provided, however,* That only such taxes as are actually paid and credit therefor claimed and allowed against the Federal estate tax may be applied as a credit against and in reduction of the tax imposed by section 1.

"Sec. 3. In no event shall the tax imposed by section 1 of this article exceed the difference between the maximum credit which might be allowed against the Federal estate tax imposed by title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, and the aggregate amount of the taxes described in section 2 of this article (but not including the tax imposed by section 1) allowable as a credit against the Federal estate tax.

"Sec. 4. The purpose of section 1 of this article is to secure for the District the benefit of the credit allowed under the provisions of section 301 (c) of title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, to the extent that the District may be entitled by the provisions of said Revenue Act, by imposing additional taxes, and the same shall be liberally construed to effect such purpose: *Provided,* That the amount of the tax imposed by section 1 of this article shall not be decreased by any failure to secure the allowance of credit against the Federal estate tax.

"Sec. 5. A tax is hereby imposed upon the transfer of real property or tangible personal property in the District of every person who at the time of death was a resident of the United States but not a resident of the District, and upon the transfer of all property, both real and personal, within the District of every person who at the time of death was not a resident of the United States, the amount of which shall be a sum equal to such proportion of the amount by which the credit allowable under the applicable Federal revenue Act for estate, inheritance, legacy, and succession taxes actually paid to the several States exceeds the amount actually so paid for such taxes, exclusive of estate taxes based upon the difference between such credit and other estate taxes and inheritance, legacy, and succession taxes, as the value of the property in the District bears to the value of the entire estate, subject to estate tax under the applicable Federal revenue Act.

"Sec. 6. Every executor or administrator of the estate of a decedent dying a resident of the District or of a nonresident decedent owning real estate or tangible personal property situated in the District, or of an alien decedent owning any real estate, tangible or intangible personal property situated in the District, or, if there is no executor or administrator appointed, qualified, and acting, then any person in actual or constructive possession of any property forming a part of an estate subject to estate tax under this title shall, within sixteen months after the death of the decedent file with the assessor a copy of the return required by section 304 of the Revenue Act of 1926, verified by the affidavit of the person filing said return with the assessor, and shall, within thirty days after the date of any communication from the Commissioner of Internal Revenue, confirming, increasing, or diminishing the tax shown to be due, file a copy of such communication with the assessor. With the copy of the Federal estate-tax return there shall be filed an affidavit as to the several amounts paid or expected to be paid as taxes within the purview of section 2 of this article: *Provided, however,* That any case where the time for the filing of such return as required by section 304 of the Revenue Act of 1926 is extended without penalty by the Bureau of Internal Revenue, then the copy thereof verified as aforesaid may be filed with the assessor within thirty days after the expiration of said extended period.

"Sec. 7. The assessor shall, upon receipt of the return and accompanying affidavit, assess such amount as he may determine, from the basis of the return, to be due the District. Upon receipt of a copy of any communication from the Commissioner of Internal Revenue, herein required to be filed, the assessor shall make such additional assessment or shall make such abatement of the assessment as may appear proper.

"Sec. 8. The estate taxes imposed by this article shall be paid to the collector of taxes within seventeen months after the death of the decedent: *Provided, however,* That in any case where the time for the payment of taxes imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, is extended by the Bureau of Internal Revenue, then the tax imposed by this article shall be paid within sixty days after the expiration of such extended period, together with interest as provided in section 4 of article IV of this title: *Provided further,* That any additional assessment found to be due under section 7 of this article shall be paid to the collector of taxes within thirty days after the determination of such additional assessment by the assessor.

#### "ARTICLE III—GENERAL

"Sec. 1. The bond of the personal representative of the decedent shall be liable for all taxes and penalties assessed under this title, except inheritance taxes and penalties imposed in relation to the transfer of property not under the control of such personal representative: *Provided,* That in no case shall the bond of the personal

representative be liable for a greater sum than is actually received by him.

"Sec. 2. The register of wills of the District shall report to the assessor on forms provided for the purpose every qualification in the District upon the estate of the decedent. Such report shall be filed with the assessor at least once every month, and shall contain the name of the decedent, the date of his death, the name and address of the personal representative, and the value of the estate, as shown by the petition for administration or probate.

"Sec. 3. The Commissioners shall have supervision of the enforcement of this title and shall have the power to make such rules and regulations, consistent with its provisions, as may be necessary for its enforcement and efficient administration and to provide for the granting of extension of time within which to perform the duties imposed by this title. The assessor shall determine all taxes assessable under this title and immediately upon the determination of same, shall forward a statement of the taxes determined to the person or persons chargeable with the payment thereof and shall give advice thereof to the collector of taxes. The assessor is hereby authorized and empowered to summon any person before him to give testimony on oath or affirmation or to produce all books, records, papers, documents, or other legal evidence as to any matter relating to this title, and the assessor is authorized to administer oaths and to take testimony for the purposes of the administration of this title. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then and in that event the assessor may report that fact to the District Court of the United States for the District of Columbia or one of the justices thereof, and said court or any justice thereof hereby is empowered to compel obedience to said summons to the same extent as witnesses may be compelled to obey the subpoenas of that court.

"Sec. 4. If the taxes imposed by this title are not paid when due, 1 per centum interest for each month or portion of a month from the date when the same were due until paid shall be added to the amount of said taxes and collected as a part of the same, and said taxes shall be collected by the collector of taxes in the manner provided by the law for the collection of taxes due the District on personal property in force at the time of such collection: *Provided, however,* That where the time for payment of the tax imposed by this title is extended by the assessor or where the payment of the tax is lawfully suspended under the regulations for the administration of this title, interest shall be paid at the rate of 6 per centum per annum from the date on which the tax would otherwise be payable.

"Sec. 5. If any person shall fail to perform any duty imposed upon him by the provisions of this title or the regulations made hereunder the Commissioners may proceed by petition for mandamus to compel performance and upon the granting of such writ the court shall adjudge all costs of such proceedings against the delinquent.

"Sec. 6. Any person required by this title to file a return who fails to file such return within the time prescribed by this title, or within such additional time as may be granted under regulations promulgated by the Commissioners, shall become liable in his own person and estate to the District in an amount equal to 10 per centum of the tax found to be due. In case any person required by this title to file a return knowingly files a false or fraudulent return, he shall become liable in his own person and estate to the said District in an amount equal to 50 per centum of the tax found to be due. Such amounts shall be collected in the same manner as is herein provided for the collection of the taxes levied under this title.

"Sec. 7. Any person required by this title to pay a tax or required by law or regulation made under authority thereof to make a return or keep any records or supply any information for the purposes of computation, assessment, or collection of any tax imposed by this title, who willfully fails to pay such tax, make any such return, or supply any such information at the time or times required by law or regulation shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"Sec. 8. When the assessor is satisfied that the tax liability imposed by this title has been fully discharged or provided for, he may, under regulations prescribed by the Commissioners, issue his certificate, releasing any or all property from the lien herein imposed.

"Sec. 9. No person holding, within the District, tangible or intangible assets of any resident or nonresident decedent, of the value of \$300 or more, shall deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, unless notice of the date and place of such intended transfer be served upon the assessor of the District of Columbia at least ten days prior to such delivery or transfer, nor shall any person holding, within the District of Columbia, any assets of a resident or nonresident decedent, of the value of \$300 or more, deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by said District Court without retaining a sufficient portion or

amount thereof to pay any tax which may be assessed on account of the transfer of such assets under the provisions of articles I and II without an order from the assessor of the District of Columbia authorizing such transfer. It shall be lawful for the assessor of the District, personally, or by his representatives, to examine said assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain as herein required a sufficient portion or amount to pay the taxes imposed by this title shall render such person liable to the payment of such taxes. The assessor of the District may issue a certificate authorizing the transfer of any such assets whenever it appears to the satisfaction of said assessor that no tax is due thereon: *Provided, however,* That any corporation, foreign or domestic to the District having outstanding stock or other securities registered in the sole name of a decedent whose estate or any part thereof is taxable under this title, may transfer the same, without notice to the assessor and without liability for any tax imposed thereon under this title, upon the order of an administrator, executor, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, or by a trustee appointed under a will filed with the register of wills of the District, or appointed by said court, or his successor approved by said court: *Provided further,* That the lessor of a safe-deposit box standing in the joint names of a decedent and a survivor or survivors may deliver the entire contents of such safe-deposit box to the survivor or survivors, after examination of such contents by the assessor or his representative, without any liability on the part of the said lessor for the payment of such tax.

"SEC. 10. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed under this title or relative to any person whose estate is subject to the provisions of this title.

"SEC. 11. If any return required by this title is not filed with the assessor when due, the assessor shall have the right to determine and assess the tax or taxes from such information as he may possess or obtain.

"SEC. 12. The assessor is authorized to enter into an agreement with any person liable for a tax on a transfer under article I of this title, in which remainders or expectant estates are of such nature or so disposed and circumstanced that the value of the interest is not ascertainable under the provisions of this title, and to compound and settle such tax upon such terms as the assessor may deem equitable and expedient.

"SEC. 13. In the interpretation of this title unless the context indicates a different meaning the term "tax" means the tax or taxes mentioned in this title.

"(a) The term "District" means the District of Columbia.

"(b) The term "Commissioners" means the Commissioners of the District of Columbia, or their duly authorized representative or representatives.

"(c) The term "assessor" means the assessor of the District of Columbia or his duly authorized representative or representatives.

"(d) The term "collector of taxes" means the collector of taxes for the District of Columbia, or his duly authorized representative or representatives.

"(e) The term "Metropolitan Police Department" means the Metropolitan Police Department of the District of Columbia.

"(f) The term "include", when used in a definition contained in this title, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"(g) The term "resident" means domiciled and the term "residence" means domicile.

"SEC. 14. The provisions of this title shall become effective at 12:01 antemeridian, the day immediately following its approval."

#### "TITLE VI—ADVANCEMENT OF MONEY BY TREASURY

"The Secretary of the Treasury, notwithstanding the provisions of the District of Columbia Appropriation Act, approved June 29, 1922, is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District as authorized by Congress, and such amounts so advanced shall be reimbursed by the said Commissioners to the Treasury out of taxes and revenue collected for the support of the government of the said District of Columbia.

#### "TITLE VII—JOINT SELECT COMMITTEE

"A joint select committee, composed of three Senators to be appointed by the President of the Senate, and three Representatives to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to make a further study of the tax structure of the District of Columbia with the purpose in view of providing a permanent tax structure for said District, and to make a report of such study with recommendations to Congress.

#### "TITLE VIII—GENERAL PROVISIONS

##### "SEPARABILITY CLAUSE

"Sec. 1. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### "RULES AND REGULATIONS

"SEC. 2. The Commissioners shall prescribe and publish all needful rules and regulations for the enforcement of this Act." And the Senate agree to the same.

JOHN H. OVERTON,  
WILLIAM H. KING,  
M. E. TYDINGS,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

JENNINGS RANDOLPH,  
AMBROSE J. KENNEDY,  
EVERETT M. DIRKSEN,  
GEORGE J. BATES,

*Managers on the part of the House.*

Mr. OVERTON. I ask for the immediate consideration of the report.

There being no objection, the Senate proceeded to consider the conference report.

Mr. OVERTON. Mr. President, I desire to make an explanation as briefly as possible. It will be recalled that with respect to District of Columbia revenue the House passed a bill providing that the Federal payment for the upkeep of the National Capital be in the lump sum of \$5,000,000, and also eliminating the existing business-privilege tax and the tax on intangible personal property; and that the House substituted for these taxes an income tax, both corporate and individual.

The bill reached the Senate during the closing hours of the past fiscal year. The District of Columbia Committee of the Senate undertook to consider the bill as carefully as possible, within the brief time at its disposal. On the recommendation of the District of Columbia Committee of the Senate, the Senate passed the bill fixing the Federal payment to the District of Columbia upon the basis of a formula which in turn was predicated upon the quantity of Federal property in the District with certain deductions, and which, applied to the existing status, was equivalent to fixing the payment of the National Government to the District of Columbia at approximately \$8,000,000.

At the first conference there was a disagreement between the Senate conferees and the House conferees as to what the Federal payments should be. Each House then took a vote and stood by the report of its conferees. At the last meeting of the conferees we agreed upon a report. In this report now being considered by the Senate we compromised on the Federal payment, fixing it at a lump sum of \$6,500,000. The House conferees met the Senate conferees half way, and the Senate conferees met the House conferees half way. The Senate then agreed to the provision in the House bill which eliminated the tax on intangible personal property.

The Senate conferees also agreed with the House conferees on eliminating the business privilege tax. The Senate conferees then agreed with the House conferees to adopt a corporate and individual income tax, with certain modifications. The result is that the tax structure agreed upon between the Senate and House conferees is the tax structure embodied in the House bill, with certain amendments. Therefore the Senate conferees, in order to have a revenue bill, have agreed, with certain modifications, to the tax structure proposed by the House, and have compromised on the Federal payment to be made to the District of Columbia.

Mr. President, I should make a brief statement in reference to the income tax which has been recommended by the conferees of both Houses, because it is a new tax. The House bill proposed a corporate income tax of 5 percent for both domestic and foreign corporations upon all income derived from sources within the District of Columbia. This has been agreed to by the Senate conferees.

With respect to the individual income tax, the House had imposed an income tax upon residents and nonresidents—upon residents with reference to their total taxable income, and upon nonresidents with respect to income derived by them within the District of Columbia—with an exemption of \$2,000, whether the taxpayer be single or married, and regardless of the number of dependents he may have. The



House provided an exemption for Senators and Representatives and their official personnel or staffs, and, as I recall, provided for no other exemptions.

The income tax agreed upon in conference between the Senate and the House is the imposition of an individual income tax upon all who are domiciled within the District of Columbia. The bill agreed to contains the same exemptions provided in the Federal statute, and, so far as they are applicable, the same deductions set forth in the Federal statute. In other words, the income-tax provision of this bill as recommended by the conferees follows as closely as possible the Federal statute on the subject of income taxes.

The rates are very moderate. The rate is 1 percent on the first \$5,000 of taxable income, 1½ percent on the next \$5,000, 2 percent on the next \$5,000, 2½ percent on the next \$5,000, and 3 percent on all taxable income above \$20,000. It is estimated that the individual income tax will provide a revenue of approximately \$300,000.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TYNDINGS in the chair). Does the Senator from Louisiana yield to the Senator from Massachusetts?

Mr. OVERTON. I shall be glad to yield.

Mr. WALSH. How do the rates which the Senator has just enumerated compare with the rates of the various States which have similar income-tax laws? Are they higher, or lower, or about the average?

Mr. OVERTON. I am advised that they are considerably lower than the average. The Senator will observe that they are very moderate rates.

Mr. WALSH. I observed that as they were read. Are they among the lowest rates fixed by law in the various States?

Mr. OVERTON. I do not know any State which imposes a lower income-tax rate than that contained in the bill. There may be such a State, but I have not been advised of it.

The total tax revenue which will be derived under the provisions of the bill for the fiscal year 1940 is estimated to be \$42,270,000, as against total revenue for the District of Columbia for the fiscal year 1939 of \$42,137,277.

Mr. President, the appropriation bill for the District of Columbia is in conference on several items. As agreed to so far between the House conferees and the Senate conferees, the total appropriation of the general fund items is \$40,173,192. There are still in controversy items aggregating \$1,404,550. If the items of appropriation which are in controversy are agreed upon as passed by the Senate, the District of Columbia will need a total revenue of \$43,035,528 for the general fund appropriations, as against an estimated income of \$42,270,000. I entertain the hope, however, that there will be an agreement between the House conferees and the Senate conferees on the appropriation bill and that the appropriations will be brought approximately within the income of the District of Columbia.

Mr. President, I now call attention to the fact that the individual income tax is imposed only on those domiciled in the District of Columbia. It, therefore, necessarily excludes from its imposition all Senators and Members of the House of Representatives, the President of the United States, all Cabinet officers, and all Federal employees who have been brought into the District from the various States of the Union to serve their country in the National Capital, provided such employees have not of their volition surrendered their domiciles in the States and have voluntarily acquired domiciles within the District of Columbia.

When the conferees were considering this measure, as the distinguished Senator now presiding [Mr. TYNDINGS in the chair] will recall, the junior Senator from Nevada [Mr. McCARRAN] was recorded by me as voting against the imposition of any income tax, he being at the time necessarily

detained by important business in Nevada. I did so because of the stand taken by the junior Senator from Nevada before the Committee on the District of Columbia and by reason of conversations I had with him and the utterances he had made upon the floor of the Senate. At the same time I knew that the Senator from Nevada realized that there was a disagreement between the House and the Senate which was imperiling the fiscal functions of the District of Columbia, and that it was necessary for us, if possible, to agree upon a bill in order to provide the necessary revenue.

I had been advised by the office of the Senator from Nevada that the Senator from Nevada had telegraphed his secretary, as follows:

Advise OVERTON he has my proxy for any matter pertaining to District tax bill.

When, therefore, the conferees had agreed upon an income tax which was to be applied only to individuals domiciled in the District of Columbia, which provided very moderate rates, I felt that I was at liberty to affix the signature of the Senator from Nevada to the conference report. But, before doing so, I consulted with his office, the Senator from Nevada being still absent. His office advised me that there would be no objection to my signing the conference report on behalf of the junior Senator from Nevada.

However, Mr. President, out of abundance of caution, I telegraphed the junior Senator from Nevada as follows:

JULY 10, 1939.

Hon. PAT A. McCARRAN,

United States Senator,

% Postmaster Pete Petersen, Reno, Nev.:

Senate and House conferees on the District of Columbia tax bill agreed to a \$6,500,000 annual Federal payment, \$1.75 real-estate and personal-property tax, eliminated tax on intangibles and business privilege, and agreed to a corporate income tax and a very moderate personal income tax levied only against individuals domiciled in the District of Columbia, thereby excluding all Senators and Congressmen and Federal employees whose domiciles are in the States. The rates are 1 percent on first \$5,000 of taxable income, one-half of 1 percent on next \$5,000, 2 percent on next \$5,000; 2½ percent on next \$5,000, and 3 percent on taxable income in excess of \$20,000. Exemptions and deductions are the same as prescribed by Federal statute. It represents the best compromise that we could effect. Pursuant to suggestion of your office I signed your name to the conference report, which will be submitted tomorrow.

JOHN H. OVERTON,

United States Senator.

I did that, Mr. President, in order that, if the able Senator from Nevada had any objection to any of the provisions of the conference report, and especially the provision relating to the income tax, he could so advise me, and, if he objected to his name being signed to the conference report I would remove it. He did object, and, therefore, the conference report has been submitted without the approving signature of the Senator from Nevada.

The Senator from Nevada has telegraphed me and has asked me to read into the RECORD the telegram which he has addressed to me upon this subject. It is dated, Reno, Nev., July 10, 1939, and reads as follows:

RENO, NEV., July 10, 1939.

Hon. JOHN H. OVERTON,

United States Senator,

Senate Office Building, Washington, D. C.:

Your wire received. Our former conferences and conversation had led me to believe that you would never stand for personal income tax in any form. On this assumption I wired my secretary to authorize you to act as my proxy in conference on District of Columbia tax bill. I regret exceedingly to learn from your wire that you have overlooked the principle, which to my mind is all important, as against income tax in any form for those who may be domiciled in the District of Columbia or who may reside there. My high regard for you and my realization of your splendid study of the subject of taxation in the District of Columbia prompts me to have pause in the matter of opposing your views. However, in this matter I must disagree in that I believe no income tax should be imposed against those individuals who may be domiciled in the District of Columbia by reason of the location of the National Capital being in that District. I have expressed myself on this sub-

ject in the committee and elsewhere. The National Capital, located in the District of Columbia, calls upon the service of those whom the Government may seek to employ and who by reason of employment are required to live or be domiciled in the District. To impose income tax against those whom the Government calls to service, and therefore requires that they be domiciled in the District, is to my mind unfortunate and unworthy of Government taxing power. The District of Columbia is the Capital of the Nation, and those who are domiciled there, by reason of that fact, should not be penalized. Domicile and bona fide residence are different in point of significance. To my mind it is an absurdity to say the Government shall call upon public servants and demand their presence in the District of Columbia and pay them out of the National Treasury for serving the Government in the District of Columbia and then impose a tax against the wages or salaries of those who are so called into Government service. I realize that you did not yield your theories as to taxation in the District, which to my mind were entirely correct, unless the exigency of the occasion demanded something unusual. Based on my viewpoint, there is no compromise, and I respectfully request that you withdraw my name from the conference report and that this wire be read into the Record on the floor of the Senate in explanation thereof. Kindest personal regards.

PAT MCCARRAN.

Mr. OVERTON. Mr. President, I have taken the trouble to present the incident rather fully to the Senate because the request has come to me from the Senator from Nevada to do so. He desires that his attitude in reference to the income tax be fully explained and set forth before the Senate as detailed by him in the telegram he has forwarded to me and which I have read. I take great pleasure in complying with that request. I have found the able and distinguished Senator from Nevada of great service in working out the tax problems of the District of Columbia. There is no member of the committee and no Member of the Senate who has given more faithful and more studious and more patriotic application to this difficult and complex subject than has the junior Senator from Nevada.

It is true that I voted in the Committee on the District of Columbia against an income tax. I realized the difficulties of imposing an income tax in the District. If an income tax were imposed upon all Federal employees within the District, an injustice would be done Federal employees; and if an income tax were imposed which exempted all Federal employees living within the District, an injustice would be done to the District of Columbia. It is therefore a very difficult problem to undertake to settle, if there is to be any income tax at all. I finally agreed to the income tax in conference only when it was provided that the tax should be imposed exclusively on those domiciled within the District of Columbia. I took the position before the District of Columbia Committee and in conference that I would not support any legislation which would exempt Senators and Members of the House of Representatives and their official force from an income tax in the District of Columbia but would impose it on all others. I then took the position in conference that if we imposed an income tax only on those domiciled within the District, then we would be imposing it only on those who of their own volition had abandoned their domiciles in the States of their origin and had elected to make their permanent home or domicile here in the District of Columbia. Such persons, it may be justly contended, have no cause to complain against an income tax that is imposed upon them only because they have chosen to establish within the District of Columbia their permanent places of abode and to abandon their domiciles within the States.

Mr. President, I ask unanimous consent to have inserted in the Record at this point a memorandum showing the revenue collections for the District of Columbia for 1939 and the estimated revenue collections for 1940 on the basis of the District tax bill as agreed to by the Senate and House conferees, and also a memorandum setting forth certain figures with respect to appropriations for the District of Columbia for the fiscal year 1940.

There being no objection, the memoranda were ordered to be printed in the Record, as follows:

MEMORANDUM RELATING TO THE GENERAL FUND OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEARS 1939 AND 1940  
Revenue collections for 1939 and estimated revenue collections for 1940, the latter based upon the District tax bill as agreed to July 7, 1939, by the Senate and House conferees

Source of revenue	Fiscal year—	
	1939	1940
Tax on real estate, \$1.75 rate.....	\$20,940,032	\$21,200,000
Tax on tangible personal property, \$1.75 rate.....	1,529,437	1,450,000
Tax on intangible personal property.....	2,810,623	1,50,000
Tax on public utilities, banks, building associations, etc.....	2,138,163	2,150,000
Personal tax on motor vehicles.....	626,429	650,000
Interest and penalties on taxes.....	319,180	350,000
Alcoholic beverages, licenses and taxes.....	1,927,981	1,950,000
Business privilege tax.....	1,884,773	1,200,000
Inheritance and estate taxes.....	430,641	500,000
Miscellaneous revenue.....	3,740,860	3,500,000
Credit arising from unexpended balances of appropriations.....	789,158	600,000
Personal net income tax.....		800,000
5 percent corporation net income tax.....		2,200,000
Prorating personal property tax on motor vehicles.....		20,000
Change in rates in taxes on public utilities.....		50,000
Part of fines and fees, U. S. district court and U. S. court of appeals.....		100,000
Federal payment.....	5,000,000	6,500,000
Total.....	42,137,277	42,270,000

<sup>1</sup> Estimated collection during 1940 of unpaid taxes on June 30, 1939.

NOTE.—Estimates for 1940 subject to revision.

Memorandum, general fund of the District of Columbia, fiscal year 1940

District of Columbia appropriation bill for 1940 now in conference (general fund items)—	
Total agreed to by the conferees.....	\$40,173,192
Increases made by the Senate still in disagreement—	
Relief.....	\$600,000
Buildings and grounds, public schools.....	804,550
	1,404,550
Possible maximum District of Columbia appropriation bill for 1940 (general fund items).....	41,577,742
General fund items to be provided for in other appropriation bills:	
60 percent of U. S. District Court, 30 percent of U. S. Court of Appeals.....	555,575
One-half of appropriations for Freedmen's Hospital (\$484,840).....	242,420
Executive office (special salary item).....	1,800
Supplementals, deficiencies, judgments, settlements of claims, etc.....	600,000
Assessor's office (additional personnel, etc., under new tax bill).....	57,991
Total estimated charges on above basis against District of Columbia general fund, fiscal year 1940.....	43,035,528

Mr. OVERTON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. SAM D. McREYNOLDS, late a Representative from the State of Tennessee, and transmitted the resolutions to the House thereon.

The message also announced that the House had passed the bill (S. 1575) to provide that the annual registration of motor vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:



H. R. 4499. An act authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky; and

H. R. 5452. An act to provide certain benefits for World War veterans and their dependents, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 2296. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; and

H. R. 5479. An act granting annual and sick leave with pay to substitutes in the Postal Service.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5407) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CHANDLER, Mr. McLAUGHLIN, and Mr. MICHENER were appointed managers on the part of the House at the conference.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 733. An act for the relief of S. A. Rourke;

H. R. 2296. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes;

H. R. 3537. An act to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States;

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;

H. R. 3576. An act to make effective the provisions of the Officers' Competency Certificates Convention, 1936;

H. R. 4370. An act authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill.;

H. R. 4497. An act to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes;

H. R. 4499. An act authorizing the county of Gallatin, State of Illinois, its successors, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky;

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;

H. R. 5288. An act to amend section 691-a of the Code of Law of the District of Columbia, approved March 3, 1901, and of any act or acts amendatory thereof relating to foreign building and loan associations doing business in the District of Columbia;

H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles;

H. R. 5452. An act to provide certain benefits for World War veterans and their dependents, and for other purposes;

H. R. 5479. An act granting annual and sick leave with pay to substitutes in the Postal Service; and

H. R. 6836. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended.

#### AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the committee.

Mr. HARRISON obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me? This is an important matter, and I think as many Senators as possible should hear the Senator's explanation of it. If he will permit me to do so, I should like to suggest the absence of a quorum.

Mr. HARRISON. Mr. President, I do not want to object to the Senator's suggestion; but, as Senators are at luncheon at this time, it is very difficult to keep them in the Chamber.

Mr. BARKLEY. If they knew that the Senator from Mississippi was about to speak on this bill, I think probably they would come in. At any rate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwollenbach
Andrews	Frazier	Lodge	Sheppard
Austin	George	Logan	Shipstead
Barbour	Gerry	Lucas	Slattery
Barkley	Gibson	Lundeen	Smith
Bilbo	Gillette	McKellar	Stewart
Bone	Glass	McNary	Taft
Borah	Green	Maloney	Thomas, Okla.
Bridges	Guffey	Mead	Thomas, Utah
Bulow	Gurney	Miller	Townsend
Burke	Hale	Minton	Truman
Byrd	Harrison	Murray	Tydings
Byrnes	Hatch	Neely	Vandenberg
Capper	Hayden	Norris	Van Nuys
Chavez	Herring	Nye	Wagner
Clark, Idaho	Hill	O'Mahoney	Walsh
Clark, Mo.	Holman	Overton	Wheeler
Connally	Holt	Pittman	White
Danaher	Johnson, Calif.	Radcliffe	Wiley
Davis	Johnson, Colo.	Reed	
Donahay	King	Reynolds	
Downey	La Follette	Schwartz	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, the proposed legislation is so important that I shall occupy the time of the Senate to make a brief explanation of the more important changes made in the present law by the bill passed by the House and the changes made by the Finance Committee in the House provisions.

I shall not burden the Senate with a discussion of the high purposes of social-security legislation. When the Social Security Act was passed, in 1935, both the reports of the committees accompanying the legislation and the pages of the CONGRESSIONAL RECORD attested the object and applauded the purposes of the legislation.

We all knew when we passed that legislation that it was not perfect, and that in the course of time it would have to be supplemented and changed in many material respects. I shall confine my remarks to a brief explanation of some of the more important substantive amendments which have been adopted by the House or which have been proposed by the Senate committee and which are now before the Senate.

The major changes proposed relate to old-age insurance. It will be recalled that when the law was passed in 1935 an old-age insurance tax beginning at 1 percent on the employer and the employee was imposed, and that rate was to continue until 1940, at which time it was to be increased to 1½ percent on the employer and employee, that rate to be in effect until 1943. The rate then was to increase to 2 percent on each until 1946, and would reach the maximum of 3 percent on each in 1949.

The House bill provides for freezing the tax at the present rate for 1940, 1941, and 1942; and the Committee on Finance recommends the adoption of this proposal.

I see before me the senior Senator from Michigan [Mr. VANDENBERG], and I wish to give to him full credit for the sentiment that was created, and for what has come out of the suggestions he and others made with reference to the freezing of the tax.

Mr. VANDENBERG. Mr. President, the Senator is very generous, but nothing would have resulted without the hos-

pitiable cooperation of the able chairman of the Committee on Finance.

Mr. HARRISON. I thank the Senator, of course, but he made the suggestion, and it has now received the practically unanimous recommendation of both the Ways and Means Committee of the House and the Finance Committee of the Senate. So this tax will not be increased in 1940 but will be frozen and will remain at 1 percent on the employer and 1 percent on the employee.

It has been estimated that this tax reduction will amount to some \$275,000,000 in 1940, and, for the 3-year period, to some \$825,000,000.

The old-age benefit provisions in the present law have been greatly liberalized. Under the present law, old-age insurance benefits are based on an individual's total wages in covered employment before 65 years of age. The only monthly benefits payable are to the individual who earns these wages; and if he dies before getting any benefits, an amount equal to 3½ percent of his wages is paid to his estate. If he gets some benefits, but less than 3½ percent of his total wages, the difference is paid to his estate. Under the system, no regard is had as to whether he has a dependent wife, or whether he dies leaving a child, widow, or parents.

No monthly benefits are payable until 1942, and the number receiving benefits then would not be large, because before being entitled to benefits under the present law, a person must have total wages of at least \$2,000, and must have been in covered employment in at least some part of each of 5 separate calendar years after 1936.

It is not in a spirit of criticism that I state that the present provisions afford very little protection in the early years, and will be very expensive in the later years. I should like to remind the Senate, however, that it is because of this fact that we find the pay-roll taxes necessary to finance the system under the law would greatly exceed the amount paid out in the early years, and the reserves built up from these taxes to finance the benefits in the later years would be very large indeed.

The amendments before the Senate in the bill now presented would modify this system by beginning the monthly benefit payments in 1940, instead of 1942, and would base the benefits on average wages rather than total wages. Under the present law the total wage received, before one is eligible to be covered in, is \$2,000. The amendments would also include a system of benefits for aged wives, which is not in the present law, and for widows who are aged or who have dependent orphans in their care, for aged dependent parents, and for orphans. Where there are no surviving dependents, reasonable burial expenses will be provided.

In my opinion, the provisions with reference to these old-age benefits have been immeasurably liberalized, and will be of inestimable benefit to that large portion of our population.

The amendments of the law ought to have a very great effect on the large appropriations, which have been necessary and which have been made by Congress for the relief of unemployment in this country, because with the liberal treatment afforded by the proposed legislation to the people who have been working and who will obtain the benefits after 1940, while in some instances the payments will not be large, they will be large enough so that it will not be necessary for those people to be placed on relief rolls, and there will be less pressure on the Federal Treasury for such enormous amounts.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. In most of the instances where changes have been made the sum total outgo over the next 30 or 40 years will remain the same, I understand.

Mr. HARRISON. The Senator is correct.

Mr. VANDENBERG. In other words, the amendments reduce the payments at the farther end of the period and increase them at this end of the period?

Mr. HARRISON. That is true.

Mr. VANDENBERG. But the sum total will remain the same, so that the system will remain reasonably in actuarial

balance. But there is one point at which the committee made an amendment which will increase the outgo during the next 15 years some five or six hundred million dollars. Is the Senator intending to discuss that in particular?

Mr. HARRISON. I shall call the attention of the Senate to that matter.

I should like to mention the effect of these provisions for more liberal benefits in connection with the reserve account. Not only is there less disparity between the tax receipts and the benefit payments, but the bill provides that regular reports shall be made to Congress each year as to whether the proceeds of the pay-roll taxes will result in a reserve greater than three times the highest annual expenditure required in the ensuing 5 years. Congress can act in the light of these reports if they indicate the need for any change in the tax structure, and the maximum reserve should never exceed \$15,000,000,000, even in the later years. Those who have expressed so much concern over the size of the reserve which is incident to the present law should feel comforted at this change.

I might add that the measure authorizes a permanent appropriation, so that without the necessity of an annual appropriation, as is now the case, the total of the old-age insurance tax collections will go into the reserve.

Further, the bill sets up a board of three trustees, the Secretary of the Treasury, the Chairman of the Social Security Board, and the Secretary of Labor, and the funds will be in a trust fund, which is to be called the "Federal Old-Age and Survivors Insurance Trust Fund."

I may say in this connection that under the present law these funds have been used for the purchase of Government bonds, and that the rate of interest was fixed at 3 percent. We have changed that in this proposal, and while special obligations may be issued, such obligations will bear interest at a rate equal to the average rate of interest on the public debt, in effect at the date of issue of the obligations.

Mr. VANDENBERG. Mr. President, if it will not interfere with the Senator's narrative, I should like to have the RECORD clear at this point with respect to the full reserve to which the Senator has referred.

Under the original proposal the full reserve would have reached \$47,000,000,000 in 1980. Under the amendment pending, as the Senator has stated, nothing like \$47,000,000,000 will ever be contemplated, but the maximum reserve will probably not exceed \$15,000,000,000.

Mr. HARRISON. The Senator is correct.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WAGNER. Under the freezing of the tax for a period of 3 years and the contributions that are to be made over a period of years, will there come a time before 1980 when the amount of money required to pay the benefits will exceed the amount of contributions received under the taxes?

Mr. HARRISON. I am fearful that that is true. I do not think there is any doubt about that.

Mr. WAGNER. So there will come a time when we will have to make up our minds either to increase those contributions or have a Government contribution?

Mr. HARRISON. Yes; I think the committee understands that is probably true.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. I think the Senator from New York is completely correct in his statement. There must be a general public contribution to offset what would have been the contribution obtained through the interest on the reserve fund, and our contention has been from the beginning that we might as well make it frankly in the form of a straight contribution rather than to make it through the detour of interest on the reserve.

Mr. WAGNER. Yes; I would be in favor of a contribution from the Federal Government at the present time as all other countries have. I wanted to have that appear clearly on the record.



Mr. HARRISON. Mr. President, I do not think there is any doubt about that being true.

Just before mentioning the reserve, I stated that under the provisions of the House bill, supplementary benefits would be payable, and that there would be an increased liberality in the amount of all monthly benefits. The Finance Committee has approved this liberalized schedule of benefits. Your committee has, however, offered perfecting amendments with respect to eligibility for benefits.

I may say also that in the committee hearings there were certain matters—questions which were propounded by the Senator from Wisconsin [Mr. LA FOLLETTE], and from those questions there was shown to be certain anomalies and we made certain changes. These were made with the approval of the Social Security Board. I think these changes, if adopted, would greatly improve the bill.

One of these amendments is to better take care of the situation of people who are already 65 or over. It is felt that these people should be permitted to earn credits at the earliest possible date, and your committee proposes an amendment which would make coverage of employment after 65 effective January 1 of this year, instead of January 1 of next year, as is proposed in the House measure. This will permit earlier retirement for these people, and in some instances, where they will not be able physically to work much longer, will mean the difference between their receiving benefits and not receiving benefits.

Mr. VANDENBERG. Mr. President, is this the amendment which increases the total cost \$600,000,000 in the next 15 years?

Mr. HARRISON. Yes; it is estimated that over a period of 15 years that would entail a cost of about \$600,000,000 plus, but that comes out of the trust fund financed by the pay-roll taxes.

Mr. VANDENBERG. Yes; but the fund was not figured in contemplation of that payment.

Mr. HARRISON. No; we have liberalized it to that extent in order to take care of these people who would not receive the benefit if they worked the time required in the amendments offered in the House and in the present law without the proposed changes. It will cost the fund \$600,000,000 plus by virtue of these changes. I might mention that this is only a small fraction of the increase contemplated in the benefits payable in the next 15 years.

Mr. VANDENBERG. Yes. The only point I was making was that the changes are utterly humane and thoroughly justified by every heart consideration that a man may have. Yet they are not justified on the basis of the tax which is being collected to pay for social security under title II, and if we are to continue liberalizing the benefit payments to an extent which will increase the sum total of benefit payments we have either got to increase the tax rate sooner or later, or we are merely fooling folks by inviting them into a system that is going bankrupt one of these days.

Mr. HARRISON. The Senator is absolutely correct. But we felt that the liberal treatment could be accorded even though over a 15-year period it will be very costly. We felt the action justified, however.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. KING. I assent to the statement made by the able Senator from Michigan, and I desire to supplement that statement. We are liberalizing, as has been said, many provisions of the bill, and that will only lead to demand for further liberalization at the next session of Congress, and additional liberalization, until within a short time the fund will be bankrupt and we will be utterly unable to meet the demands which will be made upon it. Demand will then be made that we resort to the Federal Treasury, and I make the prophecy—although I am not a prophet nor the son of a prophet—that within 4 or 5 years, under the policy which we are pursuing, we will have a bankrupt organization in some branches of this important security agency.

Mr. HARRISON. Mr. President, the second perfecting amendment is to change the basis of eligibility from a re-

quired number of years' employment to a required number of quarters' employment.

In the House bill eligibility for retirement benefits for those now 65 would require that they must earn in covered employment \$200 per year for 2 years and earn a total before retirement of \$600.

The Senate committee proposal substitutes the requirement of six quarters with wages of \$50 a quarter, which would amount to \$300. This shows the liberality that actuated the committee.

Your committee feels that the general principle of the House bill should be followed, so that persons who will have a longer period to be in the system will be required to be in the system half of the quarters after 1936, rather than one-half of the years, as is provided in the House bill. The provision of the House bill makes people eligible who will not have been in the system one-half the time after 1936 and before they reach 65, if they are in the system 15 years before they retire. Your committee proposes to substitute 40 quarters for the 15 years' retirement.

It is felt that changing the eligibility requirements from years to quarters and giving coverage for 1939 to those now over 65 will very greatly increase the number who will be in a position to retire during 1940.

To increase the adequacy of benefits for married men who will retire after having earned very low average wages, your committee proposes to make the minimum benefit which will be paid the wage earner with an aged wife \$10, as is the case now under the House bill, where no wife's benefit is payable. Under the Senate proposal then, the minimum benefit to an aged couple would be \$15, \$10 for the wage earner and \$5 for the aged wife. Under the House bill, it would be \$6.67 for the wage earner and \$3.33 for his wife.

The measure before you contains changes not only relating to old-age insurance, but to unemployment compensation. As you will recall, there is a Federal Unemployment Compensation pay-roll tax, which is at the rate of 3 percent. This tax is at present levied on a wages-earned basis, and is imposed only on the employer. For example, the tax would be due on commissions earned by an employee in a tax year, whether paid or not. Frequently a situation later arises so that the calculated amount on which the tax was paid is found to be erroneous and readjustment is required.

It would be much simpler to have the tax apply when the wages are actually paid, as is the existing law in the case of old-age insurance taxes. Your committee accordingly recommends that the amendments be adopted which will effect this change, placing the employment-compensation tax on the same basis as the old-age insurance tax in that particular.

Unemployment-compensation taxes are based on all wages an employer pays his employee, regardless of the amount, while the old-age insurance tax is effective only as to the first \$3,000 paid in a year. For instance, at present the tax under the law is on the entire salary paid an employee, even if it is \$100,000 a year. We have proposed the limit of \$3,000 and the tax imposed accordingly, placing it on the same basis as is the present law on old-age insurance.

Under the House proposal the \$3,000 limit would be placed in the unemployment-compensation tax, and your committee recommends the adoption of this proposal.

A further amendment which is proposed allows refunds and abatements, giving relief to employers who paid their 1936, 1937, and 1938 unemployment compensation contributions late. Because of failure to pay on time, many employers have lost their 90-percent credit against the Federal tax. The proposed provisions would permit this credit, and would take care of the future by giving a longer time for payment of contributions. For example, if contributions are paid by June 30 following the due date of the Federal return, while there would be no credit under existing law, the employer would lose but 10 percent of his credit under the proposed amendments. These amendments also have provisions taking care of situations in which late payment is occasioned by assets of the taxpayer being in the custody

of the court, or because the employer made a mistake and paid his contribution to the wrong State. It is felt that all of these amendments are equitable and should go a long way toward correcting hardships under the present law.

There are several important revisions proposed to the present coverage of the act. Certain services are exempt, including those for agricultural and horticultural associations, voluntary employees' beneficiary associations, local or ritualistic services for fraternal beneficiary societies, and services of employees earning nominal amounts—less than \$45 per quarter—from nonprofit institutions exempt from income tax. Newsboys and boys distributing the Shopping News are excluded. Family employment, such as employment of a son by his father, will be excluded in the old-age insurance tax. This exclusion is existing law as to the unemployment-compensation tax.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DAVIS. The provision as to the Shopping News is limited to boys under 18 years of age, is it not?

Mr. HARRISON. Yes. This is true also as to newsboys.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DANAHER. What provision is there for independent contractors, such as insurance salesmen?

Mr. HARRISON. I am coming to that question.

There is also a clarification and extension of the agricultural labor exemption of the present law. The present law exempts "agricultural labor" without defining the term. This bill defines the term so that the law will prescribe more definitely the extent of the exemption. The definition is so drawn that all service of the sort ordinarily performed on or about a farm, in connection with its operation or in producing crops or livestock, will be exempt from the act, and so that other services which are closely related to or an integral part of farming activities will also be exempt, even though they may not be performed on a farm.

There is a clarification of the present law relating to Federal and State instrumentalities. At present some institutions, such as banks, are exempt as national banks and State member banks of the Federal Reserve System. This proposal was very carefully studied, and there is a general approval of the clarification by those affected.

No opposition was expressed by the banking institutions of the country.

There is a proposal in the House bill for the extension of coverage to salesmen. Under the present law, whether a salesman is covered depends upon the test of whether he is an employee in the legal sense, and your committee believes that it would be unwise at this time to attempt any change. In this connection, however, your committee does propose an amendment with respect to the unemployment-compensation tax. Several States have exempted insurance salesmen from coverage, and your committee believes that it would be wise to exclude from the Federal unemployment-compensation tax insurance salesmen whose sole pay is by way of commission. This would, of course, still leave the States free to cover this employment when they choose to do so, but it would eliminate the present situation, where the entire Federal tax, without any offset for State unemployment contributions, comes to the Federal Government where the State exempts this employment. The principal class of insurance salesmen which would be affected is that class engaged in what is generally called industrial insurance. The proposed amendment of your committee would not affect the rights of any insurance salesman to old-age insurance, but would leave their situation as to being covered or not covered just as it is under existing law.

The House bill proposes to cover maritime employment for old-age insurance purposes, but not for the unemployment-compensation tax.

American seamen have expressed a strong desire for coverage, and there has been practically no opposition to this request. Your committee concurs in this proposal, but with an amendment excluding services by fishermen and by the crews

of fishing vessels. No request for coverage has come from this group, and it is not felt expedient to extend coverage until a special study has been made of the particular problems and desires of those who would be affected.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DAVIS. One of the leaders of the fishermen called on me this morning. They are objecting to the exemption.

Mr. HARRISON. They want to be included?

Mr. DAVIS. They want to be included.

Mr. HARRISON. What kind of fishermen does he represent?

Mr. DAVIS. All kinds of fishermen.

Mr. HARRISON. In many places an oyster or shrimp gatherer who has perhaps one or two employees goes out in his own boat. He sells his oysters or shrimp to the cannery. We have had no request from such people to be included. There was no suggestion to the committee that they be included, and we felt that the matter required study. In the course of time the Social Security Act will have to be further amended. It is not yet perfect. I think we have helped it greatly. However, as long as we are here we shall have to make certain amendments to it. We have exempted fishermen with the feeling that this is the practical approach. Their wishes in the matter should be known before we determine on their coverage.

The remaining matters affecting unemployment compensation are of a highly technical nature. I shall merely mention the Finance Committee action in proposing an amendment to strike out the McCormack amendment and the 2.7 amendment relating to additional credit.

No doubt many Senators have received letters with reference to the so-called McCormack amendment, giving the Social Security Board authority to fix certain standards for States. Certain States have enacted laws giving ratings to certain groups of employees. It would be necessary for the legislatures of such States to change the present State laws. We considered that matter very carefully.

Under the existing law employers who have merit rating under State laws containing certain standards with respect to merit rating experience may receive credit against the Federal unemployment compensation tax for a full 90 percent, when their contributions are reduced under the State law. The McCormack amendment proposed that when certain standards as to adequacy of benefits were met, and the State funds were equal to one and one-half times the largest annual contribution to the fund or the largest annual expenditure from the fund, there could be a general reduction of contributions required of all employers, and these employers would retain their full credit against the Federal tax.

The 2.7 provision requires States which do not meet the benefit and reserve standards set up in the McCormack amendment to provide that the employers in the State will make a total of contributions equal to that which would be paid in if each employer were contributing at a 2.7 rate. In other words, if some employers are to receive credit against the Federal tax for reductions in their contributions, other employers would have to contribute more than 90 percent of the 3-percent Federal tax.

Your committee heard considerable testimony as to these proposals and felt after the hearings that it would be unwise at this time to make such material changes in the existing law. The representative of many State unemployment compensation agencies appeared before us and objected to the standards laid down in the House bill. They felt that they were getting along very well under the present law. The problem should be very carefully worked out. Your committee took the view that under the circumstances it would be dangerous for us to tamper with the present law, and I hope the Senate will also take that view of it.

The last thing I should like to mention is the change in some of the present provisions for grants-in-aid to States.

Under the House bill the Federal matching for dependent children was increased from one-third to one-half. Your committee concurs in this proposal. Under the present law



the Federal Government contributes a third. The House bill provides for equal contributions.

Your committee also recommends an amendment which changes the maximum payment toward which the Federal Government will contribute from the existing law of \$18 for the first and \$12 per additional dependent child to an average of \$18. This gives much more flexibility to the matching, eliminates much auditing, and allows exceptional circumstances to be met more equitably. The cost of the proposed amendment of your committee would be very small. The estimate of the increased matching ratio will range from thirty to sixty million, depending upon State action.

Your committee also proposes amendments authorizing increased appropriations for maternal and child-health services from the present three million eight hundred thousand to five million eight hundred and twenty thousand, and for crippled children from two million eight hundred and fifty thousand to three million eight hundred and fifty thousand.

The House bill increased the authorization for vocational rehabilitation from \$1,938,000 to \$2,938,000 and included Puerto Rico. Your committee recommends that the amount be increased from \$1,938,000 to \$4,000,000. Each State would receive an allocation of not less than \$30,000 under your committee's amendment.

It is also proposed that the authorization for the public-health work be increased from the present limitation of \$8,000,000 to \$12,000,000. The Senate committee was very much impressed with the services rendered by the Public Health Service, the Children's Bureau, and the Office of Education and approved these increased authorizations. We believe the increases are justified by the facts. The Children's Bureau, under Miss Lenroot, has worked wonders, and the effects of its work is seen among children throughout the country. The allocations to the various States for public-health work in the rural sections throughout the country have been of great benefit to many unfortunate persons who were far away from a doctor or from any attention they might need.

I may say that the Finance Committee went very carefully into all these proposals and feels that the proposed changes in the existing law are amply justified.

As to old-age assistance and blind assistance, there is a proposed change in the House bill raising the amount the Federal Government will match from \$15 to \$20. Under the present law, as Senators know, the Federal Government matches the contributions of the States up to \$15. So if a State can contribute \$15 to a needy person who is 65 years of age or over, the Federal Government will likewise contribute \$15. The House raised that limit to \$20 upon the part of the State and provided that the Federal Government would match the State contribution up to \$20.

About the only contest in the Finance Committee arose over the question of requiring the Federal Government to extend greater assistance to States for our elderly people. There were two proposals before the committee. One was suggested by the Senator from South Carolina [Mr. BYRNES], who is chairman of the Unemployment and Relief Committee, which was appointed at the last session of the Congress to study the question of unemployment and relief and to try to solve that problem. He appeared before the committee and endeavored to have it carry out the recommendations of his committee and to make allocations to the States on the basis of the per capita income of residents of the State to the per capita income of the Nation as a whole. That would have assisted greatly many needy States. I may say to the Senate I voted for that amendment not only as a member of the Byrnes committee on unemployment but I voted for it in the Finance Committee. I was very hopeful that it would be adopted, because there are many States in the Union that cannot respond even to the \$15 maximum that is provided in the present law. My State is among the number of the States so situated. No man can get any glory from answering criticisms that the old people residing in his State receive only about \$7—half from the State and half from the Federal Government. I have an abiding conviction that some States have about reached the maximum of

their ability to pay under present conditions and unless the Federal Government provides additional aid the old people who are in need will have to suffer.

Someone may say that the poorer States have spent a great deal of money for roads. Of course they have. They have spent money for roads because they wanted to get out of the mud; and they have also had to spend money for schools. There are many problems that affect some sections of the country that do not affect other sections; but the States have to carry those loads. So I felt that the amendment offered by the Senator from South Carolina was entirely justified. When it was defeated the distinguished Senator from Texas [Mr. CONNALLY], a member of the committee, offered an amendment that up to \$15 would require the Federal Government to put up \$2 to the State's \$1. That would have practically insured to every old person in need about \$15. The increase would apply to the poorer States and the richer States, because all would have contributed alike up to \$15, on the matching basis of \$2 by the Federal Government and \$1 by the State. The cost involved under the amendment of the Senator from Texas was estimated at about \$80,000,000 per year, and under the Byrnes amendment the cost was estimated to be from \$30,000,000 to \$40,000,000 per year.

Those questions will come before the Senate during the further debate on the pending bill. I never like to vote against my committee—I always am a committee man—yet in this one case, I may say to the Senate, when these amendments are offered I shall vote for the proposals. I believe they are justified by the facts, and have advised the Finance Committee that I shall support them.

I may say in connection with liberalizing benefits, that while I am not for the Townsend plan, and never have been for it, nevertheless, credit must be given Dr. Townsend for helping to bring the needs of the aged before the American people. To him should be given a part of the credit for what the House has done with reference to raising the Federal contribution limit even to \$20, though, in my opinion, very few States will get any advantage. I believe there are only three or four States that would profit by the change the House has made, as only those who pay pensions in excess of \$30 would get any additional Federal assistance.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DOWNEY. I am sure that if Dr. Townsend were here he would ask me to extend his appreciation for the very courteous remarks made concerning him by the Senator from Mississippi.

Mr. HARRISON. Mr. President, there is nothing that has touched me more than the plight of our needy aged people. I know if I go to one of the departments in an effort to assist one who is 50 or 55, or older, in getting employment, the door is not open to him. I am told, "Go over to some other bureau or some other department." I have been unable to assist many such persons, many of whom needed assistance, to obtain Government employment.

If the same person goes to a private corporation in this day and time and endeavors to obtain employment, is he employed? Oh, no; the corporations want the younger men and women. So the older person is left out in the cold, but we ought to see to it that, at least up to \$15, every individual in this country, if in need, whether he lives in Mississippi, or New York, or Massachusetts, or California, through Federal cooperation with the States, shall be given \$15 a month.

Someone may say that will not help them much. It will help them a great deal everywhere in this country, if we provide a means whereby under State old-age assistance an aged person with no other means of support will be assured a minimum of \$15 a month.

Mr. President, I have said all that I desire to say. I hope we may expedite consideration of this bill. I think the bill is a fine and constructive piece of legislation. It is not perfect, but it is along the right lines of endeavor.

The PRESIDING OFFICER. The first amendment reported by the committee will be stated.

The first amendment of the Committee on Finance was, under the heading "Title I—Amendments to Title I of the Social Security Act," on page 2, line 9, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis", so as to read:

SEC. 101. Section 2 (a) of the Social Security Act is amended to read as follows:

"(a) A State plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Board to be necessary for the proper and efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; (7) effective July 1, 1941, provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming old-age assistance; and (8) effective July 1, 1941, provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of old-age assistance."

Mr. LA FOLLETTE. Mr. President, when the original Social Security Act was pending in the Congress there were provided in the act certain standards which the State plans must meet before they could be approved by the Board. Greatly to my disappointment, Congress saw fit to exclude from among the various items which must be approved those relating to the selection, tenure of office, and compensation of personnel. The result was that the Social Security Board had no right to require that the State plan should include provisions for the selection of State personnel under the merit system.

Senators who have followed the history of the administration of the Social Security Act since it went upon the statute books are familiar with the fact that in several States of the Union such a condition has resulted from the provision of law which is now sought to be stricken from the bill that the Board has had to take the extreme action of denying their benefits to elderly persons under the system set up. But this drastic action was the only recourse left to the Board under the existing law.

The Finance Committee has now included in the provisions which must be included in every State plan after January 1, 1940, methods relating to the establishment and to the maintenance of personnel standards on a merit basis. As I understand and construe the amendment, it will mean that each State plan will have to provide, as a condition of securing approval by the Board, that the personnel selected within the State to administer the law shall be selected on a civil-service or merit basis. The amendment does not in any way, as I view it, extend to the Board the right to pick and choose between individuals who are to be selected; but under this provision, if it becomes a law, the Board may require that each State shall set up a satisfactory merit system for the selection of the personnel.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. In just a moment.

Because I believe the amendment is an important step forward in the administration of the social-security law, and because I believe it is very important that it become law, I rose merely to point out the situation to the Senate, so that there could be no question that the Senate fully realized the import of the amendment, and to ask that there be a record vote upon it, so that the Senate may be put upon record, and so that it may be evident to all concerned that the Sen-

ate has given consideration to this matter and that it has taken a record vote thereon.

I now yield to the Senator from Massachusetts.

Mr. WALSH. Mr. President, first of all, I desire to say that I am in full accord with what the able Senator from Wisconsin has said; and I sincerely hope there will be a record vote, so that we may emphasize the position of the Senate on this amendment.

I should like to ask the Senator if this amendment is not the outgrowth of complaints and criticisms which have prevailed throughout the country because of the manner in which the Social Security agents and investigators employed in the several States have acted, to the dissatisfaction and against the protest of the Social Security Board, and also if the amendment is not in part the result of the investigation made last year by a committee of the Senate during the senatorial campaign which exposed some of the political activities of these employees in the various States?

Mr. LA FOLLETTE. I think the Senator from Massachusetts is correct in his statement; and I desire to say to the Senator that ever since I have known about his service in the Senate—and it dates back to his first term in this body—I have known that he has been an ardent advocate of the merit system for the selection of Government personnel.

I do not desire to be drawn into a discussion of the particular States where difficulties have arisen, nor do I wish to go into additional information which is in my possession about other States where the Board has not acted because it has not felt justified in taking the drastic action of withholding Federal contributions, and thereby penalizing the old people who are receiving the pensions; but there are other States where the Board has not acted, and where the situation is one that has brought about criticism.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield with pleasure to the Senator from Wyoming.

Mr. O'MAHONEY. I merely desire to ask the Senator from Wisconsin whether he is of the opinion that the language of the amendment is such as to provide a definite tenure for the personnel that may be appointed. In other words, is the phrase "on a merit basis" sufficiently definite to prevent the removal of personnel with possible changes of administration in the States?

Mr. LA FOLLETTE. I will say to the Senator that the amendment is somewhat in the nature of a compromise which comes out of the committee after some discussion. It is an important step in the right direction, and I have great confidence that it will accomplish its purpose. I may say to the Senator that I have the feeling that we should take this step, since it is the result of some discussion and compromise in the committee, and we hope to retain it in conference; and I have every reason to believe that it is of sufficient definiteness so that a merit system, as the term is commonly understood, may be required by the Board.

Mr. O'MAHONEY. Does the amendment give the Social Security Board discretion to fix the standards, or does it permit the standards to be modified in the several States?

Mr. GEORGE. Mr. President, I may say that the amendment does not give the Social Security Board power to fix the standards, but it does give the Board power to approve merit systems which the States must in the first instance set up.

Mr. LA FOLLETTE. That is my understanding of the matter; and I think I am at liberty to say that the chairman of the Social Security Board, who has been very much interested in the whole situation, believes that the amendment as drawn provides a workable basis and a workable standard which the Board will find satisfactory in dealing with the States.

Mr. HATCH. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from New Mexico.

Mr. HATCH. The Senator will recall that during some of the discussion which took place here last summer about various amendments which were proposed, a great deal was



said about employees of the Social Security Administration engaging in political activity within the States. Frankly, I have drawn and lying on my desk an amendment which I was at least thinking about offering, and which is much more drastic in its terms than this amendment. In view of what the Senator has just said about this amendment being the result of a compromise, and his belief that it is a step in the right direction, I am wondering if he thinks it is sufficient to cover some of the things which were discussed here last summer.

Mr. LA FOLLETTE. I believe that under this language, if it shall become law, the Social Security Board will have power to require the establishment of a genuine merit basis for the selection of personnel. As I stated a moment ago, I have every reason to believe that the chairman of the Social Security Board feels that the present language is sufficient, and that a very sound and workable system can be established under the terms of the committee amendment.

Mr. HATCH. Of course the Senator understands that my question was not prompted by any opposition to the amendment.

Mr. LA FOLLETTE. I understand that; and I also wish to commend the Senator from New Mexico. In every way I have done all that I could to support his efforts in connection with the so-called Hatch bill and other legislation of similar character.

Mr. HATCH. I appreciate the support the Senator has given. My only thought was whether the amendment goes far enough.

Mr. LA FOLLETTE. As I stated in response to the inquiry of the able Senator from Wyoming [Mr. O'MAHONEY], it is my belief that we are making a great step forward, and that we should accept the amendment as it comes from the committee, in the nature of a compromise, and make every honorable effort to retain it in conference, with full confidence that under the administration of the Social Security Board the results which we desire to see obtained will be obtained.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield, with pleasure.

Mr. TAFT. Coming from one of the States where very serious abuses occurred, which now have been corrected, I thoroughly approve of the Senator's amendment; but one question arises in my mind.

As I understand, a good many of these State plans are statutory plans. In some places it may be necessary to enact statutes. Will it not be embarrassing to have this amendment take effect on the first of January 1940? Would it not be better to make the effective date April 1 or July 1, so that the State legislature may be called together and meet and act?

Mr. LA FOLLETTE. I may say to the Senator from Ohio, in the first place, that I very much appreciate his statement. Also, I wish to say that this is not my amendment. The amendment was tendered to the committee by the Senator from Rhode Island [Mr. GREEN], and this particular language is the result of discussion in the committee and the suggestions, as I remember, made by the able Senator from Colorado [Mr. JOHNSON].

In direct answer to the Senator's question, I will say that we did discuss this question in the committee with the Chairman of the Social Security Board and the experts of the Board; and they stated that the State provisions so far as personnel are concerned are not statutory provisions, and that the amendment will give the States ample notice. It will give them from the date of enactment of the pending measure to January 1, 1940, to work out their provisions and bring them to the Social Security Board and secure their approval; and the effective date was advanced to January 1, 1940, for that very purpose.

So I think the Senator may rest easy, because the question was raised in the committee; and the experts of the Board assured us that the State personnel provisions are not statutory in character, and therefore are subject to change without action by the respective legislatures of the States.

Mr. TAFT. With due respect, I do not see how civil service can be established in an old-age department unless the State passes a law providing that there shall be civil service in that department, if there is not already civil service.

Mr. LA FOLLETTE. I think that can be done, because the Senator will remember that the funds for the personnel were provided, and this can be done by regulation. I am certain it is entirely within the power of the respective administrative agencies.

I ask for the yeas and nays on the committee amendment.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. LA FOLLETTE. Certainly.

Mr. KING. The Senator may think the question is a joke, but it is not. In view of the inefficiency of the civil service of the Federal Government, does the Senator think the Federal Government, by giving its blessing to State governments and compelling them to have civil service, is going to improve their condition? I do not think the Federal Government's conduct of its civil-service administration is any particular guide to the States.

Mr. LA FOLLETTE. Mr. President, I do not think the question is a joke. I do not wish to be drawn into a long discussion of the whole question of the Federal civil service. I think there is much to be said for the fact that the civil service of the Federal Government has grown up more or less as a counter action against the patronage system, and that because of that environment and that conditioning it has become more largely an agency endeavoring to protect employees in the civil service in retaining their positions rather than acting as a personnel agency for the Federal Government. I discussed that question to some extent and at greater length in connection with the reorganization bill. I hope that some day we may have a modern, efficient personnel service for the Federal Government; but from my own experience in my own State, I say that it is possible to build up a sound personnel system for a State Government, and I say that it is the judgment of all who have had anything to do with the administration of this act that this particular amendment if enacted into law will greatly improve the conditions surrounding the administration of the old-age title.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am anxious to yield the floor.

Mr. O'MAHONEY. I merely wanted to make it clear that I understand the Senator to believe that while this is a step in the right direction, it is little more than a step.

Mr. LA FOLLETTE. That is not correct. If the Senator will remember, in response to his first question I stated that the amendment was not so sweeping as the one originally tendered to the committee, that it was somewhat the result of a compromise, but that the Chairman of the Social Security Board and others who have studied this question firmly believe that under the terms of the amendment they can bring about a genuine merit basis for the selection of the personnel under this title of the act.

I think we are making a great advance, although it may not be all that any Senator might want. We are not writing the details of the standards into the law. In other words, we are trusting somewhat to the judgment of the Social Security Board and to their ability to work this matter out with the various State administrations.

Mr. O'MAHONEY. I wish to express it as my personal opinion that this represents a minimum below which we should not in any event go.

Mr. HARRISON. Mr. President, as I understand, the Senator from Wisconsin desires to have a roll call on the amendment in order to show how strongly the Senate favors it?

Mr. LA FOLLETTE. That is my reason for asking for a roll call.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The question is on agreeing to the amendment reported by the committee on page 2, line 9. On that amendment the Senator from Wisconsin asks for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. LUCAS. My colleague the junior Senator from Illinois [Mr. SLATTERY] is unavoidably detained. If present, he would vote "yea."

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

The Senator from Idaho [Mr. CLARK], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Utah [Mr. KING], the Senator from Rhode Island [Mr. GREEN], the Senator from Connecticut [Mr. MALONEY], and the Senator from Indiana [Mr. VAN NUYS] are detained in various Government departments on matters pertaining to their respective States.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from West Virginia [Mr. HOLT] are conducting hearings in the Committee on Education and Labor.

The Senator from New Hampshire [Mr. TOBEY] has a general pair with the Senator from Florida [Mr. PEPPER].

The result was announced—yeas 72, nays 2, as follows:

## YEAS—72

Adams	Downey	Lee	Schwartz
Andrews	Frazier	Lodge	Schwellenbach
Austin	George	Logan	Sheppard
Barbour	Gerry	Lucas	Shipstead
Barkley	Gibson	McKellar	Smith
Bone	Gillette	McNary	Stewart
Borah	Guffey	Mead	Taft
Bulow	Gurney	Minton	Thomas, Okla.
Burke	Hale	Murray	Thomas, Utah
Byrd	Harrison	Neely	Townsend
Byrnes	Hatch	Norris	Truman
Capper	Hayden	Nye	Tydings
Chavez	Herring	O'Mahoney	Vandenberg
Clark, Mo.	Hill	Overton	Wagner
Connally	Holman	Pittman	Walsh
Danaher	Johnson, Calif.	Radcliffe	Wheeler
Davis	Johnson, Colo.	Reed	White
Donahey	La Follette	Reynolds	Wiley

## NAYS—2

Bilbo	Miller
NOT VOTING—22	
Ashurst	Clark, Idaho
Bailey	Ellender
Bankhead	Glass
Bridges	Green
Brown	Holt
Caraway	Hughes
	King
	Lundeen
	McCarran
	Maloney
	Pepper
	Russell
	Slattery
	Smathers
	Tobey
	Van Nuys

So the committee amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, in the heading, on page 6, line 1, after the word "And", to strike out "Survivor" and insert "Survivors"; and in line 3, after the word "And", to strike out "Survivor" and insert "Survivors", so as to make the heading read:

TITLE II—FEDERAL OLD-AGE AND SURVIVORS INSURANCE BENEFITS  
FEDERAL OLD-AGE AND SURVIVORS INSURANCE

The amendment was agreed to.

The next amendment was, on page 6, line 7, after the word "and", to strike out "Survivor" and insert "Survivors"; in line 25, after the word "and", to strike out "Survivor" and insert "Survivors", so as to read:

SEC. 201. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund" (hereinafter in this title called the "Trust Fund"). The Trust Fund shall consist of the securities held by the Secretary of the Treasury for the Old Age Reserve Account and the amount standing to the credit of the Old Age Reserve Account on the books of the Treasury on January 1, 1940, which securities and amount the Secretary of the Treasury is authorized and directed to transfer to the Trust Fund, and, in addition, such amounts as may be appropriated to the Trust Fund as hereinafter provided. There is hereby appropriated to the Trust Fund for the fiscal year ending June 30, 1941, and for each fiscal

year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 percent of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury.

(b) There is hereby created a body to be known as the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund (hereinafter in this title called the "Board of Trustees") which Board of Trustees shall be composed of the Secretary of the Treasury, the Secretary of Labor, and the Chairman of the Social Security Board, all ex officio. The Secretary of the Treasury shall be the managing trustee of the Board of Trustees (hereinafter in this title called the "managing trustee"). It shall be the duty of the Board of Trustees to—

(1) Hold the Trust Fund;

(2) Report to the Congress on the first day of each regular session of the Congress on the operation and status of the Trust Fund during the preceding fiscal year and on its expected operation and status during the next ensuing 5 fiscal years;

(3) Report immediately to the Congress whenever the Board of Trustees is of the opinion that during the ensuing 5 fiscal years the Trust Fund will exceed three times the highest annual expenditures anticipated during that 5-fiscal-year period, and whenever the Board of Trustees is of the opinion that the amount of the Trust Fund is unduly small.

The amendment was agreed to.

The next amendment was, in the subhead on page 10, line 3, after the word "And", to strike out "Survivor" and insert "Survivors", so as to make the heading read:

Old-Age and Survivors Insurance Benefit Payments.

The amendment was agreed to.

The next amendment was, on page 17, line 15, after the word "section", to strike out "(b)"; on page 18, line 4, after the word "or", to insert "to the"; and in line 5, after the word "the", to strike out "deceased and to any other person or persons who are entitled under such law to share as distributees with the parents of the deceased, in such proportions as is provided by such law" and insert "deceased, in equal shares", so as to read:

Lump-Sum Death Payments

(g) Upon the death, after December 31, 1939, of an individual who died a fully or currently insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died, be entitled to a benefit for such month under subsection (c), (d), (e), or (f) of this section, an amount equal to six times a primary insurance benefit of such individual shall be paid in a lump sum to the following person (or if more than one, shall be distributed among them) whose relationship to the deceased is determined by the Board, and who is living on the date of such determination: To the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or person who are, under the intestacy law of the State where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of 2 years after the date of death of such individual.

The amendment was agreed to.

The next amendment was, under the subhead "Reduction and increase of insurance benefits", on page 19, line 9, after the word "the", to strike out "benefit or"; in line 11, after the word "wages", to insert "is more than \$20 and"; in line 15, after the word "such", to strike out "benefit or"; and in line 18, after the word "amount", to insert "or to \$20, whichever is greater", so as to read:

SEC. 203. (a) Whenever the total of benefits under section 202, payable for a month with respect to an individual's wages, is more than \$20 and exceeds (1) \$85, or (2) an amount equal to twice a primary insurance benefit of such individual, or (3) an amount equal to 80 percent of his average monthly wage (as defined in sec. 209 (f)), whichever of such three amounts is least, such total of benefits shall, prior to any deductions under subsections (d),



(e), or (h), be reduced to such least amount or to \$20, whichever is greater.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the numerals "202", to strike out "(or as reduced under subsection (a))", so as to read:

(b) Whenever the benefit or total of benefits under section 202, payable for a month with respect to an individual's wages, is less than \$10, such benefit or total of benefits shall, prior to any deductions under subsections (d), (e), or (h), be increased to \$10.

The amendment was agreed to.

The next amendment was, on page 20, line 3, after the word "benefit", to insert "except the primary benefit", so as to read:

(c) Whenever a decrease or increase of the total of benefits for a month is made under subsection (a) or (b) of this section, each benefit, except the primary benefit, shall be proportionately decreased or increased, as the case may be.

The amendment was agreed to.

The next amendment was, on page 20, line 6, after the word "Deductions", to insert "in such amounts and at such time or times as the Board shall determine"; in line 8, after the word "payment", to insert "or payments"; in line 15, after the word "age", to insert "not an apprentice serving without remuneration"; and in line 17, after the word "feasible", to insert "or, if serving as an apprentice without remuneration, failed to so serve regularly and the Board finds that such service was feasible", so as to read:

(d) Deductions, in such amounts and at such time or times as the Board shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits for any month in which such individual:

- (1) Rendered services for wages of not less than \$15; or
- (2) If a child under 18 and over 16 years of age, not an apprentice serving without remuneration, failed to attend school regularly and the Board finds that attendance was feasible or, if serving as an apprentice without remuneration, failed to so serve regularly and the Board finds that such service was feasible; or
- (3) If a widow entitled to a widow's current insurance benefit, did not have in her care a child of her deceased husband entitled to receive a child's insurance benefit.

The amendment was agreed to.

The next amendment was, on page 21, line 11, after the word "individual", to strike out "those benefits are" and insert "in receipt of benefits", and in line 13, before the word "because", to insert "(or who is in receipt of such benefits on behalf of another individual)"; so as to read:

(g) Any individual in receipt of benefits subject to deduction under subsection (d) or (e) (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event enumerated therein, shall report such occurrence to the Board prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred. Any such individual having knowledge thereof, who fails to report any such occurrence, shall suffer an additional deduction equal to that imposed under subsection (d) or (e).

The amendment was agreed to.

The next amendment was, under the subhead "Evidence, Procedure, and Certification for Payment", in section 209, on page 35, line 12, after the word "year", to insert "prior to 1940"; so as to read:

#### DEFINITIONS

SEC. 209. When used in this title—

(a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year prior to 1940, is paid to such individual by such employer with respect to employment during such calendar year;

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

(2) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual with respect to employment during any calendar year after 1939, is paid to such individual with respect to employment during such calendar year;

The amendment was agreed to.

The next amendment was, on page 35, line 20, before the word "The", to strike out "(2)" and insert "(3)"; in line 25, after the word "insurance", to insert "or annuities"; and on page 36, line 4, after the word "disability", to insert a comma and

or (D) death, provided the employee (1) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (11) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

So as to read:

(3) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (1) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (11) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

The amendment was agreed to.

The next amendment was, on page 37, line 4, after the words "prior to", to strike out "such date" and insert "January 1, 1940", so as to read:

(b) The term "employment" means any service performed after December 31, 1936, and prior to January 1, 1940, which was employment as defined in section 210 (b) of the Social Security Act prior to January 1, 1940.

Mr. VANDENBERG. Mr. President, may I inquire whether that is the amendment which we discussed previously, which adds \$600,000,000 to the cost of the bill?

Mr. HARRISON. Yes. It is the amendment on page 37. That is the amendment to which reference was previously made.

Mr. VANDENBERG. Mr. President, I simply wish to call attention to what would happen under this amendment. I am not quarreling with its objective. The objective is highly laudable. The amendment would add \$600,000,000 in the next 15 years to the cost of the social-security bill, and add \$600,000,000 outside of the contemplated revenues from payroll taxes. It is the beginning of those steps which are gradually going to build an ever-increasing benefit payment outside the purview of the taxes to pay for them. I submit the general observation that the best friend of social-security legislation in the long run is the one who insists that the fund shall be kept solvent so that on the one hand there will be avoided the disaster and the humiliation of making promises which cannot be kept, and, on the other hand, that steps be not taken which will lead ultimately to such an increased burden of payroll taxes that the revolt against the whole system will destroy it.

Mr. President, we found it necessary to freeze where it is the 1-percent pay-roll tax under title II for the next 3 years. In 1943 it increases another full 1 percent. In 1943 the whole system will confront the most terrific kind of an impact from the country, because American business in many of its smaller units has had difficulty in paying even the 1-percent pay-roll tax and surviving.

In 1943, with the unemployment tax added, the total tax will be 5 percent upon the pay roll. In 1948 the total tax will be 9 percent.

Mr. President, a total pay-roll tax of 9 percent upon American industry is a terrific burden to be borne by American industry. It is a grave question whether American industry can carry a 9-percent pay-roll tax. It is particularly doubtful whether it can be done. While we are in-

creasing the cost of American production of commodities 9 percent upon the one hand, we are reducing the tariff protection upon the other. We are increasing the cost of production at home by means of the social-security legislation, and we are decreasing protection against goods from abroad. Entirely aside from that, however, the burden of the 9 percent itself is going to be a terrific challenge.

What I am saying is that you had better be careful not to create a situation which will necessitate going beyond the 9 percent, and every time you add a major item of expenditure, precisely as this measure adds \$600,000,000, which was never contemplated in the actuarial calculations upon which the tax is based, by the time you have accumulated these items in 1948, you will have created such a situation that even the 9-percent tax will not pay the bill. I submit that when we are voting to increase the benefits we had better give some consideration to the source of the money with which to pay the benefits, lest there be no money to pay the benefits upon the one hand, or, upon the other, that we are ultimately forced to such a heavy pay-roll tax that the revolution against the whole system will strike it down.

Let us vote on the amendment. I should like to vote on it.

Mr. BORAH. Mr. President, I should like to ask the Senator from Michigan how the question arises? Is a committee amendment under consideration?

Mr. VANDENBERG. Yes.

Mr. HARRISON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRISON. I thought we had passed the matter to which the very eloquent Senator from Michigan referred in his speech, some time ago. Is the Senate recurring to that amendment?

Mr. VANDENBERG. The amendment is now pending.

The PRESIDING OFFICER. The amendment is now pending.

Mr. HARRISON. The amendment which the Senator has just discussed?

Mr. VANDENBERG. Yes.

Mr. HARRISON. I understood the Senator raised no objection to the Senate agreeing to the amendment.

Mr. VANDENBERG. Quite to the contrary. I raised a very serious objection to it.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 37. [Putting the question.] The "noes" appear to have it.

Mr. LA FOLLETTE. I ask for a division.

Mr. HARRISON. I ask for the yeas and nays on this amendment.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Will the Chair have the clerk state the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 37, line 4, after the words "prior to", it is proposed to strike out "such date" and to insert "January 1, 1940."

Mr. VANDENBERG. That is the pending amendment.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. KING. I do not know whether to address the chairman of the committee or the Senator from Michigan. I should like to inquire whether this is the amendment that adds \$600,000,000 of cost to the taxpayers of the United States or to this fund.

Mr. VANDENBERG. It does not add it to the taxpayers of the Nation because there is no provision made to pay it.

Mr. KING. Or to the fund.

Mr. VANDENBERG. Some day it will be added to the cost of the fund.

Mr. KING. That is exactly what I desire to know; whether or not it compels an obligation which will have to be discharged from the fund, and if not from the fund, if that becomes bankrupt, from the Treasury of the United States? I assume that the answer must be in the affirmative.

I shall vote "nay" on the question.

Mr. HARRISON. Mr. President, the Social Security Advisory Council, composed of very able men and women from all over the country, suggested in its report that the time would come when the Federal Government would have to help out in the matter of supplementing this fund by making annual appropriations. We have not accepted that view yet. That would be some time in the future, whether in 1980 or some other year. That is a little too far off for me to figure at this time. We have taken care of this situation, though, without question for the next 15 years. The time may come when the Federal Government may have to reimburse or supplement this fund; but what we are doing, to which the Senator from Michigan has alluded, is on page 37. The next amendment provides:

If performed prior to January 1, 1939.

When the bill came from the House, after we approved the freezing of the taxes for 1940, 1941, and 1942, and certain other stipulations with reference to eligibility and coverage were placed in the law, we found that there were certain people who were beyond the age of 65 who would not measure up to the \$2,000 they had to earn under the present law, or the \$600 required in the House bill. This problem was discussed with the Chairman of the Social Security Board, and it was decided that the best method of giving these people an opportunity for covered employment was to make the inclusion of work over 65 effective January 1 of this year, instead of January 1 of next year, as was provided in the House bill.

Many of the people over 65 would be left out if we did not date the provision back to January 1, 1939. In carrying out the program of liberalization and trying to help the situation of those who have reached 65 years of age, the Finance Committee changed eligibility requirements from years in which \$200 or more of wages from covered employment were paid to quarter years in which \$50 or more were paid, and advanced the inclusion of wages after 65 from January 1, 1940, to January 1, 1939. In the course of time, over 15 years, the cost of these changes will be considerable; but the situation which confronts us is that the social-security law was passed in 1935, and wage credits begin the 1st of January 1937. Time is required for persons to become eligible for the benefits. The object of the amendment, as I recall, it was not disapproved by anyone in committee.

Mr. VANDENBERG. No, Mr. President.

Mr. HARRISON. Of course, the Senator expressed some objections to it in the discussion a few moments ago, but there was no roll call in the committee. I did not understand the Senator was going to carry the fight to the extent of having a roll call in the Senate. That is why I am trying to explain the amendment at this time.

Mr. VANDENBERG. I have not asked for a roll call.

Mr. HARRISON. The Senator from Utah [Mr. KING] was opposed to the amendment, and expressed himself against it; but the great majority of the committee was for it, and I hope the Senate will now adopt the committee amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BYRD. I will say to the Senator from Mississippi that the Senator from Michigan [Mr. VANDENBERG] was against it, and voted against it.

Mr. HARRISON. I do not think there was a roll call on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 37, line 4. The yeas and nays have been demanded.

Mr. HARRISON. Mr. President, the other side called for a vote, and the Presiding Officer announced that the "noes" seemed to have it. I want to see if the other side will vote on a roll call as they would a while ago. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I



am not informed as to how he would vote. I therefore withhold my vote.

The roll call was concluded.

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I find he has not voted, so I transfer my pair to the senior Senator from Kentucky [Mr. BARKLEY], and allow my vote to stand.

Mr. McKELLAR (after having voted in the affirmative). I inquire if the Senator from Delaware [Mr. TOWNSEND] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. McKELLAR. I have a pair with the Senator from Delaware. I transfer that pair to the junior Senator from Louisiana [Mr. ELLENDER], and allow my vote to stand.

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

The Senator from Kentucky [Mr. BARKLEY], the Senator from Louisiana [Mr. OVERTON], and the Senator from Nevada [Mr. PITTMAN] are detained in various Government departments on matters pertaining to their respective States.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from West Virginia [Mr. HOLT] are conducting hearings in the Committee on Education and Labor.

Mr. AUSTIN. The Senator from New Hampshire [Mr. TOBEY] has a general pair with the Senator from Florida [Mr. PEPPER].

The result was announced—yeas 58, nays 16, as follows:

## YEAS—58

Adams	Donahey	Lee	Reynolds
Andrews	Downey	Logan	Schwartz
Austin	Frazier	Lucas	Schwellenbach
Barbour	George	Lundeen	Sheppard
Bilbo	Gibson	McKellar	Slattery
Bone	Green	Maloney	Stewart
Borah	Guffey	Mead	Thomas, Okla.
Bulow	Harrison	Miller	Thomas, Utah
Eyres	Hatch	Minton	Truman
Capper	Hayden	Murray	Van Nuys
Chavez	Herring	Neely	Wagner
Clark, Idaho	Hill	Norris	Walsh
Clark, Mo.	Johnson, Calif.	Nye	Wheeler
Connally	Johnson, Colo.	O'Mahoney	
Davis	La Follette	Radcliffe	

## NAYS—16

Burke	Gillette	King	Tydings
Byrd	Gurney	Lodge	Vandenberg
Danaher	Hale	Smith	White
Gerry	Holman	Taft	Wiley

## NOT VOTING—22

Ashurst	Caraway	McNary	Shipstead
Bailey	Ellender	Overtton	Smathers
Bankhead	Glass	Pepper	Tobey
Barkley	Holt	Pittman	Townsend
Bridges	Hughes	Reed	
Brown	McCarran	Russell	

So the committee amendment was agreed to.

The PRESIDING OFFICER. The Clerk will state the next amendment reported by the committee.

The next amendment was, on page 37, line 6, after the word "sixty-five", to insert "if performed prior to January 1, 1939", so as to read:

(b) The term "employment" means any service performed after December 31, 1936, and prior to January 1, 1940, which was employment as defined in section 210 (b) of the Social Security Act prior to January 1, 1940 (except service performed by an individual after he attained the age of 65 if performed prior to January 1, 1939), and any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or

during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

The amendment was agreed to.

The next amendment was, on page 40, line 2, after the word "organization", to insert "exempt from income tax under section 101 (1) of the Internal Revenue Code", so as to read:

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1) of the Internal Revenue Code.

The amendment was agreed to.

The next amendment was, on page 40, line 17, after the word "or", to insert "their"; and in line 20, before the word "employees", to insert "officers or", so as to read:

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (i) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

The amendment was agreed to.

The next amendment was, on page 42, line 6, after the word "State", to strike out "law." and insert "law,"; so as to read:

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

(14) Service performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or as officer or member of the crew of any sail vessel, or a vessel other than a sail vessel of less than 400 tons (determined in the manner provided for determining the register tonnage under the laws of the United States), while such vessel is engaged in any such activity (including preparation for, and unloading after, any such activity); or

Mr. SCHWELLENBACH. Mr. President, I should like to have an explanation of this amendment.

Mr. HARRISON. Mr. President, the House bill covered maritime employees in the old-age-insurance tax. We except fishermen from its operation. The object of this amendment is to take care of that exception, so that such employees will not be covered by that tax.

Mr. SCHWELLENBACH. I should like to know what reason the committee has for excepting the employees of such companies?

Mr. HARRISON. I will tell the Senator what prompted me. I presume the conditions in the locality which I have in mind are quite like those in many other localities throughout the country where men dredge for oysters or gather shrimp. The owner of a small vessel goes out with two or three persons who may be his own sons or men he employs by the day. At one place in my State there are thousands of such small fishing vessels which would have to make tax reports to the Bureau of Internal Revenue. I think it would cause a great deal of confusion; I do not believe the benefits which would be obtained would be worth the disadvantages to those engaged in such business, and I do not believe it would be workable. So we excluded fishermen and officers and members of the crew on a sail vessel or a vessel other than a sail vessel under 400 tons.

Mr. SCHWELLENBACH. The limitation is in the alternative; that is, an "or" and not an "and"?

Mr. HARRISON. Yes.

Mr. SCHWELLENBACH. I can appreciate the situation which the Senator explains. However, that condition does not prevail in the fishing industry in many sections of the country and in many parts of the industry. In other words, it is one thing when the efforts are sporadic, and, say, three

or four or five men go out in very small boats; but in a situation such as prevails in the Pacific Northwest, where thousands of people are taken by companies to Alaska, for example, over a period of several months, a very different situation is presented. I wonder if the Senator will agree that this might go over until tomorrow? It may be that I may be able to work out an exception.

Mr. HARRISON. Yes. I may say that if the people to whom the Senator is referring want to be covered by this insurance system, and he can properly frame the provision so that it does not include all the others operating small boats, I should be perfectly willing, so far as I am concerned, to accept it.

Mr. SCHWELLENBACH. May the amendment go over until tomorrow?

Mr. HARRISON. I ask that the amendment be passed over for the present.

The PRESIDING OFFICER. The amendment will be passed over.

The clerk will state the next amendment reported by the committee.

The next amendment was, on page 42, after line 17, to insert:

(15) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

The amendment was agreed to.

The next amendment was, on page 43, line 11, after the word "performed", to strike out "for an employer", and in the same line, after the word "period", to insert "by an employee for the person employing him", so as to read:

(c) If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (9) of subsection (b).

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the word "exceeds", to strike out "\$50, and" and insert "\$50 and does not exceed \$250, and", so as to read:

(e) The term "primary insurance benefit" means an amount equal to the sum of the following—

(1) (A) 40 percent of the amount of an individual's average monthly wage if such average monthly wage does not exceed \$50, or (B) if such average monthly wage exceeds \$50, 40 percent of \$50, plus 10 percent of the amount by which such average monthly wage exceeds \$50 and does not exceed \$250, and.

The amendment was agreed to.

The next amendment was, on page 44, line 9, after the word "individual" and the period, to insert "Where the primary insurance benefit thus computed is less than \$10, such benefit shall be \$10.", so as to read:

(2) An amount equal to 1 percent of the amount computed under paragraph (1) multiplied by the number of years in which \$200 or more of wages were paid to such individual. Where the primary insurance benefit thus computed is less than \$10, such benefit shall be \$10.

The amendment was agreed to.

The next amendment was, on page 44, line 14, after the word "the", to strike out "year" and insert "quarter"; in line 16, after the word "by", to strike out "twelve" and insert "three"; in the same line, after the word "or", to strike out "years" and insert "quarters"; in line 17, after the word "such", to strike out "year" and insert "quarter"; in line 18, after the word "any", to strike out "year" and insert "quarter"; in line 19, after the word "the" where it occurs the first time, to strike out "year" and insert "quarter"; in line 20, after the word "than", to strike out "\$200" and insert

"\$50"; and in line 21, after the word "wages", to strike out the semicolon and "but in no case shall such total wages be divided by a number less than 36" and insert "and any quarter, after the quarter in which he attained age 65, occurring prior to 1939", so as to read:

(f) The term "average monthly wage" means the quotient obtained by dividing the total wages paid an individual before the quarter in which he died or became entitled to receive primary insurance benefits, whichever first occurred, by three times the number of quarters elapsing after 1936 and before such quarter in which he died or became so entitled, excluding any quarter prior to the quarter in which he attained the age of 22 during which he was paid less than \$50 of wages and any quarter, after the quarter in which he attained age 65, occurring prior to 1939.

The amendment was agreed to.

The next amendment was, at the top of page 45, to strike out:

(1) (A) he attained age 65 prior to 1940, and  
(B) he has not less than 2 years of coverage, and  
(C) the total amount of wages paid to him was not less than \$600; or

(2) (A) within the period of 1940-1945, inclusive, he attained the age of 65 or died before attaining such age, and  
(B) he had not less than 1 year of coverage for each 2 of the years specified in clause (C), plus an additional year of coverage, and

(C) the total amount of wages paid to him was not less than an amount equal to \$200 multiplied by the number of years elapsing after 1936 and up to and including the year in which he attained the age of 65 or died, whichever first occurred; or

(3) (A) the total amount of wages paid to him was not less than \$2,000, and  
(B) he had not less than 1 year of coverage for each 2 of the years elapsing after 1936, or after the year in which he attained the age of 21, whichever year is later, and up to and including the year in which he attained the age of 65 or died, whichever first occurred, plus an additional year of coverage and in no case had less than 5 years of coverage; or

(4) he had at least 15 years of coverage.  
As used in this subsection, the term "year" means calendar year, and the term "year of coverage" means a calendar year in which the individual has been paid not less than \$200 in wages. When the number of years specified in clause (2) (C) or clause (3) (B) is an odd number, for purposes of clause (2) (B) or (3) (B), respectively, such number shall be reduced by one.

And insert:  
(1) He had not less than one quarter of coverage for each two of the quarters elapsing after 1936, or after the quarter in which he attained the age of 21, whichever quarter is later, and up to but excluding the quarter in which he attained the age of 65, or died, whichever first occurred, and in no case less than six quarters of coverage; or  
(2) He had at least 40 quarters of coverage.

As used in this subsection, and in subsection (h) of this section, the term "quarter" and the term "calendar quarter" mean a period of 3 calendar months ending on March 31, June 30, September 30, or December 31; and the term "quarter of coverage" means a calendar quarter in which the individual has been paid not less than \$50 in wages. When the number of quarters specified in paragraph (1) of this subsection is an odd number, for purposes of such paragraph such number shall be reduced by one.

The amendment was agreed to.  
The next amendment was, on page 47, line 9, after the word "who", to insert "either (1) is the mother of such individual's son or daughter, or (2)", so as to read:  
(1) The term "wife" means the wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to January 1, 1939, or if later, prior to the date upon which he attained the age of 60.

The amendment was agreed to.  
The next amendment was, on page 47, line 15, after the word "who", to insert "either (1) is the mother of such individual's son or daughter, or (2)", so as to read:

(j) The term "widow" (except when used in section 202 (g)) means the surviving wife of an individual who either (1) is the mother of such individual's son or daughter, or (2) was married to him prior to the beginning of the twelfth month before the month in which he died.

The amendment was agreed to.  
The next amendment was, on page 48, line 5, after the word "in" where it occurs the second time, to strike out "connection with"; in line 6, after the word "in", to strike out "connection with"; in line 8, after the word "raising", to insert "shearing"; in the same line, after the word "feeding", to



insert "caring for, training"; and in line 10, after the word "animals", to insert "and other wildlife", so as to read:

(1) The term "agricultural labor" includes all service performed—  
(1) On a farm, in the employ of any person in cultivating the soil, or in raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and other wildlife.

The amendment was agreed to.

The next amendment was, on page 48, line 11, after the word "tenant", to insert "or other operator"; in line 13, after the word "management", to insert "conservation, improvement"; and in line 14, after the word "farm", to insert "and its tools and equipment", so as to read:

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if the major part of such service is performed on a farm.

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "cotton", to insert a comma and "or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes"; so as to read:

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

The amendment was agreed to.

The next amendment was, on page 49, line 1, after the word "handling", to insert "planting"; so as to read:

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

The amendment was agreed to.

The next amendment was, under the heading "Title III—Amendments to Title III of the Social Security Act"; on page 51, line 18, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after July 1, 1941, methods relating to the establishment and maintenance of personnel standards on a merit basis"; so as to read:

Sec. 302. Section 303 (a) of such act is amended to read as follows:

"(a) The Board shall make no certification for payment to any State unless it finds that the law of such State, approved by the Board under the Federal Unemployment Tax Act, includes provision for—

"(1) Such methods of administration (including, after July 1, 1941, methods relating to the establishment and maintenance of personnel standards on a merit basis) as are found by the Board to be reasonably calculated to insure full payment of unemployment compensation when due; and

The amendment was agreed to.

The next amendment was, under the heading "Title IV—Amendments to Title IV of the Social Security Act", on page 53, line 25, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis"; so as to read:

Sec. 401. (a) Clause (5) of section 402 (a) of such act is amended to read as follows: "(5) provide such methods of administration (including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on

a merit basis) as are found by the Board to be necessary for the proper and efficient operation of the plan."

The amendment was agreed to.

The next amendment was, on page 54, after line 15, to strike out:

Sec. 402. (a) Effective January 1, 1940, subsection (a) of section 403 of such act is amended by striking out "one-third" and inserting in lieu thereof "one-half", and paragraph (1) of subsection (b) of such section is amended by striking out "two-thirds" and inserting in lieu thereof "one-half."

(b) Effective January 1, 1940, paragraph (2) of section 403 (b) of such act is amended to read as follows:

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to strike out:

Sec. 402. Effective January 1, 1940—

(a) Subsection (a) of section 403 of such act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to dependent children, for each quarter, beginning with the quarter commencing January 1, 1940, an amount, which shall be used exclusively for carrying out the State plan, equal to one-half of the total of the sums expended during such quarter under such plan, not counting so much of such sums expended as aid to dependent children for any month as exceeds \$18 multiplied by the total number of dependent children receiving aid to dependent children for such month."

(b) Paragraph (1) of subsection (b) of such section is amended by striking out "two-thirds" and inserting in lieu thereof "one-half."

(c) Paragraph (2) of subsection (b) of such section is amended to read as follows:

The amendment was agreed to.

The next amendment was, on page 56, line 12, before the word "who", to insert "or serving as an apprentice without remuneration", so as to make the section read:

Sec. 403. Section 406 (a) of such act is amended to read as follows:

"(a) The term 'dependent child' means a needy child under the age of 16, or under the age of 18 if found by the State agency to be regularly attending school or serving as an apprentice without remuneration, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home."

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the amendments to title V will be considered en bloc. The amendment will be stated.

The amendments to title V were, on page 56, line 20, after the word "to", to strike out "title V" and insert "titles V and VI"; on page 56, after line 21, to insert.

Sec. 501. Section 501 of such act is amended by striking out "\$3,800,000" and inserting in lieu thereof "\$5,820,000."

At the top of page 57, to insert:

Sec. 502. (a) Subsection (a) of section 502 of such act is amended by striking out "\$1,800,000" and inserting in lieu thereof "\$2,800,000."

(b) Subsection (b) of such section 502 is amended by striking out "\$980,000" and inserting in lieu thereof "\$1,980,000."

On page 57, line 7, to change the section number from 501 to 503, and in line 9, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis."

On page 57, after line 14, to insert the following section:

Sec. 504. Section 511 of such act is amended by striking out "\$2,850,000" and inserting in lieu thereof "\$3,870,000."

On page 57, after line 17, to insert the following section:

Sec. 505. (a) Subsection (a) of section 512 of such act is amended by striking out the words "the remainder" and inserting in lieu thereof "\$1,830,000."

(b) Such section is further amended by inserting after subsection (a) the following new subsection:

"(b) Out of the sums appropriated pursuant to section 511 for each fiscal year the Secretary of Labor shall allot to the States

\$1,000,000 (in addition to the allotments made under subsection (a)), according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them."

(c) Subsection (b) of such section 512 is amended by striking out the letter "(b)" at the beginning thereof and inserting in lieu thereof the letter "(c)."

On page 58, line 10, to change the section number from 502 to 506, and in line 12, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis."

On page 58, after line 17, to insert the following section:

SEC. 507. (a) Subsection (a) of section 514 of such act is amended by striking out "section 512" and inserting in lieu thereof "section 512 (a)."

(b) Such section 514 is further amended by inserting at the end thereof the following new subsection:

"(c) The Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States from the allotment available under section 512 (b), and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor."

On page 59, after line 6, to strike out:

SEC. 503. Section 531 (a) of such act is amended by striking out "\$1,938,000" and inserting in lieu thereof "\$2,938,000."

On page 59, after line 8, to insert:

SEC. 508. (a) Section 531 (a) of such act is amended by—  
(1) Striking out "\$1,938,000" and inserting in lieu thereof "\$4,000,000."

(2) Striking out "\$5,000" and inserting in lieu thereof "\$15,000."

(3) Inserting after the word "Hawaii" the following: "and Puerto Rico, respectively."

(4) Inserting before the period at the end thereof a colon and the following: "Provided, That the amount of such sums apportioned to any State for any fiscal year shall be not less than \$30,000."

(b) Section 531 (b) of such act is amended by striking out "\$102,000" and inserting in lieu thereof "\$150,000."

On page 59, after line 22, to insert:

SEC. 509. Section 601 of such act is hereby amended to read as follows:

"SEC. 601. For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1940, the sum of \$12,000,000 to be used as hereinafter provided."

So as to make the title read:

#### TITLE V—AMENDMENTS TO TITLES V AND VI OF THE SOCIAL SECURITY ACT

SEC. 501. Section 501 of such act is amended by striking out "\$3,800,000" and inserting in lieu thereof "\$5,820,000."

SEC. 502. (a) Subsection (a) of section 502 of such act is amended by striking out "\$1,800,000" and inserting in lieu thereof "\$2,800,000."

(b) Subsection (b) of such section 502 is amended by striking out "\$980,000" and inserting in lieu thereof "\$1,980,000."

SEC. 503. Clause (3) of section 503 (a) of such act is amended to read as follows: "(3) provide such methods of administration (including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis) as are necessary for the proper and efficient operation of the plan."

SEC. 504. Section 511 of such act is amended by striking out "\$2,850,000" and inserting in lieu thereof "\$3,870,000."

SEC. 505. (a) Subsection (a) of section 512 of such act is amended by striking out the words "the remainder" and inserting in lieu thereof "\$1,830,000."

(b) Such section is further amended by inserting after subsection (a) the following new subsection:

"(b) Out of the sums appropriated pursuant to section 511 for each fiscal year the Secretary of Labor shall allot to the States \$1,000,000 (in addition to the allotments made under subsection (a)), according to the financial need of each State for assistance in carrying out its State plan, as determined by him after taking into consideration the number of crippled children in such State in need of the services referred to in section 511 and the cost of furnishing such services to them."

(c) Subsection (b) of such section 512 is amended by striking out the letter "(b)" at the beginning thereof and inserting in lieu thereof the letter "(c)."

SEC. 506. Clause (3) of section 513 (a) of such act is amended to read as follows: "(3) provide such methods of administration including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis) as are necessary for the proper and efficient operation of the plan."

SEC. 507. (a) Subsection (a) of section 514 of such act is amended by striking out "section 512" and inserting in lieu thereof "section 512 (a)."

(b) Such section 514 is further amended by inserting at the end thereof the following new subsection:

"(c) The Secretary of Labor shall from time to time certify to the Secretary of the Treasury the amounts to be paid to the States from the allotment available under section 512 (b), and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Accounting Office, make payments of such amounts from such allotments at the time or times specified by the Secretary of Labor."

SEC. 508. (a) Section 531 (a) of such act is amended by—

(1) Striking out "\$1,938,000" and inserting in lieu thereof "\$4,000,000."

(2) Striking out "\$5,000" and inserting in lieu thereof "\$15,000."

(3) Inserting after the word "Hawaii" the following: "and Puerto Rico, respectively."

(4) Inserting before the period at the end thereof a colon and the following: "Provided, That the amount of such sums apportioned to any State for any fiscal year shall be not less than \$30,000."

(b) Section 531 (b) of such act is amended by striking out "\$102,000" and inserting in lieu thereof "\$150,000."

SEC. 509. Section 601 of such act is hereby amended to read as follows:

"SEC. 601. For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1940, the sum of \$12,000,000 to be used as hereinafter provided."

Mr. LA FOLLETTE. Mr. President, the amendments at the bottom of page 56 and following have to do with increased authorizations for appropriations for maternal and child health, vocational rehabilitation, and public health, as authorized in the original Social Security Act. The committee heard testimony from Miss Lenroot, Chief of the Children's Bureau, and Dr. Eliot, Assistant Chief of the Children's Bureau; Dr. Thomas Parran, Surgeon General, and those interested in vocational rehabilitation. The increases in the authorization are as follows:

First. Two million and twenty thousand dollars is added for grants to States for maternal and child-health services in amendments to title V, part 1, section 502.

One million and twenty thousand dollars of this sum is added to subsection 502 (a) to be matched in the ratio of one-half Federal and one-half State funds, \$20,000 being added to cover the flat annual grant to Puerto Rico which has been designated as a State in an amendment to title XI, and \$1,000,000 is added to subsection 502 (b) so that a total of \$1,980,000 instead of \$980,000 will be available for allotment by the Secretary of Labor, without matching, according to the financial need of each State for assistance in carrying out its State plan after taking into consideration the number of live births in such States.

The total amount authorized for grants to States annually for maternal and child-health services will then be \$5,820,000 as compared with \$3,800,000 in the present act.

Second. One million and twenty thousand dollars is added for grants to States for services for crippled children in amendment to title V, part 2, section 512.

Of this sum, \$1,000,000 is added in a new subsection 512 (b) to provide a fund for allotment to the States (without a requirement for matching) on the basis of the financial need of each State for assistance in carrying out its State plan. Grants to the States under the act at present must be matched in full by the States.

Of this sum \$20,000 is added to provide a flat annual allotment to Puerto Rico since an amendment to title XI designated Puerto Rico as a State.

The total amount authorized for grants to the States annually for services for crippled children will then be \$3,870,000 as compared with \$2,850,000 in the present act.



Third. Four million dollars increase is authorized for vocational rehabilitation.

Fourth. Four million dollars increase is authorized for public health.

I do not desire to take up the time of the Senate in going into the details of the testimony which was adduced before the committee in support of these amendments. I will say, however, that the testimony impressed the members of the committee who heard the statements with the urgent need for the modest increases in the authorizations to take care of child health, maternal care, and crippled children. The statements so impressed the committee that, as I remember, there were very few votes in the committee against the amendments.

This service, Mr. President, is greatly needed, as has been demonstrated by the testimony of both Miss Lenroot and Dr. Eliot. These funds are being used in an effort to reduce the very high maternal and child death rate in the United States.

The States, in setting up their plans under this title of the Social Security Act, have thus far more largely formulated them so as to take care of the more urban areas. These funds, if they shall be provided by an appropriation in case this authorization increase is allowed, will largely go to help bring the same kind of efficient service which is now being rendered in some of the urban areas of this country to the rural population of the United States, where there is more need for it, or at least as much need for it, as there is in the highly congested centers of the United States. In the highly congested centers there are available hospital facilities and other facilities which are not available in many of the rural areas of the United States.

The testimony of Dr. Parran was conclusive on the point of urgent need for increased funds for public health. Tuberculosis, pneumonia, and cancer are diseases which increased funds will enable the Public Health Service to augment their work to lessen their toll.

Good work is being done in vocational rehabilitation; thus increased funds will make it possible to enlarge this activity.

The only justification for my taking a moment of the Senate's time on these amendments is that I want the RECORD to show that the Senate of the United States paused long enough to understand what was involved in the amendments; and then I want a test of the Senate upon them, in order that we may show that they were not casually passed over by this body.

On the amendments I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing en bloc to the amendments to title V, beginning in line 20, page 56, and ending in line 8, page 60. On that question the yeas and nays have been demanded. Is the demand seconded?

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. AUSTIN. The Senator from New Hampshire [Mr. TOBEY] has a general pair with the Senator from Florida [Mr. PEPPER].

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. Townsend]. I transfer that pair to the Senator from Louisiana [Mr. ELLENDER], and will allow my vote to stand.

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am not informed how he would vote on this question. I therefore withhold my vote. If at liberty to vote I should vote "yea."

Mr. HARRISON (after having voted in the affirmative). I have a pair with the senior Senator from Oregon [Mr. McNARY]; but I understand that if he were present he would vote as I have already voted, so I will let my vote stand.

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Virginia [Mr. GLASS], the

Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

The Senator from Kentucky [Mr. BARKLEY], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Arkansas [Mr. MILLER], the Senator from Louisiana [Mr. OVERTON], and the Senator from Nevada [Mr. PITTMAN] are detained in various Government departments on matters pertaining to their respective States.

The Senator from Texas [Mr. CONNALLY] and the Senator from Kentucky [Mr. LOGAN] are detained in important committee meetings.

The Senator from Rhode Island [Mr. GERRY] and the Senator from South Carolina [Mr. SMITH] are necessarily detained.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from West Virginia [Mr. HOLT] are conducting hearings in the Committee on Education and Labor.

The result was announced—yeas 59, nays 4, as follows:

#### YEAS—59

Adams	Downey	Lee	Sheppard
Andrews	Frazier	Lucas	Slattery
Austin	George	Lundeen	Stewart
Barbour	Gibson	McKellar	Taft
Bilbo	Gillette	Maloney	Thomas, Okla.
Bone	Green	Mead	Thomas, Utah
Borah	Gurney	Minton	Truman
Bulow	Harrison	Murray	Tydings
Byrnes	Hatch	Neely	Van Nuys
Capper	Hayden	Nye	Wagner
Chavez	Herring	O'Mahoney	Walsh
Clark, Mo.	Hill	Radcliffe	Wheeler
Danaher	Holman	Reynolds	White
Davis	Johnson, Colo.	Schwartz	Wiley
Donahey	La Follette	Schwellenbach	

#### NAYS—4

Hale	King	Lodge	Vandenberg
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#### NOT VOTING—33

Ashurst	Clark, Idaho	Logan	Russell
Bailey	Connally	McCarran	Shipstead
Bankhead	Ellender	McNary	Smathers
Barkley	Gerry	Miller	Smith
Bridges	Glass	Norris	Tobey
Brown	Guffey	Overtton	Townsend
Burke	Holt	Pepper	
Byrd	Hughes	Pittman	
Caraway	Johnson, Calif.	Reed	

So the amendments of the committee to title V were agreed to en bloc.

Mr. REYNOLDS. Mr. President, we are now engaged in a study of the question of social security. Earlier in the day I heard the distinguished senior Senator from Pennsylvania [Mr. DAVIS] make use of the word "unemployment," and I know of no better time to bring to the attention of this distinguished body the fact that, in my opinion, the finest security, social or otherwise, we could possibly provide the American people would be to afford American jobs for American citizens, particularly in view of the condition that today between eleven and twelve million God-fearing American men and women are walking the streets in search of honest employment.

In addition to that, statistics show that there are approximately 26,000,000 people working only part time, by which I refer to those who are engaged only a few hours out of each day, a few days out of each week, or 1 or 2 weeks out of each month.

Then there are 3,000,000 people upon the W. P. A. rolls of this country, and we shall probably give further consideration to their situation during the present week.

There are also 300,000 fine young men in the C. C. C. camps; and a hundred thousand more who are seeking admission.

There are 4,000,000 people working for the Federal Government, the 48 State governments, the more than 3,200 counties, the more than 10,000 incorporated municipalities, in the form of hamlets, cities, and towns.

During the past month more than 700,000 boys and girls were graduated from the high schools and universities of the country, and we all know that under present conditions

only one out of every three of those fine boys and girls will be able to secure a position.

For these reasons I am very happy at this hour to have the opportunity of bringing to the attention of the Members of the Senate a clipping from one of the New York papers, which was mailed to me a few days ago, which will give a general idea, at least, of the deplorable conditions existing at this time. I wish to read the clipping to the Senate. This is from the columns of the New York Sun of Wednesday, July 5, 1939, in the great metropolitan city of New York. The caption reads:

Fifty-eight jobs in all sought by 7,000—Some wait all night for doors to open—Misapprehensions are many—Civil Service Board besieged for chauffeurs' places.

I may state that the article is accompanied by a reprint of a photograph, evidently made by the news photographer, showing young and old assembled in the armory, more than 7,000, in an endeavor to secure 1 of 58 jobs. The article reads:

A queue that included more than 1,000 persons, some of whom had been in place since 7 o'clock last night, was on hand today when the municipal civil-service commission opened its doors at 90 Duane Street today to give out applications for jobs as automobile enginemen.

Such was the rush for jobs, of which about 58 paying from \$1,200 to \$1,500 a year are now open, that it was estimated that 7,000 applications had been given out during the day, 4,000 of them in the first hour and a half.

Extra policemen were on hand to keep the job seekers in line but there was no disorder. Even with the long wait the men were in good humor and once the office had opened the line moved rapidly.

Commissioner Wallace S. Sayre attributed the line to misconception on the part of applicants, most of whom felt that it was a case of first come first served. These jobs, however, are in the competitive class and are filled after an examination has been held.

To qualify as an automobile engineman, one must be not more than 40 years old, have a chauffeur's license and be able to make minor repairs and adjustments, clean, oil, and maintain in good moving condition automobiles entrusted to him and assist in loading and unloading as required.

One man, Angelo Grimaldo, of 34 Snedeker Avenue, the Bronx, reached the commission's office at 5 p. m. yesterday to be first in line but, seeing nobody there, left. When he returned at 11:30 he found a number ahead of him. He and other early birds said that the real rush did not begin until after daylight this morning.

When the door was open, the waiting applicants were allowed in 10 at a time until the peak of the rush had been passed. Several women were in line, some seeking to qualify on their own account and others seeking applications for their husbands.

There were 7,000 God-fearing men and women in the city of New York alone assembled in the armory in that great metropolitan area the night before the applications were to be received the following morning, 7,000 seeking only 58 jobs.

The VICE PRESIDENT. The clerk will state the next amendment reported by the Committee on Finance.

The next amendment was, under the heading "Title VI—Amendments to the Internal Revenue Code", on page 61, line 6, before the word "Section", to insert "(a)"; and after line 14, to insert:

(b) Such section 1401 is further amended by adding at the end thereof the following new subsection:

"(d) Special refund: If by reason of an employee rendering service for more than one employer during any calendar year after the calendar year 1939, the wages of the employee with respect to employment during such year exceed \$3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400, deducted from such wages and paid to the collector, which exceeds the tax with respect to the first \$3,000 of such wages paid. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (1) the employee makes a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed, and (2) such claim is made within 2 years after the calendar year in which the wages are paid with respect to which refund of tax is claimed. No interest shall be allowed or paid with respect to any such refund."

So as to make the section read:

Sec. 602. (a) Section 1401 (c) of the Internal Revenue Code is amended to read as follows:

"(c) Adjustments: If more or less than the correct amount of tax imposed by section 1400 is paid with respect to any payment of

remuneration, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as may be prescribed by regulations made under this subchapter."

(b) Such section 1401 is further amended by adding at the end thereof the following new subsection:

"(d) Special refund: If by reason of an employee rendering service for more than one employer during any calendar year after the calendar year 1939, the wages of the employee with respect to employment during such year exceed \$3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400, deducted from such wages and paid to the collector, which exceeds the tax with respect to the first \$3,000 of such wages paid. Refund under this section may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax; except that no such refund shall be made unless (1) the employee makes a claim, establishing his right thereto, after the calendar year in which the employment was performed with respect to which refund of tax is claimed, and (2) such claim is made within 2 years after the calendar year in which the wages are paid with respect to which refund of tax is claimed. No interest shall be allowed or paid with respect to any such refund."

The amendment was agreed to.

The next amendment was, on page 65, line 14, before the word "or", to insert "or annuities"; and on line 18, after the word "disability", to insert a comma and "or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer", so as to read:

#### Sec. 1426. Definitions.

When used in this subchapter—

(a) Wages: The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400 or (B) of any payment required from an employee under a State unemployment compensation law; or

(4) Dismissal payments which the employer is not legally required to make.

The amendment was agreed to.

The next amendment was, on page 67, line 2, before the word "of", to strike out "(i)" and insert "(h)", so as to read:

(b) Employment: The term "employment" means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

(1) Agricultural labor (as defined in subsection (h) of this section).

The amendment was agreed to.



The next amendment was, on page 69, line 8, after the word "organization", to insert "exempt from income tax under section 101 (1)", so as to read:

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1).

The amendment was agreed to.

The next amendment was, on page 69, line 23, after the words "dependents or", to insert the word "their"; and on line 25, after the word "are", to insert "officers or", so as to read:

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (1) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (2) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

The amendment was agreed to.

The next amendment was, on page 71, line 12, after the word "State", to strike out "law," and insert "law," so as to read:

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a 4 years' course in a medical school chartered or approved pursuant to State law;

The amendment was agreed to.

The next amendment was, on page 71, after line 12, to insert:

(14) Service performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or as officer or member of the crew of any sail vessel, or a vessel other than a sail vessel of less than 400 tons (determined in the manner provided for determining the register tonnage under the laws of the United States), while such vessel is engaged in any such activity (including preparation for, and unloading after, any such activity); or

(15) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

Mr. LA FOLLETTE. Mr. President, let me ask the Senator from Mississippi whether or not this amendment should not go over with the other amendment which was passed over?

Mr. HARRISON. Mr. President, I was about to make the statement that the Senator from Washington has withdrawn his objection to the other amendment, and I was about to ask that we recur to the amendment on page 42, line 7, and have that amendment adopted. The objection raised by the Senator from Washington has been withdrawn, and he understands the situation thoroughly.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 71, beginning with line 13.

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Mississippi now asks that the Senate recur to the amendment on page 42, line 7.

The CHIEF CLERK. On page 42, after line 6, it is proposed to insert the following:

(14) Service performed by an individual in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or as officer or member of the crew of any sail vessel, or a vessel other than a sail vessel of less than 400 tons (determined in the manner provided for determining the register tonnage under the laws of the United States), while such vessel is engaged in any such activity (including preparation for, and unloading after, any such activity); or

(15) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

The amendment was agreed to.

The next amendment was, on page 72, line 16, after the word "performed", to strike out "for an employer"; and in

line 17, after the word "period", to insert "by an employee for the person employing him", so as to read:

(c) Included and excluded service: If the services performed during one-half or more of any pay period by an employee for the person employing him constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period by an employee for the person employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the employee by the person employing him. This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (9) of subsection (b).

The amendment was agreed to.

The next amendment was, on page 72, line 21, after the word "corporation" and the period, to strike out:

It also includes any individual who, for remuneration (by way of commission or otherwise) under an agreement or agreements contemplating a series of similar transactions, secures applications or orders or otherwise personally performs services as a salesman for a person in furtherance of such person's trade or business (but who is not an employee of such person under the law of master and servant); unless (1) such services are performed as a part of such individual's business as a broker or factor and, in furtherance of such business as broker or factor, similar services are performed for other persons and one or more employees of such broker or factor perform a substantial part of such services, or (2) such services are not in the course of such individual's principal trade, business, or occupation.

(e) Employer: The term "employer" includes any person for whom an individual performs any service of whatever nature as his employee.

So as to read:

(d) Employee: The term "employee" includes an officer of a corporation.

Mr. DANAHER. Mr. President, I was unable to hear the Senator from Mississippi when he spoke, as I understood, with reference to the amendment on page 72, line 21. Will the Senator please tell what happened to that amendment?

Mr. HARRISON. Mr. President, we struck out the amendment which the House had put in, which carried a definition of employee covering salesmen who are not employees. We also propose an amendment at another place in the bill which expressly excludes from the unemployment insurance tax agents of insurance companies who work on commission—solely on commission.

Mr. DANAHER. Mr. President, does this apply also to self-employed persons generally? Are they also now exempt?

Mr. HARRISON. They are not covered.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. HARRISON. I yield.

Mr. DANAHER. I ask unanimous consent to have inserted in the RECORD at this point, as part of my remarks, a very full and complete letter dealing with this general subject which I feel is of such value that it should be perpetuated in the RECORD for the examination of all.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE FULLER BRUSH CO.,  
Hartford, Conn., June 16, 1939.

HON. JOHN A. DANAHER,  
United States Senate, Washington, D. C.

DEAR SIR: There is a proposed amendment to the Federal Social Security Act before the Senate under which the term "employee" is redefined to include independent contractors or dealers. The amendment is to section 1101 (a) substituting a new paragraph (6). We feel that you may be unfamiliar with the difficulties that would be experienced under this amendment.

Allow us to give you some facts about our dealers:

The dealer enjoys the independent character and freedom of his business; prizes his status as a local businessman, for he has no boss, does not punch a time clock, fixes his hours of labor and his hours of leisure, and no one tells him when, how, or where he should work. Each day he makes his own decision as to what he will do and how he will do it. He negotiates business with his customers, trades and barbers with them, makes special inducements for them to buy, throwing in articles or making special prices to get larger orders. Some weeks he buys merchandise from us and some weeks he does not. We do not know whether he is selling or not selling.

Frequently he just stops buying and it is weeks before we hear from him, sometimes months. Some dealers use automobiles in their business, others do not. Some advertise, some do not. Some dealers are engaged in selling brushes as a part-time business. For the balance of their time they are otherwise engaged or employed. Some are also selling other lines of merchandise. We do not know when they are selling our merchandise or selling the merchandise of another company or engaged in activities of their own.

The dealers buy merchandise from us at wholesale prices. We do not pay them any salary, wages, commissions, or other form of remuneration. The difference between the price a dealer receives from his customer and the price he pays us, less his expense of selling, taxes, and credit losses, is his profit, the amount of which we do not know. We have no pay roll for dealers.

Since we do not know how much the dealers' profits amount to we cannot compute the amount of the tax.

Someone may say that we could have the dealer report to us the amount of his gross profits and the amount of his expenses, taxes, credit losses, etc., and thus his net income would be determined, but this would be based entirely on information provided by the dealer. The company, however, would have no way of compelling a dealer to make such reports to it, and even if a dealer would make such reports we would have no way of deducting a tax from the profits the dealer claims he has made. The dealer is always indebted to us for merchandise purchased. The company might bill the dealer for a so-called pay-roll tax based upon the dealer's statement as to the amount of his net profits, but we would have no way of collecting the tax from the dealer.

The fact is the dealer is not our employee.

The above brief statement will give you some idea of the problems that will be confronting us should the amendment be adopted.

If you will bear with us a few more moments, we shall give you more facts, which we trust will be of assistance to you.

From our years of experience, we positively know that it is impossible to supervise, control, or direct dealers scattered throughout the Nation. Some of them work diligently all day, others devote only a few hours—their time is their own—they work or not, as they please. They will not work regularly, they are not at our place of business. It is common knowledge that a dealer can do enough business in a few hours or part of a week to give him enough profits to satisfy him for a whole week or until he again needs money. Many times it cannot be determined for weeks whether he is or is not doing business. It is also a practice for these people to lump their orders, so that for 1 or 2 or more weeks they earn nothing as far as we can determine. After 3 or 4 weeks they send us an order and we do not know whether they have sold all the merchandise they are buying or whether they order a stock to keep on hand. If the latter, we do not know when they will sell it or whether they ever will sell it.

Under this practice, if he is an employee, he can claim he is unemployed and we would have no knowledge about the real facts.

The adoption of the amendment will present staggering administrative problems. The paper work involved in trying to get data to put into reports will be stupendous; must be obtained by correspondence and there is no way of making dealers give us the information necessary for reports. We are not overpainting the picture, we are giving you hard, cold, actual facts, and that is what you want.

We sincerely hope that the above information will convince you that the amendment should not become a law and that you will share this information with other Senators.

However, if it is the judgment of Congress that the amendment should be passed, the following sentence should be added: "It does not include any individual who purchases merchandise for resale whose profit is determined by his resale price."

The language of the amendment is not clear. If any such amendment as this is going to be adopted, it should exclude specifically the individuals who purchase merchandise for resale at a profit and who are not compensated in any other way by the firm whose goods they are buying and selling. If the amendment is intended, by a mistake in judgment, to include individuals coming under this category, it should be borne in mind that it would be impossible to conform with it.

If the above sentence is not added, the produce merchant who sells fruit and vegetables to persons for resale, the pharmacist who sells food flavoring extracts to individuals for resale, the grocer who sells lemons and popcorn to girls for resale, the producer or grower who sells eggs and dressed poultry to the itinerant dealer for resale, the hardware merchant who sells faucet water strainers and anti-splashes to persons for resale, and a host of others—all may be classified under the amendment as employers and the buyers as employees.

Surely Congress does not intend to have this type of buyer, who conducts his business from his home and who calls upon the occupants of homes to sell the merchandise, made an employee by statute. There is no difference in principle between the Fuller dealer and the individuals described above.

Respectfully submitted.

ALFRED C. FULLER,  
President.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 72, line 21.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, on page 74, in line 4, before the word "cultivating", to strike out "connection with"; in the same line, after the word "in", to strike out "connection with"; in line 6, after the word "raising", to insert "shearing,"; in line 7, after the word "feeding", to insert "caring for, training,"; and in line 8, after the word "animals", to insert "and other wildlife", so as to read:

(h) Agricultural labor: The term "agricultural labor" includes all services performed—

(1) On a farm, in the employ of any person, in cultivating the soil, or in raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and other wildlife.

The amendment was agreed to.

The next amendment was, on page 74, line 9, after the word "tenant", to insert "or other operator"; in line 11, after the word "management", to insert "conservation, improvement,"; and in line 12, after the word "farm", to insert "and its tools and equipment", so as to read:

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if the major part of such service is performed on a farm.

The amendment was agreed to.

The next amendment was, on page 74, line 20, after the word "cotton", to insert a comma and "or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes", so as to read:

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

The amendment was agreed to.

The next amendment was, on page 74, line 24, before the word "drying", to insert "planting", so as to read:

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

The amendment was agreed to.

The next amendment was, on page 78, line 25, after the word "law", to insert "to the highest rate applied thereunder in the taxable year to any person having individuals in his employ, or"; and after the words "per centum", to insert "whichever rate is lower", so as to read:

(b) Additional credit: In addition to the credit allowed under subsection (a), a taxpayer may credit against the tax imposed by section 1600 for any taxable year an amount, with respect to the unemployment compensation law of each State certified for the taxable year as provided in section 1602 (or with respect to any provisions thereof so certified), equal to the amount, if any, by which the contributions required to be paid by him with respect to the taxable year were less than the contributions such taxpayer would have been required to pay if throughout the taxable year he had been subject under such State law to the highest rate applied thereunder in the taxable year to any person having individuals in his employ, or to a rate of 2.7 percent, whichever rate is lower.

The amendment was agreed to.

The next amendment was, on page 79, to strike out lines 16 to 19, inclusive, as follows:

(1) The total annual contributions will yield not less than an amount substantially equivalent to 2.7 percent of the total annual pay roll with respect to which contributions are required under such law, and.

Mr. AUSTIN. Mr. President, at this point in the consideration of the amendments I ask unanimous consent to



have inserted in the RECORD a telegram from T. B. Wright, President of the Vermont Council of Retail Merchants.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BURLINGTON, VT., July 10, 1939.

HON. WARREN R. AUSTIN,

*The Senate:*

Unemployment compensation provisions of title 6, section 610, of H. R. 6635, as amended by Senate Finance Committee, has hearty approval of Vermont Council of Retail Merchants. We feel imposition of Federal standards on State unemployment-compensation laws will have undesirable effect on development of stabilized employment and experience rating in the States.

T. B. WRIGHT,

*President, Vermont Council of Retail Merchants.*

The VICE PRESIDENT. The question is on agreeing to the amendment on page 79, beginning with line 16.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

Mr. SHIPSTEAD. Mr. President, has the amendment on page 79, beginning with line 16, been adopted?

The VICE PRESIDENT. It has been adopted.

Mr. SHIPSTEAD. I have an amendment to offer on behalf of the American Federation of Labor, dealing with that amendment, which has just been agreed to.

Mr. HARRISON. Mr. President, I ask that the vote by which the amendment, on page 79, lines 16 to 19, was agreed to, be reconsidered.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to is reconsidered.

Mr. SHIPSTEAD. I have an amendment to offer on behalf of the American Federation of Labor. Their position is that the security fund will be impaired if the amendment, as it now reads, shall be agreed to. The total income will be less than 2.7 percent, and the fear is expressed that it will provide an inducement to the various States to compete for lower and lower rates and so impair the funds of the security fund. In view of that fact I ask the Senator from Mississippi to accept my amendment and to have it inserted in lieu of the committee amendment.

Mr. HARRISON. Mr. President, there was no question before the committee which gave it more concern and upon which longer time was taken to study than the 2.7 provision. We had before us the so-called McCormack amendment. I think the committee was all agreed on the elimination of the McCormack amendment, which was adopted in the House. We also agreed on the elimination of the 2.7-percent provision.

The matter will be in conference, I may say to the Senator. The whole question will be in conference, and I hope that the Senate will win out in the conference. I think there was no dissention in the committee on the question that this matter should be stricken out, although I know that I got the impression that if the McCormack amendment were agreed to we ought to have something in the bill providing that the reserves be maintained on a reasonable basis such as suggested by the Social Security Board. But we felt that that question was so technical in character that it ought to be subjected to a study by an advisory committee, and if I recall correctly, the Chairman of the Social Security Board stated to the committee that it would not be a bad idea if this matter be studied for awhile, and that it would not under the House proposal be put into operation until, I believe, 1942.

Mr. VANDENBERG. Mr. President, I think the Senator from New York [Mr. WAGNER] has pending a resolution providing for the re-creation of the advisory council to deal with the whole subject.

Mr. HARRISON. Yes. I was further going to state that the amendment would be offered by the Senator from New York to create an advisory committee to study this question. The matter is a very important one. No one wants to see these funds which have been built up for this reason or that increased or reduced to such an extent that the States might not have sufficient funds to pay unemployment benefits. We think there should be further study before any changes are

made. There are some States in which these unemployment benefits are just now beginning to be paid. I think Wisconsin led in the march, and they adopted the merit rating system. The whole matter is one of such technical and far-reaching significance that we think it should be further studied.

Mr. SHIPSTEAD. Am I to understand that the Senator from New York [Mr. WAGNER] will offer an amendment to this bill?

Mr. HARRISON. He will offer an amendment to create an advisory council to be appointed by the Finance Committee of the Senate, and the Ways and Means Committee of the House to work on this question and to submit its advice and findings to the Social Security Board and to Congress.

Mr. SHIPSTEAD. Can the Senator give us an idea how long such a study will require? How much time will it take?

Mr. HARRISON. That depends on many factors. There may be a report ready for the next session of Congress.

Mr. SHIPSTEAD. If it is for the next session of Congress I think that would be a reasonable procedure.

Mr. HARRISON. The American Federation of Labor is no more intent than the members of the Finance Committee of the Senate on seeing that these funds are preserved and that proper legislation is passed by the States. We do not want to see the fund depleted at all. We do not want it to be lowered to the point where it is dangerous.

Mr. SHIPSTEAD. I see the Senator from New York has just entered the Senate Chamber. I should like to direct a question to him about the wording of the proposed amendment.

Mr. HARRISON. I will ask the Senator from New York if it is not his purpose to offer an amendment which will create a board to study the whole unemployment-insurance question?

Mr. WAGNER. Yes. The amendment proposes the establishment of a board similar to the advisory council which was appointed several years ago, I think at the suggestion of the Senator from Michigan [Mr. VANDENBERG], to study the question of old-age pensions, and I think they rendered an extraordinary service and have aided the committee very greatly in the formulation of amendments.

Mr. HARRISON. They certainly have done so.

Mr. WAGNER. I shall propose an amendment calling for a similar study of the subject of unemployment insurance, because of the very many technical subjects which are involved that are constantly arising. I do not think any committee of Congress should be asked to deal with these technical subjects before they have at least the constructive and sound advice of a technical group representing employers and employees, the public, and the Government.

Mr. SHIPSTEAD. Has the Senator an amendment to that effect to offer to the bill?

Mr. WAGNER. The amendment is ready to be offered. I may say to the Senator, when the consideration of committee amendments shall have been completed.

Mr. SHIPSTEAD. And is it expected that the proposed committee will report at the next session of Congress?

Mr. WAGNER. It is hoped that they will so report. Undoubtedly they will report just as soon as they are prepared to give their conclusions.

Mr. SHIPSTEAD. The Senator understands that time is important, because there is some doubt about maintaining the integrity of these funds.

Mr. WAGNER. I do not think it is any more essential than it was essential to fix a particular time with reference to the advisory council which treated with the subject of old-age pensions. They did a very fine job in advising Congress as to the technical changes that were desirable because of the short experience that had been had with the matter. I think the Congress may very well rely upon any council that is appointed representing both employers and employees as well as the Government. I believe they will be very diligent. They will be able to advise Congress in relation to any changes that may be necessary.

Mr. SHIPSTEAD. Does the Senator believe the amendment he will offer will be acceptable to the committee?

Mr. HARRISON. I may say that the Finance Committee by vote has already expressed itself favorably to the chairman's acceptance of the amendment of the Senator from New York when offered.

Mr. O'MAHONEY. Mr. President, I should like to ask the chairman of the committee [Mr. HARRISON] or the Senator from New York [Mr. WAGNER] whether or not the text of the proposed amendment is available.

Mr. WAGNER. Yes; it is printed.

Mr. O'MAHONEY. I refer to the amendment to be offered by the Senator from New York.

Mr. WAGNER. Yes.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the full text of the amendment proposed to be offered by the Senator from New York [Mr. WAGNER] dealing with the investigation of unemployment insurance.

There being no objection, the amendment intended to be proposed by Mr. WAGNER was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WAGNER to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, viz: On page 119, at the end of the bill, insert the following new section:

"Sec. 903. (a) There is hereby authorized to be established by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, in cooperation with the Social Security Board, an Advisory Council on Unemployment Insurance, representing employers, employees, and the general public, to study and report to said committee on the following matters concerning unemployment insurance:

- "1. Scope and coverage.
- "2. Amount, character, duration, and qualification for benefits.
- "3. Advisability and nature of individual employer and State unemployment experience ratings for tax purposes.
- "4. Size, character, adequacy, and disposition of reserves.
- "5. Source, character, and method of financing.
- "6. Coordination of unemployment insurance with relief, work relief, and other programs for alleviating economic distress among the unemployed.
- "7. Pertinent experience in the operation and administration of existing unemployment-insurance laws.
- "8. Any other matters which either of the above-mentioned committees or the Social Security Board may deem relevant to the inquiry.
- "(b) The Social Security Board shall furnish all necessary technical assistance in connection with such study."

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, on page 79, lines 16 to 19.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 80, line 1, after the words "not less than", to strike out "the 3 consecutive years" and insert in lieu thereof "a 1-year period", so as to read:

(1) No reduced rate of contributions to a pooled fund or to a partially pooled account is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during not less than a 1-year period immediately preceding the computation date.

Mr. WALSH. Mr. President, I should like to have the attention of the chairman of the committee on this amendment, which is very important.

The present law fixes the period of time for determining the compensation paid by an employer in a particular State on the basis of the average over a period of 3 years. The House bill contained the same provision. The Finance Committee has changed the period to 1 year. Many persons are of the opinion that 1 year's experience is not a sufficient test of whether the employer should have his rate raised or lowered. I was about to suggest to the chairman of the committee an amendment making the period 2 years. As the House bill provided 3 years, the whole matter could then go to conference and be disposed of on a basis of not less than 2 years or more than 3 years. Personally, I feel that one year is altogether too short a time for a determination

by the State of what contribution should be made by an employer.

Mr. HARRISON. So far as I am concerned, I shall be very glad to accept an amendment providing for 2 years, so that the matter may go to conference.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee on page 80, beginning in line 1.

Mr. WALSH. Mr. President, I move to amend the part proposed to be stricken out in the committee amendment by striking out, on page 80, line 1, the word "three" and inserting in lieu thereof the word "two."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment, as amended.

The amendment, as amended, was rejected.

The VICE PRESIDENT. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 80, line 3, after the word "date", to insert a comma and the words "throughout which compensation has been payable under such law"; and at the end of line 4, after the semicolon, to strike out the word "or", so as to read:

immediately preceding the computation date, throughout which compensation has been payable under such law.

The amendment was agreed to.

The next amendment was, on page 81, after line 22, to strike out:

(b) Other State standards: Notwithstanding the provisions of subsection (a) (1) of this section a taxpayer shall be allowed an additional credit under section 1601 (b) with respect to any reduced rate of contributions permitted by a State law if the Board finds that under such law—

(1) the amount in the unemployment fund as of the computation date equals not less than one and one-half times the highest amount paid into such fund with respect to any one of the preceding 10 calendar years or one and one-half times the highest amount of compensation paid out of such fund within any one of the preceding 10 calendar years, whichever is the greater; and

(2) compensation will be paid to any otherwise eligible individual in accordance with general standards and requirements not less favorable to such individual than the following or substantially equivalent standards:

(A) the individual will be entitled to receive, within a compensation period prescribed by State law of not more than 52 consecutive weeks, a total amount of compensation equal to not less than 16 times his weekly rate of compensation for a week of total unemployment or one-third the individual's total earnings (with respect to which contributions were required under such State law) during a base period prescribed by State law of not less than 52 consecutive weeks, whichever is less.

(B) no such individual will be required to have been totally unemployed for longer than 2 calendar weeks or two periods of 7 consecutive days each, as a condition to receiving, during the compensation period prescribed by State law, the total amount of compensation provided in subparagraph (A) of this subsection.

(C) the weekly rates of compensation payable for total unemployment in such State will be related to the full time weekly earnings (with respect to which contributions were required under such State law) of such individual during a period prescribed by State law or will be determined on the basis of such fractional part of an individual's total earnings (with respect to which contributions were required under such State law) during that calendar quarter within such period in which such earnings were highest, as will produce a reasonable approximation of such full-time weekly earnings, and will not be less than (i) \$5 per week if such full-time weekly earnings were \$10 or less, (ii) 50 percent of such full-time weekly earnings if they were more than \$10 but not more than \$30, and (iii) \$15 per week if such full-time weekly earnings were more than \$30, and

(D) compensation will be paid under such State law to any such individual whose earnings in any week equal less than such individual's weekly rate of compensation for total unemployment, in an amount at least equal to the difference between such individual's actual earnings with respect to such week and his weekly rate of compensation for total unemployment; and

(3) Any variations in reduced rates of contributions, as between different persons having individuals in their employ, are permitted only in accordance with the provisions of paragraph (2), (3), or (4) of subsection (a) of this section.

The amendment was agreed to.

The next amendment was, on page 84, line 12, before the word "Certification", to strike out "(c)" and insert "(b)"; in



line 20, before the word "of", to strike out "or (b)"; on page 85, line 4, before the word "of", to strike out "or (b)"; in line 10, before the word "of", where it occurs the second time, to strike out "or (b)"; in line 12, after the word "subsection", to strike out "(d)" and insert "(c)"; and in line 22, before the word "of", where it occurs the second time, to strike out "or (b)", so as to read:

(b) Certification by the Board with respect to additional credit allowance—

(1) On December 31 in each taxable year the Board shall certify to the Secretary of the Treasury the law of each State (certified with respect to such year by the Board as provided in section 1603) with respect to which it finds that reduced rates of contributions were allowable with respect to such taxable year only in accordance with the provisions of subsection (a) of this section.

(2) If the Board finds that under the law of a single State (certified by the Board as provided in section 1603) more than one type of fund or account is maintained, and reduced rates of contributions to more than one type of fund or account were allowable with respect to any taxable year, and one or more of such reduced rates were allowable under conditions not fulfilling the requirements of subsection (a) of this section, the Board shall, on December 31 of such taxable year, certify to the Secretary of the Treasury only those provisions of the State law pursuant to which reduced rates of contributions were allowable with respect to such taxable year under conditions fulfilling the requirements of subsection (a) of this section, and shall, in connection therewith, designate the kind of fund or account, as defined in subsection (c) of this section, established by the provisions so certified. If the Board finds that a part of any reduced rate of contributions payable under such law or under such provisions is required to be paid into one fund or account and a part into another fund or account, the Board shall make such certification pursuant to this paragraph as it finds will assure the allowance of additional credits only with respect to that part of the reduced rate of contributions which is allowed under provisions which do fulfill the requirements of subsection (a) of this section.

The amendment was agreed to.

The next amendment was, on page 86, line 2, after the word "subsection", to strike out "(d)" and insert "(c)"; in line 4, before the word "of" where it occurs the second time, to strike out "or (b)"; and in line 13, before the word "of", to strike out "or (b)", so as to read:

(3) The Board shall, within 30 days after any State law is submitted to it for such purpose, certify to the State agency its findings with respect to reduced rates of contributions to a type of fund or account, as defined in subsection (c) of this section, which are allowable under such State law only in accordance with the provisions of subsection (a) of this section. After making such findings, the Board shall not withhold its certification to the Secretary of the Treasury of such State law, or of the provisions thereof with respect to which such findings were made, for any taxable year pursuant to paragraph (1) or (2) of this subsection unless, after reasonable notice and opportunity for hearing to the State agency, the Board finds the State law no longer contains the provisions specified in subsection (a) of this section or the State has, with respect to such taxable year, failed to comply substantially with any such provision.

The amendment was agreed to.

The next amendment was, on page 86, line 16, before the word "Definitions", to strike out "(d)" and insert "(c)", so as to read:

(c) Definitions: As used in this section.

The amendment was agreed to.

The next amendment was, on page 89, line 7, before the word "any", to strike out "1939" and insert "1940", and in line 12, after the numeral "1", to strike out "1939" and insert "1940", so as to read:

(6) Balance: The term "balance", with respect to a reserve account or a guaranteed employment account, means the amount standing to the credit of the account as of the computation date; except that, if subsequent to January 1, 1940, any moneys have been paid into or credited to such account other than payments thereto by persons having individuals in their employ, such term shall mean the amount in such account as of the computation date less the total of such other moneys paid into or credited to such account subsequent to January 1, 1940.

The amendment was agreed to.

The next amendment was, on page 89, after line 22, to strike out:

(b) The provisions of paragraph (1) of section 1602 (a) of the Internal Revenue Code, as amended, shall be applicable to paragraph (2) of such section only after December 31, 1941; and shall in no event be applicable to paragraph (4) of such section in force prior to January 1, 1942.

The amendment was agreed to.

The next amendment was, on page 91, line 22, after the word "the" where it occurs the second time, to strike out "taxes imposed by sections 1410 and" and insert "tax imposed by section", so as to read:

(b) The legislature of any State may require any instrumentality of the United States (except such as are (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1600 by virtue of any other provision of law), and the individuals in its employ, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Board under section 1603 and (except as provided in section 5240 of the Revised Statutes, as amended, and as modified by subsection (c) of this section) to comply otherwise with such law.

The amendment was agreed to.

The next amendment was, on page 94, line 6, after the word "were", to strike out "in his employ" and insert "employed by him in employment", so as to read:

SEC. 1607. Definitions.

When used in this subchapter—

(a) Employer: The term "employer" does not include any person unless on each of some 20 days during the taxable year, each day being a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was eight or more.

The amendment was agreed to.

The next amendment was, on page 94, line 25, after the word "insurance", to insert "or annuities", and on page 95, line 4, after the word "disability", to insert a comma and "or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer", so as to read:

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

The amendment was agreed to.

The next amendment was, on page 98, line 11, after the word "organization", to insert "exempt from income tax under section 101 (1)"; so as to read:

(B) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section 101 (1).

The amendment was agreed to.

The next amendment was, on page 98, line 25, after the word "or", to insert "their", and on page 99, line 3, before the word "employees", to insert "officers or"; so as to read:

(D) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if (i) admission to membership in such association is limited to individuals who are officers or employees of the United States Government, and (ii) no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

The amendment was agreed to.

The next amendment was, on page 100, line 13, after the word "State", to strike out "law." and insert "law"; so as to read:

(13) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is

enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an interne in the employ of a hospital by an individual who has completed a 4-year course in a medical school chartered or approved pursuant to State law.

The amendment was agreed to.

The next amendment was, on page 100, after line 13, to insert:

(14) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; or

(15) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Mississippi [Mr. HARRISON] if his interpretation of the amendment on page 100, beginning at line 14 and continuing down to and including line 18, is the same as my own. It is my understanding that the committee amendment just referred to, which excludes from employment service performed by insurance agents, does not change the status of insurance agents generally under other titles of the bill or under the present law.

Mr. HARRISON. I think the Senator is exactly correct.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee on page 100, after line 13.

The amendment was agreed to.

The next amendment was, on page 101, line 12, after the word "performed", to strike out "for an employer"; and in line 13, after the word "period", to insert "by an employee for the person employing him", so as to read:

This subsection shall not be applicable with respect to services performed in a pay period by an employee for the person employing him, where any of such service is excepted by paragraph (9) of subsection (c).

The amendment was agreed to.

The next amendment was, on page 103, line 8, before the word "cultivating", to strike out "connection with"; in the same line, after the word "in", to strike out "connection with"; in line 10, after the word "raising", to insert "shearing"; in line 11, before the word "and", to insert "caring for, training"; in line 12, after the word "animals", to insert "and other wildlife"; in line 15, after the word "management", to insert "conservation, improvement"; and in line 16, after the word "farm", to insert "and its tools and equipment"; and in line 24, after the word "cotton", to insert a comma and "or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes", so as to read:

(1) On a farm, in the employ of any person, in cultivating the soil, or in raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and other wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

The next amendment was, on page 104, line 4, before the word "drying", to insert "planting", so as to read:

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service per-

formed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

The amendment was agreed to.

The next amendment was, under the heading "Title VII—Amendments to Title X of the Social Security Act," on page 105, line 7, after the word "administration" and the parenthesis, to strike out "other than those relating to selection, tenure of office, and compensation of personnel" and insert "including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis", so as to read:

SEC. 701. (a) Clause (5) of section 1002 (a) of the Social Security Act is amended to read as follows: "(5) provide such methods of administration including, after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis) as are found by the Board to be necessary for the proper and efficient operation of the plan."

The amendment was agreed to.

The next amendment was, under the heading "Title VIII—Amendments to Title XI of the Social Security Act," on page 108, line 18, after the numeral "1", to strike out "1940"; at the beginning of line 19, to strike out "(a) clause" and insert "1940, paragraph"; and in line 23, before the word "section", to strike out "including" and insert "except", so as to read:

SEC. 801. Effective January 1, 1940, paragraph (1) of section 1101 (a) of such act is amended to read as follows: "(1) the term State (except when used in section 531) includes Alaska, Hawaii, and the District of Columbia, and when used in titles V and VI of such act (except section 531) includes Puerto Rico."

The amendment was agreed to.

The next amendment was, at the top of page 109, to strike out:

(b) section 1101 (a) is further amended by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) The term 'employee' includes an officer of a corporation. It also includes any individual who, for remuneration (by way of commission or otherwise) under an agreement or agreements contemplating a series of similar transactions, secures applications or orders or otherwise personally performs services as a salesman for a person in furtherance of such person's trade or business (but who is not an employee of such person under the law of master and servant); unless (A) such services are performed as a part of such individual's business as a broker or factor and, in furtherance of such business as broker or factor, similar services are performed for other persons and one or more employees of such broker or factor perform a substantial part of such services, or (B) such services are not in the course of such individual's principal trade, business, or occupation.

"(7) The term 'employer' includes any person for whom an individual performs any service of whatever nature as his employee."

The amendment was agreed to.

The next amendment was, under the heading "Title IX—Miscellaneous Provisions", on page 115, after line 16, to insert:

(i) No part of the tax imposed by the Federal Unemployment Tax Act or by title IX of the Social Security Act, whether or not the taxpayer is entitled to a credit against such tax, shall be deemed to be a penalty or forfeiture within the meaning of section 57j of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended.

The amendment was agreed to.

The next amendment was, on page 116, after line 3, to insert:

SEC. 904. Effective January 1, 1940, section 1428 of the Internal Revenue Code is amended by striking out "paragraphs (9) and (10)" and inserting in lieu thereof "paragraph (9)."

The amendment was agreed to.

The next amendment was, on page 116, after line 7, to insert:

SEC. 905. (a) No service performed at any time during the calendar year 1939 by any individual shall, by reason of the individual having attained the age of 65, be excepted from employment as defined in section 1426 (b) of subchapter A of chapter 9 of the Internal Revenue Code. Paragraph (4) of such section (which excepts such service from employment) is repealed, effective January 1, 1939. The tax on employees imposed by section 1400 of such subchapter and the tax on employers imposed by section 1410 of such subchapter, and the provisions of law applicable to such taxes, shall apply with respect to remuneration paid after December 31, 1938, for service which, by reason of the enactment of this section, constitutes employment as so defined.



(b) Notwithstanding any other provision of law, no employer shall be liable for the tax on any employee, imposed by section 1400 of such subchapter (unless the employer collects such tax from the employee), with respect to service performed before the date of enactment of this act which constitutes employment by reason of the enactment of this section, except to the extent that the employer has under his control at any time on or after the ninetieth day after such date amounts of remuneration earned at any time by the employee.

The amendment was agreed to.

The next amendment was, on page 117, after line 5, to insert:

SEC. 906. If the Social Security Board finds with respect to any State that the first regular session of such State's legislature which began after June 25, 1938, and adjourned prior to 30 days after the enactment of this act (1) had not made provision to authorize and direct the Secretary of the Treasury, prior to 30 days after the close of such session or July 1, 1939, whichever date is later, to transfer from its account in the unemployment trust fund to the railroad unemployment insurance account in the Unemployment Trust Fund an amount equal to such State's "preliminary amount," or to authorize and direct the Secretary of the Treasury, prior to 30 days after the close of such session or January 1, 1940, whichever date is later, to transfer from its account in the Unemployment Trust Fund to the railroad unemployment insurance account in the Unemployment Trust Fund an amount equal to such State's "liquidating amount," or both; and (2) had not made provision for financing the administration of its unemployment-compensation law during the period with respect to which grants therefor under section 302 of the Social Security Act are required under section 13 of the Railroad Unemployment Insurance Act to be withheld by the Social Security Board, notwithstanding the provisions of section 13 (d) of the Railroad Unemployment Insurance Act the Social Security Board shall not begin to withhold from certification to the Secretary of the Treasury for payment to such State the amounts determined by it pursuant to section 302 of the Social Security Act and to certify to the Secretary of the Treasury for payment into the railroad unemployment-insurance account the amount so withheld from such State, as provided in section 13 of the Railroad Unemployment Insurance Act, until after the thirtieth day after the close of such State's first regular or special session of its legislature which begins after the date of enactment of this act and after the Social Security Board finds that such State had not, by the thirtieth day after the close of such legislative session, authorized and directed the Secretary of the Treasury to transfer from such State's account in the Unemployment Trust Fund to the railroad unemployment insurance account in the Unemployment Trust Fund such State's "preliminary amount" plus interest thereon at 2½ percent per annum from the date the amount thereof is determined by the Social Security Board, and such State's "liquidating amount" plus interest thereon at 2½ percent per annum from the date the amount thereof is determined by the Social Security Board. Notwithstanding the provisions of section 13 (e) of the Railroad Unemployment Insurance Act, any withdrawal by such State from its account in the Unemployment Trust Fund for purposes other than the payment of compensation of the whole or any part of amounts so withheld from certification with respect to such State pursuant to this act shall be deemed to constitute a breach of the conditions set forth in sections 303 (a) (5) of the Social Security Act and 1603 (a) (4) of the Internal Revenue Code. The terms "preliminary amount" and "liquidating amount," as used herein, shall have the meanings defined in section 13 of the Railroad Unemployment Insurance Act.

The amendment was agreed to.

The next amendment was, on page 119, after line 12, to insert:

SEC. 907. In addition to any other deductions made under section 203 of the Social Security Act, as amended, deductions shall be made from any primary insurance benefit or benefits to which an individual is entitled or from any other insurance benefit payable with respect to such individual's wages, until such deductions total 1 percent of any wages paid him for services performed in 1939, and subsequent to his attaining age 65, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code have not been deducted by his employer from his wages or paid by such employer.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. CONNALLY. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Texas will be stated.

The LEGISLATIVE CLERK. On page 3 it is proposed to strike out lines 5 to 20, both inclusive, and insert in lieu thereof the following:

#### PAYMENT TO STATES

SEC. 3. (a) From the sums appropriated therefor the Secretary of the Treasury shall pay to each State which has an approved

plan for old-age assistance, for each quarter, beginning with the quarter commencing January 1, 1940, (1) an amount, which shall be used exclusively as old-age assistance, equal to the sum of the following proportions of the total amounts expended during such quarter as old-age assistance under the State plan with respect to each needy individual who at the time of such expenditure is 65 years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any such individual for any month as exceeds \$40:

(A) Two-thirds of such expenditures, not counting so much of any expenditure with respect to any month as exceeds the product of \$15 multiplied by the total number of such individuals who received old-age assistance for such month, plus

(B) One-half of the amount by which such expenditures exceed the maximum which may be counted under clause (A), and (2) 5 percent of the amount of the payment under clause (1) of this subsection, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose.

On page 4, line 8, strike out "one-half" and insert in lieu thereof "the State's proportionate share."

Mr. BYRNES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Texas yield to the Senator from South Carolina?

Mr. CONNALLY. If the Senator will permit me to state the effect of the amendment, I shall then be glad to yield.

Mr. President, the effect of this amendment is to provide that in the matter of old-age assistance or old-age pensions the Federal Government shall make a contribution of \$2 to the State's \$1, up to \$15. Above \$15 there shall be an equal contribution. The purpose of the amendment is to provide Federal benefits, or at least to offer encouragement to the weaker and poorer States, in order that they may make adequate contribution for old-age assistance.

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, I presented to the committee for its consideration an amendment having in mind the same object as that now presented by the Senator from Texas. The amendment I offered was drafted in accordance with the suggestion which had been made by the officials of the Social Security Board and by others who have given thought to this subject, and provided that the contribution on the part of the States should be based upon a variable formula, so that the States with a low per capita income would contribute an amount related to the percentage that the per capita income of the State bore to the national income.

Mr. CONNALLY. I suggest to the Senator that his amendment provided a two-thirds maximum.

Mr. BYRNES. Yes. In the amendment which I offered, as well as in the amendment of the Senator from Texas, as I understand, there is a provision that in no case shall the contribution by the Federal Government amount to more than two-thirds, nor shall the contribution of the State government amount to less than one-third.

The committee, after considering the amendment and also the amendment offered by the Senator from Texas failed to adopt either of them. It is my opinion that the amendment of the Senator from Texas will receive greater support than the amendment offered by me. Because I am in favor of the objective, I am, therefore, not going to offer the amendment I offered to the committee. Instead I am going to support the amendment of the Senator from Texas.

I desire to call the attention of the Senate to the situation confronting us. Under the existing law, though the Federal Government is contributing 50 percent of any amount not in excess of \$30, the average amount paid by the various States of the Union as of December 31 was \$19.55. The amount paid ranges all the way from \$32.43 in California to \$6.15 in Arkansas.

Under the circumstances, the provision of the bill as it passed the House and was reported by the committee increasing to \$20 the contribution to be made by the Federal Government, conditioned upon the State appropriating \$20, is, in my opinion, absolutely ineffective and can only result in misleading many of the aged who are in need throughout the country. Manifestly, if the States cannot now contribute one-half of \$30, it will be impossible for them to contribute

one-half of \$40. When only one State in the Union contributes \$15; namely, the State of California, I can see no justification for the hope that by merely increasing the maximum contribution of the Federal Government in the statute we can thereby bring about an increased payment to the needy old people throughout the country.

Today when we talk about \$30 old-age assistance in the Congress, it is almost a hopeless task to explain the situation to the man in Arkansas who says, "I get an average of \$6.15 a month," and so on, throughout the other States where the payment is less than \$15 a month.

As a member of the unemployment committee, I devoted some time to the investigation of this subject. Our committee was of the opinion that if old-age assistance was really to be of the service it was intended to be, we should make more adequate provision for the aged needy. So long as payments of \$6.15 or \$8.10 a month are made in the form of old-age assistance the recipients will still be in need, will still resort to the municipality, county, or State for relief, and the taxpayers, through another agency, will contribute to their relief. So long as we are paying this inadequate sum, we will find the local officials who certify eligibles for the W. P. A. rolls certifying the old man and the old woman who is still able to work for a job on W. P. A.

That costs the taxpayers an average of \$1,000 a year, including materials, labor, and overhead. Therefore, from a mere cold-blooded view, considering the expense to the taxpayer, the wise thing for us to do is to contribute such an amount as will make it possible for the States to provide a sum sufficiently adequate to remove the old people from the field of other forms of relief.

The amendment prepared by the Senator from Texas provides for a contribution by the Federal Government of two-thirds of the sum paid by the State to the recipient in the State, the two-thirds being based upon and limited to the average amount paid, not in excess of \$15. It would mean that if today in a State the sum of \$15 is paid, the Federal Government contributing \$7.50 and the local government \$7.50, under this amendment the Federal Government would contribute \$10 and the local government \$5, taking the average. That would mean an additional \$2.50 per man per month contributed by the Federal Government. On all over \$15 the contribution would be, as under the existing law, on the 50-50 basis. The estimate of additional cost is \$80,000,000 in excess of the amount now paid by the Federal Government.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. VANDENBERG. The \$80,000,000 estimate, as I understand, is based upon the maintenance of the existing total, where the system which the Senator contemplates would undoubtedly increase the total, would it not?

Mr. BYRNES. Mr. President, I am unable to answer the Senator's question as satisfactorily as I should like to do. I must say that the figure is contained in a letter written to the Senator from Texas. It was my understanding that, based upon the existing roll of one million eight hundred and some thousand, it would cost only \$63,000,000. I understand the letter to the Senator from Texas states that the estimate of \$80,000,000 is "an intermediate estimate." By that is meant that the estimate is \$60,000,000, based upon the existing roll, and, if they have an estimate as to the addition that would result, it would be somewhere about \$100,000,000, and when the chairman of the Board refers to "an intermediate estimate" he has taken 50 percent of the estimated increase.

Obviously, in justice to the officials of the Board, it should be said that it is impossible for them to estimate accurately the result of an increase on the rolls. I think, therefore, that it is not unfair for them to estimate \$20,000,000 as the increase resulting from the additional number of people who would be granted relief.

Of course, in various States there are various degrees of liberality in placing aged persons upon the roll. It depends upon the attitude of State officials. I think, however, the

figure I have stated would be a fair estimate. If it is, I submit to the Senate, that if we are to admit a dual responsibility in this matter, if we admit that the Federal Government owes a responsibility with reference to the care of the aged as well as do the States, then the Federal Government cannot entirely divest itself of that responsibility and say that it will be content to be a partner in the payment of \$6.15 or \$6.50 or \$7 or \$8 in a State.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. O'MAHONEY. I have observed that the Senator has here a very interesting table, apparently taken from the hearings of the Committee on Unemployment, of which he was chairman, which lists the average payment received by each old-age beneficiary in each of the several States for the period ended December 1938, and that the averages run from a maximum of \$32.43 in the State of California to a minimum of \$6.15 in the State of Arkansas. I ask the Senator if my understanding is correct that the amount of the payment received by each beneficiary is dependent upon the State law and not upon the Federal law?

Mr. BYRNES. Of course, that is correct; and that is what I was addressing myself to, that, while we admit a dual responsibility, we leave to the States the entire determination of the amount. The result of the \$10.10 contribution is that the United States Government pays to the individual in the State 10 cents a day—one thin dime per day to take care of aged and feeble persons. The States are likewise responsible for that, and, if anything, they are more responsible, because they fix the amount. Nevertheless, I submit that, where there is a dual responsibility, the Government of the United States can consider whether or not that is a condition that should be permitted to continue.

Mr. O'MAHONEY. Then I should like to ask the Senator a further question. This list, then, is not a list showing the amount received by each beneficiary, but it is a list showing the amount of the payment by the Federal Government?

Mr. BYRNES. Oh, no; it shows the average amount paid in each State to the beneficiary. When it shows the amount of \$6 and some cents, it means that the average payment to the individual in Arkansas is \$6, in South Carolina \$7, or whatever it is, and so forth.

Mr. O'MAHONEY. Then, under the bill as the committee reported it, the Federal contribution would be one-half of the sum shown in this table?

Mr. BYRNES. That is correct.

Mr. O'MAHONEY. I think it might be well to have the table inserted in the RECORD at this point.

Mr. BYRNES. Mr. President, I accept the suggestion of the Senator from Wyoming, and ask that the table be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

*Average old-age assistance payment per recipient (title I),  
December 1938*

United States.....	\$19.55
California.....	32.43
Colorado.....	29.99
Massachusetts.....	28.56
Connecticut.....	26.66
Nevada.....	26.46
Arizona.....	26.10
New York.....	24.18
New Hampshire.....	23.08
Ohio.....	23.01
Washington.....	22.10
Wyoming.....	21.62
Idaho.....	21.55
Oregon.....	21.30
Pennsylvania.....	21.19
Wisconsin.....	20.78
Maine.....	20.71
Montana.....	20.48
Utah.....	20.45
Minnesota.....	20.42
South Dakota.....	20.04
Oklahoma.....	19.94
Iowa.....	19.82
Kansas.....	19.62



*Average old-age assistance payment per recipient (title I),  
December 1938—Continued*

New Jersey.....	\$19.32
Rhode Island.....	18.78
Illinois.....	18.52
Missouri.....	18.48
Maryland.....	17.51
North Dakota.....	17.38
Nebraska.....	17.12
Michigan.....	17.11
Indiana.....	16.53
Vermont.....	14.47
Texas.....	13.84
Florida.....	13.84
West Virginia.....	13.79
Tennessee.....	13.23
New Mexico.....	11.15
Delaware.....	10.84
Louisiana.....	10.26
Virginia.....	9.54
Alabama.....	9.51
North Carolina.....	9.36
Georgia.....	8.76
Kentucky.....	8.73
South Carolina.....	7.40
Mississippi.....	6.92
Arkansas.....	6.15

*Per capita income by States 1935*

United States.....	\$432
New York.....	700
Connecticut.....	607
California.....	605
Delaware.....	590
Rhode Island.....	561
Nevada.....	545
Massachusetts.....	539
Wyoming.....	526
New Jersey.....	517
Illinois.....	500
Montana.....	482
Pennsylvania.....	478
Michigan.....	473
Maryland.....	473
Wisconsin.....	467
Ohio.....	460
New Hampshire.....	438
Washington.....	434
Minnesota.....	416
Maine.....	414
Colorado.....	406
Indiana.....	402
Arizona.....	401
Oregon.....	394
Iowa.....	370
Missouri.....	366
Vermont.....	366
Kansas.....	365
Nebraska.....	361
Florida.....	353
Utah.....	348
Idaho.....	344
New Mexico.....	322
West Virginia.....	318
Texas.....	316
Virginia.....	305
Louisiana.....	300
South Dakota.....	275
North Dakota.....	260
Oklahoma.....	259
North Carolina.....	253
Georgia.....	253
Kentucky.....	240
Tennessee.....	232
South Carolina.....	224
Alabama.....	189
Arkansas.....	182
Mississippi.....	170
District of Columbia.....	966

Mr. O'MAHONEY. Mr. President, I now desire to ask the Senator another question. What differences are there in the laws of the various States which account for these differences in the payments?

Mr. BYRNES. Mr. President, of course, the laws of the States simply provide for the reduced payments in the large number of States indicated on the list.

Mr. O'MAHONEY. Is it solely a question of the inability of the States to raise by taxation sufficient funds to meet the maximum allowed by the United States law?

Mr. BYRNES. That is the only other point to which I desire to refer. That question, of course, has been discussed

at some length. The result of my investigation convinces me that it is due to the inability of the States to make larger contributions.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Virginia.

Mr. BYRD. I should like the Senator to refer, for example, to Illinois, the second richest State in the Union. It is now paying a pension of \$19.10. Does the Senator contend that Illinois cannot pay more than \$19.10 to the aged persons of that State?

Mr. BYRNES. Mr. President, I have before me the table. The hearings contain, opposite the table showing the amounts paid in the various States, a table showing the per capita income by States. According to that table, Illinois ranks tenth in the list of States in per capita income, and does not rank second in the list of States.

Mr. BYRD. I will say to the Senator that in wealth it does rank second.

Mr. BYRNES. Mr. President, I know the Senator's views on the subject, because the matter was discussed in committee. The question as to what constitutes the ability of a State to pay is to my mind best settled by the question of per capita income according to the statement of the Department of Commerce issued about 6 weeks ago. The figures to which I refer are based upon that investigation by the Department of Commerce, following the most scientific methods known to the officials of the United States Government at this time. They show Illinois as tenth in the list. That, I contend, is the best evidence of ability to pay; but I want to say that the figures speak for themselves. I hope Members of the Senate will read these figures in the RECORD in the morning.

There are two or three States whose per capita income is high, but which have made a relatively small contribution. Illinois is not the best illustration from that viewpoint, as I see it; but this situation cannot be judged by any one State or two States. We must take the list; and if we will follow the list we shall find that according to the per capita income, as determined by the Department of Commerce, the payments of old-age assistance to the beneficiaries are very closely in accord with the per capita income of the States. To my mind, the list shows that, so far as the States have been able to pay, they are paying; and there is no question in my mind, in view of the sentiment throughout the country today on this question that when the States are able to pay they are willing to pay for this particular cause.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Virginia.

Mr. BYRD. To revert to Illinois, the per capita income, to which the Senator has referred, is in that State considerably above the average. I ask the Senator if he thinks \$9.50 is all that Illinois could contribute to the aged persons of that State, and all that she should be expected to contribute. The figures which I obtained from the Department of Commerce show that the average per capita income in Illinois is \$596, and the average for the country is \$515.

Mr. BYRNES. Mr. President, I have said and I will repeat to the Senator from Virginia that I see that he and I are never going to agree on these figures. He doubtless will have a chance to address the Senate on the subject, and he can put into the RECORD the figures he has. I have put into the RECORD the figures which have been furnished me. The Senate may read them, and, as usual, they will have to do what I have had to do—take the figures that they like better.

Mr. BYRD. Mr. President, the Senator has not answered my question. Does he think the great, rich State of Illinois has reached the maximum amount it can pay to its old-age pensioners?

Mr. BYRNES. Mr. President, I do not know the conditions existing in the State of Illinois. I should not want to express an opinion on the basis of the list. Before the Appropriations Committee I heard many statements made in behalf of the people of Illinois. I do not know the conditions. The Senator himself will have to answer that question, because I cannot answer it for him any better than I have done.

Mr. President, the list shows that not only Illinois but the other States of the Union are not contributing the maximum.

Then I ask the Senate, Is it right, is it fair, to say to the old people of the country, "We want to show you what we are going to do for you; we will increase the amount of your monthly payment from \$30 to \$40," and let every old man and old woman sit down at home and read about the passage of this bill, and think \$40 is coming to them, and await the receipt of the \$40? They will wait a long time, judging from the action of the various States of the Union.

I know what has happened to the States, and every Member of the Senate knows. Gradually, the Federal Government has usurped the field of taxation, and has left to the States relatively few taxes. In most States what is left consists of taxes upon real estate. There comes a time when the farm and the home can no longer be taxed sufficiently to raise enough money to match the \$20 which is offered by the United States Government. We may go home and say, "We offered on the part of the Federal Government to give you \$20; it is not our fault that you have not got it, and that you are getting only \$8 or \$10"; but somebody is going to understand the situation. The situation is that instead of saying \$40 we might as well say \$400, for the beneficiaries would come just as near getting \$400 as most of the States of the Union are going to be able to pay \$40.

We can do a practical thing. We can adopt this amendment, and at least insure that in the States there will be paid an average of \$15. That is the average. A State may pay one individual \$20, and it may pay another individual \$15. The individual receiving \$15 may have a son who can contribute to some extent to his assistance, and the other individual may not, and he will get \$20; but the payments will average \$15, and if the average is \$15 all that the Federal Government pays in addition to the present amount is \$2.50 per man or per woman on this list. I submit that it is not an unreasonable thing to ask, and it will make the States of the Union contribute something approaching an adequate amount.

Mr. CONNALLY obtained the floor.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. MILLER. I do not desire to occupy the time of the Senator from Texas, nor to speak unduly within his time; but since the State from which I come occupies the position that it does in reference to the payment of old-age pensions, I feel that it is incumbent on me to say a few words.

I should be the last man in the Senate to destroy State responsibility for old-age pensions. I do not agree with the group who think that the obligation should be assumed entirely by the Federal Government. I think the State owes an obligation to its citizens which it should discharge. I do not want to destroy State responsibility. But in States like Arkansas—and this is not a pleasant thing for me to say, it is not a source of gratification—the people who are qualified under the State law and in accordance with the Federal law have been receiving pensions of approximately \$6.15 a month. If, as the Senator from South Carolina has so well said, this is a Federal responsibility, I merely wish to submit the one proposition to the Senate, that those people are just as much citizens of the United States as are the citizens of any other State, and contribute as much in proportion to their financial ability to the upkeep and to the maintenance of the Federal Government. Then the responsibility of the Federal Government likewise ought to be discharged in Arkansas in the same proportion as it is discharged in other States.

The amendment offered by the Senator from South Carolina, in my opinion, was more just than the pending amendment, but the pending amendment will go a long way toward destroying the inequality which exists among citizens of the United States.

Mr. VANDENBERG. Mr. President, will the Senator from Texas yield so that I may ask the Senator from Arkansas a question?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. What is the experience of the Senator's State in matching other funds that are on a 50-50 basis? Is the Senator's State meeting the other invitations from the Federal Government in full?

Mr. MILLER. Not to the extent of one dime. Every dime that has been spent in Arkansas during the last 7 years in the construction of roads has been Federal money. Today we owe \$144,000,000 in road bonds. There is not a single fund from the Federal Government that is being matched as we would like to match it in Arkansas.

Mr. VANDENBERG. Would the Senator say that the same argument would apply to changing the basis of matching, for instance, in connection with roads?

Mr. MILLER. I think so.

Mr. VANDENBERG. In other words, if we are changing, are we not setting the precedent for a complete change?

Mr. MILLER. I think the Committee on Unemployment suggested the best solution of the problem; that is, handling it on a variable basis, depending upon the per capita income in the various States.

I beg the pardon of the Senator from Texas, because I do not want to monopolize his time, and I am not going to take the time of the Senate to discuss the position my State occupies, but I wish to submit this one proposition, that the Federal Government, if it owes its citizens anything, owes them a semblance of equality.

I thank the Senator from Texas.

Mr. HATCH. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. HATCH. I have been unavoidably detained from the Chamber, and I do not know what amendment is being considered. I merely wish to ask the Senator from Texas whether the amendment he proposed to offer is now being discussed.

Mr. CONNALLY. It is. I wish to thank very deeply the Senator from South Carolina [Mr. BYRNES], who has made such a valuable contribution to the discussion. I wish to say that the Committee on Unemployment, of which he is chairman, has made an exhaustive study of the question involved. The Senator's original amendment had much appeal and a great deal of merit.

My reason for offering the amendment in the form in which it is now presented, containing a definite percentage, was because of the variable factors, and the guesses and estimates which would have to be resorted to under the amendment of the Senator from South Carolina. Some actuary of the department each year would have to determine, not from accurate data, but from his imagination, frequently, the relative incomes of the people in the different States, and we would always have a considerable discussion on the floor of the Senate along those lines. So I concluded that it would probably be administratively better to have a definite ratio. I wish to thank the Senator from Arkansas for his statement along the same line.

Mr. President, why did we ever pass an old-age pension law? What business is it of the Federal Government? Why should not the States attend to that? Why should they not determine how much they will pay their old people? What business has the Federal Government in this problem at all?

I do not suppose there was a single State in the Union which had an old-age pension system before the Federal Government first came forward and said, in effect, "You ought to have one, and we are going to make you have one by adopting a Federal old-age pension system; and if we cannot persuade you to do likewise, we are going to offer you a little inducement."

A Senator sitting near me says "bribery." Well, call it bribery. That is the point I am trying to make. The Federal Government had to determine the best policy under which to put the system into effect, and if it could not persuade them, it would toll them by saying "You see this money. You will get some of it if you will come in. If you do not come in, you will not get any."

The point I am trying to drive home is that the Federal Government is responsible for this system. The Federal Government decreed that the policy of giving something to dependent aged persons in the United States should come into existence.



Why did we do that? Did we have any obligation to do it? It is said, "Yes, the Federal Government owes an obligation to all of the aged people who are dependent, who are in need. It owes them the duty of seeing that they get something toward relieving their need."

Very well. Where are these citizens? They are not all in Washington; they are not all in the Senate; they are not all in the House of Representatives. They are scattered throughout 48 States of the Union. They are all the same kind of citizens. They are all in need. They are all sovereigns in some State, in some Commonwealth.

What would we think of a government which said, "Well, now, there is a good citizen down in Arkansas who is in need. The Federal Government owes him something. But how much does it owe him? It owes him only \$3.08. There is another citizen in California in need. How much does the Federal Government owe him? It owes him \$15." He is the same kind of a citizen, in the same condition, in the same country, under the same flag. But we give one of these citizens, the one in Arkansas, just \$3.08, and the other one, in California, \$15. Is that right?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. SCHWELLENBACH. Is there not another possible implication, that if this continues indefinitely there will be an attraction to the States which are able now to pay more; that ultimately a larger burden will be placed upon them; and that then the possibility will arise that those States which are now able to pay more will not be able to pay the amount they are now paying? Thus an additional responsibility will be placed upon the States which are able at the present time to pay more?

Mr. CONNALLY. I thank the Senator. I can well envisage that if California, with all its other attractions, had a generous old-age assistance law, it would catch the old as it now catches the young.

Mr. LEE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LEE. Would the Senator's amendment completely correct that situation, or merely help to correct it?

Mr. CONNALLY. I do not think it would completely meet it. I do not think it would solve it entirely.

Mr. LEE. It would help?

Mr. CONNALLY. It would help, of course. It would help the very lowest ones, the ones at the bottom, where the need is the greatest. After a pension gets as high as \$15, then the State and the Federal Government, under the amendment which I have offered, would share the burden equally.

Mr. LEE. If the situation is to be completely corrected, the pension will have to be paid by the Federal Government without regard to the States matching at all, will it not?

Mr. CONNALLY. Not necessarily. I do not agree to that. I doubt whether the country would stand for that. I do not believe that would be quite right, because we let the States administer the law in the first place. If a State is going to administer the law and is going to specify the recipient of the fund, it ought to have some financial responsibility, because it is much easier to divide other people's money than one's own. So, I think the State ought to be forced to contribute, and thereby have a feeling of financial responsibility.

What would Senators think of a pension law, not an old-age-pension law, especially, but any kind of a pension law—a military-pension law, for instance, for men who are in the service—if we should say, "We are going to give pensions to deserving soldiers, whether they fought or whether they stayed at home, but if one of them lives in Arkansas he is going to get \$3.08, but another soldier who lives in California will get \$15"? Would Senators vote for such a measure? Would they say that simply because a soldier happens to live in Colorado he should receive \$12 out of the Federal Treasury in the form of a pension, when another soldier who had stood by his side in battle ranks, and who now

lives in Arkansas, would get \$3.08? That is the question involved.

I will say to the Senator from Oklahoma [Mr. LEE] that the amendment is in conformity with the original spirit of the law, because our theory was that we would persuade the States, we would induce them, we would coax them to adopt a policy which they have never heretofore adopted of their own motion, and so by making provision for the payment of two-thirds, up to \$15, we are helping States such as Arkansas. Arkansas pays only \$3.08 now. If the amendment is adopted Arkansas will pay \$5, if they have to go out and hijack the taxpayers to get it, because those who run for office, those who run for governor or other offices there will very wisely conclude, "We can raise it to as much as \$5 because we will then get a larger amount." I do no violence to my own opinions or views when I say that the policy of this law is to coerce, to coax, to persuade the States, to influence them, to bring them to a state of mind, whatever one may want to call it. That is what this law was passed for. Why? Because up to the time this law was enacted no State, so far as I know, had an old-age-pension system. If there was any State which had one I should like to be corrected. No Senator answers.

Mr. SCHWELLENBACH. The State of Washington did have.

Mr. CONNALLY. May I ask the Senator how much it paid?

Mr. SCHWELLENBACH. It did not pay very much. The State law was enacted in 1933, prior to the time the Federal law was enacted.

Mr. CONNALLY. It did not operate very long?

Mr. SCHWELLENBACH. No. And I will say that probably it was in contemplation that the Federal Government would later adopt such a law.

Mr. CONNALLY. I knew that the State of Washington was enterprising. It saw what was coming, and it beat the Federal Government to the gun by a few months. Be that as it may, I still will let my statement stand, because the system had not begun to operate well before the Federal Government entered the field. But, by and large, the Federal Government is entirely responsible for the States adopting the system of old-age pensions. If we have an adequate sense of our obligations, if we have sufficient sense of duty to the citizens to pass this law, and to appropriate the millions of dollars which we have been appropriating, and to coerce the States into appropriating an equal number of millions of dollars, why should we let the States dominate the entire system? That is what we are doing. We are saying to the State, "We will only pay to your needy what you pay them." Do not we owe any duty to the needy man himself? And if we owe him any duty, it is not dependent on what the State does for him. If the Federal Government owes the citizen an obligation, it owes it to him directly. The Federal Government does not operate through the State government, but every responsibility of the Federal Government to the citizen is direct. Every duty that a citizen owes to the Federal Government is direct. It does not pass through the State.

The duty that I owe my Government in time of war does not go through any State. It is due to the Federal Government. There are two sovereignties, each operating over the same territory at the same moment, and the citizen is a dual citizen. He is not simply a citizen of California, but he is a citizen of California and also a citizen of the United States, and what he owes unto the Federal Government he must pay to the Federal Government. We do not pay taxes to the State and then have the State contribute those taxes to the Federal Government. Whenever a citizen pays a Federal tax he pays it directly to the Federal Government, and he pays his other taxes to the State government, and the reverse of that proposition is just as sound today as the day when the Constitution was ratified by the first nine States of the original Union.

Whatever duty the Federal Government owes to a citizen it owes to him not because he happens to be a citizen of a State but because he is a citizen of the United States, and

it has no right to shirk its responsibility and say, "Because you belong in this State the measure of our Federal duty to you, the measure of our Federal obligation, will not be a measure that we set, but it will be a measure that your State sets, and if your State is unfair to you, if it is unable to raise the money, if it is not sufficiently wise to raise an adequate amount, neither will the Federal Government do justice to you. If your State is unfair to you, if it is indifferent to your wants and your needs, the Federal Government will copy the State in that respect, and we will be indifferent also." If that is to be the Federal attitude, why did we ever pass the original bill?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. CONNALLY. I will yield in just a moment. If we wanted the States to do as they saw fit about old-age pensions and determine how much they would give, why did we not let the matter alone, and let each State raise the question and decide it for itself?

I now yield to the Senator from Virginia.

Mr. BYRD. If the old-age pension is considered to be unjust by the people living in the States, do they not have the power to elect to office those who will treat them justly?

Mr. CONNALLY. In theory that is fine. I will say to the Senator from Virginia that I am not trying to agitate. God knows there is already sufficient agitation about old-age pensions. The amendment I am now discussing is most moderate. I am not in favor of unloading all this obligation on the Federal Government. The Senator from Virginia heard me say that so long as the States are going to administer the system they ought to make some contribution of a financial character, and ought to feel the reins of authority and the bonds of responsibility.

The Senator from Virginia quoted statistics with reference to Illinois. I am not particularly concerned about Illinois, but if Illinois is rich and able to pay old-age pensions and does not pay enough, if an increased amount comes out of the Federal Treasury, Illinois will be benefited by that much. If it has such a high income, if it is so rich, then the Federal Government will reach in and get a little more of the money of Illinois and pay it to the people who need it.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HATCH. I was going to suggest to the Senator with respect to the discussion of the unfairness of individual States to their citizens, that I happen to come from one of the poorer States, a State whose old people receive but little in the way of old-age assistance. That is not due to any unfair attitude on the part of the State officials.

Mr. CONNALLY. No. Let me say to the Senator that some of my deductions were, of course, hypothetical.

Mr. HATCH. Yes; I understand that perfectly. But I merely wanted to put in the Record that, at least so far as my State is concerned, the small payments are due simply to the fact that the State is unable to make larger payments. Should the people in New Mexico be discriminated against because of the poverty of the State? That is the situation.

Mr. CONNALLY. I thank the Senator. I think the Senator from New Mexico has put his finger right squarely on the most delicate and sensitive spot in the whole problem.

The Senator from Virginia talked about the great State of Illinois being rich, and that it ought to contribute more to old-age pensions. That is probably true. Who made the State of Illinois rich? Did it come from within the city limits of Chicago? Was the wealth that is in Illinois produced there? Every time a brakeman uncoupled a train in New Mexico or Arizona on one of the transcontinental lines, he was contributing to the wealth of Chicago by making it possible to concentrate there the great industries and the great financial and commercial activities which made Chicago the second city of the Nation. And ought not Chicago to pay something to help those who have helped make her rich?

Mention is made of New York. New York would still be the village that old Peter Minuit bought from the Indians for \$24 if it had not been for people all over these United

States who from their own activities and their own industries poured a great stream of wealth into New York.

In the old days everyone who took out a small life-insurance policy cut a few years off his life and gave them to those in New York who owned the life-insurance company. That happened all over the Nation. If one traced the interest paid on money borrowed at the little country bank one would find that a great deal of it went to New York, to the big bank, from that little bank which borrowed the money to loan to persons in my State and, Mr. President, in your State. And when people in my State and people in your State were paying 10 percent and 12 percent, the favored interests in the great cities were getting their money for 3 percent, 4 percent, and 5 percent.

The Senator from New Mexico put it vividly. There are many States in the Union which are poor. Take New Mexico. Let us say a road 10 miles or 20 miles long is to be built. Relatively there are very few people on the highway, very few people to maintain it. A highway in New York of the same length would reach 10 times or 100 times as many people who would use it, and yet it costs just as much, and perhaps more, to build a road in New Mexico than it does in New York.

Mr. ANDREWS rose.

Mr. CONNALLY. Mr. President, does the Senator wish me to yield?

Mr. ANDREWS. Mr. President, I wish to inquire if the Senator is now yielding the floor.

Mr. CONNALLY. No; I am not yielding the floor. I shall be glad to yield to the Senator. I have not quite concluded. I shall be glad to have the Senator interrupt me if he so desires. I probably shall conclude at 5 o'clock.

Mr. ANDREWS. I should like to interrupt the Senator for a few minutes.

Mr. CONNALLY. I shall be very glad to be interrupted by the Senator from Florida, because I am sure he is in sympathy with the amendment.

Mr. ANDREWS. It is my purpose to show that one department of the Government, which has to deliberate carefully on all questions of fact and law, has determined that old-age assistance and old-age pensions are a national obligation, and not a local one. The direct question at issue was title II of the Social Security Act, which provides for Federal old-age benefits. The case was that of *Helvering v. Davis* (301 U. S., 640). I should like to quote from the opinion in order to show that the highest authority in the country has determined the question.

The Supreme Court, in an opinion written by the late Justice Cardozo and concurred in by six Justices of the United States Supreme Court—all except Justices McReynolds and Butler—said:

The purge of Nation-wide calamity that began in 1929 has taught us many lessons. Not the least is the solidarity of interests that may once have seemed to be divided. Unemployment spreads from State to State, the hinterland now settled that in pioneer days gave an avenue of escape. \* \* \* Spreading from State to State, unemployment is an ill not particular but general, which may be checked, if Congress so determines, by the resources of the Nation. If this can have been doubtful until now, our ruling today in the case of the *Chas. C. Steward Mach. Co.* (301, U. S. 548, ante, 1279, 57 S. Ct. 883, 109 A. L. R. 1293, supra), has set the doubt at rest. But the ill is all one or at least not greatly different whether men are thrown out of work because there is no longer work to do or because the disabilities of age make them incapable of doing it. Rescue becomes necessary irrespective of the cause. The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near.

Congress did not improvise a judgment when it found that the award of old-age benefits would be conducive to the general welfare. The President's Committee on Economic Security made an investigation and report, aided by a research staff of Government officers and employees, and by an advisory council and several other advisory groups. Extensive hearings followed before the House Committee on Ways and Means and the Senate Committee on Finance. A great mass of evidence was brought together supporting the policy which finds expression in the act. Among the relevant facts are these: The number of persons in the United States 65 years of age or over is increasing proportionately as well as absolutely. What is even more important, the number of such persons unable to take care of themselves is growing



at a threatening pace. More and more our population is becoming urban and industrial instead of rural and agricultural. The evidence is impressive that among industrial workers the younger men and women are preferred over the older. In times of retrenchment the older are commonly the first to go, and even if retained, their wages are likely to be lowered. The plight of men and women at so low an age as 40 is hard, almost hopeless, when they are driven to seek for reemployment. Statistics are in the brief. A few illustrations will be chosen from many there collected. In 1930, out of 224 American factories investigated, 71, or almost one-third, had fixed maximum hiring-age limits; in 4 plants the limit was under 40, in 41 it was under 46. In the other 153 plants there were no fixed limits, but in practice few were hired if they were over 50 years of age. With the loss of savings inevitable in periods of idleness, the fate of workers over 65, when thrown out of work, is little less than desperate. A recent study of the Social Security Board informs us that "one-fifth of the aged in the United States were receiving old-age assistance, emergency relief, institutional care, employment under the Works Program, or some other form of aid from public or private funds; two-fifths to one-half were dependent on friends and relatives; one-eighth had some income from earnings; and possibly one-sixth had some savings or property. Approximately three out of four persons 65 or over were probably dependent wholly or partially on others for support." We summarize in the margin the results of other studies by State and national commissions. They point the same way.

The problem is plainly national in area and dimensions.

That is one point I wish to bring out.

Moreover, laws of the separate States cannot deal with it effectively.

That is another point I wish to bring out.

Congress at least had a basis for that belief. States and local governments are often lacking in the resources that are necessary to finance an adequate program of security for the aged.

That is exactly the point the Senator from Texas [Mr. CONNALLY] is making.

This is brought out with a wealth of illustration in recent studies of the problem. Apart from the failure of resources, States and local governments are at times reluctant to increase so heavily the burden of taxation to be borne by their residents for fear of placing themselves in a position of economic disadvantage as compared with neighbors or competitors. We have seen this in our study of the problem of unemployment compensation.

By the way, that is one of the strongest points, proving the statement that it is a national obligation.

\* \* \* A system of old-age pensions has special dangers of its own, if put in force in one State and rejected in another. The existence of such a system is a bait to the needy and dependent elsewhere, encouraging them to migrate and seek a haven of repose.

That is exactly the situation we now face in the State of Florida. One hundred thousand elderly people migrated to Florida before the depression touched us. The depression caught them in Florida. They suddenly found that the coupons attached to their industrial and other bonds were worthless, and they themselves were cast out, to be taken care of by the public or allowed to suffer. They come from every State in the Union. They are part of the national problem which we are trying to help solve. The Supreme Court of the United States, in the opinion from which I have read, has held that the problem is national, and not local, and has given its reasons. Those reasons were arrived at deliberately, behind closed doors, where the Court had plenty of time to think over the problem and then lay down the policy.

We cannot escape the problem. We must face it.

Only a power that is national can serve the interests of all.

The opinion goes on and gives further reasons why the problem is a national one. I thank the Senator from Texas for permitting me to speak in his time.

Mr. CONNALLY. I am very glad indeed to have the Senator from Florida contribute to this discussion.

Mr. BARKLEY. Mr. President, is the Senator from Texas ready to suspend for the day, or does he wish to proceed at this time?

Mr. CONNALLY. I wish to be recognized when the Senate meets tomorrow. I am willing to have an armistice at this time.

The PRESIDING OFFICER. The Chair understands that upon the resumption of the session tomorrow the Senator from Texas will have the floor.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an amendment which I intend to offer tomorrow to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment intended to be proposed by Mr. SHIPSTEAD is as follows:

At the proper place in the bill insert the following new section:

"SEC. —. (a) On and after the date of enactment of this act the total amount of the stabilization fund established by section 10 of the Gold Reserve Act of 1934, as amended, shall not exceed \$500,000,000, and the balance of the sum of \$2,000,000,000 appropriated by such section for the purposes of such fund shall be set aside in a special account in the Treasury and used as a basis for the issuance of coins and currency in an equivalent amount. The coins or currency so issued shall be used to retire the special obligations of the United States which on the date of enactment of this act are held in the Federal Old-Age and Survivor Insurance Trust Fund, the Railroad Retirement Account, and the Unemployment Trust Fund. All amounts paid into such funds for the purpose of retiring such special obligations shall be available for the purchase at the market price of interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States, or for the acquisition of any such obligations on original issue at par.

"(b) Notwithstanding the provisions of section 7 of the Gold Reserve Act of 1934, as amended, in the event that the weight of the gold dollar shall at any time be further reduced after the date of enactment of this act, the resulting increase in value of the gold held by the United States (including the gold held as security for gold certificates and as a reserve for any United States notes and for Treasury notes of 1890) shall be credited to the account of the Federal Old-Age and Survivor Insurance Trust Fund and shall be available for the purposes of such fund.

"(c) All amounts hereafter retained as seigniorage upon the delivery of silver to the United States mints for coinage shall be credited to the account of the Federal Old-Age and Survivor Insurance Trust Fund and shall be available for the purposes of such fund.

"(d) The Secretary of the Treasury is hereby authorized to make such rules and regulations as may be necessary with respect to the issuance of coins and currency authorized by this section, and the retirement of the special obligations provided for by this section."

#### INTERPRETATION OF CONSTITUTIONAL PHRASE "ADVICE AND CONSENT OF THE SENATE"

Mr. KING. Mr. President, it will be recalled that during the consideration of the nomination of Hon. Floyd H. Roberts for a position as a Federal judge in the State of Virginia, the question was raised as to the interpretation to be placed upon that provision of the Constitution wherein it is stated that the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

And so forth. As I understood the position taken by some was that the words "advice and consent" were used in a rather perfunctory way or, at any rate, accorded to the Senate an unimportant part in connection with the making and ratification of treaties and the appointment and confirmation of judges and other Federal officials. The thought, as I understood the position of some, was that the President's action in the matter of negotiating treaties and the naming of persons for positions, was not to be challenged; that the word "advice" had but little significance, and that the word "consent" implied prompt ratification of treaties and the approval of appointees. In other words, that the duty of the Senate was—unless some extraordinary conditions arose—to ratify treaties submitted by the President and to confirm Presidential appointees.

I entertained the view that a proper interpretation of the constitutional provision referred to accorded to the Senate a broader field of operation than that indicated. In other words, it was my opinion that the word "advice" contemplated that the Senate was not to act as a mere automaton but rather was to advise with the Chief Executive in connection with treaties and appointments, and that the word "consent" did not imply that the views of the Presi-

dent were to be conclusive, and called for acquiescence in Executive policies, or the negotiation of treaties upon the part of the Senate.

As Senators know the power of the Senate to modify the provisions of treaties and thereby participate directly in their formation was also recognized in the early days of the Republic. This fact was made clear in the relations between President Washington and the Senate and also in the message of President Adams to the Senate in 1801. President Adams stated:

I have considered the advice and consent of the Senate, to the ratification of the convention with France, under certain conditions. Although it would have been more conformable to my own judgment and inclination, to have agreed to that instrument unconditionally, yet, in this point, I found I had the misfortune to differ in opinion from so high a constitutional authority as the Senate, I judged it more consistent with the honor and interest of the United States to ratify it under the conditions prescribed, than not at all.

I shall not take the time of the Senate to refer to other instances indicating the interpretation which was placed at various times upon the constitutional provision referred to, by Presidents and the Senate.

I might add that there was no thought upon the part of President Washington of withholding information from the Senate in the case of nominations to offices any more than in the case of treaties. In other words, apparently the words "advice and consent" had the same connotation whether applied to the ratification of treaties or to the confirmation of Presidential appointees.

It is also clear from an examination of the CONGRESSIONAL RECORD that in some cases the Senate determined matters of policy in connection with appointments as well as in connection with treaty negotiations, and thereby decided the question of propriety on grounds other than the fitness of the particular nominees.

In view of the discussion which occurred in the Senate growing out of the nomination of Hon. Floyd H. Roberts to be United States district judge for the western district of Virginia, I requested Henry G. Wood, Esq., legislative counsel of the Senate, to make an examination of the records dealing with appointments to Federal offices and the making of treaties under the Constitution. As Senators know, Mr. Wood is an able lawyer, a painstaking investigator, and a man of high character. He has made a comprehensive study of this matter as it relates to appointments to Federal offices and the making of treaties under the Constitution, as they were developed in the Constitutional Convention of 1787 and as they were exercised during the early years of the Federal Government.

In my opinion it is only by referring to the historical background of these powers and the circumstances which led to the adoption of the advice and consent requirements of the Constitution that the respective roles of the Senate and the President can be viewed in their true light.

I am also in accord with the conclusion reached in the memorandum that the Senate was expected to take an active and affirmative part in the making of treaties and appointments and not to have a mere negative on the action of the President. This means in effect that the advice of the Senate, however given, is an integral and important element in the constitutional processes, and that when such advice is given it is not to be ignored or treated as a usurpation of Executive functions. The practice during the early years of the Republic supports this conclusion.

Mr. President, in view of the importance of the study which has been made by Mr. Wood, I ask the unanimous consent of the Senate to have the same printed as a Senate document.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

#### ANNUAL REGISTRATION OF MOTOR VEHICLES IN THE DISTRICT

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 1575) to provide that the annual registration of motor vehicles in the Dis-

trict of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year, which were, on page 2, after line 12 to insert:

SEC. 3. That subparagraphs (c) and (d) of paragraph 31 and paragraph 33 of an act entitled "An act to amend section 7 of an act entitled 'An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes', approved July 1, 1902, and for other purposes", approved July 1, 1932, are amended to read as follows:

"(c) Owners of passenger vehicles for hire having a seating capacity of eight passengers or more, in addition to the driver or operator, other than those licensed in the preceding subparagraph, shall pay a license tax of \$100 per annum for each vehicle used. No such vehicle shall be operated unless there shall be conspicuously displayed therein a license issued under the terms of this subparagraph. Licenses issued under this subparagraph shall date from April 1 of each year, but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly.

"(d) Owners of passenger vehicles for hire, whether operated from a private establishment or from public space, other than those licensed in the two preceding subparagraphs, shall pay a license tax of \$25 per annum for each such vehicle used in the conduct of their business. Stands for such vehicles upon public space, adjacent to hotels or otherwise, may be established in the manner provided in section 6 (e) of the act entitled 'An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth.' The Public Utilities Commission is hereby authorized to make and enforce all such reasonable and usual police regulations as it may deem necessary for the proper conduct, control, and regulation of all vehicles described in this and the preceding subparagraphs and paragraph 33 hereof. Licenses issued under this subparagraph shall date from April 1 of each year, but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly.

"PAR. 33. Owners of vehicles for hire, used in hauling goods, wares, or merchandise, and operating from public space, shall pay a license tax of \$25 per annum for each vehicle. Stands for such vehicles upon public space may be established in the manner provided in section 6 (e) of the act entitled 'An act to amend the acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth.' Licenses issued under this subparagraph shall date from April 1 of each year but may be issued on or after March 15 of such year: *Provided, however*, That all licenses issued for a period prior to April 1, 1940, shall expire on March 31, 1940, and the license fee therefor shall be prorated accordingly."

"SEC. 4. That an act entitled 'An act to amend paragraphs 31 and 33 of an act entitled 'An act to amend section 7 of an act entitled 'An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes', approved July 1, 1902, and for other purposes', approved July 1, 1932' (Public, No. 24, 76th Cong.), approved April 5, 1939, is hereby repealed."

And to amend the title so as to read:

An act to provide that the annual registration of motor vehicles and the annual licensing of certain public vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year.

Mr. FRAZIER. Mr. President, my understanding is that these amendments were made by the House committee at the request of the District Commissioners. I think they are all right. I therefore move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service.



Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely, with the recommendation it be rejected, the nomination of Tony T. Turk to be postmaster at Falls Creek, Pa., in place of T. J. McCausland, deceased.

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Elmer D. Davies, of Tennessee, to be United States district judge for the middle district of Tennessee, vice John J. Gore, deceased.

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Paul V. McNutt, of Indiana, to be Federal Security Administrator.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### THE JUDICIARY

The legislative clerk read the nomination of Sam E. Whitaker to be judge of the United States Court of Claims.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Martin I. Welsh to be United States district judge for the northern district of California.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Armond W. Scott to be judge of the Municipal Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward L. Burke to be United States marshal for the district of Vermont.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

#### IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

#### IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the calendar.

#### LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### DEATH OF REPRESENTATIVE McREYNOLDS, OF TENNESSEE

The PRESIDING OFFICER laid before the Senate the resolution of the House of Representatives (H. Res. 254) adopted on the occasion of the death of Hon. SAM D. McREYNOLDS, late a Representative from the State of Tennessee, which was read, as follows:

#### IN THE HOUSE REPRESENTATIVES,

July 11, 1939.

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable SAM D. McREYNOLDS, a Representative from the State of Tennessee.

*Resolved*, That a committee of 15 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

Mr. McKELLAR. Mr. President, I submit a resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read. The resolution (S. Res. 159) was read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAM D. McREYNOLDS, late a Representative from the State of Tennessee.

*Resolved*, That a committee of six Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolving clause of the resolution, the Presiding Officer appointed Mr. McKELLAR, Mr. STEWART, Mr. CONNALLY, Mr. RUSSELL, Mr. BURKE, and Mr. MILLER, the committee on the part of the Senate.

Mr. McKELLAR. Mr. President, as a further mark of respect to the memory of the late distinguished Representative from my State, I move that the Senate now take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, July 12, 1939, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate July 11 (legislative day of July 10), 1939*

##### ASSISTANT ATTORNEY GENERAL

Samuel O. Clark, Jr., of Connecticut, to be Assistant Attorney General in charge of the Tax Division of the Department of Justice, vice James W. Morris, resigned.

##### FEDERAL SECURITY ADMINISTRATOR

Paul V. McNutt, of Indiana, to be Federal Security Administrator.

##### UNITED STATES MARSHALS

Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona. (He is now serving in this office under an appointment which expired July 1, 1939.)

Emil J. Adam, Sr., of Mississippi, to be United States marshal for the southern district of Mississippi. (He is now serving under a recess appointment.)

Robert W. Rabb, of Pennsylvania, to be United States marshal for the middle district of Pennsylvania. (Mr. Rabb is now serving in this office under an appointment which expired May 17, 1939.)

##### PROMOTIONS IN THE NAVY

The following-named captains to be rear admirals in the Navy, to rank from the 1st day of July 1939:

Leigh Noyes

William A. Glassford, Jr.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Lewis W. Comstock, February 13, 1939.

Thomas S. King, 2d, April 1, 1939.

The following-named commanders to be captains in the Navy, to rank from the 1st day of July 1939:

Ralph F. Wood	Howard H. Good
George A. Rood	Ernest G. Small
John W. Gates	Thomas L. Gatch
Van Leer Kirkman	Harry G. Patrick
Robert P. Molten	Andrew C. Bennett
George D. Murray	Harold Dodd
Robert H. English	Mahlon S. Tisdale
George J. McMillin	George H. Fort
Howard F. Kingman	Robert R. Thompson
William M. Quigley	Elliott Buckmaster
Calvin H. Cobb	Walter S. DeLany
Norman Scott	Emory P. Eldredge
Donald C. Godwin	Donald F. Patterson
Garland Fulton	Louis E. Denfeld
Charles H. McMorris	Stephan B. Robinson
Morton L. Deyo	Charles P. Mason
Ernest M. Pace, Jr.	

The following-named lieutenant commanders to be commanders in the Navy to rank from the date stated opposite their names:

Harry R. Thurber, October 1, 1938.

William H. Mays, February 13, 1939.

Paul H. Talbot, June 1, 1939.

George W. Brashears, Jr., June 1, 1939.

The following-named lieutenant commanders to be commanders in the Navy to rank from the 1st day of July 1939:

Harold M. Martin	Virgil E. Kornis
John R. Redman	Allen P. Mullinnix
John E. Dingwell	William B. Goggins
Leslie E. Gehres	Edmund T. Wooldridge
Donald McA. Mackey	Charles B. Momsen
Hubert K. Stubbs	Lemuel P. Padgett, Jr.
William N. Thornton	Ernest W. Litch
Charles R. Will	Felix L. Johnson
Myron T. Richardson	Marcy M. Dupre, Jr.
John F. Wegforth	Edgar P. Kranzfelder
William B. Coleman	Norman R. Hitchcock
Harold J. Walker	Donald R. Osborn, Jr.
James H. Foskett	Richard S. Morse
Harold R. Holcomb	John Perry
Lloyd Harrison	Felix L. Baker
Lisle J. Maxson	Oberlin C. Laird
Thomas H. Robbins, Jr.	Thomas S. Combs
William M. Moses	Leo B. Schulten
Roscoe H. Hillenkoetter	Hugh E. Haven
Horatio G. Sickel, 4th	George P. Kraker
Raymond W. Holsinger	Delmer S. Fahrney
William Sinton	Herbert G. Hopwood

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

William C. Cross, June 23, 1938.

Donald F. McLean, October 1, 1938.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 1st day of July 1939:

Ethelbert Watts	Charles C. McDonald
Louis D. Sharp, Jr.	Edgar T. Neale
William H. Duvall	Albert N. Perkins
Charles M. E. Hoffman	Rufus C. Young, Jr.
Minor C. Heine	James B. Hogle
Donald J. Ramsey	John B. Rooney
Henry E. Richter	Frederick J. Bell
Frank E. Deam	Max C. Stormes
Edward P. Creehan	Richard F. Johnson
Leon W. Johnson	Henry W. Goodall
Howard V. Hopkins	Glenn R. Hartwig
Harry Burris	Harry B. Temple
Richard C. Webb, Jr.	William L. Erdmann
Joseph S. Lillard	Wilfred E. Lankenau
Arthur D. Barnes	John C. Waldron
Harrison B. Southworth	Arthur M. Townsend
Thomas E. Fraser	Raymond R. Waller
Edwin J. Taylor, Jr.	George Edmund Peterson

Warren R. Hastings
Charles R. Hoffecker
Rudolph P. Bielka
Maxemillian B. De Leske
Thomas O. Brandon
Roger K. Hodsdon
Howard L. Clark
Terence W. Greene
Ernest V. Abrams
Andrew M. Harvey
Ashton B. Smith
Chester C. Farmer
Wallace H. Gregg
Samuel S. Fried
Joseph A. Guard
Howard W. Bradbury
James B. Bliss
Lannis A. Parker
Elijah W. Irish
Burton L. Doggett
Lewis E. Coley
Joseph W. Adams, Jr.
Henry T. Read
Samuel G. Kelly
Clarence L. Winecoff
Charles J. Stuart
Bromfield B. Nichol
Henry C. Doan
Francis H. Gardner
Joseph M. Worthington
Charles L. Lee
Noble W. Abrahams
Arthur C. Wood
William H. Benson
John H. Sides
Charles H. Anderson, Jr.
Arthur C. Smith
Frederick O. Goldsmith
Orrin R. Hewitt
John P. Millon
Abram L. Broughton
William Klaus
John F. P. Miller
Kenneth F. Horne
Loar Mansbach
Clarence A. Hawkins
James F. Cooper
Harold Bye
Mauritz M. Nelson
Percy S. Hogarth
Walter E. Holden
Harry A. Mewshaw
Chris Halverson
Frederick J. Silvernail
Ira W. Truitt
Clifford B. Schiano
Elder P. Johnson
Harold J. Bellingham
John E. Gabrielson
George C. Weldin
Walter O. Roenicke
John W. Marts, Jr.
Samuel W. Canan
Eugene W. Kiefer
Frank W. Schmidt
Barnett T. Talbott
Frank C. L. Dettmann
Edward H. McMenemy
Ellsworth D. McEathron
Earl R. DeLong
Oliver W. Gaines
William A. Swanston
Norman B. Hopkins
Charles Wilkes
Francis W. Beard
Samuel Gregory

Ralph P. Noisat
Frank A. Davis
Joseph W. Long
John E. Beck
Warren K. Sherman
Samuel E. Kenney
William G. Buch
Linfield L. Hunt
Rufus G. Thayer
DeLong Mills
Edmund Kirby-Smith, Jr.
Francis J. Firth
John F. Madden
Angus M. Cohan
Lamar M. Wise
Oral R. Swigart
Preston S. Tembling
Arthur A. Clarkson
Joyce C. Cawthon
Ellwood E. Burgess
Douglas P. Stickley
Charles M. Furlow, Jr.
Herbert E. Berger
Luther B. Stuart
Albert E. Chapman
Warren S. Parr
Frederick K. McElroy
George K. Hodgkiss
John C. Goodnough
John C. McCutchen
Harold Doe
Harold H. Connelley
Robert A. MacKerracher
John E. Shomier, Jr.
Joseph E. M. Wood
Matthew L. Kelly
Joseph H. Foley
William A. Fly
Edward R. Sperry
Charles A. Parker
John R. McKinney
Victor B. Tate
John P. B. Barrett
Edward F. Crowe
Elmer E. Berthold
Francis J. Grandfield
William C. France
Ezra M. Ellis
Roger E. Perry
Sumner K. MacLean
Paul Graf
Thomas A. Huckins
Forrest R. Bunker
Charles A. Legg
Herbert K. Gates
Jose M. Cabanillas
Carl E. Cullen
Colby G. Rucker
Roy D. Williams
John A. Holbrook
William R. McCaleb
Archibald G. W. McFadden
Douglas T. Day, Jr.
William V. Deutermann
Joseph W. Fowler
Hugh B. McLean
William A. Evans, Jr.
Richard S. Moss
Frederick J. Ilsemann
James R. Topper
Richard S. Baron
Robert S. Bertschy
Joseph A. Farrell, Jr.
Joshua C. Shively
Arthur B. Dickie
Sidney King



Teodoric C. Linthicum  
Clifton G. Grimes  
Dundas P. Tucker  
Frederick K. Loomis  
John W. Murphy, Jr.  
Edward N. Parker  
Stanley P. Moseley

Edward K. Walker  
Richard A. Larkin  
Edmund B. Taylor  
Philip D. Compton  
James S. Smith, Jr.  
David R. Hull

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Maxim W. Firth, October 1, 1938.  
Willis M. Thomas, November 1, 1938.  
Clifford T. Janz, January 1, 1939.  
Frederick U. Weir, March 28, 1939.  
George E. Peckham, May 1, 1939.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 4th day of June 1939:

Floyd T. Thompson	Malcolm C. McGrath
George W. Grider	Porter W. Maxwell
Herbert von A. Burkart	Robert F. Kelly
Joseph A. Coppola	Billy Johnson

Lt. Comdr. Giles E. Short to be a commander in the Navy, to rank from the 1st day of July 1939, to correct the date of rank as previously nominated and confirmed.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, to rank from the 1st day of July 1939:

Clarence W. Ross	William H. Michael
Carleton I. Wood	Joel T. Boone
William W. Wickersham	Frederic L. Conklin

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, to rank from the 1st day of July 1939:

Charles F. Behrens	Loyd L. Edmisten
James J. O'Connor	Robert E. Duncan

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the 1st day of July 1939:

Clarence C. Myers	Julian Love
Carl H. McMillan	Carl K. Youngkin
Emmett D. Hightower	Joseph G. Schnebly
Harold G. Young	Gordon B. Tayloe
Courtney G. Clegg	Clyde L. Bozarth
David J. Cracovaner	Charles W. Shilling
Jesse W. Miller	Farra L. Read
John L. Enyart	Clark W. Virtue
John H. Korb	Thomas J. Carter
Claude R. Ball	William E. Walsh
Cecil C. Welch	DeCoy Marchand

Dental Surgeon Alexander G. Lyle to be a Dental Surgeon in the Navy with the rank of captain to rank from the 1st day of July 1939.

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, to rank from the 1st day of July 1939:

Archie A. Antrim	Frank P. Delahanty
Robert R. Thompson	Worth B. Beacham
Harry G. Kinnard	John M. Speissegger
William E. McCain	Charles M. Garrison
Jacob H. Kyger	John H. Skillman
James H. Stevens	Charles W. Fox
Edward F. Ney	Cyrus B. Kitchen
George F. Yoran	Charles D. Kirk
Herman F. Gingrich	

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander to rank from the 1st day of July 1939:

Malcolm A. Norcross	William L. Patten
Arnold R. Kline	James J. Cunningham
George M. Brydon, Jr.	

Naval Constructor Harold E. Saunders to be a naval constructor in the Navy, with the rank of captain, to rank from the 1st day of July 1939.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, to rank from the 1st day of July 1939:

Joseph M. Kiernan	Horatio C. Sexton
Noah W. Gokey	Roy T. Cowdrey
Wesley M. Hague	Lawrence T. Haugen
Evander W. Sylvester	Paul B. Nibecker

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, to rank from the dates stated opposite their names:

John H. Spiller, September 1, 1934.  
William W. Anderson, Jr., May 1, 1936.  
James H. Rodgers, June 1, 1936.  
Oscar Stiegler, June 1, 1936.  
Francis X. Forest, June 1, 1936.  
George C. Weaver, June 1, 1936.  
William C. Sprenger, June 30, 1936.  
Joseph L. Bird, June 30, 1936.  
Edmund M. Ragsdale, June 30, 1936.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign from the date stated opposite their names:

Clyde B. Lee, June 15, 1939.  
Lewis E. Tackette, June 15, 1939.  
Henry O. Warren, July 2, 1939.

Electrician Adna R. Crawford to be a chief electrician in the Navy, to rank with but after ensign from the 24th day of July 1939.

Carpenter Adam Kutz to be a chief carpenter in the Navy, to rank with but after ensign from the 2d day of July 1939.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate July 11 (legislative day of July 10), 1939*

##### JUDGE OF THE UNITED STATES COURT OF CLAIMS

Sam E. Whitaker to be judge of the United States Court of Claims.

##### JUDGE OF THE UNITED STATES DISTRICT COURT

Martin I. Welsh to be United States district judge for the northern district of California.

##### JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA

Armond W. Scott to be judge of the Municipal Court of the District of Columbia.

##### UNITED STATES MARSHAL

Edward L. Burke to be United States marshal for the district of Vermont.

##### APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Robert Kauch to be lieutenant colonel, Air Corps.  
John Lamont Davidson to be major, Air Corps.

##### APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

Capt. Clifford Augustus Smith to Quartermaster Corps.  
Capt. Samuel Roberts Browning to Field Artillery.

##### PROMOTIONS IN THE REGULAR ARMY

Durward Saunders Wilson to be colonel, Infantry.  
Maurice Duncan Welty to be colonel, Infantry.  
Frank Floyd Scowden to be colonel, Quartermaster Corps.  
Charles Hines to be colonel, Coast Artillery Corps.  
Jack Whitehead Heard to be colonel, Cavalry.  
Walter Kilshaw Dunn to be colonel, Coast Artillery Corps.  
Walter Hale Frank (brigadier general, wing commander), to be colonel, Air Corps.  
Guy Woodman Chipman to be colonel, Cavalry.  
Frederick Elwood Uhl to be colonel, Infantry.  
Harvey Henry Fletcher to be colonel, Infantry.  
John Frederick Landis to be colonel, Infantry.  
Joseph Stephens Leonard to be colonel, Infantry.  
John Arner Robenson to be colonel, Cavalry.  
Joseph Page Aleshire to be colonel, Cavalry.  
Oscar Wolverton Griswold to be colonel, Infantry.  
Harding Polk to be colonel, Cavalry.

Robert Horace Dunlop to be colonel, Adjutant General's Department.

Emil Fred Reinhardt to be colonel, Infantry.

William Augustus Beach to be colonel, Adjutant General's Department.

John Thomas Hazelrigg O'Rear to be colonel, Coast Artillery Corps.

Ralph Edward Haines to be colonel, Coast Artillery Corps.

Thomas Hardaway Jones to be colonel, Coast Artillery Corps.

Laurence Watts to be colonel, Signal Corps.

Henry Newbold Sumner to be colonel, Adjutant General's Department.

Edward Roth, Jr., to be colonel, Adjutant General's Department.

Andres Lopez to be lieutenant colonel, Infantry.

Modesto Enrique Rodriguez to be lieutenant colonel, Infantry.

John Warlick McDonald to be lieutenant colonel, Cavalry.

Stuart Randall Carswell to be lieutenant colonel, Infantry.

David Hazen Blakelock to be lieutenant colonel, Cavalry.

John Oliver Hoskins to be lieutenant colonel, Field Artillery.

Rinaldo Louis Coe to be lieutenant colonel, Cavalry.

John Warren Cotton to be lieutenant colonel, Infantry.

William Clarke to be lieutenant colonel, Field Artillery.

Ira Benjamin Hill to be lieutenant colonel, Coast Artillery Corps.

Jay Kenneth Colwell to be lieutenant colonel, Cavalry.

Albert Russell Ives to be lieutenant colonel, Field Artillery.

Paul James Dowling to be lieutenant colonel, Infantry.

Otis Porter to be lieutenant colonel, Cavalry.

Hermann Charles Dempewolf to be lieutenant colonel, Infantry.

Berthold Vogel to be lieutenant colonel, Coast Artillery Corps.

Renn Lawrence to be lieutenant colonel, Cavalry.

John Richard Hermann to be lieutenant colonel, Infantry.

Raymond Holmes Bishop to be lieutenant colonel, Infantry.

James A. Summersett to be lieutenant colonel, Infantry.

Hugh Coskery Gilchrist to be lieutenant colonel, Infantry.

Joseph A. Sheridan to be lieutenant colonel, Field Artillery.

John Lenhart Rice to be lieutenant colonel, Cavalry.

Nelson Mark Imboden to be lieutenant colonel, Cavalry.

Willis Henry Hale to be lieutenant colonel, Air Corps (temporary lieutenant colonel, Air Corps).

William Powell Scobey to be lieutenant colonel, Infantry.

William Cheney Moore to be lieutenant colonel, Infantry.

Albion Smith to be lieutenant colonel, Field Artillery.

Wharton Girard Ingram to be lieutenant colonel, Cavalry.

Edwin Daviess Patrick to be lieutenant colonel, Infantry.

Herman Frederick Kramer to be lieutenant colonel, Infantry.

Clarence Paul Evers to be lieutenant colonel, Infantry.

Edward Scott Johnston to be lieutenant colonel, Infantry.

Hugh Chapman Minton to be lieutenant colonel, Ordnance Department.

Charles Wesley Gallaher to be lieutenant colonel, Field Artillery.

Adrian St. John to be lieutenant colonel, Chemical Warfare Service.

John Colford Daly to be lieutenant colonel, Cavalry.

Paul Everton Peabody to be lieutenant colonel, Infantry.

Albert Francis Christie to be lieutenant colonel, Infantry.

Robert McClean Carswell to be lieutenant colonel, Coast Artillery Corps.

Ernest Hill Burt to be lieutenant colonel, Judge Advocate General's Department.

Ray Milton O'Day to be lieutenant colonel, Infantry.

Stacy Knopf to be lieutenant colonel, Field Artillery.

James Madison Garrett, Jr., to be lieutenant colonel, Field Artillery.

Julian Wallace Cunningham to be lieutenant colonel, Cavalry.

Clarence Edward Cotter to be lieutenant colonel, Coast Artillery Corps.

Gordon Bennett Welch to be lieutenant colonel, Ordnance Department.

Edmund Bernard Edwards to be lieutenant colonel, Field Artillery.

Merritt Elijah Olmstead to be lieutenant colonel, Infantry.

Benjamin Franklin Caffey, Jr., to be lieutenant colonel, Infantry.

Augustine Joseph Zerbee to be lieutenant colonel, Field Artillery.

Frank August Heileman to be lieutenant colonel, Corps of Engineers.

John William Irwin to be major, Infantry.

Robert LeRoy Nesbit to be major, Infantry.

John Palmer Harris to be major, Ordnance Department.

Joseph Kahler Evans to be major, Infantry.

Fred Thomson Bass to be major, Corps of Engineers.

Rufus Alexander Byers to be major, Infantry.

Lawrence Haley Caruthers to be major, Field Artillery.

Frank LaRue to be major, Infantry.

Julian Dayton to be major, Infantry.

Michael Everett McHugo to be major, Air Corps (temporary major, Air Corps).

William Mason Wright, Jr., to be major, Field Artillery.

Philip Whalley Allison to be major, Field Artillery.

James Lionel Grisham to be major, Air Corps (temporary major, Air Corps).

Joseph Worthen Proctor to be major, Ordnance Department.

Earl Seeley Hoag to be major, Air Corps (temporary major, Air Corps).

Vincent James Meloy to be major, Air Corps (temporary major, Air Corps).

Charles Egbert Branshaw to be major, Air Corps (temporary major, Air Corps).

Edward Whiting Raley to be major, Air Corps (temporary major, Air Corps).

James Troy Hutchison to be major, Air Corps (temporary major, Air Corps).

Ivan Leon Foster to be major, Field Artillery.

Edwin Randolph Page to be major, Air Corps (temporary major, Air Corps).

Harvey Hodges Holland to be major, Air Corps (temporary major, Air Corps).

Russell Lowell Maughan to be major, Air Corps (temporary major, Air Corps).

Charles Emile Stafford to be major, Quartermaster Corps.

Oliver Perry Gothlin, Jr., to be major, Air Corps (temporary major, Air Corps).

Eugene Benjamin Bayley to be major, Air Corps (temporary major, Air Corps).

Dache McClain Reeves to be major, Air Corps (temporary major, Air Corps).

Leo Fred Post to be major, Air Corps (temporary major, Air Corps).

John Carroll Kennedy to be major, Air Corps (temporary major, Air Corps).

Oscar George Fegan to be major, Quartermaster Corps.

Thomas Jefferson Davis to be major, Adjutant General's Department.

Charles Summer Reed to be major, Ordnance Department.

Edmund Pendleton Gaines to be major, Air Corps (temporary major, Air Corps).

Harvey William Prosser to be major, Air Corps (temporary major, Air Corps).

Clayton Lawrence Bissell to be major, Air Corps (temporary major, Air Corps).

Horace Simpson Kenyon, Jr., to be major, Air Corps (temporary major, Air Corps).

Eugene Robert Cowles to be major, Infantry.

Philip Henry Kron to be major, Infantry.

Raymond Clair Hildreth to be major, Signal Corps, with rank from June 12, 1939.

David Emery Washburn to be major, Signal Corps, with rank from June 12, 1939.



John Francis Alcure to be major, Quartermaster Corps.  
 Bernard Edward McKeever to be major, Quartermaster Corps.  
 Wallace Marmaduke Allison to be major, Quartermaster Corps.  
 William George Muller to be major, Infantry.  
 Leland Charles Hurd to be major, Air Corps (temporary major, Air Corps).  
 Robert Victor Ignico to be major, Air Corps (temporary major, Air Corps).  
 Rutledge Maurice Lawson to be major, Infantry.  
 Leland Ross Hewitt to be major, Air Corps (temporary major, Air Corps).  
 Clifford Cameron Nutt to be major, Air Corps (temporary major, Air Corps).  
 Will Vermilya Parker to be major, Signal Corps.  
 Harry George Rennagel to be major, Infantry.  
 Harry Samuel Fuller to be major, Quartermaster Corps.  
 Isaiah Davies to be major, Air Corps (temporary major, Air Corps).  
 Arthur William Vanaman to be major, Air Corps (temporary major, Air Corps).  
 Franklin Otis Carroll to be major, Air Corps (temporary major, Air Corps).  
 Frederick William Evans to be major, Air Corps (temporary major, Air Corps).  
 Oliver Edward Cound to be major, Quartermaster Corps.  
 David Nathaniel Hauseman to be major, Ordnance Department.  
 George Lincoln Townsend to be major, Signal Corps.  
 Edwin Yancey Argo to be major, Field Artillery.  
 Harry Gage Montgomery to be major, Air Corps (temporary major, Air Corps).  
 Fred Cyrus Nelson to be major, Air Corps (temporary major, Air Corps).  
 Edward Moses Morris to be major, Air Corps (temporary major, Air Corps).  
 Everett Foster Rea to be major, Finance Department.  
 James Elmer Boush to be major, Quartermaster Corps.  
 Hugh Albert Bivins to be major, Air Corps (temporary major, Air Corps).  
 Maybin Homes Wilson to be major, Corps of Engineers.  
 Burton Frederick Lewis to be major, Air Corps (temporary major, Air Corps).  
 Elmer John Bowling to be major, Air Corps (temporary major, Air Corps).  
 Orin Jay Bushey to be major, Air Corps (temporary major, Air Corps).  
 Fred Sidney Borum to be major, Air Corps (temporary major, Air Corps).  
 Lawrence Carmel Jaynes to be major, Infantry.  
 George Washington Polk, Jr., to be major, Air Corps (temporary major, Air Corps).  
 Christopher William Ford to be major, Air Corps (temporary major, Air Corps).  
 Devereux Maitland Myers to be major, Air Corps (temporary major, Air Corps).  
 Alfred Warrington Marriner to be major, Air Corps (temporary major, Air Corps).  
 Guy Harrison Gale to be major, Air Corps (temporary major, Air Corps).  
 Muir Stephen Fairchild to be major, Air Corps (temporary major, Air Corps).  
 James Gradon Taylor to be major, Air Corps (temporary major, Air Corps).  
 Leland Wilbur Miller to be major, Air Corps (temporary major, Air Corps).  
 Edward Bates Blanchard to be major, Chemical Warfare Service.  
 Raphael Baez, Jr., to be major, Air Corps (temporary major, Air Corps).  
 Don Lee Hutchins to be major, Air Corps (temporary major, Air Corps).  
 Clarence Herbert Welch to be major, Air Corps (temporary major, Air Corps).

Ennis Clement Whitehead to be major, Air Corps (temporary major, Air Corps).  
 Joseph Lawrence Erickson to be major, Quartermaster Corps.  
 Alfred Jefferson Lyon to be major, Air Corps (temporary major, Air Corps).  
 Harold Lyman Clark to be major, Air Corps (temporary major, Air Corps).  
 Sam Love Ellis to be major, Air Corps (temporary major, Air Corps).  
 George Godfrey Lundberg to be major, Air Corps (temporary major, Air Corps).  
 Eugene Lowry Eubank to be major, Air Corps (temporary major, Air Corps).  
 Floyd Lavinus Parks to be major, Infantry.  
 Lawrence Augustus Lawson to be major, Air Corps (temporary major, Air Corps).  
 Albert William Stevens to be major, Air Corps (temporary major, Air Corps).  
 Bayard Johnson to be major, Air Corps (temporary major, Air Corps).  
 Frank Martyn Paul to be major, Air Corps (temporary major, Air Corps).  
 Samuel Martin Connell to be major, Air Corps (temporary major, Air Corps).  
 Charles Burton DeShields to be major, Air Corps (temporary major, Air Corps).  
 John Edwin Upston to be major, Air Corps (temporary major, Air Corps).  
 Reuben Curtis Moffat to be major, Air Corps (temporary major, Air Corps).  
 William Henry Schnackenberg to be major, Quartermaster Corps.  
 Paul Langdon Williams to be major, Air Corps (temporary major, Air Corps).  
 Thomas Aloysius Hoy to be major, Infantry.  
 Eugene Gordon Mathews to be major, Quartermaster Corps.  
 Clarence Peyton Kane to be major, Air Corps (temporary major, Air Corps).  
 Harry Weddington to be major, Air Corps (temporary major, Air Corps).  
 William Alexander Marsh to be major, Infantry.  
 Benjamin Franklin Vandervoort to be major, Quartermaster Corps.  
 James Pearce Wharton to be major, Infantry.  
 George Thomas Barnes to be major, Quartermaster Corps.  
 Samuel Custer Eaton, Jr., to be major, Air Corps (temporary major, Air Corps).  
 Hiram Wendell Tarkington to be major, Field Artillery.  
 Marcellus Lowry Stockton, Jr., to be major, Cavalry.  
 Edwin Stewart Brewster, Jr., to be major, Field Artillery.  
 Wilbur Henry Vinson to be major, Infantry.  
 Winfield Chapple Scott to be major, Cavalry.  
 Leo Thomas McMahon to be major, Field Artillery.  
 John Prosper Eckert to be major, Field Artillery.  
 Phillip Bassett Shotwell to be major, Cavalry.  
 Klie Doty to be major, Infantry.  
 Ralph Eugene Ireland to be major, Cavalry.  
 Bryan Llewellyn Davis to be major, Field Artillery.  
 Mark Milton Potter to be major, Field Artillery.  
 James Hodges Drake to be major, Infantry.  
 Joseph Hemsley Stevenson to be major, Corps of Engineers.  
 Leslie Shaw Williams to be major, Quartermaster Corps.  
 Stephen Carson Whipple to be major, Corps of Engineers.  
 William Taliaferro Fletcher to be major, Cavalry.  
 Charles Albert Welcker to be major, Infantry.  
 Millard Stowe Curtis to be major, Infantry.  
 Arthur Clay Blain to be major, Infantry.  
 Robert Lee Allen, Jr., to be major, Field Artillery.  
 Joseph Edwin McGill to be major, Infantry.  
 George Hely Molony to be major, Infantry.  
 Harry Luther Coates to be major, Infantry.  
 William Nelson Donovan to be first lieutenant, Medical Corps.

Leslie Woodworth Langs to be first lieutenant Medical Corps.

#### APPOINTMENTS IN THE REGULAR ARMY

George Catlett Marshall to be major general  
Frank Maxwell Andrews to be brigadier general.

#### APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

William Robert Dunlap to be brigadier general, National Guard of the United States.

#### PROMOTIONS IN THE NAVY

##### TO BE COMMANDERS

Frederick S. Conner	Julian B. Noble
Frederick A. Ruf	David S. Crawford
John M. Sheehan	John G. Crawford
Joseph B. Anderson	James G. Atkins

##### TO BE LIEUTENANT COMMANDERS

Marvin P. Kingsley	Joseph A. Callaghan
Paul C. Treadwell	Howard L. Collins
William G. Fisher	James S. Laidlaw
Daniel J. McCallum	Adrian M. Hurst
Steadman Teller	John W. C. Brand
Tillman T. Dantzler	William V. Davis, Jr.
Robert O. Minter	Marcel E. A. Gouin
Bertrand D. Quinn	John M. Kennaday
Stephen R. Bedford	Thomas H. Templeton
John D. Hayes	Edwin R. Wilkinson
Max Schreiner	William D. Brown
Harold P. Smith	Warren D. Wilkin
Austen V. Magly	Wayne N. Gamet
Thomas C. Ragan	Everett W. Abdill
Harold R. Demarest	Edward W. Young
Elton C. Parker	Thomas A. Turner, Jr.
James W. Smith	Robert C. Sutliff
Elmer E. Yeomans	Adolph H. Oswald
William G. Michelet	Frederick R. Furth
Wallace M. Beakley	Robert L. Swart
Joseph H. Garvin	Frank C. Layne
Norman W. Ellis	Eugene C. Burchett
James R. Pahl	George W. Stott
William J. Longfellow	George A. Sinclair
George W. Patterson, Jr.	

##### TO BE LIEUTENANTS (JUNIOR GRADE)

August F. Weinell	Dayton A. Seiler
Frederic A. Chenault	Albert B. Furer
Roy J. Krogh	William G. Holman
Jack R. Crutchfield	Henry C. Schwaner, Jr.
Robert E. Odening	Robert "W" McElrath
William B. Thomas	Charles I. Raymond, Jr.
Robert A. Thacher	Thomas B. Dabney
Millard J. Smith	Delmer F. Quackenbush, Jr.
Francis A. Greenup	Bruce R. Ware, 3d
John Baumeister, Jr.	Robert C. Morton
Allen R. Faust	Norman C. Gillette, Jr.
David R. Connoles	Paul H. Bjarnason
Walter F. Schlech, Jr.	

##### TO BE PAYMASTERS

Joseph E. Wolowsky  
Francis M. Hook

##### TO BE CHAPLAIN

Reuben W. Shrum

##### TO BE NAVAL CONSTRUCTORS

Charles H. Cushman  
George T. Paine  
Antonio S. Pitre

##### TO BE ASSISTANT NAVAL CONSTRUCTOR

Walter A. Moore, Jr.

##### POSTMASTERS

##### LOUISIANA

Viola A. Caraway, Logansport.

##### OKLAHOMA

Fred L. Burrow, Gage.

## HOUSE OF REPRESENTATIVES

TUESDAY, JULY 11, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

*The Lord is my shepherd; I shall not want.  
He maketh me to lie down in green pastures: He leadeth me beside the still waters.*

*He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.*

*Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.*

*Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over.*

*Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever.*

Blessed Lord and Savior, with bereaved and saddened hearts again we tarry in the valley. The shadows hang heavy. A brother, neighbor, friend, and statesman has passed through the gates, and we shall greet him in the Chamber no more. The yoke is so heavy; dear Lord, line it with Thy comfort and with the inspiration of Thy promise: "I will go with Thee all the way." Bend low, heavenly Father, above the afflicted hearthstone and give heavenly peace.

*Blessed are the dead who die in the Lord; henceforth they rest from their labors and their works do follow them.*

In the name of our Blessed Master and Saviour. Amen and amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 20, 1939:

H. R. 2058. An act for the relief of Jessie Denning Van Eimeren, A. C. Van Eimeren, and Clara Adolph;

H. R. 2478. An act for the relief of the Wisconsin Milling Co. and Wisconsin Telephone Co.;

H. R. 2695. An act for the relief of Kenneth B. Clark;

H. R. 3077. An act for the relief of Adam Casper;

H. R. 5436. An act to authorize the grant of a sewer right-of-way and operation of sewage-treatment plant on the Fort Niagara Military Reservation, N. Y., by the village of Youngstown, N. Y.;

H. R. 3132. An act to authorize the disposal of cemetery lots;

H. R. 5933. An act for the relief of Frances Virginia McCloud;

H. R. 5934. An act for the relief of W. Elisabeth Beltz; and

H. R. 5935. An act for the relief of Charlotte J. Gilbert.

On June 21, 1939:

H. R. 2200. An act to dispense with particular allegations as to renunciation of allegiance in petitions for naturalization and in the oath of renunciation of foreign allegiance, by omitting the name of "the prince, potentate, state, or sovereignty" of which the petitioner for naturalization is a subject or citizen;

H. R. 2251. An act for the relief of Russell Anderegg, a minor, and George W. Anderegg;

H. R. 2583. An act for the relief of A. W. Evans;

H. R. 4745. An act relating to benefit assessments from condemnation proceedings for the opening, extension, widening, or straightening of alleys or minor streets;



H. R. 5066. An act to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937;

H. R. 5474. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938;

H. R. 5488. An act to provide for the widening of Wisconsin Avenue in the District of Columbia, and for other purposes;

H. R. 5688. An act to amend section 1 of the act entitled "An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to extend its present track connection with the United States navy yard so as to provide adequate railroad facilities in connection with the development of Buzzards Point as an industrial area in the District of Columbia, and for other purposes," approved June 18, 1932 (Public, No. 187, 72d Cong.);

H. R. 5801. An act to grant permission for the construction, maintenance, and use of a certain underground conduit for electrical lines in the District of Columbia; and

H. R. 5987. An act to amend the District of Columbia Traffic Act of 1925 (43 Stat. 1119).

On June 21, 1939:

H. J. Res. 180. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the Seventh International Congress for the Rheumatic Diseases to be held in the United States during the calendar year 1940, and to authorize an appropriation to assist in meeting the expenses of the session;

H. R. 805. An act to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes;

H. R. 3367. An act to define the status of certain lands purchased for the Choctaw Indians, Mississippi; and

H. R. 4940. An act to authorize the furnishing of steam from the central heating plant to the District of Columbia.

On June 22, 1939:

H. R. 312. An act for the relief of Roland P. Winstead;

H. R. 1363. An act for the relief of George Houston; and

H. R. 2179. An act to ratify and confirm certain interest rates on loans made from the revolving fund authorized by section 6 of the Agricultural Marketing Act, approved June 15, 1929 (46 Stat. 11), and for other purposes.

On June 23, 1939:

H. R. 5762. An act to provide for temporary postponement of the operations of certain provisions of the Federal Food, Drug, and Cosmetic Act; and

H. R. 5966. An act to establish a Coast Guard Reserve to be composed of owners of motorboats and yachts.

On June 27, 1939:

H. R. 5619. An act to provide for the training of civil aircraft pilots, and for other purposes.

On June 28, 1939:

H. R. 6260. An act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes.

On June 29, 1939:

H. R. 4133. An act for the relief of Joseph N. Thiele;

H. R. 5427. An act making appropriations for the Labor Department for the fiscal year ending June 30, 1940, and for other purposes;

H. R. 6392. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Department of Commerce, for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 6851 (10 p. m., E. S. T.). An act to provide revenue, equalize taxation, and for other purposes.

On June 30, 1939:

H. J. Res. 326. Joint resolution making appropriations for work relief and relief for the fiscal year ending June 30, 1940;

H. R. 5269. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes;

H. R. 6970. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide appropriations required immediately for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 6977. An act to extend the time within which annual assessment work on mining claims held by location in the United States may be commenced for the year commencing at 12 o'clock m. July 1, 1938.

On July 1, 1939:

H. J. Res. 345. Joint resolution providing an appropriation for the month of July 1939 for the Petroleum Conservation Division, Department of the Interior; and

H. R. 6791. An act making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1940, and for other purposes.

On July 6, 1939:

H. R. 3325. An act to extend the time within which the powers relating to the stabilization fund and alteration of the weight of the dollar may be exercised; and

H. J. Res. 294. Joint resolution providing for the presentation through the American Minister to Greece of a certain monument to the people of Greece.

On July 10, 1939:

H. R. 5722. An act for the relief of Evelyn Gurley-Kane.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—GRADING AND CLASSIFICATION OF CLERKS IN THE FOREIGN SERVICE

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, was referred to the Committee on Foreign Affairs:

*To the Congress of the United States of America:*

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State and the accompanying draft of proposed legislation to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, July 11, 1939.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 2697. An act to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad; to the Committee on Banking and Currency.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2296. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes;

H. R. 4499. An act authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky;

H. R. 5452. An act to provide certain benefits for World War veterans and their dependents, and for other purposes; and

H. R. 5479. An act granting annual and sick leave with pay to substitutes in the Postal Service.

THE LATE HON. SAM D. M'REYNOLDS

The SPEAKER pro tempore. The Chair asks the indulgence of the House to make a short statement.

The Chair would much prefer that there be no proceedings today except with respect to the resolution relating to our late beloved colleague.

Mr. COOPER. Mr. Speaker, it is with very deep regret and a feeling of genuine sorrow that I announce that our genial friend, highly esteemed and distinguished colleague the gentleman from Tennessee, Hon. SAM D. McREYNOLDS, passed away at his home in the city of Washington early this morning.

It has been the privilege of many of us to serve for many years with Mr. McREYNOLDS and to know his great value. I am sure I voice the true sentiment and feeling of the membership when I say that we have sustained an irreparable loss in his passing.

Mr. McREYNOLDS served with great credit and distinction on the bench in Tennessee for about 20 years and was elected to membership in this body in 1922 and served continuously from that time until today. For several years he served as chairman of the important Committee on Foreign Affairs. He was a man who possessed the highest attributes of character, and all of the sterling qualities of manhood. His native State of Tennessee, his great congressional district, and the Nation have sustained a great loss in his untimely death.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker, while we of the Tennessee delegation have known for some time of the critical illness of our esteemed colleague, Representative McREYNOLDS, and have kept ourselves daily advised of his condition with the deepest interest and solicitude, nevertheless his death came as a distinct shock to each of us. Judge McREYNOLDS was not only popular with the Tennessee delegation, he was loved and respected by the entire membership of the House regardless of political alignment.

He was recognized as an able lawyer and a capable legislator.

As chairman of the great Foreign Relations Committee, he not only brought credit to himself but he also brought credit and distinction to his committee, of whose dignity and integrity he was scrupulously jealous and justly proud.

I first met our late colleague when he was judge of one of the circuit courts in Tennessee and since our first acquaintance we have been warm personal friends. In the campaign of 1936 an effort was made to have Representative McREYNOLDS come into my district and make speeches against me. This he emphatically refused to do, thus showing the appreciation he had for our cordial relationship. Judge McREYNOLDS, as he was familiarly known, was a man of profound conviction and indomitable courage; while he was firm in his faith, he was always tolerant, considerate, and courteous.

SAM D. McREYNOLDS was a man of outstanding ability and in his death the State of Tennessee and the Nation have suffered an irreparable loss.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Speaker, the Foreign Affairs Committee this morning met and adopted the following resolution:

The Committee on Foreign Affairs of the House of Representatives learns with profound sorrow of the death of its beloved chairman, the Honorable SAM D. McREYNOLDS, of Tennessee. It is shocked with the thought of the loss that this Nation faces in the passing of a man whose largeness of heart and mind has helped shape the legislation of the last decade to preserve the historic traditions of our country.

Its membership, regardless of political affiliation, held him in affectionate esteem, and feel that in his death we have experienced a personal grief, and his district and the Nation have suffered the loss of an able, patriotic, and unselfish public servant.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Texas [Mr. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Speaker, there are times when we cannot express in language our feelings. Such time as that confronts me now when I consider the loss of one of the best friends I ever had. I was elected to Congress at the same time as Judge McREYNOLDS, and during the 16 years of my service in this House the gentleman from Tennessee [Mr. McREYNOLDS] and I were the warmest and closest personal friends.

He was my conception of a real man, a typical American. He was brave. He was courageous. He was candid. He was fair. His heart beat in sympathy with humanity, and in his long service here there is no man who has exerted a more potent influence on legislation in this House, and no man who will be remembered longer and revered with more affection than the distinguished gentleman, the announcement of whose passing has just been made.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, during my many years in this House I served with outstanding men, but I cannot recollect a single Member with whom I served during these many years for whom I had greater respect and admiration for his patriotism, loyalty, courage, and devotion to the country and to duty than the gentleman from Tennessee [Mr. McREYNOLDS]. He indeed was a real southern gentleman for all that that term implies.

It was my good fortune to be closely associated with him especially during 1932 and 1933. At that time the great State of Tennessee that has given to the country so many statesmen had an outstanding Member of this House who was a candidate for the Speakership, but the gentleman whose passing we mourn today withdrew as a candidate and supported Mr. Rainey, of Illinois.

I know there was not a prouder man in this House than Mr. McREYNOLDS when Joseph Byrns, of Tennessee, was elected Speaker of this House upon the passing of Mr. Rainey, of Illinois. Mr. McREYNOLDS was a strong man. He had strong views. He was a real courageous fighter for what he believed was right.

In the passing of this splendid gentleman not only does Tennessee lose a great citizen but the entire United States loses a statesman and an outstanding man. I wish I possessed the words with which I at this time could express my innermost feelings for the loss of this great friend of mine, this great legislator, and this great citizen.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, it was my privilege and honor to have served with the gentleman from Tennessee [Mr. McREYNOLDS] on the Committee on Foreign Affairs for some 16 years. He was an able and distinguished Member of this House, learned in the law, and gave his entire time to the study of international problems. He was one of the most outstanding chairmen of any committee in the House and carried on with distinction the traditions of previous great chairmen of the Committee on Foreign Affairs. He was always fair, courteous, and cooperative with the members of that committee. Due to his long friendship with the Secretary of State, Mr. Hull, of the State of Tennessee, he was able to bring to that committee additional information which was helpful in all of our deliberations. He was a man of strong convictions and I believe if he had been here during the recent fight in the House of Representatives on neutrality, he would have led that fight on the other side with ability and distinction because of his knowledge of international issues and of international law.

He will be mourned equally on this side as on the Democratic side because he made a host of friends wherever he went. Mr. Speaker, SAM McREYNOLDS was a credit to the Democratic Party, which he represented so ably for many years in Congress, he was a credit to the great State of Tennessee and to our country, because Judge McREYNOLDS was a fine, high type public servant and a great American citizen.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. EATON].

Mr. EATON of New Jersey. Mr. Speaker, as we stand once more face to face with the eternal mystery, words fail us. I can only speak of him as a dear friend. I loved him. He loved me. We were companions for 15 years on that great committee; and during all of that time, although we bore different political labels, we were one in heart and purpose.



The test of a man's greatness is the inspiration which flows from his life and character to other men to be real men. Under that test SAM McREYNOLDS was great. He was a real man. I cherish his memory; so do you who served with him here through the long years.

May he rest in peace in the arms of God.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. SHANLEY].

Mr. SHANLEY. Mr. Speaker, few men in our history have exercised the salutary control and guidance over foreign affairs that our superbly equipped late colleague exhibited in his 9 years of committee chairmanship. He acted as a liaison between our equally great State Department and its beloved head, Cordell Hull, and this body of legislators. SAM McREYNOLDS never surrendered the dignity or the prerogatives of his committee or this House, yet SAM McREYNOLDS never failed to understand the problems of his very great personal and political friend the distinguished Secretary of State. From that loyalty to the House of Representatives and that admiration of his fellow Tennessean came a robust, clear-cut picture of foreign affairs that made his handling of his duties a delight and an inspiration.

Through such souls alone  
God stooping shows sufficient of His light  
For us in the dark to rise by.

An American at all times not purblind or jingoist but an American of whom it might well be said in love of country, "His country at all times; his country, if right to keep it right; if wrong, to set it right."

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. PEARSON].

Mr. PEARSON. Mr. Speaker, in the city of Atlanta there stands a monument erected to a great statesman by the name of Benjamin Hill. Inscribed upon that monument are these words:

He who saves his country saves all things,  
And all things saved will bless him.  
He who lets his country die, lets all things die,  
And all things dying curse him.

A beautiful tribute to his efforts to protect and save his native land; and I think it is applicable to the life of the great citizen of my State who has passed from his active field of endeavors and whose passing we mourn today. He sought to save his country by preserving inviolate those fundamental principles which guarantee to American citizens peace, happiness, and freedom. History will bless him for it.

I had never had the privilege of knowing Judge McREYNOLDS until I became a Member of this body some 5 years ago. Upon my arrival here as a freshman, inexperienced, the first man to take me in and offer words of friendly advice and counsel in an effort to help me start out in the right direction was my friend Judge McREYNOLDS. From that time on I considered him one of the best friends I had in this group, one interested in my welfare not only as a Member of this body but as a member of the delegation from the great State which he had the honor of representing in part.

Judge McREYNOLDS was a man who led an exemplary life in every sense of the word. He was not only a faithful, honorable, and courageous public servant but in his private and in his domestic life he leaves an example to all men which I deem unexcelled. He was a true patriot and a faithful servant, faithful to every trust pledged to his keeping. I think we do well today to pay honor and tribute to a man who throughout the years of his life and public service brought nothing but honor and glory to his name, to his State, and to his Nation.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, in the language of one of our American poets, "I would that my tongue could utter the thoughts that arise in me." At such a time there are no words to express the emotions of the heart. If they could be spoken, they would give tender solace to all bereaved by the passing of this genial friend and able statesman.

May I accentuate the thought that there can be parting from but no permanent loss of a good man. Benjamin Franklin once wrote an epitaph for himself, as follows:

The body of Benjamin Franklin, printer, like the cover of an old book, its contents torn out and stripped of its lettering and gilding, lies here, food for worms; but the work itself will not be lost, for it will, as he believed, appear once more in a new and more beautiful edition, corrected and amended by the Author.

So, in our sorrow, in contemplation of the Christian life our distinguished friend lived and the Christian virtues he exemplified, we may be comforted by the hope, the promise, and the assurance that we shall meet again.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, perhaps the greatest compensation that comes to a Member of this House is the delightful friendships and fellowships he forms during the period he is permitted to serve as a Member of Congress. I recall very vividly and shall ever remember with greatest pleasure my service in this House with Judge McREYNOLDS. No truer friend anyone ever possessed than SAM McREYNOLDS. He was not only true to his friends but he was, above all, true to his family. He was one of the most devoted and lovable men in his family life I have ever known, not only to his friends and his family but to his country and to his divine Creator.

I have never known a man in this House who brought to the discharge of his duties greater all-around qualifications of mind and heart than Judge McREYNOLDS. I am sure that not only his district and his native State but the entire country have suffered a very, very great loss in his passing. It will be a long, long time—the fact is, none of us will ever have the privilege of serving in this House with a man more worthy, more capable, and more faithful, and who is in every sense of the word a more true representative of his people, than was Judge McREYNOLDS.

To me his passing is one of the greatest losses I have suffered, and I have lost many friends since I have been here. On a trip with him to the Orient I was in his company a great deal, and I never heard him make a remark or utter a single word in disparagement or criticism or derogation of his colleagues. He always spoke of them in the highest terms. He was in the highest sense a true American, a true patriot, and a true, devoted, faithful, capable, and loyal representative of his people. My deepest sympathy is extended to each member of his family.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BEAM].

Mr. BEAM. Mr. Speaker, Shakespeare once said:

Friends thou hast, and their adoption tried,  
Grapple them to thy soul with hooks of steel.

When I first came to the Congress of the United States in 1930 one of the first Members with whom I became acquainted was the gentleman from Tennessee whose demise we mourn today. His kindness of heart, his magnanimity of soul, his sterling qualities, and his good fellowship impressed, I am sure, every person who was privileged to know him. He was a noble man, an orator of distinction, and a staunch Democrat; but his democracy was not parochial, and on questions of vital concernment affecting the welfare of the Nation his Americanism overshadowed any partisanship which he may have entertained. He was a great legislator, an astute parliamentarian, and a man of quality. He was a son whose passing the State of Tennessee mourns today, and whose loss will be felt throughout the length and breadth of our Nation.

An occasion such as the death of one whom we revere has a tendency to mellow us, to render us more conscious of our own frailties, of our human weaknesses, and of our own mortality. It has a strong impelling force to draw us a little closer in the brotherhood of man and causes us to harbor in our hearts a more sympathetic understanding of our fellow beings.

We often in our desire and ambition to achieve legislative conquests perhaps become a little overzealous in our en-

deavors or a little overimpressed with our own significance and of our own importance.

But what a lesson we learn today by the passing of our endeared colleague, and what a realization we can derive of what a humble and infinitesimal part we play in this crucible of life and in the great drama of American politics.

I join the Tennessee delegation in their sorrow, and I also desire to extend my heartfelt sympathy and condolence to the bereaved family of our beloved colleague.

America has lost a noble son, a staunch patriot, and an outstanding citizen.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, we are all bowed in grief today over the passing of this loved colleague of ours from Tennessee, and as one who felt his inspiration and received his friendly recognition I wish sorrowfully to pay this tribute to him.

Bearing the name of Sam Davis, Tennessee's soldier boy hero who gave his life rather than reveal the secrets entrusted to him or prove unworthy of his Confederate uniform, SAM McREYNOLDS throughout his own life exemplified the qualities of Sam Davis. He was of heroic mold. He was true to his trusts. Coming from the soil of Tennessee, he was rugged in his honesty, he never forgot the common touch, and he had the courage of a lion.

Throughout his life Judge McREYNOLDS lived in peace and harmony with his neighbors, and when he came to the House of Representatives and took up his part of the work of the Foreign Affairs Committee, that was the thought which was uppermost in his mind—he wanted to live in peace and harmony with the neighbors of this land of ours. Yes; he loved peace, but he was one of those intrepid souls who loved righteousness more than peace, and he never ceased to be a fighter for both causes.

He was admired by the people in all parts of the State of Tennessee. They wanted to give him added honors, but he was unwilling to leave this body, where he seemed to be a part of the fabric and spirit of the House.

SAM DAVIS McREYNOLDS was a staunch friend, a loyal Tennessean, a real American, a great statesman.

While we must not have it so, "Time, like an ever-rolling stream, bears all its sons away," and SAM McREYNOLDS goes back to the everlasting mountains which he loved, with the affection and esteem of his colleagues and the gratitude of a great Nation.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Speaker, there came to me this morning this sorrow which it has been very hard for me to bear, because as a young man out of college I started the practice of law at Chattanooga, Tenn., when Judge McREYNOLDS had just been elected to the bench. He was then a man of about 32 years of age, one of the youngest men who ever went on the bench in Tennessee. If there was ever a young lawyer who ever had a better friend in this world than Judge McREYNOLDS, I do not know who he was. I grew to love him, and the more I knew of him the more I admired him, and as a young man, no judge who ever sat on the bench had a greater sense of justice than Judge McREYNOLDS. I watched his career as young men watch those whom they admire, and I was most interested, of course, when he was elected to Congress. I followed him here to the Congress and saw him elevated to the most powerful committee, in my opinion, here in the House. I have known him all these years and our friendship has grown greater during all this time. I do not believe there is anyone who could pass out of my life that would bring me greater sorrow than the death of my good and great friend, Judge McREYNOLDS.

Mr. COOPER. Mr. Speaker, I yield now to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, this is a particularly sad day for me. A little over 3 years ago Judge McREYNOLDS rose in the same place in which I stand now and announced to this body the death of my father. At that time I did not dream that 3 years later I would stand here

and make my maiden speech on such a heartbreaking subject. One of the last public addresses that Judge McREYNOLDS made was in my own district in the general election last fall. He came there and made this talk, I found later, at the risk of great physical injury to himself. We did not know then that he was not well because he gave the appearance of vigor and exuberance and the same kindness shown from his eyes that those of us who had known him for years had grown accustomed to see.

Man proposes but God disposes; and twice in a few short months the dread black camel has knelt at the door of the Tennessee delegation.

Mr. Speaker, in the death of Judge McREYNOLDS Tennessee has lost a distinguished son, the Nation a statesman of the first order, and I a personal friend of more than 20 years' standing. There is so little that can be said on an occasion like this that will mean anything, but I, having been closer to such a tragedy than perhaps most of you, fully realize just what this occasion means to those of his family who are left behind. I wish to say this, a word of comfort to them, that one who was as fine in life as was SAM McREYNOLDS can be no less glorious in death. I like to think that those of us who are here below have the guidance of those great men who have gone on, those distinguished men of history and of recent times. I like to think that somewhere, somehow, they are looking down upon us today, and in some way in which you and I may not now fathom are directing our footsteps in the collective way in which we as Americans should travel. This is a thought I like to dwell upon, and I like to leave with all of you. I feel that I can close these few remarks no more fittingly, no more sincerely, than to say what Judge McREYNOLDS said when he closed his remarks announcing the death of my father, that my heart is too full of emotion, and I can say no more.

Mr. COOPER. Mr. Speaker, I now yield to the gentleman from New York [Mr. MARTIN J. KENNEDY].

Mr. MARTIN J. KENNEDY. Mr. Speaker, I would like to speak on another phase of the life of Judge McREYNOLDS, and that is as a student. When I came to Congress in the Seventy-first Congress the Democrats were in the minority. Shortly thereafter, the Democrats took control of the House, and SAM McREYNOLDS became chairman of the Committee on Foreign Affairs. He assumed this new honor with great dignity and humility. During the time that he was chairman of that committee he was a close student of our domestic affairs as well as our international relations. He was a pacifist in the sense that he loved people, was a philosopher, and hated the thought of war. It was my good fortune to discuss with him on many occasions the problems that came before his committee. Knowing that I came from New York, where we have more than 7,000,000 people, many of foreign extraction, he often asked my opinion as to the attitude of our foreign-born citizens on legislation concerning their mother countries. I was flattered by his confidence, and I was happy to obtain information for him, which he always graciously accepted. There is still another contribution which he made to the Congress that I consider important. That is his contribution to the literature of the House as contained in the scholarly reports he made to this House. I think we might very well read these reports, for in these documents we will find reflected the views of a statesman untarnished by international influences. Frequently committee reports are dull and routine. But this was not true while Judge McREYNOLDS was chairman of the Committee on Foreign Affairs. His reports always contained valuable information representing long and careful study.

In paying tribute today to my friend Judge McREYNOLDS I concur with all of the lovely sentiments that have been expressed by my colleagues, and, representing as I do, the great city and State of New York, I, too, wish to express the great sadness of my people at his passing.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, as that great river which bears the name of the proud State that today mourns the loss of one of her distinguished sons wends its happy way to mingle its



waters with the other tributaries of the mighty Mississippi, it is unable to restrain itself from paying a visit to Alabama, coming down out of its way to bring us the blessings it gives its own State and to caress a favored part of our fair land in its sinuous embrace.

This is typical of the relationship between Tennessee and Alabama as exemplified by the lives of their citizens. We not only live next door to each other, but we live as neighbors should live, in mutual admiration, confidence, and love. We have that heartfelt devotion for each other which neighbors come to feel for good neighbors. We Alabamians always glory in the achievements of Tennessee, and it is a noteworthy achievement to have produced a man like SAM McREYNOLDS.

Eulogies may depict a career and record many of the heights attained by those eulogized. The splendid extemporaneous utterances from this floor today have done this well. But though every tribute has sounded the note of personal bereavement, the depth of that feeling cannot be plumbed by mere words. No eulogy can express the sorrow of our hearts because our friend has passed from this scene of his labors.

This great man, citizen, lawyer, jurist, statesman, gracious gentleman, patriot, "a man foursquare withouten flaw ywrought," Tennessee may well mourn, and so should the Nation. But it is as husband, father, friend, that his loss gives greatest grief. Today, as the throbbing heart of this House lays itself bare and bleeding in grief too deep for words, we do ourselves honor. Our profound sympathy goes out to his bereaved family and to the great State which rightly mourns her irreparable loss. A mighty warrior in the cause of liberty, justice, humanity has fallen. May God rest his soul, and may that proud mother of great men, his native State, continue to send to national councils other leaders of his inspiring kind, for God knows this Nation and the world needs more men like Judge McREYNOLDS.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, there is very little that I can add to what has already been said, but I want to briefly express the voice of the New England delegation in this body, and I know I will bespeak the thoughts of my colleagues on the Republican side as well as my colleagues on the Democratic side.

I agree with what the gentleman from Tennessee [Mr. BYRNS] has well said—that "it is not so much what we say on this occasion as what we think." Our thoughts of this great man as we knew him, the great speeches he made, and the battles he conducted on the floor of this House in the causes that he believed in; of our thoughts of him as he went down this very aisle to my left and down the center aisle; of our personal contacts with him in this body; of our thoughts of him as the chairman of the important Committee on Foreign Affairs; of our thoughts of him as a great American. But uppermost in my mind, in addition to what has heretofore been so ably said, there will be one thought of Judge McREYNOLDS that will always remain with me, and in or out of this body will always be an example to and a guide for me. Judge McREYNOLDS as a legislator and in his individual capacity was a symbol of the unity of the Union. To SAM McREYNOLDS public questions did not appear from the angle of the best interests of the South, the North, the East, or the West alone. He viewed all public questions from the broad angle of what was for the best interest of the people of the United States. He was not a sectionalist. He was not a man who appealed to emotional reactions, to group or racial action. He personified the highest ideals of tolerance and of understanding, and what the meaning of the unity of our Nation is, and the necessity of that unity, not only for today but for tomorrow, in order that we of this generation and those of future generations might carry on that which we inherited—the duty to preserve the fundamental law of our country and of our ideals, and improve upon its structure in the service and best interests of this and of future generations.

That is the lesson that I have learned from my associations with SAM McREYNOLDS. That is the paramount impression

that is indelibly imprinted upon my mind and which will always be an example to me and a guide for me of the meaning and the significance of the unity of the 48 States which comprise our great Union, and of the relationship of the Federal Government to the State governments, and the State governments to the Federal Government.

A poet once well said:

Not a soul beneath the sun  
But what is precious unto one.

The memory of SAM McREYNOLDS will always be precious to everyone who knew him, to everyone who came in contact with him.

After our days are over here and the page of public life in our book of life is turned over, and if we are blessed by our maker with living to a ripe old age, I doubt if you or I will be thinking of some great speech we made. I doubt if you or I will be thinking of some important bill that we may have introduced which became law and for which we fought for the passage. I think, if we live to that age when we be thinking of yesterday, we will be thinking of the friends we made. I know that, speaking for myself, one of those real friendships I have made that I will think of is that of SAM McREYNOLDS, of the great man he was, of the great contributions he made, and of the profound impressions he made upon my mind.

The loss of Judge McREYNOLDS is not a personal one to the State of Tennessee alone; it is a personal loss to the entire Nation.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Speaker, the quality I remember most tenderly in Judge McREYNOLDS was the gentleness of his nature and his disposition toward a feeling of sentiment rather than filling his whole life merely with workaday world matter. I have felt that as many opportunities arose to discuss things with him when I first came here, and I know many of their beginners as Congressmen had the same experience in their early days in this body.

The gentleness of that soul! His life suggests the thought contained in a poem written by Moschus, a Greek poet who lived four or five hundred years before Christ:

I would that my father had taught me his creed,  
The creed of the keepers of sheep;  
Taught me his creed as he taught me his craft  
As we sat with the flocks on the steep,  
As we sat with our flocks neath the yew trees,  
He piping his troubles to sleep,  
Piping on reeds I had sat on,  
Piping his sorrows to sleep.  
O that my father had taught me his creed,  
The creed of the keepers of sheep.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, it was with great regret I learned this morning of the death of my good friend of many years, SAM McREYNOLDS.

Fifteen years ago, when I was first elected to Congress, I was assigned on the same day he was to the great Committee on Foreign Affairs. Then started a friendship which has extended through the years, growing riper and stronger with each passing day. During my service on the committee I came to admire SAM McREYNOLDS, to appreciate his fine character, his great ability, his judicial mind, his absolute fairness, and his great love of country.

This House has lost one of its most valuable Members at a time when, with confusion and fears abroad in the world, it could ill-afford to lose him. We naturally feel great sorrow at his death, yet with sorrow comes the great consolation—that he lived a fine life; that he contributed to the upbuilding of his country; and his memory will ever burn brightly among his host of friends.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, someone has well said that "He that hath one steadfast friend may count himself well blessed." Seven years ago, when I came to Congress, it was

my good fortune to meet at this door here on the very first day of the session SAM McREYNOLDS. He escorted me to that seat right there; and then it was good fortune for me and my family to move into the Methodist Building where Mr. McREYNOLDS and his family lived up until about a year ago. Of all those who gave me an inspiration to serve my country the best I could as a Member of this House, SAM McREYNOLDS perhaps tops the list. I believe I voice the sentiment of all those with whom I have spoken in the last few minutes when I say that Tennessee lost a great statesman, a Christian gentleman, and a true patriot; and the Nation has lost a loyal soul who stood for justice in every avenue of life. I feel that I speak the sentiment of the members of the Pennsylvania delegation when I say that our hope is that another son of that great State, of a caliber of Mr. McREYNOLDS, may fill his place.

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, there is nothing I can add to what has been said by the friends of our departed colleague, SAM McREYNOLDS. Mississippi joins Tennessee today in mourning the passing of this great man whose influence will be felt in that area as long as the Tennessee River bears its tributes to the sea.

For more than 10 years he fought with me for the Tennessee Valley Authority, which I regard as the greatest development of ancient or modern times.

A prince once said of a king struck down:  
"Taller he seems in death."  
And the word holds good, for now, as then,  
It is after death that we measure men.

The time has come to measure the life and character of SAM McREYNOLDS by those standards of Americanism, those standards of Christianity, those standards of morality, those standards of statesmanship and patriotism by which he lived and which should guide the lives of all men who are engaged in shaping the destiny of this Republic.

Someone said:

A fire-mist and a planet,  
A crystal and a cell;  
A jellyfish and a saurian,  
And caves where the cavemen dwell;  
Then a sense of law and beauty,  
And a face turned from the clod—  
Some call it Evolution,  
And others call it God.

SAM McREYNOLDS called it God. He was a Christian, without any hypocrisy. He had none of that atheistic taint in his system that is today poisoning the life stream of our civilization. He believed in those fundamental principles upon which our Christian civilization is built.

He believed in the fundamental principles of the Declaration of Independence and the Constitution of the United States. He was not affected with any of that totalitarian attitude that denies the proposition that "government derives its just powers from the consent of the governed." He was not poisoned with any of that communistic nonsense that denies the existence of a Supreme Being or that repudiates those fundamental principles upon which our civilization is based and upon which it will forever stand, if it is to continue to bless mankind throughout the centuries to come. He believed in those great principles that actuated men like Washington, Jefferson, Jackson, Lincoln, Lee, Davis, and the other immortal leaders whose names adorn and enrich the pages of American history.

In this age when we are threatened on the one hand by the stagnating influences of totalitarianism and on the other hand by the dry rot of communism that would destroy the last vestige of the Christian civilization in which we believe, we need more men like SAM McREYNOLDS to guide the destinies of this Nation. God, give us more such men, "men whom the lust of office does not kill; men whom the spoils of office cannot buy."

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I cannot allow this moment to pass without a word. It was my privilege to know inti-

mately and to be associated with Mr. McREYNOLDS since he first came to the House of Representatives. Having myself been born in the mountain regions of Tennessee in the district now represented by the gentleman from Tennessee [Mr. TAYLOR], only a few miles from the home and birthplace of Mr. McREYNOLDS, I know those hills, I know the sod, I know the soil and the mountains of east Tennessee. I know the kind of stuff that the men were made of who stayed in east Tennessee and converted those primitive mountains into a wonderful land of homes, schools, and churches.

No one better typified that great section of our country than did SAM McREYNOLDS. May I at the hazard of reiteration say that especially in this hour of the Nation's hysteria, in this hour of world hysteria with its problems, its hates, its divisions, at no time in my opinion could we have so ill-afforded to have lost a man of SAM McREYNOLDS' stature, character, mind, and heart. All the world that knew him can stand up and say, "Here was a man."

He was my friend, tried and true. I loved him. I shall miss him and I hope that what still survives of him "out there" somewhere will hear me say: "Old friend, fine friend, hail and farewell."

Mr. COOPER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I realize how absolutely impossible in this hour and at this time it is for me to add anything to the tributes which have been paid to SAM McREYNOLDS. I do not wish the time to pass, however, without the testimony not only of myself but on behalf of every Member of the Virginia delegation in Congress of the splendid ability, the loyal service, and the continued friendship of SAM McREYNOLDS.

Personally, I suppose he as close to me as any Member of any Congress has been to me. Having visited my home many times I shared with him his hospitality. His going will be missed.

In 21 years of service in this House I have seen many men of outstanding ability, of deep convictions, of honest patriotism, and sincere devotion on both sides of the aisle come and go. Each has contributed much to the life and to the work of the men he has left behind. No man will have contributed more to the work of this Chamber in the days that are to come than SAM McREYNOLDS by his fine example, by his splendid service, by his genial comradeship, and by his unswerving and unwavering devotion to duty. He has gone, but we will ever feel the touch of a vanished hand and will ever hear the sound of a voice that is stilled.

Mr. COOPER. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

#### House Resolution 254

*Resolved*, That the House has heard with profound sorrow of the death of Hon. SAM D. McREYNOLDS, a Representative from the State of Tennessee.

*Resolved*, That a committee of 15 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER pro tempore (Mr. RAYBURN). The Chair may state the Speaker will arrive in town this afternoon, and tomorrow he will appoint the committee.

The Clerk will report the further resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

Accordingly (at 1 o'clock and 18 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 12, 1939, at 12 o'clock noon.



## COMMITTEE HEARINGS

## COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 12, 1939, at 10:30 a. m., for the public consideration of H. R. 7004 and S. 1533.

## COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

On Tuesday, July 18, 1939, at 10 a. m., hearings will be held on H. R. 7090, to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481), and H. R. 7091, to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, 464).

## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the bridge subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m. Wednesday, July 12, 1939. Business to be considered: Hearing on H. R. 5382, entitled "A bill authorizing the city of Keokuk, Iowa, to purchase, construct, maintain, and operate a toll bridge across the Mississippi River at or near Keokuk, Iowa."

## COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday, July 12, 1939, at 10:30 a. m., for the consideration of H. R. 909, H. R. 953, H. R. 5377, H. R. 6506, H. R. 6859, H. R. 3229, House Joint Resolution 289, and S. 72.

## COMMITTEE ON THE JUDICIARY

On Wednesday, July 12, 1939, beginning at 10 a. m., there will be continued a public hearing before the Committee on the Judiciary on the bill (H. R. 6369) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a Railroad Reorganization Court; and for other purposes.

## COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs at 10 a. m. Wednesday, July 12, 1939, for the consideration of general legislation and for the consideration of H. R. 6799, to regulate the assignments of naval officers to duty, and for other purposes.

## COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds, Thursday, July 13, 1939, at 10:30 a. m., for the consideration of H. R. 965.

## COMMITTEE ON FOREIGN AFFAIRS

The Foreign Affairs Committee will start hearings on Tuesday, July 18, 1939, at 10 a. m., on proposed legislation dealing with treaty violations, with special reference to the Orient.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLAND: Committee on Merchant Marine and Fisheries. S. 2170. An act to improve the efficiency of the Lighthouse Service, and for other purposes; with amendment (Rept. No. 1088). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 6880. A bill authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes; with amendment (Rept. No. 1089). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEHRMANN: Committee on Indian Affairs. H. R. 4831. A bill authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Menominee General Council, members of the Menominee Advisory Council, and official delegates of the Menominee Tribe; with amendment (Rept. No. 1090). Re-

ferred to the Committee of the Whole House on the state of the Union.

Mr. MALONEY: Committee on Ways and Means. H. R. 5450. A bill to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed; with amendment (Rept. No. 1091). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 6590. A bill granting an increase of pension to Nannie McClellan Chase; without amendment (Rept. No. 1081). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 5170. A bill granting an increase of pension to Elizabeth Painter Menoher; without amendment (Rept. No. 1082). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 4248. A bill granting an increase of pension to Clara Prentiss Billard; without amendment (Rept. No. 1083). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 3203. A bill granting an increase of pension to Rosalie Hood; without amendment (Rept. No. 1084). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 3158. A bill granting an increase of pension to Inez Clair Bandholtz; without amendment (Rept. No. 1085). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 2252. A bill granting an increase of pension to Maribel Williams Croft; without amendment (Rept. No. 1086). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 326. A bill granting an increase of pension to Mary W. Osterhaus; without amendment (Rept. No. 1087). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. S. 1534. An act for the relief of Moukbil Kemal Tash; without amendment (Rept. No. 1092). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARDEN:

H. R. 7133. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Labor.

By Mr. MERRITT:

H. R. 7134. A bill to amend the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTWRIGHT:

H. R. 7135 (by request). A bill to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma; to the Committee on Indian Affairs.

By Mr. IZAC:

H. R. 7136. A bill to prohibit interstate common-carrier pipe lines from transporting commodities in which such carriers have any interest; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Indiana:

H. R. 7137. A bill to amend the Railroad Retirement Act to provide optional-retirement annuities for totally and permanently disabled who have completed 20 years' service and to provide for a minimum annuity payment of \$50 per month; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H. J. Res. 353. Joint resolution to amend section 601 (c) (8) (A) of the Revenue Act of 1932, as amended; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 7138 (by request). A bill for the relief of the West Disinfecting Co.; to the Committee on Claims.

By Mr. COLMER:

H. R. 7139. A bill for the relief of Joe L. McQueen; to the Committee on Claims.

By Mr. GOSSETT:

H. R. 7140. A bill for the relief of H. B. van Emden; to the Committee on Claims.

By Mr. KEAN:

H. R. 7141. A bill to authorize the presentation of Congressional Medals of Honor to Howard C. Smith and Richard Aldworth; to the Committee on Military Affairs.

By Mr. OLIVER:

H. R. 7142. A bill granting a pension to Pearl A. M. Simonds; to the Committee on Invalid Pensions.

By Mr. O'TOOLE:

H. R. 7143. A bill for the relief of Fanny Karp; to the Committee on Immigration and Naturalization.

By Mr. RAYBURN:

H. R. 7144. A bill for the relief of Louis M. Lankford; to the Committee on Pensions.

By Mr. SHANNON:

H. R. 7145. A bill granting a pension to Edith H. Haag; to the Committee on Invalid Pensions.

By Mr. SNYDER:

H. R. 7146. A bill granting an increase of pension to Sarah C. Newell; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4204. By Mr. COFFEE of Washington: Resolution of the Tacoma, Wash., City Council, Hon. Ira S. Davisson, acting mayor, urging favorable consideration of House bill 6744, because the taxing of municipal bonds will inevitably result in increased interest charges and the consequences thereof will fall upon the cities and will necessitate increased taxes and will add to the difficulties now confronting the city of Tacoma, and other cities, in the matter of obtaining money at reasonable rates of interest for necessary improvements and other governmental purposes; to the Committee on Ways and Means.

4205. Also, resolution of the Seattle, Wash., City Council, James Scavotto, president, declaring that said body endorses House bill 6744, by Mr. COFFEE of Washington, providing for the repeal of the provision in the Federal Banking Act of 1935 prohibiting the Federal Reserve banks from paying interest on nontime deposits of public funds, and urgently requesting that the bill be immediately enacted by Congress; to the Committee on Banking and Currency.

4206. By Mr. HARTER of New York: Petition of 115 citizens of Erie County, N. Y., opposing the Wagner-Rogers bills, seeking to admit 20,000 German refugee children into the United States; to the Committee on Immigration and Naturalization.

4207. By Mr. MICHAEL J. KENNEDY: Petition of Jacob Elishevitz & Sons Co., Inc., of New York City, expressing opposition to House bill 5435, to amend the Fair Labor Standards Act of 1938; to the Committee on Labor.

4208. Also, petition of Messrs. Delano and Aldrich, architects, opposing any form of temporary permit which would permit approval of the Battery-Brooklyn bridge in New York City; to the Committee on Military Affairs.

4209. Also, petition of the National Society of Mural Painters of New York City, opposing the proposed new bridge between Battery Park and Hamilton Avenue, Brooklyn, N. Y.; to the Committee on Military Affairs.

4210. Also, petition of the American Federation of Housing Authorities, strongly endorsing Senate bill 591 as passed by the Senate; to the Committee on Banking and Currency.

4211. By Mr. KEOGH: Petition of the Valve Pilot Corporation, New York City, concerning House Joint Resolution 229; to the Committee on the Judiciary.

4212. Also, petition of the New York Joint Council of the United Office and Professional Workers of America, New York City, concerning antilabor bills; to the Committee on Labor.

4213. Also, petition of the Works Progress Administration Teachers Union, New York City, favoring amendments to the Works Projects Administration relief bill, with reference to education projects and wage and hour provisions; to the Committee on Labor.

4214. By Mr. VOORHIS of California: Petition of Frank A. Parsons, of Los Angeles, Calif., and 47 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4215. Also, petition of Grace D. Madden, of Visalia, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4216. Also, petition of F. Loney, of Pomona, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4217. Also, petition of Paul E. Francis, of Los Angeles, and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4218. Also, petition of Paul S. Klein, of Los Angeles, Calif., and 28 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4219. Also, petition of Lucretia M. Whitehead, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4220. Also, petition of Harry Braver, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4221. Also, petition of Lowell A. Manus, of Los Angeles, Calif., and 22 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.











4297. Also, petition of Pearl L. Hartman of Los Angeles, Calif., and 21 others, endorsing House bill 4931, which would











and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4354. Also, petition of Walter Byr, of Pomona, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4355. Also, petition of George W. Bonham, of Whittier, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4356. Also, petition of Charles A. Spooler, of Wilmar, Calif., and 11 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4357. Also, petition of Joseph Schaffer, of San Diego, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4358. Also, petition of Robert E. Schenck, of Oceanside, Calif., and 28 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4359. Also, petition of Gerald M. Dessery, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4360. Also, petition of Clinton DeLancey, of South Pasadena, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4361. Also, petition of Timothy Dion, of Monterey Park, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4362. Also, petition of Charles William Jones, of Alhambra, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4363. Also, petition of Arthur H. Dibbern, of Glendale, Calif., and four others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4364. Also, petition of Frances Feldman, of Los Angeles, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4365. Also, petition of Dr. J. T. Penrose, of Whittier, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4366. Also, petition of Walter W. Smith, of Torrance, Calif., and 18 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4367. Also, petition of Herme S. Leonard, of North Hollywood, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4368. Also, petition of Samuel E. Rhynard, of Los Angeles, Calif., and 22 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4369. Also, petition of William J. Wickersheim, of Fullerton, Calif., and 21 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4370. Also, petition of George G. Blackmer, of Pasadena, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4371. Also, petition of Dr. Anne Brekke Garst, of Pomona, Calif., and 17 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article I, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4372. Also, petition of Harry Bass, of Los Angeles, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal











4437. Also, petition of Victor De Grusey, of Hollywood, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4447. Also, petition of Dora L. Hazzard, of West Los Angeles, Calif., and 19 others, endorsing House bill 4931, which





4484. Also, petition of Rose White, of Los Angeles, Calif., and 21 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and



Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4485. Also, petition of Oscar A. Helm, of Baldwin Park, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4486. Also, petition of J. Z. Gordon, of Los Angeles, Calif., and 17 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4487. Also, petition of Elsie B. Hollis, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4488. Also, petition of Maud Brunton, of Los Angeles, Calif., and 15 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4489. Also, petition of J. F. Klinger, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4490. Also, petition of Eugene G. Nadean, of Monterey Park, Calif., and three others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4491. Also, petition of Mrs. John MacRae, of El Monte, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4492. Also, petition of R. O. Langworthy, of Burbank, Calif., and 29 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks, and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4493. Also, petition of Elsie Benedict, of Los Angeles, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4494. Also, petition of William H. Jones, of Chicago, Ill., and 14 others, endorsing House bill 4931, which would pro-

vide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4495. Also, petition of Leona M. Feldkamp, of Chicago, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4496. Also, petition of W. Maxwell Burke, of Santa Ana, Calif., and 144 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4497. Also, petition of Ida S. Quigley, of Los Angeles, Calif., and 13 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4498. Also, petition of Burleigh E. Bramal, of Los Angeles, Calif., and 18 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4499. Also, petition of Charles B. Marsh, of Alhambra, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4500. Also, petition of Nellie Kinder, of San Gabriel, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks, and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4501. Also, petition of John Fiala, of Calexico, Calif., and 3 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks, and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4502. Also, petition of C. V. Brenson, of Lynwood, Calif., and 15 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4503. Also, petition of Ghattie G. Jacobson, of Wilmar, Calif., and 22 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Bank-

4522. Also, petition of Mrs. Raymond O. Nevine, of Los Angeles, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock



of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4523. Also, petition of Mary M. Luise, of Venice, Calif., and 3 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4524. Also, petition of Charles C. McKee, of South Pasadena, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4525. Also, petition or memorial of Earl J. Bettancourt, of San Leandro, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4526. Also, petition of M. G. Pierce, of Los Angeles, Calif., and 25 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4527. Also, petition of Paul Uratasa, of San Francisco, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States; and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4528. Also, petition of Sue Stephens, of Los Angeles, Calif., and 11 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4529. Also, petition of Ray L. Warford, of Alhambra, Calif., and 18 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4530. Also, petition of Fanny S. Ordway, of Claremont, Calif., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4531. Also, petition of E. C. Coltee, of Kenmore, N. Y., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, requesting the Banking and Currency

Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4532. Also, petition of George Elenstodler, of Newark, N. J., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4533. Also, petition of Nellie K. Barthelemy, of Hamburg, N. Y., and 39 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4534. Also, petition of William H. McKee, of Bentonville, Ark., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4535. Also, petition of Frank E. Decker, of Newark, N. J., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4536. Also, petition of J. B. Coff, of Fayetteville, Ark., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4537. Also, petition of C. S. Fries, of Buffalo, N. Y., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4538. Also, petition of John Shank, of Zanesville, Ohio, and 26 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4539. Also, petition of Irving B. Aldman, of New York, N. Y., and seven others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4540. Also, petition of B. Maunders, of Virgil, S. Dak., and 34 others, endorsing House bill 4931, which would provide for Government ownership of the stock of 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4541. Also, petition of Walter J. LeBean, of Stephenson, Mich., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4542. Also, petition of Flora Fergen, of Chicago, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4543. Also, petition of John Reynolds, of Klingman, Ariz., and 21 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4544. Also, petition of John T. Laning, of Ossining, N. Y., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4545. Also, petition John F. Dennis, of Scotia, N. Y., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4546. Also, petition of Ed Crippen, of Alpena, S. Dak., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4547. Also, petition of Joseph W. Bisel, of Kirkland, Wash., and 18 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4548. Also, petition of W. H. Bowler, of Topeka, Ind., and 31 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4549. Also, petition of Martie Hixson, of Huron, S. Dak., and 28 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4550. Also, petition of George M. Oren, of Bloomington, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money

system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4551. Also, petition of Karl J. Stackland, of Cove, Oreg., and 20 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4552. Also, petition of Julien Drexler, of Brooklyn, N. Y., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4553. Also, petition of Leo Charles Donnelly, of Detroit, Mich., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4554. Also, petition of B. F. With, of Huron, S. Dak., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4555. Also, petition of Garfield Thomas, of Scranton, Pa., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4556. Also, petition of Dr. J. H. Mahaffy, of Huron, S. Dak., and 38 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4557. Also, petition of Alex Hefner, of Kirkwood, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4558. Also, petition of George F. McNabney, of East Moline, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4559. Also, petition of A. B. Rice, of Dillard Oreg., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.



4578. Also, petition of L. H. Wagner, of Maywood, Ill., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.





4598. Also, petition of Blanche Sherman, of Montebello, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4599. Also, petition of E. L. Cryer, of Los Angeles, Calif., and 32 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4600. Also, petition of Arthur J. O'Neill, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4601. Also, petition of Florence Claridge, of Los Angeles, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4602. Also, petition of Wolf Adler, of Los Angeles, Calif., and 25 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4603. Also, petition of Marie T. Planka, of Pomona, Calif., and 7 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4604. Also, petition of Walter H. Albright, of Whittier, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4605. Also, petition of James A. Lany, of El Monte, Calif., and seven others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4606. Also, petition of Leonard Walter Sangford, of La Verne, Calif., and 11 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4607. Also, petition of Newton Van Dalsem, of Los Angeles, Calif., and 21 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12

Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4608. Also, petition of Earl Ricke, of Alhambra, Calif., and 12 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4609. Also, petition of D. M. Appling, of Altadena, Calif., and nine others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4610. Also, petition of Pauline Dickson, of Los Angeles, Calif., and 17 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4611. Also, petition of Mary Love DeTarr, of Pico, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4612. Also, petition of William Arnell, of Pico, Calif., and 19 others, endorsing House bill 4931, which would provide for Government ownership of the stock of the 12 Federal Reserve banks and would establish a constitutional money system in conformity with article 1, section 8, of the Constitution of the United States, and requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

4613. By the SPEAKER: Petition of the Workers Alliance of Sacramento, Calif., urging consideration of their resolution with reference to Works Progress Administration work relief; to the Committee on Appropriations.

4614. Also, petition of Alfred M. Kunze, of New Rochelle, N. Y., urging consideration of the resolution with reference to Works Progress Administration programs; to the Committee on Ways and Means.

4615. Also, petition of the W. E. Long Co., of Chicago, Ill., urging consideration of the resolution from the Independent Bakery Owners and Managers, in convention June 21, 1939, with reference to the National Labor Relations Act; to the Committee on Labor.

4616. Also, petition of the Toledo Central Labor Union, Toledo, Ohio, urging consideration of their resolution with reference to work relief; to the Committee on Appropriations.

## SENATE

WEDNESDAY, JULY 12, 1939

(Legislative day of Monday, July 10, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Blessed Christ, who hast bidden us to pray for the coming of Thy Father's kingdom, that His righteous will may be done on earth: Help us to cherish this great hope even as

the inspired souls of all the ages, who, seeing afar the shining City of God, by faith forsook the profit of the present life to follow their vision. As we have mastered Nature to our advantage that we might gain wealth, teach us now to master our social relations, that we may gain justice for all and promote true brotherhood; for what shall it profit our Nation if, with the increase of riches, we lose the sense of the presence of the living God and the joy of human kindness?

Accept this day the rededication of us all to this ideal of service, for we are determined to live by truth and to found our common life on the eternal foundations of righteousness and love. Amen.

#### THE JOURNAL

On request of Mr. HARRISON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, July 11, 1939, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

#### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Frazier	Lee	Schwellenbach
Andrews	George	Lodge	Sheppard
Austin	Gerry	Lucas	Shipstead
Barbour	Gibson	Lundeen	Slattery
Barkley	Gillette	McKellar	Smith
Bilbo	Glass	McNary	Stewart
Bone	Green	Maloney	Thomas, Okla.
Borah	Guffey	Mead	Thomas, Utah
Bridges	Gurney	Miller	Tobey
Bulow	Hale	Minton	Townsend
Burke	Harrison	Murray	Truman
Byrd	Hatch	Neely	Vandenberg
Capper	Hayden	Norris	Van Nuys
Chavez	Herring	Nye	Wagner
Clark, Idaho	Hill	O'Mahoney	Walsh
Clark, Mo.	Holman	Overton	Wheeler
Connally	Holt	Pittman	White
Danaher	Hughes	Radcliffe	Wiley
Davis	Johnson, Calif.	Reed	
Donahay	Johnson, Colo.	Reynolds	
Downey	King	Russell	
Ellender	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of Wisconsin, which was referred to the Committee on the Judiciary:

##### Assembly Joint Resolution 32

Joint resolution relating to memorializing the Congress of the United States to pass the Wagner-Van Nuys-Capper antilynching bill

Whereas lynching is a repulsive and monstrous violation of human rights and justice that is deserving of governmental action as kidnapping; and

Whereas the spirit which tolerates lynching and, unlike other crimes, is invariably accompanied with inhuman cruelty to guilty and innocent alike, and the complete impotency or unwillingness of public authorities to prosecute; and

Whereas as long as the local and State laws are flaunted with impunity there can be no powerful deterrent or effective curb on mob violence; and

Whereas gross injustice results to the victim because he is deprived of his life or property without due process of law and equal protection thereunder; and

Whereas the mob spirit endangers both life and property, the continuance of orderly and sane government, and the future peace of this country; and

Whereas no civilized democratic government can rightfully continue to condone such cowardly atrocities and substitute a frenzied mob law for orderly justice; and

Whereas the unspeakable crime will never cease until an effective and adequate control by Congress is enacted; and

Whereas the Wagner, Van Nuys, and Capper bill is now pending before Congress as an effective and powerful deterrent upon the terrible evil of lynching: Now, therefore, be it

*Resolved by the assembly (the senate concurring).* That this legislature memorializes the Congress of the United States to pass such antilynching bill so as to prevent and restrain the punishment or destruction of persons accused or suspected of crime in any other manner than by a duly constituted court of justice and due process of law; be it further

*Resolved.* That properly attested copies of this resolution be sent to the President of the United States, both Houses of Congress, and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the house of delegates of the American Osteopathic Association at the annual convention assembled at Dallas, Tex., favoring amendment of Senate bill 1620, the so-called national health bill, so as to safeguard the freedom of choice of physician and school of practice to persons entitled to medical care, etc., which was referred to the Committee on Education and Labor.

Mr. HOLT presented the petitions of Townsend Club No. 1 of Farmington, Townsend Club No. 1 of Martinsburg, the Townsend Club of Ridgeley, and members of the Townsend recovery movement in Morgan County, all in the State of West Virginia, praying for the enactment of the joint resolution (S. J. Res. 145) proposing an amendment to the Constitution of the United States relating to old-age assistance, which were ordered to lie on the table.

Mr. CAPPER presented a telegram in the nature of a memorial from the Workers Council of Kansas, Topeka, Kans., signed by Everett R. King, State president, remonstrating against the monthly labor schedule recently prescribed for workers under the W. P. A., which was referred to the Committee on Appropriations.

Mr. WALSH presented the memorial of the Citizens' Alliance, of Waltham, Mass., remonstrating against the enactment of the so-called Bloom neutrality bill, which was referred to the Committee on Foreign Relations.

Mr. WILEY presented the following joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

##### Senate Joint Resolution 58

Joint resolution relating to the submission by the Wisconsin Conservation Commission to the United States Biological Survey of a program for the acquisition and restoration of Horicon Marsh as a Wisconsin project under the Pittman-Robertson Act

Whereas Horicon Marsh, located mainly in Dodge County, and extending into Fond du Lac County, State of Wisconsin, is a flat, low, practically level marshy area about 13 miles in length from north to south, and varying in width from 1 to 4 miles from east to west, formerly partially covered by the waters of the Rock River, and with an abundance of aquatic growth and vegetation; and

Whereas in its natural state Horicon Marsh was known not only throughout Wisconsin and the Northwest but throughout the entire Nation as one of nature's great natural refuges and nesting places for migratory wild fowl, and as a habitat for native upland game, birds, and fur-bearing animals; and

Whereas Horicon Marsh was drained by private capital beginning in the year 1910, such drainage being planned and accomplished to make available for agricultural use the lands of Horicon Marsh; and

Whereas a period of nearly 30 years has demonstrated conclusively that said drainage project has failed in its purpose of making available for agriculture the lands in the marsh proper, although it may have made available borderlands which, prior to drainage, could not be cultivated, and which thereafter were cultivated for agricultural purposes; and

Whereas the drainage of Horicon Marsh has changed the character of the marsh profoundly so as to impair its former suitability as a refuge and nesting place for migratory wild fowl and as a habitat for upland game, birds, and fur-bearing animals, without any compensating results by way of making available the central marsh areas for agricultural use, and the experience of the last several decades has shown conclusively that the best use of this unique area is as an environment for wildlife, and that restoration



as near as is possible to the conditions existing prior to drainage, is desirable; and

Whereas this legislature recognized the desirability of restoring Horicon Marsh in 1927, by creating in said area a wildlife refuge and game preserve by chapter 475 of the laws of 1927, now section 29.571 of the Wisconsin statutes, which chapter required that the conservation commission "shall purchase or acquire by condemnation proceedings the land known as the Horicon Marsh, or as much thereof as it may deem necessary \* \* \*" and further authorized the said commission "to construct and maintain a dam or dams in or near the city of Horicon to control and regulate the floodwaters on Rock River, and to restore the public waters of Rock River on Horicon Marsh to the natural levels existing prior to the private drainage of the same;" and

Whereas the conservation commission did in due course construct a dam in the city of Horicon, adequate to regulate and flood the waters on Rock River, and to restore the waters of Rock River to the levels existing prior to drainage, and did, in fact, acquire approximately 1,100 acres in the south end of the marsh, and took appropriate steps to have a determination made of the natural levels of Rock River in Horicon Marsh, by the public service commission, and the conservation commission thereupon proceeded by means of said dam to raise the levels of the waters in Rock River to such levels as were found by the public service commission to be the original or natural levels; and

Whereas litigation resulting from the attempt of the Wisconsin conservation commission to carry out the mandate of this legislature of 1927 terminated in a decision by the Supreme Court of Wisconsin (221 Wis. 246), holding in substance that since the drainage privately done was done with the consent of all of the owners of land involved and did not, in fact, impair the navigability of Rock River, the State of Wisconsin may not now "in view of \* \* \* the long acquiescence by the State \* \* \* in the status created by completion of the project" question the lawful character of the original drainage, and further held that restoration of Horicon Marsh, which will necessitate the impounding and raising of the waters in Rock River above the levels resulting from drainage, can be accomplished only with the consent of the owners of lands affected thereby and by compensating such owners for any loss or damage which they might suffer by reason of the raising of such water levels; and

Whereas it is universally conceded that the restoration of Horicon Marsh for use as a migratory wild-fowl refuge and nesting area, and as a habitat for upland game, birds, and fur-bearing animals, is desirable and constitutes the best and most practical usage to which said area can be devoted, and that the only questions to be determined in such restoration project are: (1) The extent of the areas to be acquired; that is, what lands in addition to the low-lying center portion shall be needed, and (2) the source of funds for acquisition purposes; and

Whereas the Wisconsin State Planning Board has prepared a detailed factual study of the Horicon Marsh, including data on the acreage involved in the various portions thereof, indicating that the low-lying center portion, all of which would of necessity have to be acquired in a restoration program, comprises 17,545 acres; a secondary higher land area adjacent to the low-lying center portion, comprises 7,640 acres; and a third or still higher land area adjacent to the secondary area, comprises 4,182 acres; and the said study and survey also giving complete detailed information on ownership and assessed valuation of all areas involved; and

Whereas in any restoration program of Horicon Marsh flowage rights or title must be acquired by the State and the reasonable market value thereof must be paid to the owners of the lands involved, regardless of whether such areas be acquired by negotiation or by condemnation, and there cannot, therefore, be involved in any acquisition or restoration program any question of conflict with the rights of private owners or taking without adequate and just compensation; and

Whereas the State of Wisconsin has heretofore not made available funds for carrying out the legislative mandate of 1927 to restore Horicon Marsh, and it is self-evident that, in view of current State finances, no adequate funds are available at this time from State sources either by way of appropriation from the general fund of the State or from the conservation fund; and

Whereas Congress has enacted legislation (approved September 2, 1937) designated as the "Federal Aid in Wildlife Restoration Act" (50 Stat. 917) and popularly known as the Pittman-Robertson Act, by the terms of which moneys accruing to the Federal Government from the tax imposed on firearms, shells, and cartridges are set aside as a special fund for apportionment among the several States for wildlife-restoration purposes, and wildlife restoration under said act is construed to mean and include the "selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor," and the amount available to the State of Wisconsin for the current fiscal year ending June 30, 1939, together with the State's contribution amounting in all to more than \$30,000, and sums available from said Federal source after the current fiscal year and continuously thereafter will aggregate, on the basis of present estimates and including the State's contribution to said funds, approximately \$90,000 per annum; and

Whereas this legislature has before it a bill to enable the State to accept funds under the Pittman-Robertson Act, and to participate with the Federal Government in projects thereunder, being

bill 160 A, which passed the assembly by unanimous vote on April 27, 1939, and is now pending before the senate on a recommendation for concurrence by the committee on State and local government; and

Whereas there is no question but that restoration of Horicon Marsh is a project coming within the terms of the Pittman-Robertson Act, and the United States Biological Survey, which is charged with the administration of said act and the selection and approval of projects submitted by the several States, has through its chief and through its officials charged with the duties of administering said act indicated unqualifiedly that the Horicon Marsh would be a suitable, worthy, and desirable project for the State of Wisconsin to submit as its major project; and

Whereas Horicon Marsh, by reason of its great importance not only in the State but nationally as a unique wildlife refuge, and because of the legislative mandate of 1927 for its restoration, which mandate has never been repealed, and because of its great additional value as a reservoir for water storage at the headwaters of the Rock River, for flood control, and for its great recreational possibilities for the residents of the State of Wisconsin, there is no single contemplated project before the public of Wisconsin today as important and as far-reaching as Horicon Marsh: Now, therefore, be it

*Resolved by the senate (the assembly concurring), That it is the sense of this legislature that in the selection of projects for use of funds available to the State under the Pittman-Robertson Act, the restoration of Horicon Marsh be given first consideration; and the Wisconsin Conservation Commission is requested to work out a program and submit it for approval to the United States Biological Survey for restoration and acquisition of Horicon Marsh with the use of Pittman-Robertson funds and the contributions to be made by the State under said act, such program to include acquisition of such areas as in the judgment of the conservation commission and the United States Biological Survey may be necessary for restoration and for administration as a wildlife refuge and public hunting and fishing areas, such acquisition to be in full compliance with the laws of the State and the United States, condemnation of areas under State law, and payment to the owners of such areas condemned of any amounts determined by the court under Wisconsin law to be reasonable, where acquisition cannot be accomplished by negotiation; and be it further*

*Resolved, That since detailed information as to the areas which will be needed, ownership, and estimated values are now available, that the restoration of Horicon Marsh as Wisconsin's major project under the Pittman-Robertson Act be submitted to the United States Biological Survey for approval forthwith, and that the conservation commission cooperate with the United States Biological Survey in working out the details of said program as speedily as possible; and be it further*

*Resolved, That properly attested copies of this resolution be transmitted to the United States Biological Survey and to each Wisconsin Member of Congress.*

#### REPORTS OF COMMITTEES

Mr. HILL, from the Committee on Military Affairs, to which was referred the bill (S. 2225) to create a new group within the Air Corps, Regular Army, with the designations of junior flight officer, flight officer, and senior flight officer, reported it with an amendment and submitted a report (No. 764) thereon.

Mr. WALSH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2662) authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes, reported it without amendment and submitted a report (No. 765) thereon.

Mr. HARRISON, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 2526. A bill to authorize Leonhard Stejneger, of the United States National Museum, to accept certain decoration from the Norwegian Government (Rept. No. 766); and

H. J. Res. 315. Joint resolution to provide for the adjudication by a Commissioner of Claims of American nationals against the Government of the Union of Soviet Socialist Republics (Rept. No. 767).

#### ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that on today, July 12, 1939, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 12. An act for the relief of Dica Perkins;

S. 129. An act for the relief of Howard Arthur Beswick;

S. 216. An act for the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams;

S. 221. An act for the relief of Anthony Coniglio;

S. 431. An act for the relief of Mrs. Quitman Smith;  
 S. 510. An act to authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;  
 S. 556. An act for the relief of Catherine Humler;  
 S. 633. An act for the relief of Ray Wimmer;  
 S. 661. An act for the relief of Ida A. Deaver;  
 S. 681. An act to give proper recognition to the distinguished services of Col. Ernest Graves;  
 S. 746. An act to authorize Maj. Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered;  
 S. 840. An act to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes;  
 S. 875. An act for the relief of Andrew J. Crockett and Walter Crockett;  
 S. 884. An act for the relief of disbursing officers and other officers and employees of the United States for disallowances and charges on account of airplane travel;  
 S. 1001. An act for the relief of Albert Pina Afonso, a minor;  
 S. 1018. An act to authorize the procurement, without advertising, of certain aircraft parts and instruments or aeronautical accessories, and for other purposes;  
 S. 1020. An act to authorize the purchase of equipment and supplies for experimental and test purposes;  
 S. 1021. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who are physically injured in line of duty while performing active duty or engaged in authorized training, and for other purposes;  
 S. 1109. An act to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such act may be used to match regular and secondary Federal-aid road funds, and for other purposes;  
 S. 1118. An act to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore located outside the continental limits of the United States;  
 S. 1181. An act to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers;  
 S. 1186. An act for the relief of Herbert M. Snapp;  
 S. 1291. An act for the relief of William Carl Laude;  
 S. 1307. An act authorizing the Secretary of War to grant a revocable license to the Union Pacific Railroad Co. to maintain certain railroad trackage on the Fort Leavenworth Military Reservation;  
 S. 1385. An act for the relief of the Barkman Lumber Co.;  
 S. 1387. An act for the relief of Ida May Lennon;  
 S. 1452. An act for the relief of Loyd J. Palmer;  
 S. 1487. An act for the relief of the Postal Telegraph-Cable Co.;  
 S. 1517. An act for the relief of F. E. Perkins;  
 S. 1523. An act to authorize the payment of burial expenses and expenses in connection with last illness and death of native employees who die while serving in offices abroad of executive departments of the United States Government;  
 S. 1629. An act for the relief of the Canvas Decoy Co.;  
 S. 1692. An act for the relief of J. Vernon Phillips;  
 S. 1778. An act authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land;  
 S. 1847. An act for the relief of Naomi Straley and Bonnie Straley;  
 S. 1894. An act for the relief of Ivan Charles Grace;  
 S. 1895. An act for the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes;  
 S. 1907. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Poplar, Mont.;

S. 2096. An act to amend section 4a of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended;  
 S. 2126. An act authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Inc.;  
 S. 2167. An act to provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island;  
 S. 2197. An act authorizing Federal participation in the commemoration and observance of the four hundredth anniversary of the explorations of Francisco Vasquez de Coronado;  
 S. 2222. An act to provide for a Deputy Chief of Staff, and for other purposes;  
 S. 2237. An act to amend the Taylor Grazing Act;  
 S. 2353. An act to authorize appropriation for the construction of a medical school building at Carlisle Barracks, Pa.;  
 S. 2503. An act to amend an act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937;  
 S. 2539. An act to amend section 1223 of the Revised Statutes of the United States;  
 S. J. Res. 2. Joint resolution providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased;  
 S. J. Res. 124. Joint resolution authorizing the President to invite foreign countries to participate in the San Diego-Cabrillo Quadricentennial Celebration to be held in 1942; and  
 S. J. Res. 126. Joint resolution to amend the act to authorize alterations and repairs to certain naval vessels, and for other purposes, approved April 20, 1939.

#### BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

S. 2782. A bill for the relief of Harold W. Kinderman; to the Committee on Military Affairs.

By Mr. SHEPPARD:

S. 2783. A bill for the relief of the estates of Marie R. Morkovsky and Alphons Morkovsky, both deceased; to the Committee on Claims.

By Mr. KING:

S. 2784. A bill to amend section 4 of the act entitled "An act to provide a civil government for the Virgin Islands of the United States," approved June 22, 1936; to the Committee on Territories and Insular Affairs.

By Mr. STEWART:

S. 2785. A bill to amend the Federal Firearms Act (Public, No. 785, 75th Cong.) so as to more adequately define the term "ammunition" as said term is defined in said act; to the Committee on Commerce.

(Mr. BARBOUR introduced Senate bill 2786, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. CONNALLY:

S. 2787. A bill for the relief of Maude Smith; to the Committee on Claims.

By Mr. PITTMAN:

S. 2788. A bill to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended; to the Committee on Foreign Relations.

By Mr. STEWART:

S. J. Res. 168. Joint resolution authorizing an appropriation for the purpose of further improving and enlarging the campus and facilities of the Columbia Military Academy, Tennessee, in which the Federal Government retains certain rights and equities; to the Committee on Military Affairs.



## INTEREST RATES ON HOME MORTGAGES

Mr. BARBOUR. Mr. President, I am sending to the desk for introduction and appropriate reference a bill which I hope may be passed before adjournment. It relates to the interest rates now being charged and to be charged in the future on home mortgages. Because of the importance of this subject, I beg to make a brief statement of the purposes of the bill. I do this so that my colleagues in the Senate may have a clear understanding of the measure without looking up the existing laws relating to the operations of the Federal Home Loan Bank System and the Federal Housing Administration.

Briefly, the bill would have the following results:

First. Lower the interest rate on unpaid balances of all home mortgages held by the Home Owners' Loan Corporation, the so-called "distress" mortgages taken over by the H. O. L. C. under emergency authority approved in 1932 and 1933, on which the mortgagors are now paying 5 percent. The new rate would be 4 percent.

Second. Similarly, lower the interest rate from 5 to 4 percent on all newly insured mortgages financed through the Federal Housing Administration, the new rate to become effective 90 days after passage of the bill.

Third. Limit the "spread" between the borrowing rate of the Federal Home Loan Bank System, on its own debentures, and the lending rate to building and loan and other home-financing institutions, to one-half of 1 percent.

Fourth. As a condition of all future advances to building and loan and similar institutions by Federal Home Loan banks, require borrowing institutions to charge home builders an interest rate not more than 2 percent higher than that at which they are able to obtain advances from the F. H. L. B. As the Federal Home Loan Bank System is now able to sell its debentures at an interest level of 2 percent or less, my bill would make the loaning rate to member institutions  $2\frac{1}{2}$  percent on the present market, and restrict the interest charge of borrowing institutions to  $4\frac{1}{2}$  percent.

I am hopeful that the bill can be passed by Congress before we adjourn, and that its passage will be followed by a general lowering of interest rates for home-building purposes all along the line. This would be a natural result of competition for this business. Many home owners whose properties are now mortgaged also would be able, under these circumstances, to refinance their mortgages at lower interest rates.

To my mind this is one of the greatest single stumbling blocks to prosperity. Interest rates generally are entirely out of line with other prices, and likewise fail to reflect the condition of the banks and other lending institutions, most of which are filled to overflowing with idle funds. I am convinced that banks, life insurance companies, finance companies, building and loan institutions, and all other agencies lending money for home construction would make substantially more actual profits at lower interest rates, as these encourage a greater volume of building.

It is conceivable that a building boom, thus stimulated, would do much to restore prosperity. It would have a tremendously beneficial effect in putting idle money into circulation, and at the same time put the building industry and the mortgage business on a much sounder basis than they are now.

Building-trades workers would find jobs, millions of Americans could live in better homes, and millions of others would have their fixed charges reduced at a time when these are eating up a disproportionate share of their total income.

I cannot see how anyone would be injured by the proposed legislation, and I believe the whole country would benefit.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill (S. 2786) to reduce the interest rate on Home Owners' Loan Corporation mortgages, to limit the interest rate collectible by institutions borrowing funds from Federal Home Loan banks, and to further limit the interest rate collectible on mortgages insurable by the Federal Housing Administration was read twice by its

title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Home Loan Interest Reduction Act of 1939."

SEC. 2. (a) Section 5 of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"Sec. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if (1) the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges with respect to any home-mortgage loan made on or after July 22, 1932, and prior to the date of enactment of the Home Loan Interest Reduction Act of 1939, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the maximum legal rate of interest or, in case there is a lawful contract rate of interest applicable to such transactions, in excess of such rate (regardless of any exemption from usury laws), or, in case there is no legal rate of interest or lawful contract rate of interest applicable to such transactions, in excess of 8 percent per annum in the State where such property is located, or (2) the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges with respect to any home-mortgage loan made on or after the date of enactment of the Home Loan Interest Reduction Act of 1939, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of 2 percent more than the rate of interest on advances made by Federal Home Loan banks to member or nonmember borrowers at the time such home owner secured his loan."

(b) The first sentence of subsection (c) of section 10 of the Federal Home Loan Bank Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu of such period a colon and the following: "Provided, That the rate of interest upon any such advance made after the date of enactment of the Home Loan Interest Reduction Act of 1939 shall not be in excess of one-half of 1 percent more than the average rate of interest paid on obligations issued under section 11 during the 5 years immediately preceding the making of such advance."

SEC. 3. The Board of Directors of the Home Owners' Loan Corporation is authorized and directed to reduce to 4 percent per annum the rate of interest payable from and after the date of enactment of this act on the unpaid balance outstanding of any loan made by such Corporation and secured by a home mortgage or other obligation or lien upon real estate.

SEC. 4. From and after 90 days after enactment of this act, no mortgage (other than a mortgage for which the Administrator of the Federal Housing Administration has prior to the expiration of the aforesaid 90-day interval made a commitment to insure) shall be eligible for insurance under any section of the National Housing Act, as amended, unless such mortgage bears interest (exclusive of premium charges for insurance) at not to exceed 4 percent per annum on the amount of the principal obligation outstanding at any time.

## SOCIAL SECURITY ACT—AMENDMENT

Mr. BILBO submitted an amendment intended to be proposed by him to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes, which was ordered to lie on the table and to be printed.

## IMPORTATIONS OF WOOD PULP OR PULPWOOD

Mr. BORAH submitted the following resolution (S. Res. 160), which was referred to the Committee on Finance:

*Resolved,* That the United States Tariff Commission, under authority conferred by section 332 of the Tariff Act of 1930, is directed to investigate and report to the Senate all facts relating to wood pulp or pulpwood, showing the volume of importations compared with domestic production and the conditions, causes, and effects relating to foreign competition, and all other facts showing the differences in, or which affect competition between, the production of wood pulp or pulpwood in the United States or that imported in the principal markets of the United States. Such report to be made to the Senate not later than January 15, 1940.

## FLOOD CONTROL—AMENDMENTS

Mr. TAFT submitted three amendments intended to be proposed by him to the bill (H. R. 6634) amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

## ADDRESS BY SENATOR TAFT AT CORNERSTONE LAYING OF DOCTORS' HOSPITAL

[Mr. BYRD asked and obtained leave to have printed in the Record an address delivered by Senator TAFT on July 11, 1939, on the occasion of the laying of the cornerstone of the Doctors' Hospital in Washington, D. C., which appears in the Appendix.]

## SECOND PORTION OF STATEMENT ON NEUTRALITY BY LOUIS B. WARD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a portion of the statement on neutrality made by Hon. Louis B. Ward before the Foreign Relations Committee of the Senate, which appears in the Appendix.]

## THE ROOSEVELT ADMINISTRATION—ARTICLE BY GENERAL JOHNSON

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article on the Roosevelt administration by Gen. Hugh S. Johnson, which appears in the Appendix.]

## RECIPROCAL-TRADE TREATY WITH CANADA—IMPORT OF RED-CEDAR SHINGLES

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as part of my remarks, copy of a letter which I sent to Secretary of State Cordell Hull on July 6, 1939, together with certain exhibits dealing with the red-cedar-shingle industry.

There is also accompanying the group of documents which I hold in my hand a letter from the Secretary of State, dated May 23, 1939, to which my letter, first referred to, was a reply.

Mr. President, this correspondence is self-explanatory. It throws considerable light on one phase of the reciprocal trade-treaty policy, and shows how careless the State Department has been of the interest of the lumber industry of the Pacific Northwest, which is our greatest industry in that section.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

JULY 6, 1939.

HON. CORDELL HULL,  
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: I have your letter of May 23 in reply to my letters of February 25, February 28, and May 3, 1939, with reference to imports of red-cedar shingles. I note you continue to take the view that no substantial damage has been inflicted upon the red-cedar-shingle industry of the United States by the concession made to Canada in the reciprocal-trade treaty that goes into effect June 17. Your letter gives a quantity of statistics intended to show that the United States industry has not been damaged.

I have been waiting to answer your letter until figures became available of the imports of shingles from Canada for the first week of unrestricted shipments. I now have these figures, and they appear to me to completely refute the theoretical statements of the State Department. I think I am safe in assuming that a single fact will overthrow a thousand theories, and in this case the fact is at hand. I am advised by the Customs Bureau that imports of Canadian shingles for the week of June 18-24 totaled 237,915 squares, which is an all-time high mark. This compares with a general average per week during quota periods of 60,000 squares.

This huge total entering during the first week after the quota law became a dead letter compares with 116,000 squares during the first week that the quota was open in 1939; that is, the week of June 1-7, inclusive. A further comparison is afforded by the opening 9 days of the quota period in 1938. July 1 fell on a Friday, and it is therefore desirable to take Friday and Saturday of that week and the 7 days of the following week, making a total of 9 days, and during those 9 days shingle imports totaled 188,000 squares. The destructive effect of the removal of the shingle quota law is well illustrated by these figures.

I also waited to reply to your letter until I had available the printed hearings on S. 1720, the buy-American bill, at which representatives of the shingle industry testified. At that hearing Mr. E. F. Herr, representing the Washington-Oregon Shingle Weavers District Council, testified:

"The industry has available a sufficient number of trained workmen, machines, and material to supply the entire wood-shingle demand of the United States without increasing the present productive capacity. This is clearly proved by the fact that during 1937, when the Canadian imports furnished 26.6 percent of the American consumption, 44.3 percent of the United States mills' capacity was idle."

Mr. Herr also testified:

"In a recent report on the Canadian red-cedar shingle industry that has come to our attention we note the presence in their operation of a large percentage of orientals, mostly employed in the higher-paid or skilled brackets. This report states that the hourly wage average in British Columbia is 60½ cents and that the work-week is 48 hours. We do not intend to see our industry average reduced to that figure, nor do we intend to increase our weekly hours of work from 36 to 48 in order to meet the Canadian idea of employment."

"If our union members are to maintain their present status, the market for our product must not be given away or traded off; or, if a portion of it is to be handed over to a foreign country, that portion must be such as has been established over a period of years and not increased to the point that our industry cannot survive and our membership be thrown on relief rolls."

I should comment at this point that the 60½ cents an hour wage rate average in British Columbia, which may seem to some a high

average, is not actually so, because practically all of the work done in shingle mills is of a highly skilled nature. The average wage in our own mills in 1939 was 92.3 cents per hour.

Leaving aside for a moment the details of the statistics you offer, may I suggest it is reasonable to believe the Canadian Government would not have been so eager to eliminate the barriers raised against imports of red-cedar shingles if they had not felt that breaking down that barrier would bring its producers important advantages. Prior to enactment of the new reciprocal-trade treaty Canada was given 25 percent of the United States red-cedar shingle market, and that 25 percent was calculated to absorb 75 percent of Canada's normal red-cedar shingle production. You say that the policy of permitting an unrestricted flow into this country of a commodity directly competitive with our own, and produced with cheap labor, does not and will not have an adverse effect on American producers. Such a statement appears to me not to be in accord with the facts learned from everyday observation, namely, that where two products of the same kind and of equal quality are offered there is a tendency to use the one that can be purchased by the wholesaler for a lower price. To the ultimate consumer the price of the two competing products will be the same, since if they were not the same it would be impossible to sell the product that was higher in price. In other words, the problem of the United States red-cedar shingle industry is not one of price to the consumer, but one of price paid by the wholesaler, and the wholesaler is going to buy the shingles that he can get for the least money. Full evidence has been given you of the difference in cost of production in United States and Canadian shingles, this being at least 60 cents per square.

I believe you will agree with me that it is only common sense that the Canadian Government expected to obtain a definite advantage in the United States market or it would not have so urgently demanded the elimination of the 25-percent quota under which its producers previously operated. I think that you will also agree with me that it is only common sense that to whatever extent the imports increase over the 25-percent quota that was previously allowed, the United States shingle producers will be deprived of their normal domestic market to just that extent.

In the first page of your letter you point out that "the industry cannot be seriously harmed as the provisions of the new agreement have not entered into effect and that the 25-percent quota is still operative."

This statement is made apparently on the assumption that United States business people will be wholly oblivious to the effects of governmental action. However, experience shows, and I think you know, that any action or prospective action taken by the Government immediately causes a recasting of business plans. Shingle wholesalers, who were informed that the 25-percent quota on Canadian shingles would definitely be eliminated and that it was just a question of fixing the date of elimination, could not be expected to act as though the quota would continue indefinitely. The United States trade was informed, by Canadian rumor, early in November 1938, as to the terms of the new shingle concession and the effect on mill price was just the same as though the change in quota had actually been made effective at that time. Buyers of shingles are as smart as buyers of any other product and the anticipation of a flood of Canadian shingles, which might come in at any time, was sufficient to depress the market.

In the second page of your letter you say, however, that actually the domestic market was not depressed. You give certain figures taken from the American Lumberman. However, these figures do not apply to net prices received by the mills and those are the prices about which we are concerned. I stated to you that the effect was to depress shingle prices and that was the case.

I attach hereto an exhibit marked "A," which was supplied by the United States Red Cedar Shingle Industry, Inc., showing that the mill price of 16-inch, No. 1 shingles, declined from a high of \$3.20 on October 4, 1938, to a low of \$2.75 on November 29, 1938.

I also attach an exhibit marked "B" which indicates that the mill price of 18-inch, No. 1 shingles (perfections), declined from \$3.70 on October 11, 1938, to a low of \$3.10 on January 20, 1939. These figures are authoritative as they are obtained weekly by the Red Cedar Shingle Bureau, of Seattle, Wash., from member mills on both sides of the line and are published to members only each week.

I am informed by the Red Cedar Shingle Industry that if your experts will apply the new mill price of No. 1, No. 2, and No. 3 shingles to the entire cut, they will find that our operators have been unable to get back the cost of raw material and labor. In other words, the margin of profit was wiped out in the drop in price.

Your letter also states that although imports were somewhat greater in the early months of this year than in the corresponding months in 1938, they do not appear to have had adverse effects on domestic prices or production as a result of the new trade agreement. Unquestionably, you are referring to the price to the consumer and not to the mill price, as I have indicated.

With regard to production your conclusion is not correct because while you show an increase of 15 percent in American production for the first 3 months of 1939, you have not taken into account that imports increased 77 percent. In other words, if it had not been for the definite knowledge of Canadian shippers that the quota would shortly be off, they would presumably have spread out their shingle exports to the United States over a longer period of time instead of exporting comparatively large quantities with the resultant increase in imports mentioned as compared with the first 3 months of prior years.



Naturally the Canadians made no effort to hold back their exports in view of the fact that they knew they would soon be able to send shingles into the United States without any restriction whatever.

The value of the quota was indicated by the fact that 138 cars of shingles were waiting at the Canadian border when the last quota period closed. If the quota had not been on, those shingles would have come across and surely would have had some effect on the American shingle producer, because he would have had that much less market.

Mr. David M. Williams, secretary-manager of the Red Cedar Shingle Industry, Inc., after going over some of the figures you use, challenges them and points out that the figures you quote from the American Lumberman are at variance with the figures you quote from the Bureau of Labor Statistics.

I gather from your letter that you doubt that mills have been and are being shut down in the United States due to the reciprocal treaties arrangement with Canada. Mr. Williams offers to supply you with sworn statements if you so desire with regard to these mill operations.

I quote from a letter I received from Mr. Williams dated June 12: "Our statement with regard to shut-down was not made idly and if proof is required, we can furnish it together with stories of near labor riots at Everett, Wash. Congressman WALLGREN was in Everett at the time and can testify to the ugly temper of the men."

Specific testimony as to the shut-downs of shingle mills was introduced at the hearings on S. 1720, and you will find this testimony at page 126. I am enclosing copy of the hearings marked at the proper page, and I am also having these data inserted at this point in this letter:

"Mr. HERR. I have the list of mills, showing the time they lost in October, November, and December 1933, and then again the mills that were closed entirely between March 17 and March 30, 1939. The reason I give those dates of March 17 and March 30 is because on the 17th day of March our central office sent out a circular letter requesting that information. The letter stated:

"A late report from Washington, D. C., states that a bill has been introduced in Congress to restore the 25-percent shingle quota. This bill needs much support from our representatives and their constituents if it is to become a law. We are in need of information as to the number of mills now closed. It is very necessary that this information be returned to this office at once."

"That notice went out on the 17th, and the information was compiled on March 30.

"Mr. SEELIG. Can you supply for the record a compilation of what mills were down, and what mills were partly down, and the number of machines running?

"Mr. HERR. Yes.

"Senator BONE. If that information is to be supplied, it ought to go into the record at this point in connection with your testimony.

"Mr. HERR. I do not have the information written up. I will have to supply it later.

"(Mr. Herr supplied the following information for inclusion in the record:)

"The following form was submitted to the unions in all districts:

"SEATTLE, WASH., March 17, 1939.

"To All Local Unions:

"ATTENTION

"A late report from Washington, D. C., states that a bill has been introduced in Congress to restore the 25-percent shingle quota. This bill needs much support from our representatives and their constituents if it is to become a law. We are in need of information as to the number of mills now closed. It is very necessary that this information be returned to this office at once.

"Fill out the form below, and do it as quickly as humanly possible.

"Names of mills now closed Location of mills now closed

"Please do not delay in returning this form to your council secretary.

"Fraternally yours,

"CHARLES A. TEMPLER, Secretary."

(Recapitulation of returns to above inquiry:)

Name of mill and status of operation

Anacortes district:	
Foss Shingle Co.	Not operating.
Washington Shingle Co.	Do.
Corbitt Mill Co.	Do.
Bellingham district:	
Acme Shingle Co.	Do.
Whitcom Falls Mill Co.	Do.
Bloedel-Donovan Mills Co.	Do.
Newcomb Shingle Co.	Do.
Everett district:	
Jamison Mill Co.	Operation curtailed.
William Hulbert Mill Co.	Do.
Super Shingle Co.	Do.
Skalley Shingle Co.	Do.
Bloedel-Donovan Lumber Co.	Not operating.
John McMaster Shingle Co.	Do.
Bear Creek Shingle Co.	Do.
Wayland Mill Co.	Do.

Name of mill and status of operation—Continued

Everett district—Continued.	
Loth Shingle Co.	Not operating.
Woods Creek Shingle Co.	Do.
Simons Shingle Co.	Do.
Lake Stevens Shingle Co.	Do.
Barrington Shingle Co.	Do.
Arlington Shingle Co.	Do.
Williams Shingle Co.	Do.
Quality Shingle Co.	Operation curtailed.
Grays Harbor district:	
Polson Eureka	Not operating.
North West	Do.
Turells Mill	Do.
Kalama district: Long Bell Lumber Co.	Do.
Mineral district:	All mills running.
Olympia district:	
Shelton Reed Mill Co.	Not operating.
Tenino Shingle Co.	Do.
Panama Shingle Co.	Do.
Port Angeles district:	
Ozette Shingle Co.	Do.
Port Angeles Shingle Co.	Do.
Anderson Lumber & Shingle Co.	Do.
Dungenes Timber Co.	Do.
Portland (Oreg.) district:	
Snider Shingle Co.	Do.
Valley Shingle Co.	Do.
Albina Shingle Co.	Do.
Brightwood Shingle Co.	Do.
Tooley Shingle Co.	Do.
Klutch Shingle Co.	Do.
Sterett Shingle Co.	Do.
Water Wheel Shingle Co.	Do.
Clark Wilson Lumber Co.	Operation curtailed.
Mongrain Shingle Co.	Not operating.
Raymond district:	
Andal Shingle Co.	Operation curtailed.
American Shingle Co.	Do.
Port Dock Shingle Co.	Not operating.
Seattle district: Seattle Cedar Shingle Lumber Co.	Normal.
Sedro-Woolley district:	
Skagit Mill Co.	Not operating.
Clear Lake Shingle Co.	Do.
Sutherland & Son	Do.
Mount Vernon Shingle Co.	Do.
Lake Shannon Shingle Co.	Do.
E. C. Phillips Shingle Co.	Do.
Stepheson E. Reno Shingle Co.	Do.
Vaughn Shingle Co.	Do.
Cook Shingle Co.	Do.
H. B. Jones Shingle Co.	Do.
Rowan & Son Shingle Co.	Do.
Bald Mount Shingle Co.	Do.
Tacoma district:	
Large Shingle Co.	Operation curtailed.
St. Paul-Tacoma Lumber Co.	Do.
Spanaway Shingle Co.	Not operating.
Taylor Shingle Co.	Do.
Wheeler district:	
	No report.

"Mr. SEELIG. The shut-down of these mills, in your opinion, was due to the prospective effect of the quota being lifted? That is, the manufacturers were necessarily, in advance of the going into effect of the trade treaty, discounting its effects; is that correct?

"Mr. HERR. No. It was just a question of their not having any business.

"Mr. SEELIG. That is what I am asking. Were they not, in effect, discounting the effect? Let me phrase it another way. When a shingle dealer in this country found out that at a certain date Canadian shingles would be permitted to come in in unlimited quantities, what effect did that have on him with regard to his desire to order from American shingle producers?

"Mr. HERR. It just curtailed all orders; that is all.

"Mr. SEELIG. With the hope that he would get a lower price later?

"Mr. HERR. That is correct.

"Mr. SEELIG. So, the effect of the removal of the shingle quota was felt even in advance of the actual removal?

"Mr. HERR. That is correct."

Again, your letter mentions the alleged abnormal demand caused by a hurricane. I have so often disproved the hurricane myth that I feel reluctant to mention it again. This so-called abnormal demand caused by the hurricane is nothing but a fairy tale, and that is known to the Department because I submitted definite proof showing that the shingle mills of my State were prepared to take care of all orders. I guaranteed to handle those orders through my office and to insure that they would be filled. The net result of my request for orders from those who were asking that Canadian shingles be admitted above the quota in order to satisfy the so-called hurricane demand was orders for only 10 cars of shingles instead of the great number of cars that certain interests said were wanted. The proven fact is that United States produced shingles have been available at all times in proper sizes and in any quantity. The State Department's ex-

perts will not help your case by constantly reiterating the statements that have been proved to be untrue.

Mention is made on page 6 of your letter of the increase in domestic production and shipments in 1939. This increase is undoubtedly due to both the desire of the manufacturers to liquidate log stocks and also to the demand built up by the Government building program. As I previously indicated, imports of red-cedar shingles from Canada in the first quarter of 1939 were 77 percent greater than average imports recorded for the same period in the 3 preceding years.

On page 7 reference is made to prices. The period of recession in business in 1937 and early 1938 is evident in the table presented, and the return to some degree of normalcy is indicated in the figures shown for the first quarter of 1939. But the January 1939 price is only 7 cents higher than the January 1937 price, and the February 1939 price is 12 cents less than 1937, and the March 1939 price is 10 cents less than the March 1937 figure.

It should be noted in connection with these price changes that the average wage per hour in the shingle industry increased more than 13 cents in 1937 and 1938. This means that the injury to the United States shingle industry by reason of the decreased prices is even greater than these figures might indicate.

Mr. Williams challenges the statement made by American consular officers that mills representing 90 percent of the Canadian production are operating on only a single-shift basis, 6 days a week. Mr. Williams refers to a recent report of the British Columbia Commissioner of Labor, who stated that as of January 1939 5 mills out of 10, with 72 machines out of 165, were working 2 shifts. In view of the labor commissioner's report, it seems to me that the reports of the United States consular officers should be rechecked.

I wish to call to your attention that I have submitted to you information giving the names and locations of United States mills that have reduced their production and have also given you detailed information with regard to the differential in cost of production and in wage rates between Canadian and United States mills.

I feel that the State Department is stubbornly refusing to recognize the true state of affairs in the shingle industry, and seeks to argue the matter rather than actually find out what the facts of the case are and act upon them. It seems to me that a strong effort has been made by the Department to justify the Canadian viewpoint with regard to the shingle problem rather than to understand the viewpoint of the United States producers and to act so far as possible in the interests of the United States producers.

Suave assurances by the Department that all the facts have been given careful consideration will not placate the wrath of the employees of the shingle mills who are being deprived of their employment by reason of the competition of cheaply produced Canadian shingles. This wrath no doubt will grow as the full effects of the elimination of the quota become apparent. I venture the prediction that the beginning of a period of severe depression in the United States red cedar shingle industry is under way.

Needless to say, I intend to remind the American people from time to time of the destruction of an important industry in my State due directly to the attitude of the State Department.

Yours sincerely,

HOMER T. BONE.

#### EXHIBIT A

Red cedar shingle industry, mill price per square, 16-inch, No. 1 (XXXXXX)

[Authority, Red-Cedar Shingle Bureau]

	Net mill price
1938	
Oct. 4	\$3.20-\$3.15
11	3.20-3.15
18	3.20-3.15
28	3.15-3.10
Nov. 1	3.15-3.10
8	3.05-3.00
15	2.95-2.90
29	\$2.85-2.75
Dec. 6	2.85-2.75
13	2.85-2.80
20	2.85-2.80
30	2.85-2.80
1939	
Jan. 6	2.85-2.80
13	2.85-2.80
20	2.85-2.80
31	2.90-2.80
Feb. 7	2.90-2.80
17	2.90-2.80
24	2.90-2.80
28	2.90-2.80
Mar. 3	2.90-2.80
10	2.90-2.80
21	2.90-2.80
31	2.90-2.80
Oct. 4	3.60-3.55
11	3.70-3.60
18	3.70-3.60
28	3.70-3.60
Nov. 1	3.65-3.60

#### EXHIBIT B

Red cedar shingle industry, mill price per square, 18-inch, No. 1 (Perfections)

[Authority, Red-Cedar Shingle Bureau]

	Net mill price
1938	
8	\$3.65-\$3.60
15	3.60-3.50
29	3.50-3.40
Dec. 6	3.50-3.40
13	3.40-3.30
20	3.35-3.25
30	3.35-3.25
1939	
Jan. 6	3.25-3.15
13	3.25-3.15
20	3.20-3.10
31	3.20-3.10
Feb. 7	3.20-3.15
17	3.20-3.10
24	3.20-3.10
28	3.20-3.10
Mar. 3	3.20-3.10
10	3.20-3.10
21	3.20-3.10
31	3.20-3.10

MAY 23, 1939.

The Honorable HOMER T. BONE,

United States Senate.

MY DEAR SENATOR BONE: I refer again to your letters of February 25, February 28, and May 3, 1939, with reference to the provisions regarding red cedar shingles in the new trade agreement with Canada. With the second letter there was enclosed a statement on the subject by the United States Red Cedar Shingle Industry, Inc. I have delayed a further reply to your letters until a careful study could be made of their contents, including the statement of the Red Cedar Shingle Industry.

First, as to your statement and that of the United States Red Cedar Shingle Industry, that the domestic cedar shingle industry has been seriously harmed by the shingle provisions of the new trade agreement with Canada, I should like to point out that those provisions have not yet entered into effect and that the quota established pursuant to the provisions of section 811 of the Revenue Act of 1936, limiting the quantity of shingles that may be imported, is still operative.

Secondly, although imports were somewhat greater in the early months of this year than in the corresponding months in 1938, they do not appear to have had adverse effects on domestic prices or production as a result of the new trade agreement.

The United States average wholesale price on all red cedar shingles, as compiled by the Bureau of Labor Statistics, advanced from \$2.955 per square in August 1938 to \$3 in September and \$3.175 in October. The October price was the highest ever recorded in any month for red cedar shingles, with the exception possibly of 1919 and 1920, when prices were unusually high. Prices of prepared roofing and of building material in general, incidentally, remained practically unchanged and in some cases declined during the last half of 1938.

The United States Red Cedar Shingle Industry contends, however, that the new trade agreement caused prices to fall sharply. On page 1 of the statement of the United States Red Cedar Shingle Industry it is stated:

"The immediate effect, however, was felt in November 1938, following the public announcement of the new agreement. The market broke approximately 17 percent, or 40 to 55 cents per square."

I am not aware upon what source of information the industry bases this statement. Below are the average wholesale prices per square of red-cedar shingles at Seattle, as published in the American Lumberman. It will be recalled that the trade agreement was made public on November 17, 1938.

	Nov. 14	Nov. 28	Amount of change Nov. 28 over Nov. 14	Dec. 10
Royals:				
1-24"-4/2	\$4.45-\$4.60	\$4.45-\$4.50	Cents 0 to -10	\$4.45-\$4.50
2-24"-4/2	3.20-3.30	3.20-3.30	0	3.20-3.30
3-24"-4/2	2.30-2.40	2.15-2.25	-15	2.15-2.25
Perfections:				
1-18"-5/2 1/4	3.70-3.85	3.65-3.80	-5	3.70-3.80
2-18"-5/2 1/4	2.70-2.85	2.65-2.80	-5	2.65-2.80
3-18"-5/2 1/4	2.00	2.00-2.10	0 to 10	2.00-2.10
XXXXX:				
1-16"-5/2	3.25-3.30	3.20-3.25	-5	3.20-3.25
2-16"-5/2	2.15-2.25	2.10-2.20	-5	2.15-2.25
3-16"-5/2	1.80-1.85	1.65-1.75	-15 to -10	1.65-1.75

According to this information, the average drop in price of XXXXX shingles was only from 5 to 15 cents per square, and less in the case of Royals and Perfections.

Furthermore, in the last 3 months of 1938, the average wholesale price of shingles was actually higher than it was in the same period in 1935, 1936, and 1937. Compared with the 3 previous years,



United States average wholesale prices for October, November, and December 1938, as compiled by the Bureau of Labor Statistics, were as follows:

	1935	1936	1937	1938
October.....	\$2.859	\$2.525	\$2.713	\$3.175
November.....	2.619	2.525	2.640	2.945
December.....	2.635	2.555	2.525	2.819

The statement of the United States red-cedar shingle industry continues:

"\* \* \* the combination of the break in prices and cancellation of orders caused a large percentage of mills to be shut down, thereby throwing hundreds of men out of work, and causing a confused situation for the manufacturers."

The curtailment of production during the latter part of the year is, of course, just as seasonal an occurrence as is the decline in prices. Below are shown monthly production figures (in squares) compiled by the Bureau of the Census for the last quarter of the past 6 years.

Years	October	November	December
1933.....	332,000	180,000	172,000
1934.....	475,000	382,000	307,000
1935.....	609,000	365,000	368,000
1936.....	576,727	437,978	393,399
1937.....	482,235	381,787	283,896
1938.....	660,024	543,345	424,756

It will be noted that in 1938 production in each of the last 3 months was greater than in any of the previous 5 years.

In January 1939, when Canadian shingles were again permitted to enter, large imports occurred. Owing partly to special factors, such as the demand resulting from the hurricane of September 1938 and the large number of shingles that were shipped to the United States at that time but could not be entered for consumption until January 1, 1939, because the semiannual quota had been filled on September 28, imports in January were 79 percent greater than the average imports in January of the years 1936 to 1938. Imports in the first 4 weeks of January amounted to 304,000 squares. Domestic production, however, was 30 percent higher in January 1939 than the average production in January of the years 1936 to 1938.

On February 15, 1939, in accordance with the provisions of section 811 of the Revenue Act of 1936, which have remained in effect pending the definitive coming into force of the new agreement, a quota for the first half of 1939 was proclaimed, limiting imports during that period to 1,051,168 squares, or 25 percent of consumption during the previous 6 months. The quota was filled on April 14, 1939. The quota for the first half of 1938, which amounted to 916,246 squares, was filled on April 26, 1938. Imports during February, March, and the first half of April, however, did not continue at as great a rate as in the first 4 weeks of January; they averaged 60,000 squares weekly, as compared with 76,000 squares weekly for the first 4 weeks in January.

Meanwhile United States production and shipments continued to increase. In the first 3 months of 1939 (the latest period for which statistics are available) domestic shipments of red cedar shingles amounted to 1,184,308 squares, exceeding by 15 percent the average of 1,033,926 squares recorded for such shipments in the first quarter of the 3 preceding years. The 1939 shipments were 19 percent greater than the shipments of 997,383 squares in January, February, and March 1938. Domestic production in January, February, and March, 1939 was 22 percent greater than in the first 3 months of 1938, totaling 1,248,485 squares in 1939, compared with 1,020,896 squares in the previous year. Prices in the first 3 months of 1939, compared with the 3 previous years, as compiled by the Bureau of Labor Statistics, are shown below.

	1936	1937	1938	1939	Amount of increase, 1939 over 1938
January.....	\$2.553	\$2.750	\$2.494	\$2.825	\$0.331
February.....	2.553	2.950	2.538	2.825	.287
March.....	2.590	2.950	2.600	2.850	.250

The statistics show clearly that, far from being injured by the shingle provisions of the new agreement, the United States industry is producing and shipping more shingles and is receiving higher prices for them this year than last.

The Red Cedar Shingle Industry states that the transportation cost of the finished product is greater from the United States shingle-producing areas to American markets than it is from the Canadian areas, because, while rail rates are about the same, the Canadians enjoy an advantage in water shipments in that they can use the ships of any nation, whereas United States shippers must use American ships at established rates. An examination of import statistics shows that imports of red-cedar shingles into the United

States at Atlantic and Gulf ports during the period January 1 to February 25, 1939, were less than 4 percent of the total imports of 532,000 squares at all districts. Such shipments by water form an insignificant part of lumber cargoes.

The Red Cedar Shingle Industry contends, in addition, that the Canadian mills are running two shifts a day, or 96 hours weekly. The Department is informed by American consular officers in Canada that while some Canadian mills worked overtime in December 1938, since January 1939 all mills belonging to the Consolidated Red Cedar Shingle Association of British Columbia (representing at least 90 percent of production) have operated a single 8-hour shift 6 days a week. It might be added that the double shift referred to would affect costs only through reduction in overhead.

As has been said previously, however, the existing limitations on imports of red-cedar shingles into the United States are in general the same as those that prevailed last year prior to the revision of the Canadian agreement. In connection with the statement and request submitted to the Committee for Reciprocity Information by the United States Red Cedar Shingle Industry, the interdepartmental trade-agreements organization has been giving careful consideration to the whole matter. It will, of course, be realized that the provisions relative to shingles of the new trade agreement with Canada are established by an international agreement duly entered into. However, the interdepartmental trade-agreements organization is always interested in receiving information with regard to the operation of any trade-agreement concession, and the information submitted by the Red Cedar Shingle Industry, together with any further information it may wish to submit in the future, will continue to receive its careful consideration.

In conclusion, I should like to call your attention to a point frequently overlooked by those who, like the American red-cedar shingle producers, produce goods almost exclusively for the domestic market and are therefore apt to minimize the importance of foreign trade. As a matter of fact, there is a direct relationship between foreign trade and domestic prosperity. When imports and exports are large, domestic employment and consumer purchasing power are increased and the domestic market for products of our own industries are improved accordingly.

When United States exports dropped from \$5,157,000,000 in 1929 to the low point of \$1,576,000,000 in 1932, partly as a result of the high tariff rates embodied in the Tariff Act of 1930 which helped to bring about and prolong the depression, great numbers of our workers were deprived of their employment and were unable to buy the goods produced by others in the United States, including shingles. The trade-agreements program is designed to restore and expand our foreign trade by means of mutually profitable agreements involving reciprocal adjustments of excessive trade restrictions, and thereby to increase domestic business activity, employment, and consumer purchasing power to the benefit of domestic producers and workers generally. This is of vital importance to all American producers, whether they participate directly in our exports or produce solely for the domestic market since the prosperity of the latter is in such great measure dependent upon the prosperity of our foreign trade.

Sincerely yours,

CORDELL HULL.

#### AMENDMENT OF TENNESSEE VALLEY AUTHORITY ACT—CONFERENCE REPORT

Mr. NORRIS. Mr. President, I send to the desk for printing in the RECORD the conference report that has just been agreed to by the conferees on the bill (S. 1796) to amend the Tennessee Valley Authority Act of 1933. The parliamentary situation is that the House will have to act first. I am merely requesting that the report be printed in the RECORD for the information of the Senate.

Mr. SMITH. Mr. President, am I to understand that the House Members have also signed the report?

Mr. NORRIS. Yes. Three of the House Members have signed it.

There being no objection, the report was ordered to lie on the table and to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1796) to amend the Tennessee Valley Authority Act of 1933, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Tennessee Valley Authority Act of 1933, as amended, is amended by adding after section 15a the following new sections:

"Sec. 15b. No bonds shall be issued by the Corporation after the date of enactment of this section under section 15 or section 15a.

"Sec. 15c. With the approval of the Secretary of the Treasury, the Corporation is authorized, after the date of enactment of this section, to issue bonds not to exceed in the aggregate \$61,500,000. Such bonds may be sold by the Corporation to obtain funds which may be used for the following purposes only:

"(1) Not to exceed \$46,000,000 may be used for the purchase of electric utility properties of the Tennessee Electric Power Co. and Southern Tennessee Power Co., as contemplated in the contract between the Corporation and the Commonwealth & Southern Corporation and others, dated as of May 12, 1939.

"(2) Not to exceed \$6,500,000 may be used for the purchase and rehabilitation of electric utility properties of the Alabama Power Co. and the Mississippi Power Co. in the following-named counties in northern Alabama and northern Mississippi: The counties of Jackson, Madison, Limestone, Lauderdale, Colbert, Lawrence, Morgan, Marshall, De Kalb, Cherokee, Cullman, Winston, Franklin, Marion, and Lamar in northern Alabama, and the counties of Calhoun, Chickasaw, Monroe, Clay, Lowndes, Oktibbeha, Choctaw, Webster, Noxubee, Winston, Neshoba, and Kemper in northern Mississippi.

"(3) Not to exceed \$3,500,000 may be used for rebuilding, replacing, and repairing electric utility properties purchased by the Corporation in accordance with the foregoing provisions of this section.

"(4) Not to exceed \$3,500,000 may be used for constructing electric transmission lines, substations, and other electrical facilities necessary to connect the electric-utility properties purchased by the Corporation in accordance with the foregoing provisions of this section with the electric-power system of the Corporation.

"(5) Not to exceed \$2,000,000 may be used for making loans under section 12a to States, counties, municipalities, and non-profit organizations to enable them to purchase any electric-utility properties referred to in the contract between the Corporation and the Commonwealth & Southern Corporation and others, dated as of May 12, 1939, or any electric-utility properties of the Alabama Power Co. or Mississippi Power Co. in any of the counties in northern Alabama or northern Mississippi named in paragraph (2).

"The Corporation shall file with the President and with the Congress in December of each year a financial statement and complete report as to the expenditure of funds derived from the sale of bonds under this section covering the period not covered by any such previous statement or report. Such bonds shall be in such forms and denominations, shall mature within such periods not more than 50 years from the date of their issue, may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein, shall bear such rates of interest not exceeding 3½ percent per annum, shall be subject to such terms and conditions, shall be issued in such manner and amount, and sold at such prices, as may be prescribed by the Corporation with the approval of the Secretary of the Treasury: *Provided*, That such bonds shall not be sold at such prices or on such terms as to afford an investment yield to the holders in excess of 3½ percent per annum. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation should not pay upon demand when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof, which is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. With the approval of the Secretary of the Treasury, the Corporation shall have power to purchase such bonds in the open market at any time and at any price. None of the proceeds of the bonds shall be used for the performance of any proposed contract negotiated by the Corporation under the authority of section 12a of this act until the proposed contract shall have been submitted to and approved by the Federal Power Commission. When any such proposed contract shall have been submitted to the said Commission, the matter shall be given precedence and shall be in every way expedited and the Commission's determination of the matter shall be final. The authority of the Corporation to issue bonds under this section shall expire January 1, 1941, except that if at the time such authority expires the amount of bonds issued by the Corporation under this section is less than \$61,500,000, the Corporation may, subject to the foregoing provisions of this section, issue, after the expiration of such period, bonds in an amount not in excess of the amount by which the bonds so issued prior to the expiration of such period is less than \$61,500,000, for refunding purposes, or, subject to the provisions of paragraph (5) of this section (limiting the purposes for which loans under section 12a of funds derived from bond proceeds may be made) to provide funds found necessary in the performance of any contract entered into

by the Corporation prior to the expiration of such period, under the authority of section 12a."

And the House agree to the same.

E. D. SMITH,  
B. K. WHEELER,  
ELMER THOMAS,  
G. W. NORRIS,  
CHARLES L. McNARY,

*Managers on the part of the Senate.*

A. J. MAY,  
EWING THOMASON,  
DOW W. HARTER,

*Managers on the part of the House.*

#### AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

The VICE PRESIDENT. When the Senate took a recess yesterday afternoon the Senator from Texas [Mr. CONNALLY] gave notice that, after the expiration of the armistice this morning, he would like to renew the battle on the pending question, which is the amendment of the Senator from Texas. So, the Chair thinks he should recognize the Senator from Texas.

Mr. HARRISON. Mr. President—

Mr. CONNALLY. I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, I am wondering how many speeches there are to be made on this particular amendment. I understood that the Senator from Oklahoma [Mr. LEE] was going to offer an amendment after the disposition of the pending amendment. Due to the sudden death of one of our colleagues in the other House, several Senators will have to leave as members of the funeral party. I had hoped that the Senate might obtain a vote on the pending amendment at an early hour. I do not, however, desire to cut off any Senator from making a speech on it.

Mr. BYRD rose.

Mr. HARRISON. I understand the Senator from Virginia desires to speak on the amendment?

Mr. BYRD. I do.

Mr. HARRISON. Mr. President, I inquire if we could vote on this particular amendment at 1:30 p. m. today?

Mr. McNARY. Mr. President, at this time, I do not think, without further consideration of the matter, I could consent to that.

Mr. HARRISON. Very well.

Mr. CONNALLY. Mr. President, I do not care to detain the Senate long on this amendment; but some Senators who now are present were not here yesterday, and I feel it necessary briefly to refer to what the amendment proposes.

As was explained yesterday, the amendment simply provides that in the matter of old-age pension payments the Federal Government shall contribute two-thirds of the payments up to a total of \$15, and that after the payments reach \$15 the contributions shall be equal, as under the present law. In other words, the Federal Government puts up \$10 and the State puts up \$5, making \$15, and from that point on the amounts are equal; the purpose of the amendment being to encourage and stimulate the States which now, either by reason by having exhausted their available tax resources or from any other cause, have not provided substantial old-age pension payments.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. CONNALLY. I do.

Mr. McKELLAR. It is unquestionably true, is it not, that this arrangement applies to all the States exactly alike?

Mr. CONNALLY. Exactly.

Mr. President, I wish to make it clear to all Senators who may have labored under any misapprehension yesterday because of the debate regarding the rich and the poor States that this amendment does not discriminate in any-wise against any State. It applies to the rich States just



as it does to the poor States. It simply relates to the ratio of the initial contribution, so that a rich State receives the same consideration that a poor one does, and a poor State enjoys the same opportunity and the same consideration as a rich State, except in the amount of stimulation. I think the amendment will stimulate and have a greater effect upon the poor States to encourage them to exert themselves to the utmost to meet the requirements necessary to obtain a substantial Federal payment than it will, perhaps, in the case of the rich States; but, so far as the law and its application are concerned, every State has the same opportunity, and there is no discrimination whatever.

Mr. HATCH. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Mexico?

Mr. CONNALLY. I do.

Mr. HATCH. The Senator has stated that under his amendment there would be no discrimination. I ask him if it is not true that by reason of the inability of some of the States to match the payments of the Federal Government on a strict 50-50 basis the present law discriminates against the poorer States in favor of the richer States?

Mr. CONNALLY. The Senator from New Mexico is correct. Technically, of course, the present law applies to every State alike; but in actuality and in practice, what happens in the case of the poorer States was described by the Senator from Arkansas [Mr. MILLER] yesterday when he stated that his State had exhausted its tax resources, and was not contributing anything to all the other Federal matching programs, but that in the case of old-age pensions all that it had been able to pay so far was \$3.08 per head. In a case of that kind, by putting up \$2 more, Arkansas would be enabled to pay its pensioners a total of \$15, and every other State could do the same thing and receive the same ratio of contribution from the Federal Government.

Mr. BORAH. Mr. President—

Mr. CONNALLY. I yield to the Senator from Idaho.

Mr. BORAH. Assuming that the State and the Federal Government put up the amounts provided for, what is the full amount which the pensioner would receive?

Mr. CONNALLY. Under the present law?

Mr. BORAH. No; under the Senator's amendment.

Mr. CONNALLY. Under the pending bill the maximum has been increased by the House from \$30 to \$40.

Mr. BORAH. And each pays half?

Mr. CONNALLY. And each pays half. Under the amendment which I offer the Federal contribution would be \$2.50 more than the State contribution. In other words, by putting up \$10 the State could pay its pensioners \$25; by putting up \$15 it could pay them \$35; and so forth and so on, up to a maximum of \$40.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Washington?

Mr. CONNALLY. I yield.

Mr. SCHWELLENBACH. So that I may understand the Senator's amendment and get it down to fractional figures, I should like to ask the Senator if this calculation is correct: At the present time in my State we pay \$22, \$11 being paid by the State and \$11 by the Federal Government. As I figure, under the Senator's amendment the State would pay \$5 and the Federal Government \$10. That would make \$15.

Mr. CONNALLY. Yes.

Mr. SCHWELLENBACH. Assuming that the State paid the same amount as at present, \$11—\$6 more than the \$5 I have just mentioned—the Federal Government then would put up an additional \$6, which would make \$12, increasing the total amount from \$22 to \$27.

Mr. CONNALLY. That is correct.

Mr. SCHWELLENBACH. And if each put up the maximum amount of \$20 under the House provision, the total additional amount would be \$9 more from the State and \$9 more from the Federal Government, or \$18 more, or a total of \$45 to the individual pensioner.

Mr. CONNALLY. No; under the bill I think the maximum is \$40. The Federal Government may not contribute more than a maximum of \$20. The State may pay any additional amount it desires. It may raise the amount to \$50 if it wants to do so.

Mr. SCHWELLENBACH. But, at any rate, under the present system, whereby the State of Washington pays \$11, the pensioner would receive \$27 instead of \$22?

Mr. CONNALLY. That is correct.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BURKE. In answer to a query from the senior Senator from Idaho [Mr. BORAH], the Senator from Texas referred to the fact that the increase in the Federal contribution would be \$2.50.

Mr. CONNALLY. The amount would be \$2.50 more than it is now.

Mr. BURKE. That is the increase over the present amount. That seems a very small amount. I was not here during the entire time the Senator was addressing the Senate yesterday. Did he state the total increased cost to the Federal Government which would result from the adoption of this amendment?

Mr. CONNALLY. I did not; but I can do so. I have an estimate before me.

Mr. BURKE. When it is reduced to \$2.50 per individual, that seems to be a very reasonable amount; but I wondered what the total would be.

Mr. HARRISON. Mr. President, if the Senator will yield, the estimate is that this arrangement would entail an additional cost of \$80,000,000 to the Federal Treasury.

Mr. BURKE. Eighty million dollars a year?

Mr. CONNALLY. That is correct.

Mr. BURKE. The only further question I should like to ask the Senator is, Has he given consideration to the question where the Federal Government is to get the additional \$80,000,000 per year?

Mr. CONNALLY. Of course. I do not provide for it in this bill.

Mr. BURKE. No; naturally not.

Mr. CONNALLY. Of course the Senator from Nebraska knows, however, as the Senator from Texas knows, that all the money we are spending is going to have to come out of the pockets of the taxpayers. It is going to have to come out of the pockets of some of the taxpayers in Illinois about whom the Senator from Virginia [Mr. BYRD] was talking yesterday. A great hunk of it will have to come out of the rich men in Illinois; and about January 1941, no matter who is President, and no matter who constitute the Senate, the Finance Committee of the Senate will have to report a tax bill that will jerk some taxpayers out of their boots. We all know that; and that is where the money has to come from, just as the money for all other Federal expenses. It must come from those who have it. It cannot be raised by taxing poverty.

Mr. BURKE. Mr. President, just one further question. I understand, then, that the Senator has no qualms about imposing by this amendment a further tax burden of \$80,000,000 a year on the country for this which he evidently considers a most worthy and deserving purpose.

Mr. CONNALLY. I have not. Let me say further to the Senator from Nebraska that if this \$80,000,000 does not come out of the Federal Treasury it is going to come out of the treasuries of some of the States, or else the old people will not get it. The old-age pensioners either will not get it or the additional amounts will come out of the treasuries of the States.

Who puts up the money in the States? The same people who pay Federal taxes. The \$80,000,000 will have to come out of either the Treasury of the Federal Government or the treasuries of the State governments. The Federal Treasury represents the comparative economic ability of people to pay taxes more nearly than do the treasuries of the individual States, for the reason I suggested yesterday, namely, that in the great commercial and financial centers built up by the

contributions of people from every section of the United States there are aggregated and concentrated the great wealth and the great taxpaying ability, so that such centers should contribute out of their taxes to a project that is for the general welfare of all the people of the United States. I have no hesitation and no qualms of conscience about voting \$80,000,000 more out of the Federal Treasury when it lessens by just that much the burdens on State governments, many of which have already practically exhausted their taxing resources upon real estate and upon homes and homesteads and visible property that the tax collector can see, and whose taxes are not levied upon the basis of income, or upon the basis of the real resources and financial strength of the great centers of wealth and population.

Mr. BURKE. Mr. President, will the Senator yield for one further question?

Mr. CONNALLY. I am glad to yield.

Mr. BURKE. Then why does not the Senator from Texas go the whole way? If the tax burden ought to be borne by the Federal Government, why not accept the amendment to be offered and have the entire amount paid by the Federal Treasury, or, at least, why set the payments at two-thirds and one-third? Why not make them three-fourths and one-fourth?

Mr. CONNALLY. Will the Senator vote for such a proposal if I will?

Mr. BURKE. I will consider that after the Senator offers it.

Mr. CONNALLY. Of course, the Senator would not vote for it. The Senator from Nebraska is not for it. His question was supposedly asked for purposes of information. Its real purpose—

Mr. BURKE. I have not received any information. [Laughter.]

Mr. CONNALLY. I will answer it. The real purpose was to "flabbergast" the Senator who has the floor. The Senator stated that he was not here yesterday.

Mr. BURKE. Not all of the time.

Mr. CONNALLY. His question proves it, because I explained yesterday, and I will reexplain now for the Senator, though it seems to me that if the Senator was not here yesterday he should have read the CONGRESSIONAL RECORD and have informed himself of what happened yesterday—

Mr. BURKE. I much prefer to have the Senator explain it again in his own way; it is so much more interesting. [Laughter.]

Mr. CONNALLY. I thank the Senator. The Senator has bribed me into making a full disclosure. [Laughter.]

I will say to the Senator that I do not favor requiring the Federal Government to pay all the cost, for the reason that, under the law, we permit the States to administer the act; we allow the States to select all the employees; we allow the States to determine to whom old-age pensions shall be paid; and as we do that, I stated on yesterday that, in my opinion, the States ought to participate financially in the program; they ought to feel the responsibility that goes along with the raising of the revenue from their own taxpayers and its expenditure. It is so much easier to spend other people's money than our own money. I do not know what will happen in the years to come, but I believe that now, at least, in the experimental and first years of this plan we should insist that the States make a financial contribution.

If the Senator will observe, my amendment does not refer to two-thirds of all of the cost; it refers only to the amount up to \$15, and that is for the purpose of reaching those in the lower brackets. If a man is hungry in Arkansas, his appetite is no more satisfied by \$3.08 than it would be in any other State of the Union. By the enactment of the law the Federal Government indicated that it had an interest in the old-age pension system. We did not have to pass the law, but we enacted it, and we said to the States, "Now, you come in." If the Federal Government has any sense of obligation or responsibility, how is that met by paying a man in Arkansas \$3.08, as against \$15 to a man similarly situated residing in the State of California?

Mr. BURKE. Mr. President, if the Senator will pardon me, a complete answer was given to my query by the Senator in his statement that it is so much easier to spend other people's money than our own.

Mr. CONNALLY. That is correct, and I thank the Senator. I am glad I satisfied his curiosity. I think he had that in his mind all the time but merely wanted the Senator from Texas to confirm his judgment. [Laughter.] I appreciate very much having the opportunity.

Mr. BORAH. Mr. President, I do not intend to oppose the Senator's amendment, because a State would be required to put up part of the money, but if we are to take care of the old-age pension problem it will not be long, it seems to me, before the Federal Government will have to take care of the entire matter.

Mr. CONNALLY. That may be.

Mr. BORAH. As the Senator has said, merely because an old person lives in a State which cannot contribute is no reason why he or she should go hungry or in need. Sometime or other we are going to have to take care of this problem on a national basis. I do not say that the Senator is not justified at the present time, but we may look forward to it, because it is coming. We are moving rapidly in that direction.

Mr. CONNALLY. Permit me to say to the Senator from Idaho that, as I indicated a moment ago, perhaps at some time in the future the system will be entirely federalized, but as practical legislators, the Congress is not now ready to place the entire responsibility on the Federal Government. It has been tested out in the committees and in the House of Representatives, and the Congress is not ready to do it. The amendment of the Senator from Texas, according to the view of the Senator from Idaho, is an improvement on the present law; so I do not see how the Senator from Idaho can refrain from voting for the amendment I now offer, entertaining the views he does entertain.

Mr. BORAH. I am not indicating that I will vote against it.

Mr. CONNALLY. I am indicating that I hope the Senator will vote for it.

Mr. BORAH. I will say that I am going to vote for the Senator's amendment, with the understanding that if I can get a chance to vote for a better amendment, I will vote for it.

Mr. CONNALLY. Certainly; that is in keeping with the Senator's reputation here. He votes for a better amendment if he gets the chance, and I applaud him. I am always very comfortable if the Senator from Idaho and I are traveling in the same company.

Mr. HILL. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. HILL. The Senator from Idaho has made very clear the situation, that it makes no difference in what State a couple may live, there is a minimum on which that couple can live and have anything like a livelihood, meat, and bread for their support. As the Senator remembers, we passed a wage and hour law which was to apply to all the States of the Union, and we laid down a standard of minimum wages which employers would have to pay. We did not provide one minimum for one State and another minimum for another State. The same minimum applies throughout all the 48 States of the Union; and certainly there is a minimum amount which can suffice as an old-age pension. As the Senator has stated, the Federal Government having recognized its responsibility in this matter, it ought to see to it that a minimum applies throughout the Union in all the States.

Mr. CONNALLY. Mr. President, I thank the Senator from Alabama, and, replying to both the Senator from Alabama and the Senator from Idaho, I wish to say that we have been operating under the Old-Age Pension Act for only a few years, and, as in the case of all new and experimental legislation, we have to rely largely on our experience under it. It may be that later on the Federal Government will take over



the entire responsibility, but up to the present time it has not done so, and I do not think it is prepared to do so, because this issue was tested in the House and, when the votes were taken, was wholly rejected.

Since we allow the States to select the objects of this gratuity or bounty and allow the States to administer the act, I think we must see to it that the States have some responsibility financially. If we finally take over the system federally, probably we will set up our own administration. So I hope the Senator from Idaho and the Senator from Alabama will vote with me.

Mr. HILL. Mr. President, I may say to the Senator that there is no doubt about my vote. I am wholeheartedly with him and will vote for the amendment.

Mr. CONNALLY. I thank the Senator. I hope he will use his influence among his colleagues and line up some additional votes.

I have information here as to both the State and Federal contributions. The following States are paying now less than a total of \$15 a month. Vermont, the State of my distinguished friend, the temporary leader on the other side, I regret to advise is now paying only \$14.47. Under my amendment it would pay several dollars more per month.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. I yield.

Mr. AUSTIN. Does not the Senator regard that as an adequate payment under all the circumstances?

Mr. CONNALLY. I am not criticizing it. I am going to include my State with Vermont. I am telling the facts, and showing that the effect of the amendment will be to increase the payments so that the old men and old women in Vermont will receive more under my amendment than they are now receiving, and they will receive more in every other State, because the amendment does not discriminate against any State.

The State of Texas is next to Vermont in the list, although geographically it is at the extreme of the country. Texas at the present time pays only \$13.84. It ought to pay more. The old people will get more under the amendment, and under the amendment Texas will pay more, because it will be stimulated to increase its contribution.

Florida pays \$13.84; West Virginia pays \$13.79; Tennessee pays \$13.23; New Mexico pays \$11.15; Delaware pays \$10.84. Under the amendment the allocation to Delaware would be greater than it is at present. Louisiana pays \$10.26. The State of Virginia, great in history, great in tradition, great in memories, but a little shy in old-age pensions, pays \$9.54. [Laughter.] Alabama pays \$9.51; North Carolina pays \$9.36; Georgia pays \$8.73; South Carolina pays \$7.40; Mississippi pays \$6.92; and Arkansas pays \$6.15.

Let me say to Senators, further, that no odium attaches to the fact that some of the States have paid such relatively small amounts. Many do not realize the burden in Mississippi, for instance, caused by a certain racial population there which contributes practically nothing in taxes, yet constitutes a great burden on the old-age pension roll. Is Mississippi to blame for that? I say it is not. Mississippi has to take care of its old people, and it has to educate its children. It has to do that out of its resources. It is a State which does not possess great natural resources, a State which does not have a Detroit within its boundaries, a State which does not have a Chicago within its boundaries, or a New York, or a Philadelphia.

Mr. President, I do not wish to take up any more of the Senate's time on this proposal. I wish to stress the point that my amendment does not discriminate against any State. Its purpose is to provide an advantage and a benefit to the old-age pensioners in every State in the Union, and to be of help and aid to the treasuries of the States.

I wish to speak of the cost. No one can tell exactly what it will be, but the distinguished Senator from Mississippi has already indicated what it may be. I received a letter from

Dr. Altmeyer, the chairman of the Social Security Board, who appeared before the Senate Finance Committee and heard the amendment discussed. He stated what in his opinion the minimum and maximum cost would be, but he finally arrived at the view that it would not cost the Federal Government more than \$80,000,000 annually. Whatever additional cost it may put on the Federal Government means that it will relieve the States of that much of a burden.

Mr. President, the amendment ought to be adopted, and I am confident that, if Senators will reflect upon it, they will vote in favor of it, and give the needed relief.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Texas [Mr. CONNALLY].

Mr. BYRD obtained the floor.

Mr. AUSTIN. Mr. President, will the Senator yield to me in order that I may place in the RECORD a telegram which seems appropriate to the Senator from Vermont in view of the remarks made by the distinguished Senator from Texas?

Mr. BYRD. I yield.

Mr. AUSTIN. I happen to have a telegram from the administrator of the State plan for old-age assistance, which I should like to read into the RECORD at this point. It is as follows:

MONTPELIER, VT., July 6, 1939.

Senator WARREN R. AUSTIN:

Allocation of funds for old-age assistance to the States on a variable basis would lead to endless political and economic abuse, destroy all sound principles of grants-in-aid, break down means test, and eventually wreck public assistance program. Byrnes and similar proposals of amendments to Social Security Act tremendously dangerous.

W. ARTHUR SIMPSON.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Texas [Mr. CONNALLY] was very carefully considered by the Senate Finance Committee and was defeated in that committee by a vote of 13 to 6. In addition to that, the amendment offered by the Senator from Texas is opposed by the Chairman of the Social Security Board.

I wish to read from the record of the hearings held before the Senate Finance Committee. The Senator from Texas [Mr. CONNALLY] asked this question of Mr. Altmeyer:

Senator CONNALLY. What would you say to this: Instead of undertaking this so-called variable in proportion to the income, suppose the Federal Government would make a flat contribution of two-thirds out of the first \$15, the Federal Government pay \$10 and the State pay \$5?

Mr. ALTMAYER. I think anything like that is very dangerous.

Senator CONNALLY. Why?

Mr. ALTMAYER. If you provide a higher variation of the matching on the first \$15, or \$20, or \$25, you will have cases of partial dependency or even total dependency in the low-cost area being treated probably more liberally in proportion to the cases of people in need above that amount. Because the State is receiving a higher matching on certain payments there is a tendency for the State to concentrate upon those sort of cases where they can get the higher matching ratio. In other words, I think there would be a considerable tendency to freeze at or below any figure such as that which is set.

Secondly, I would say that with so much of the revenue of the Federal Government being derived from nonprogressive taxes—that is, not from income and inheritance taxes but from taxes of a more or less regressive character (and more than 50 percent of the revenue of the Federal Government is of that character) it would mean that under any formula like that, while the intent would be to put more money into the poorer State, that intent might be offset to a considerable extent by the fact that those same poorer States are paying into the Federal Government these nonregressive taxes of one sort or another.

So here is a very vital and important amendment, Mr. President, which the Chairman of the Social Security Board says would be very dangerous for the Congress to adopt.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CONNALLY. Does not the Senator from Virginia, however, also know that Mr. Altmeyer favored the Byrnes amendment, which would have discriminated as between the States by making the rich States pay a higher amount, and is it not true that Mr. Altmeyer's objection was due not so much to the contribution but to his fear that it

would have an influence in stopping the payments at \$15 and not making them larger? He was not pleading for economy. He was pleading for increased expenditures.

Mr. BYRD. I have read Mr. Altmeyer's statement which gives in full his reasons. It is true that Mr. Altmeyer does favor the variable suggestion made by the Senator from South Carolina [Mr. BYRNES], but that is a vitally different proposal from the one made by the Senator from Texas.

Mr. President, I wish it clearly and distinctly understood that I favor adequate and reasonable old-age assistance to those in need. I am opposing the Connally amendment because it is the first step toward breaking down a cooperation on a 50-50 basis which has existed between the Federal Government and the States with respect to various activities, starting first in 1898. It is the beginning of the adoption of the so-called Townsend pension plan.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. HILL. Can the Senator advise us what disposition was made of the Byrnes amendment by the Finance Committee?

Mr. BYRD. The Byrnes amendment was defeated in the Finance Committee by practically the same vote by which the Connally amendment was defeated.

Mr. President, in 1898 the first cooperation with the States was undertaken by the National Congress on a 50-50 basis, the Federal Government paying 50 percent of the expenditures and the States paying 50 percent. That was done under a bill which was passed on July 1, 1898, relating to the United States and the State of California, each to pay one-half of certain expenses under the California Debris Commission Act.

Then, in 1916 the Federal Aid Road Act was passed, whereby the Federal Government paid 50 percent of the cost of construction of certain roads and the State government paid 50 percent.

Then on February 23, 1917, the Smith-Hughes Act was passed providing for cooperation in promotion of vocational education.

On July 9, 1918, an act was passed providing for cooperation between the States and the Federal Government in the matter of prevention and control of venereal diseases, 50 percent to be paid by the Federal Government and 50 percent to be paid by the States.

On January 27, 1920, an act was passed providing for payments to States for disabled veterans in State homes.

On June 2, 1920, an act was passed providing for cooperation in promotion of vocational rehabilitation of persons disabled in industry, 50 percent to be paid by the Federal Government and 50 percent to be paid by the States.

On November 23, 1921, an act was passed providing for cooperation in the matter of welfare and hygiene in connection with maternity and infancy cases.

On June 7, 1924, an act was passed providing for cooperation between the States and the Federal Government in the protection of forest lands.

On June 6, 1933, the Wagner-Peyser Act was passed providing for cooperation with States in the development of systems of public employment offices.

On June 29, 1935, the Bankhead-Jones Act was passed providing for cooperation between the Federal Government and the States in connection with agricultural activities.

Mr. President, should the amendment offered by the Senator from Texas prevail it will result in the first important departure from this 50-50 basis of cooperation between the States and the Federal Government.

Mr. President, I ask that a list of acts of Congress providing for State cooperation on a 50-50 basis be printed in the Record at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The list is as follows:

*Acts of Congress for State cooperation—Percentage of Federal contribution*

Act of July 1, 1898 (30 Stat. 631; U. S. C. 33:686). United States and California each to pay half of certain expenses under California Debris Commission Act. (See also 30 Stat. 1148)	50
Act of Mar. 4, 1911 amended by act of Aug. 11, 1937 (36 Stat. 1353, ch. 265; 50 Stat. 621, ch. 580; U. S. C. 34:1121-1123). Aid in support of nautical schools	50
Act of Mar. 4, 1913 (37 Stat. 843; U. S. C. 16:501). Secretary of Agriculture may cooperate with State authorities in construction of roads and trails in national forests. (Amended by act of May 11, 1938, 52 Stat. 347, ch. 197, Public, No. 505)	50
Federal Aid Road Act of July 11, 1916, amended by act of Feb. 28, 1919 (39 Stat. 355-359, 49 Stat. 1200-1202; U. S. C. 16:503; 23:12a, 42, 48). Cooperation in construction of rural post roads, etc. (Largely superseded by Federal Highway Act of Nov. 19, 1921, below)	50
Smith-Hughes Act of Feb. 23, 1917 (39 Stat. 929-936; U. S. C. 20:11-28). Cooperation in promotion of vocational education. (See also act of June 8, 1938, below)	50
Act of Mar. 1, 1917 (39 Stat. 943-951; U. S. C. 33:701-704). Cooperation in flood-control work, Mississippi and Sacramento Rivers. (See also act of May 15, 1928, below)	50
Act of July 9, 1918 (40 Stat. 886-887, par. 4; U. S. C. 42:25). Cooperation with States in prevention and control of venereal diseases. (Amended by act of May 24, 1938, below)	50
Act of Jan. 27, 1920 (41 Stat. 399, ch. 56; U. S. C. 24:134). Payments to States for disabled veterans in State homes. (Supersedes similar act of Aug. 27, 1888 (25 Stat. 450, ch. 914) as amended by act of Mar. 2, 1889 (25 Stat. 975))	50
Act of June 2, 1920, amended by acts of June 9, 1930, and June 30, 1932 (41 Stat. 735-737; 46 Stat. 524-526; 47 Stat. 448-450; U. S. C. 29:31-44). Cooperation in promotion of vocational rehabilitation of persons disabled in industry. (See also par. 531 of Social Security Act of Aug. 14, 1936, and act of June 20, 1936, par. 5, below)	50
Federal Highway Act of Nov. 9, 1921 (42 Stat. 212-219; U. S. C. 23:1-25). Cooperation in construction of public highways, as amended. (See Federal Aid Road Act above)	50
Act of Nov. 23, 1921 (42 Stat. 224-226) repealed Jan. 22, 1927 (44 Stat. 1024). Cooperation in promotion of welfare and hygiene of maternity and infancy	50
Act of June 7, 1924, amended by acts of Mar. 3, 1925, and Apr. 13, 1926 (43 Stat. 653-655; 1127-1128, and 1132, ch. 457, par. 1; 44 Stat. 242; U. S. C. 16:499, 564-570). Cooperation in protection of forest lands, etc.	50
Act of Apr. 10, 1928 (45 Stat. 413, ch. 335; U. S. C. 20:69, 70). Secretary of Smithsonian Institution authorized to cooperate with States in ethnological researches among American Indians	50
Wagner-Peyser Act of June 6, 1933, amended by acts of May 10, 1935, and June 29, 1938 (48 Stat. 113-117; 49 Stat. 216-217; 52 Stat. 1244-1245, ch. 816, Public, No. 782, U. S. C. 29:49, 49a-49L). Cooperation with States in development of system of public employment offices	50
Bankhead-Jones Act of June 29, 1935 (49 Stat. 437-439; U. S. C., Supp. 7:343c, 343d, 427-427-g). Allotments to States for research in basic problems of agriculture, by agricultural experiment stations, appropriation of up to \$12,000,000 a year additional for agricultural-extension work, and additional appropriation of \$1,500,000 a year for agricultural and mechanic arts colleges, authorized. (See also acts of Mar. 2, 1887, Aug. 30, 1890, and May 8, 1914)	50
Titles I, V, and X of Social Security Act of Aug. 14, 1935, amended by Railroad Unemployment Insurance Act of June 25, 1938	50
Act of Aug. 29, 1935 (49 Stat. 963-965; U. S. C., Supp. 16:567a-c). Cooperation with States in forest-land management, etc.	50
Act of June 8, 1936 (49 Stat. 1488-1490; U. S. C., Supp. 20:15h-15p). Federal aid to States for vocational education (supplementing act of Feb. 23, 1917).	
Act of July 3, 1930 (46 Stat. 945; U. S. C. 33:426). Cooperation with States in shore-erosion investigations. (See also act of June 26, 1936.)	
Act of June 15, 1936, amended by act of Aug. 28, 1937 (49 Stat. 1509-1512, pars. 4, 5, 8a, 12; 50 Stat. 880, par. 6; U. S. C., Supp. 33:702a 1-10, 702b-1, 702j 1-2, 702k 1-2). Cooperation required of States, etc., in Mississippi River flood control. (See also act of June 28, 1938.)	
Act of June 22, 1936, amended by acts of July 19, 1937, and Aug. 28, 1937 (49 Stat. 1570, par. 1; 1571, par. 3; 50 Stat. 518, 877, par. 4; U. S. C., Supp. 33:701a, 701c). Cooperation with States, etc., for flood control on navigable rivers. (See also act of June 28, 1938.)	
Federal Aid Highway Act of June 8, 1938 (52 Stat. 633-636, ch. 328, Public, No. 584). Cooperation in construction of public highways (with amendments to Federal Highway Act of Nov. 9, 1921).	



Mr. McKELLAR. Mr. President, will the Senator yield?  
Mr. BYRD. I yield.

Mr. McKELLAR. The Senator will recall that in the latter part of June of this year we passed a bill providing for relief. That is substantially what the present bill is—a bill for relief of the aged. In June we passed a relief bill under which the Government pays 75 percent, and the States for the first time were required to pay even as much as 25 percent. So the pending bill is very much more liberal to the Federal Government than the relief bill which we passed in June. That was on a 25-percent to 75-percent basis. I do not know exactly how the proportions will work out in order that the entire \$40 will be paid, but they will be somewhere in the neighborhood of 45 percent and 55 percent.

Mr. BYRD. Mr. President, I cannot agree with the Senator from Tennessee when he says that the pending bill is of the same nature as the measure providing relief to those who are in need of the necessities of life, which deals with an emergency situation, which, I presume, the Senator thinks will some day end in this country.

Mr. McKELLAR. I hope it will.

Mr. BYRD. That is not on the same basis at all with a permanent system providing for old-age assistance.

Mr. McKELLAR. I think there is great similarity between them. I think there is a great deal of similarity between old persons and others who need relief at this time.

Mr. BYRD. I am sorry I cannot agree with the Senator.

Mr. McKELLAR. The old people have to be relieved also.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. JOHNSON of Colorado. I may remind the Senator from Virginia that the relief program to which the Senator from Tennessee is referring is only part of the relief program of the whole United States. In other words, the relief program of which the Senator from Tennessee is speaking is the work-relief program. In addition to that we have a direct-relief program, and the direct-relief program is entirely financed by the counties and the States. The Federal Government has no part in it whatsoever, and it amounts to a very large sum.

The Federal Government has no part in relief as relief. It does have a part in work relief; and now, under a new formula which has been adopted, the sponsors of the projects must put up 25 percent. So in the matter of relief, as a matter of fact, the States put up 25 percent as against the Federal Government's 75 percent.

Mr. BYRD. I thank the Senator for his contribution.

Mr. President, what about the cost of this amendment? I regard this as a very important proposal. Today 1,838,359 persons are receiving old-age pensions. There are in the United States 8,200,000 persons above 65 years of age. About one-fifth of those over 65 years of age are now receiving old-age assistance. We must recognize that some day the cost of this program must be paid. I assume that everybody, no matter how anxious he may be to pay pensions and old-age assistance to citizens of the country, knows that sooner or later the Budget of the Federal Government must be balanced, and that taxes must be collected to do so.

Let us assume that one-half of those over 65 years of age will sooner or later be eligible for old-age assistance. I think I am modest and conservative in making that statement. I believe the time is coming when more than one-half of those over 65 will be eligible. A proposal is already before the Senate to reduce the age limit to 60 years, adding perhaps 4,000,000 to the number of those who may be eligible. It is true that on the basis of the present number on the rolls the additional cost to the Federal Government of the proposed amendment would be \$80,000,000. However, if we assume that one-half of those over 65 years of age will sooner or later become eligible for benefits, the cost of this amendment alone will then approximate \$200,000,000 out of the Federal Treasury.

I know that some Senators favor paying the whole cost of old-age assistance out of the Federal Treasury. I have heard the remarks of my distinguished colleague from Idaho [Mr.

BORAH]. This amendment would be the first important step toward imposing on the Federal Government the total cost of old-age assistance, which, in my judgment, would be a great disaster to the country, because we should thereby remove the safeguard which now exists in the localities by reason of the localities being required to pay a part of the cost. For that reason they see to it that the system is not abused and does not result in a terrific increase in taxes, which may be unbearable. The essence of the Townsend pension plan is that old-age assistance is wholly a Federal obligation.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BORAH. Does the Senator think the fact that the State supplies a portion of the money is any considerable restraint upon the amount of money which is spent in these matters?

Mr. BYRD. I think it is a great restraint. I think that by reason of the fact that the States are required to contribute 50 percent, the eligible list is carefully scrutinized to see that only those in need of pensions are permitted to receive them.

Mr. BORAH. My experience is that all one has to do is to study the activities of the States with respect to these things to see to what extent they have restrained or failed to make expenditure by reason of the fact that they have something to do with it. In my opinion, one of the greatest sources of reckless expenditure of money is found in the cities and States of the country.

Mr. BYRD. The very reason for the amendment of the Senator from Texas [Mr. CONNALLY] is that the States have been too frugal and niggardly in making appropriations for old-age assistance.

Let us discuss for a moment the capacity of the States to pay for old-age assistance and the other burdens which may be placed upon them.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Virginia yield to the Senator from Tennessee?

Mr. BYRD. I yield.

Mr. McKELLAR. If the taxes are to be imposed on the people, does it make any material difference whether they are imposed by the State or by the Federal Government? The money must be raised. It can be raised only by taxation. Under the provisions of the amendment, a slight preponderance would be raised by the Federal Government. However, after all it will come out of the taxpayers; and it seems to me that if the amendment is otherwise worthy, the question of whether the State imposes the taxation or whether the Nation imposes the taxation is not very material.

Mr. BYRD. If the Senator is correct about that, we had better abolish all State and local taxes and have only one tax, a Federal tax.

Mr. President, let us see about the ability of the States to pay for this program. Let us take the great State of Texas, one of the greatest and richest States in the country. I shall refer also to my State of Virginia. Both Texas and Virginia are able to pay their full share of all old-age pensions if the people of those States desire to pay the taxes required to pay for such activities. I say that because I know the State of Virginia, and because I think I can prove from the statistics which I shall now give to the Senate that the State of Texas is amply able to pay every single dollar the taxpayers of that State desire to be paid for the purpose of old-age assistance.

Texas is now contributing \$7.04 to each person on the old-age rolls.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CONNALLY. I have already stated on the floor of the Senate that Texas is not paying enough. The legislature and the Governor were in a squabble, and the program was tied up for 6 months. Texas should pay more. I make no apologies. However, even now we are paying more than is Virginia.

Mr. BYRD. Mr. President, let us see if Texas cannot pay the \$2.50 a month of which the Senator's amendment provides that Texas shall be relieved. Texas would be relieved of the payment of something like \$4,000,000 a year in the event the amendment were adopted. Let us see if Texas cannot pay \$30 a year additional to its aged citizens who are in need, as the Senator from Texas said.

The wealth of Texas today is \$10,726,000,000. The wealth of the State of Virginia is \$4,220,000,000. Virginia can pay for the program on a 50-50 basis just as soon as a legislature is elected in Virginia which favors levying taxes to pay it. Virginia and Texas both can pay it better than can the Federal Government today, because both States have balanced budgets. Neither State is heavily in debt, while the Federal Government has an unbalanced Budget and is spending \$2 for every dollar it takes in, and we are rapidly increasing our Federal debt.

Let us see about the income of the State of Texas, the great State so ably represented by my distinguished friend [Mr. CONNALLY], one of the most eloquent and graceful speakers on the floor of the Senate. I would rather hear him speak than almost any other Member of the Senate, because even when he disagrees with me it is most enjoyable to hear him.

The State of Texas has an income of \$2,280,000,000 a year. Out of that sum Texas pays in local taxes \$129,000,000; in Federal taxes \$75,000,000; in State taxes \$89,000,000; or a total of \$293,000,000, leaving a clear income to the great State of Texas of approximately \$2,000,000,000. Yet that State now is unable to pay the old people living there the measly sum of \$30 a year additional.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CONNALLY. I remind the Senator from Virginia that in considering the income of the State of Texas it must be remembered that much of the property in our State is owned in New York, Chicago, Richmond, and other great commercial and business centers. The physical property is in Texas, but the title is up yonder somewhere.

Mr. BYRD. I will say to the Senator that the citizens of Texas own property in other States. I happen to know that they own property in Virginia. That situation exists in every State in the Union.

Mr. CONNALLY. Texas pays \$75,000,000 in Federal taxes. Why is it not fair and just for some of that amount to be allowed to trickle back to the old folks who need it?

Mr. BYRD. The Senator from Texas knows that in the past 6 years Texas has obtained from the Federal Government four or five dollars for every dollar she has paid in Federal taxes. There is no question whatever about that.

Mr. CONNALLY. We have already spent that. [Laughter.]

Mr. BYRD. The Senator from Texas is trying to obtain more from the Federal Treasury, notwithstanding the fact that his State is as well able to pay the additional \$30 a year to those on the old-age rolls as is any State in the Union. The State of Texas, after paying all taxes, Federal, local, and State, has a clear income of \$2,000,000,000.

The statement has been made on the floor of the Senate that the ability of the States to pay has controlled, rather than the willingness of the States to make reasonable payments. Let us see if that statement is correct.

Take the case of the State of California, a great State: It is paying more than any other State in the Union to individuals over 65 years of age. California is paying \$32.47 a month, the highest amount paid by any State. The State of New York, which is much more wealthy than the State of California, per capita and otherwise, is paying \$23.82. Why is that? Certainly New York is as well able to pay, per capita, as is California. If a higher amount is not being paid, there is some reason why the citizens of New York do not desire to increase their taxes so as to make that payment.

The per capita income of the average citizen in New York is \$827. The per capita income of the average citizen in California is \$782.

Take the case of Illinois, another great State: The per capita income in Illinois is \$596. Illinois pays \$19.10 to the old people of that State, and does not match the Federal con-

tribution, because as much as \$30 could be paid by the State and the Federal Government together.

Mr. President, nearly every single State in the Union is in a better position today to pay increased expenditures than is the Federal Government. There is a feeling, often expressed in this Chamber, that a grant from the Federal Treasury is a gift to the 48 States. No greater fallacy than that could be uttered. Every single dollar that comes into the Federal Treasury comes from the citizens of the 48 States. No money can come into the Federal Treasury except what is collected from the people of the 48 States. The bonds the Government of the United States is issuing daily are made possible because of the property the people of the 48 States have accumulated. The Federal Government is using the credit of the people of the 48 States to bond them, frequently without their consent.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BONE. May I ask the Senator where he secured his figures as to the wealth of each State?

Mr. BYRD. I obtained the figures from the Bureau of the Census, and they are official.

Mr. President, let us briefly survey the situation during the past 6 years. The records show that the debts of the 48 States have not increased appreciably since 1933, when the depression began. The records show that the debt of the Federal Government has increased from \$16,000,000,000 in 1929 to \$40,000,000,000 now, and in addition to that various corporations created by the Government have been permitted to obligate the Federal Government to the extent of \$8,000,000,000 more. So we have a direct and contingent obligation of \$48,000,000,000, as compared to \$16,000,000,000 when the depression began, a threefold increase in the space of about 8 years.

The records show, of course, as every Senator knows, that we spend \$2 out of the Federal Treasury today for every dollar received.

There are only two or three of all the States of the Union that today have unbalanced budgets. The Federal Government is confronted with a constantly increasing deficit. We are further away from a balanced Budget today—and I say so advisedly—than we have ever been since the depression began, and Senators on this floor, without thought, apparently, of the pay day that must come, continue to vote to increase expenditures without any idea where the money is coming from.

Here is a proposition that involves \$200,000,000. In addition it may involve the readjustment of all the cooperative efforts with the States in which the Government is engaged. If the States are unable to pay their part of the old-age pension, then the States are unable to pay their part of the Federal road fund; they are unable to pay their part of vocational education, of the control of venereal diseases, and of the 10 or 15 other cooperative activities that have been undertaken for years, and satisfactorily undertaken, on the basis of 50 percent on the part of the Federal Government and 50 percent on the part of the State governments.

The Senator from Texas says the Federal Government can collect taxes with greater justice to the taxpayers of the country than can the State governments. I take issue with him on that statement. Mr. Altmeyer gave us as one reason why he was opposed to this proposal, the fact, as he said, that 50 percent of the Federal revenue comes from "non-regressive taxes," as he called them, from invisible taxes on everything the people eat and everything they buy, taxes which fall heavily on the average citizen of this country without regard to his ability to pay. We are collecting less than 50 percent of the Federal revenue of our Government on the basis of ability to pay. So, I do not think that argument should be considered.

Mr. President, it was said yesterday that old-age assistance is a Federal obligation. I am unable to understand how anyone could make that assertion. The proposed act itself refers in the very beginning to "A State plan for old-age assistance." It says nothing about a Federal plan. It says, "A State plan for old-age assistance." The States prepare the lists of eligibles, which is one of the most important



parts of the whole plan. The States, and not the Federal Government, say who shall obtain old-age pensions. The States have their tests as to need, which are more strict in some States than in others. If the payment of old-age pensions is a Federal obligation, I should like someone to point to any law or any part of the Constitution that makes the payment of old-age assistance a Federal obligation. If it be a Federal obligation, then, the Federal Government should pay uniform pensions on a uniform basis in every State in the Nation.

The Senator from Texas yesterday said that the Federal Government by the passage of the law owed an obligation to give to every person over 65 years of age and in need a Federal pension, to see that he got a pension, either by direction or by some inducement to increase local taxes in the various communities.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. ANDREWS. Mr. President, in relation to the question of obligation, that matter has been submitted to the Supreme Court. I read yesterday from the decision of the Court in the case of *Helvering against Davis*. With all the information that was obtainable through the United States Government and its departments and State departments, the Supreme Court said it is a national problem and that the Federal Government should pay old-age pensions. I do not know why they did that, except the fact that they certainly had all the information before them, and, having such information, that was the statement made by the Court. I think I made that clear in a brief statement yesterday.

Mr. BYRD. Any problem that exists in all the States, of course, is a national problem. What I said was it was not a national obligation; it was not an obligation solely upon the Federal Treasury.

The pending amendment, as the Senate should clearly understand, does nothing toward bringing about uniformity or equality of old-age assistance between the States. The same variations that now exist between the States—payments may be \$10 or \$15 in Virginia or Texas and \$32 in California—will still exist. There is nothing in this amendment that will bring about uniformity in the pensions now being paid.

Mr. President, of course, the question as to how far the Federal Government can go in spending money, and how far the State governments can go, is a very difficult one to determine. I do not agree with the Senator from Idaho [Mr. BORAH] in this respect; but I say from my experience as Governor of Virginia and my association with State governments, that taxes collected by local communities result in much more efficient expenditure than those collected by and disbursed from Washington. Some persons think that in some way the Federal Government can manufacture money without the collection of taxes from the people of the States. The impression has been created in this country, in the past few years, that a Federal expenditure need not be paid back; that it need not be paid in the form of taxes, and that a grant from the Federal Government is equivalent to a gift. In this country today \$20,000,000,000 are being spent by local, State, and National Governments for governmental purposes of one kind or another. That represents one-third of the total revenue of the country for last year—33⅓ percent of all the income of the country is being expended for governmental purposes.

I believe that the records will show, in proof of the assertion I now make, that this country has never enjoyed a prosperous period in its entire history when it collected in the form of taxes from the people more than 12 percent of the gross income of the country. The people can pay only a certain amount of taxes, and still permit private enterprise to continue. We speak of Federal taxes. I should like someone on the floor of the Senate, who advocates these huge expenditures, to point to some new tax revenue that he would favor.

I want to compliment, however, those who favor the Townsend plan, because, at least, they are honest in the respect that they advocate a system of taxation which, although

I think it would be destructive to the private enterprise system of this country, at least recognizes the fact that we must provide revenue for great expenditures. I should like to ask other Senators what single tax would they increase? We cannot increase the taxes in the high-income brackets. They have already reached the point of diminishing returns. Are we to resort to a sales tax and tax everyone who buys the necessities of existence? Are we to levy a transactions tax, such as the advocates of the Townsend plan favor?

My able colleague, the Senator from California, made a splendid presentation of that plan the other day before the Senate Finance Committee. He advocated, as I understand, a 2-percent transactions tax under which every time an article was sold a 2-percent tax would have to be paid to the Federal Government. Thus an article that changed hands, say, five or six times may pay 10- or 15-percent taxation. That would place a burden upon the backs of the business of the country which, I think, would be destructive of our private-enterprise system and greatly increase the cost of living.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. VANDENBERG. At that point, and in connection with the Senator's calculation, I should like to observe that under the Social Security Act as it is now written, the total payroll tax becomes 9 percent in 1949. That 9 percent is already very close to the transactions tax accumulative total to which the Senator refers.

Now, let us be wholly frank about this matter. I spoke along these same lines yesterday. In 1948 the present Social Security Act, without any expanded benefits, will impose a 9-percent payroll tax on practically the whole total of American industry, including 40,000,000 workers. This of itself is enormously burdensome. It remains to be seen whether our industry can survive beneath these added exactions. But at least it may be said that the existing scheme of benefits is financed by the existing provisions for payroll taxes ultimately reaching 9 percent. Now, however, we are blandly voting additional benefits beyond the present contemplation of the Social Security Act, beyond the provisions for taxes with which to foot the bills, and without any responsible effort to provide the ways and means with which to justify the new benefits which we are promising to pay. It is the sheerest folly. We have already added some \$650,000,000 of benefits of this nebulous character. Now, we are asked to add what may be another \$100,000,000 in another section of the bill. It either is the holding out of a false hope to unfortunates or it is the promise of heavily increased taxes on our people. How much more than 9-percent payroll taxes do Senators think American industry can bear? If each succeeding Congress between now and 1948 performs with similar unfinanced liberality, we shall finally confront 15 or 20 percent in payroll taxes. Many of us feel that the pyramiding 2-percent transactions tax in the so-called Townsend plan will ultimately represent a tax as high as 10 or 12 percent. Many of us feel that any such tax is an impossible burden which would make healthy prosperity impossible. But if this habit of expanding the latitudes of the Social Security Act, without correspondingly expanding the tax revenues, is to continue until we suddenly confront the judgment day of doom, it would be infinitely better to borrow the Townsend-tax formula and have it frankly over with. Better frankly and courageously to tax to pay as you go, as Dr. Townsend advocates, than to spend and spend and spend without taxing and thus accumulate ultimate crisis and collapse. The best friend of social security is the friend who keeps it solvent.

Mr. BYRD. I thank the Senator.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DOWNEY. I should like to point out to the Senator from Virginia the fact that under the transactions tax, assuming it would amount, as I will later attempt to show, to about 7 percent in increased living expense, if a man had a thousand-dollar-a-year income he would pay only \$70 a year;

the man who had \$10,000 a year would pay \$700; and the man who had \$100,000 a year for living expenses would pay \$7,000. Consequently, the transactions tax is based upon a man's standard of living, and, therefore, his ability to pay, while this iniquitous law ultimately is designed, as the honorable Senator from Michigan has very properly said, to impress a 9-percent tax upon the pay rolls of the Nation. To me that is an absolutely indefensible and improper tax compared to the transactions tax.

I should like further to interpolate that when I am permitted an opportunity to present the theory of the transactions tax, I shall be delighted and happy if the Senator from Virginia will listen and enter into a colloquy with me about the justice of the tax.

Mr. BYRD. I listened to the Senator with great interest when he was before the Senate Finance Committee, and, while he and I do not agree about the matter, I want to congratulate him on his frankness, because before the Congress of the United States in advocating a huge increase in expenditures he has the courage to say, "We propose to raise the money in such-and-such a way." That is what other advocates of spending have not had the courage to do, and as a consequence we are continuing to spend \$2 for every dollar we take in.

Mr. President, if the Treasury of the Federal Government were overflowing, if we had huge surpluses here at Washington, if the States were bankrupt—which they are not—there might be some argument for continuing to pass the burden on to the Federal Government. Exactly the reverse, however, is true. We shall reach our Federal debt limit on July 1, 1940. According to the statement made by the Secretary of the Treasury before the Senate Finance Committee, no more bonds may be issued by the Federal Government after July 1, 1940, unless the Congress of the United States raises the debt limit.

As a consequence, the administration today has adopted an evasive and devious method of trying to overcome the barrier which was erected by Congress in fixing the debt limit, because we shall soon have before us the new lending and spending bill, which has the object of creating a corporation for the purpose of obligating the Treasury of the United States, but obligating it in such a way as to evade the limitation which has been placed by Congress upon our debt.

I desire to make the point clear in regard to the Connally amendment that there is no assurance whatever that the additional \$2.50 per month, or \$30 per year, will be passed on to the pensioners. There is no assurance whatever that a single additional dollar will go to the pensioners, except that, as the Senator says, the adoption of the amendment might stimulate the States to do their duty more fully in regard to this matter. The amendment simply says that up to \$15, two-thirds of the amount will be paid by the Federal Government. The State of Texas may pay the same amount it is now paying, \$14 per month, and not increase by one dollar the amount paid to the old-age pensioners there, and put this four or five million dollars into the treasury of Texas, if it chooses to do so. There is not a line in the amendment which compels this money to go to those who need it. It may go to the States. California need not increase its \$32 per month.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Did the Finance Committee consider any amendment to this proposal which would provide a limitation upon the use of the two-thirds fund?

Mr. BYRD. The proposal was made by the Senator from Texas [Mr. CONNALLY] and defeated. There was no discussion of any modification of it.

Mr. O'MAHONEY. No; the Senator misunderstands me. I have not made my question clear. He has just made the statement that if this amendment should be adopted the additional contribution which the Federal Government would thereby make to the States might not be passed on to the needy individuals. That is my understanding of the Senator's statement.

Mr. BYRD. That is correct.

Mr. O'MAHONEY. Therefore there is nothing in the amendment, as I understand, to compel the States receiving these increased payments to pass them on to the individuals for whom they are said to be intended.

Mr. BYRD. That is correct.

Mr. O'MAHONEY. The question, therefore, is, Did the Finance Committee consider any modification of this amendment which would place a restraint upon the States, and make it certain that the funds would be used for the intended beneficiaries?

Mr. BYRD. There was no consideration of that matter in the Finance Committee.

Mr. KING. Mr. President, let me say that no such amendment was made because the committee, in its very protracted consideration of this amendment and in its elaborate discussion of it, believed it was so unfair that it would destroy the system which prevails; that it would tend to the consolidation of the States with the Federal Government, and therefore, in the ultimate, would more or less tend to destroy our form of government.

Mr. CONNALLY. Mr. President—

Mr. BYRD. I yield to the Senator from Texas.

Mr. CONNALLY. Let me suggest to the Senator from Wyoming and the Senator from Virginia that no amendment of that kind was necessary, because this fund is to be administered just as it has been in the past under the law, and it cannot be used for any other purpose than the payment of old-age taxes.

Mr. O'MAHONEY. Yes; but, as I understand the statement of the Senator from Virginia, and as I understood the explanation of the Senator from Texas, there is nothing in the amendment which would prevent a State from actually reducing its contribution to the payments made to individuals.

Mr. CONNALLY. If it did, it would get less Federal money, of course, because under the present law if a State does not want to put up over \$5 or \$3 per month it does not have to do so.

Mr. O'MAHONEY. Yesterday there was placed in the Record a list of the payments being made in the several States, ranging from something over \$30 in the case of California at the top to slightly over \$6 in the case of Arkansas at the bottom of the list. I conceive it to be agreed that if the Senator's amendment should be adopted it would be possible, for example, for the State of Arkansas to reduce the \$3 plus which it now pays and accept \$6 from the Federal Treasury, so that the payment to the individual would still be only \$6 plus.

Mr. CONNALLY. The payment to the individual would be \$9.

Mr. O'MAHONEY. Would the Senator from Texas be willing to accept a modification of his amendment which would provide, in effect, as follows:

*Provided*, That all payments to each State which reduces the payments now being made to needy individuals shall be under clause (b).

Mr. CONNALLY. The Senator may prepare his amendment, and we will look it over. The pending amendment proposes no change at all from the present law as to how the fund shall be employed. It can be used only for the payment of old-age pensions. Why it is necessary in the case of this particular amendment to have that kind of a provision, when it was not necessary to have it in the original law, I cannot see; but I shall be glad to consider the Senator's amendment.

Mr. O'MAHONEY. I thank the Senator from Virginia for permitting me to interrupt him.

Mr. BYRD. Mr. President, the situation is very clear. Take, for instance, the case of the State of Texas: The State of Texas now pays \$14.09, half of which is paid by the Federal Government and half by the State government. Under this amendment Texas need not increase by a single penny the \$14.09, but the Federal Government would pay \$9.38 and Texas would pay \$4.69, thereby saving to the State of Texas between four and five million dollars a year. There is nothing whatever in this amendment which requires that the additional amount which the Federal Government is to



contribute shall be paid to those who receive old-age assistance.

Mr. CONNALLY. Mr. President, let me ask the Senator who will get it, then?

Mr. BYRD. The State will get it under this situation.

Mr. CONNALLY. The State cannot take a nickel of it—not a copper cent of it.

Mr. BYRD. But the State can reduce its contribution, because the State only has to pay one-third under the Senator's amendment, and it now pays one-half; and that condition will apply to every State in the Union. Is the Federal Government going to enact legislation which will permit the States not to increase the compensation to old-age persons, but to help the treasuries of the States? That is exactly what this proposal does, Mr. President.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. CONNALLY. So far as the Senator from Texas is concerned, I do not object to a provision being added to the amendment that any State which reduces its present average payments to pensioners—of course, it might cut off some individuals who ought to be cut off—shall not receive this additional grant. I am willing to do that if it will be any satisfaction to the Senator from Virginia. I do not think he would vote for the amendment, however, if I should modify it in that respect.

Mr. BYRD. No, Mr. President; I am not going to vote for the amendment, but I thought I should state to the Senate what I regard as a great objection to those who think the amendment as now proposed will increase the amount that the old-age pensioners will receive, because it may increase the amount and it may not. It depends upon the action of the individual State. What the amendment does is that as to the first \$15, instead of the State paying \$7.50 and the Federal Government paying \$7.50, the Federal Government pays \$10 and the State pays \$5.

Mr. CONNALLY. Mr. President, I should like to have the attention of the Senator from Mississippi [Mr. HARRISON]. I ask unanimous consent that the Senate vote on this amendment not later than 2 o'clock p. m.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Is there objection?

Mr. AUSTIN. Mr. President, before the question is put I desire to suggest the absence of a quorum.

Mr. CONNALLY. I shall not insist on the request if the Senator is going to object. I withdraw it.

Mr. AUSTIN. I simply give notice that I shall ask for a quorum whenever the Senator is ready to make his request.

Mr. CONNALLY. I shall not press it at the moment.

Mr. BILBO. Mr. President, I had purposed to address the Senate at this time in partial support of the amendment now pending, and at the same time to present an amendment of my own; but since the Senator from Texas desires to be absent at 2 o'clock I will withhold my remarks on the amendment and speak to my own amendment after a vote shall have been taken on the Connally amendment.

Mr. HARRISON. Mr. President, before the vote is taken I wish to say that I am not in agreement with my own committee in the action they took in rejecting the amendment. As I stated in my remarks yesterday, I voted in the committee for the Connally amendment, and I voted in the committee for the Byrnes amendment, which had been recommended by a Senate committee after studying the whole unemployment and relief question. I was very much in favor of one or the other being adopted, but they were rejected by the Finance Committee. I reserved the right at that time, as a member of the Committee on Finance, to vote for them when the amendments were offered on the floor of the Senate.

I am in favor of these amendments because I believe that every State, in cooperation with the Federal Government, should give on the average at least a \$15 pension per month to the needy old people. I am not one of the so-called radicals with reference to pension legislation. I believed, when

we passed the social-security legislation in 1935, that the States would be able to take advantage of the 50-50 basis for old-age assistance that was there presented to the point of matching the contributions of the Federal Government up to \$15. We have learned from experience that many of the States have not met the Federal contribution. I will not discuss the question whether they could do it or not, but I feel sure that the Federal Government could contribute \$2 to \$1 up to \$15 without straining the Treasury much more than we have already strained it in making other appropriations, many of which I have not favored.

Even though I have been styled one of the economy bloc, I realize that here is something in which I sincerely believe, even though I appreciate that it calls for an additional appropriation of \$80,000,000 annually. I am going to resolve the doubt in favor of giving a minimum average to the needy old people of the country of \$15 a month. So I shall vote for the amendment. It may help States which are better off than some of the so-called poorer States, and if it does that is all right; I hope it will help all of the States. But the Federal Government can very well afford to pay two-thirds, up to the amount of \$15, under the circumstances.

I see no reason why we should not change the 50-50 basis with respect to old-age assistance. We adopted it in the beginning and we have found that the States cannot meet the 50-50 requirement. So if experience teaches us it has not worked as we had hoped, I do not understand why we cannot change it. All the laws which have been passed by the Federal Government providing Federal assistance have not been founded on a 50-50 basis. The appropriations which are carried for the Public Health Service, indeed, in this very bill, are allocated to the States according to need, in some instances. So we would not be changing any universal policy and rule by the adoption of the amendment. I hope it will be agreed to.

Mr. BORAH. Mr. President, I do not desire to discuss the pending question at length, but I do wish to express my views very briefly and in a sense as to general principles. When this question of old-age pensions was first before the Senate I offered an amendment to increase the amount but it was defeated. No one respects more than do I the able fight which the Senator from Virginia [Mr. BYRD] makes for economy. One could get very greatly interested in the subject of economy if there were any consistent program which looked to economy. But all Senators are for economy on some subjects and no Senator is for economy on other subjects. After expending the amount of money which we have appropriated at this session for some things, which, to my mind, if not unnecessary were not pressing, I cannot bring myself to believe that we should ask the old people of this country to live on \$15 or \$20 or \$30 a month.

We started some time ago to make amends for what we had failed to do theretofore, that is, to take care of the old people. I have not been an advocate of the Townsend plan; I have not been an advocate of the transaction-tax system proposed to take care of it. I have not favored \$200 a month. But I have long been an advocate of the appropriation of a sufficient amount of money to enable old people to live with some degree of decency. We have not provided a reasonable amount as it is our duty to do.

These old people have done their part in developing this country. They have done their part in making this a great Nation. In my section of the country they are those who were the pioneers, they are the people who went into the desert and made it habitable and suffered all kinds of hardships. They built great commonwealths. Their work is over. They have not the energy, they have not the ability, and they have not the opportunity to carry on. They have practically closed their careers. They have nothing to look forward to, to my mind, as a matter of economy, to say nothing of the question of humanity, as somebody in some way must take care of them; we can best do this by a reasonable allowance by the Federal Government. We can afford to take care of them upon a basis which will enable them to live properly, at least from the standpoint of

actual need, and my study leads me to believe that it can most efficiently be done by the Federal Government—there are two governments but only one taxpayer.

For these reasons I shall vote for the amendment, and I shall vote for any other amendment which will bring the amount of contribution up to what seems to me a proper amount to afford a reasonable standard of living for these old people. I do not feel the amount here provided is sufficient.

In doing so I do not feel it is an act of charity. I feel that it is actually taking care on an economical basis of those who must be cared for in some way. I would far rather give to these old people in excess of the \$15 or \$20 or \$25 a month than to be preparing to spend uncounted millions on such things as the sand dunes of Guam or loan millions and millions abroad.

The best preparation we can make for all the future, against all the isms which can come—fascism and communism and all other isms—and the best defense we can make of this country is to let it be known that our people, our citizens, are our care, and that we propose to care for them in the most reasonable and best way possible.

Mr. President, I have advocated for a long time, have advocated in my State, and have advocated elsewhere a payment of \$60 a month. I realize that that is beyond what my associates generally think is necessary or proper or possible at this time, but if they will go into the homes of those old people and undertake to estimate how they can live upon less, really live upon less, consider purchase at present prices the things necessary in order to maintain life, they will find that sum is not too much.

I am not one of those who believe, as the Senator from Virginia has said, that because the money comes from the National Government, it is supposed to be a gift from above, that, like manna, it has fallen from heaven. I know it comes from the same taxpayers who pay taxes in the States. But I know also that the American citizen is a citizen of the United States, by the Constitution we especially made him a citizen of the United States, and I know that when war and trouble come, he is called upon, not by the States, but he is called upon as a citizen to protect the United States. It seems to me from every viewpoint that we must prepare to care for these old people, and let it be known that they are to be cared for. I shall vote for the amendment for the reasons I have given.

Another thing, Mr. President. The Senator from Virginia found fault with my view that the Federal Government would have to take care of this problem finally, and I so much respect his views that I hesitate to disagree with him. But suppose a State is in such a condition, as some of them are, that it cannot pay more than it is paying, a pitiable sum. Shall we say that because a State happens to be in that condition, and the State is so situated that it can do no more, the localities shall punish the old people because of the place in which they have located?

In my opinion, a citizen of any State not prepared to take care of him is a citizen of the United States and should have the consideration of the National Government. If the local situation is such as to make it impossible for him to be taken care of, there is a duty devolving on the Federal Government. I do not care where he lives. If he cannot be taken care of, there is still an obligation on the National Government to see that he is taken care of.

The PRESIDING OFFICER (Mr. Lucas in the chair). The question is on agreeing to the amendment offered by the Senator from Texas.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	Davis	Guffey
Andrews	Burke	Downey	Gurney
Austin	Byrd	Ellender	Hale
Barbour	Capper	Frazier	Harrison
Barkley	Chavez	George	Hatch
Bilbo	Clark, Idaho	Gerry	Hayden
Bone	Clark, Mo.	Gibson	Herring
Borah	Connally	Glass	Hill
Bridges	Danaher	Green	Holman

Holt	Mead	Reynolds	Tobey
Hughes	Miller	Russell	Townsend
Johnson, Calif.	Minton	Schwartz	Truman
Johnson, Colo.	Murray	Schwellenbach	Vandenberg
King	Neely	Sheppard	Van Nuys
La Follette	Norris	Shipstead	Wagner
Lee	Nye	Slattery	Walsh
Lodge	O'Mahoney	Smith	White
Lucas	Overton	Stewart	Wiley
McKellar	Pittman	Taft	
McNary	Radcliffe	Thomas, Okla.	
Maloney	Reed	Thomas, Utah	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. GEORGE. Mr. President, I intend to delay the vote for only a very few minutes. I wish to call attention to the fact that in the Social Security Act itself we have recognized the obligation of the Federal Government without requiring the States to match on a 50-50 basis or any other fixed basis. There is a provision in the Social Security Act for the care of crippled children, and a fund is appropriated for that purpose. That fund is allotted between the States on the basis of certain enumerated factors. One of them is the financial needs of each State.

Mr. President, that fund has been in the Social Security Act from the beginning, so in social-security legislation at least we have not followed a rigid 50-50 allocation of the Federal appropriation. That fund has been increased by an amendment to the pending bill providing for an additional \$1,000,000 per year for the care of crippled children, and both that increase and the amount authorized in the original act will be allocated to the States, among other things, on the basis of the financial needs of the States.

Mr. President, the Social Security Act also includes an appropriation for public-health work, an appropriation which has done a great deal of good in all the States, but which has been of inestimable value and benefit to the rural States. The appropriation of \$8,000,000 carried in the original law for public-health work is not allocated to the States on a 50-50 basis. It is allocated on the basis of need in each State. The public-health funds are allocated by the Surgeon General. The appropriation for the care of crippled children is allocated by the Secretary of Labor. Both of these funds, not only the one for the care of crippled children but the fund for Public Health Service, have been increased in the bill now before the Senate, and the theory of 50-50 contribution does not exist with respect to the allocation to the States in either instance.

Mr. President, I wish to make this general statement: I have no difficulty in agreeing with the general observations made by the distinguished junior Senator from Virginia, nor in agreeing with the viewpoint of other Members of the Senate who believe that we should not depart from the general principle of a 50-50 contribution by the States provided for in most of the appropriations which have been made for necessary cooperative work within the States. I have no difficulty in agreeing generally with their point of view. But, Mr. President, I have difficulty in agreeing with the facts as they exist under social security. Let us take the case of any State; take that of my own State, for I do not want to make any invidious comparisons. In my State only about 50 percent of the worthy old people who are entitled to old-age assistance are on the rolls. What the Senator from Virginia [Mr. BYRD] says would be a good answer to the State of Georgia if the State of Georgia wanted a larger share paid by the Federal Government. However, what answer is it to 50 percent of the old people of my State, who are not on the rolls at all, and who do not receive a dime from the State or from the Federal Government, while in some other State, either because of the ability of the State or the disposition of the officials of the State, the old people are on the rolls and are receiving benefits? I cannot answer 40,000 men and women in Georgia who are not receiving a dime from the Federal Government by saying to them, "Go to the State government and have the State government raise enough taxes to put you on the rolls, and to match, dollar for dollar, what the Federal Government pays to the old people within this State or in other States."



That is no answer to them. They are American citizens. They have lived under all the burdens the Government has placed upon them. They have paid all the taxes that have been paid through a long lifetime. Some of them had property. Until 1929, some of them were in good circumstances. Some of them have been taxpayers through a long lifetime. All their property is swept away. They have no children or other dependents who can or will support them. The State government does not levy the tax. Whether it is unable to levy it or whether it is not disposed to levy it does not answer the question, does not answer the demand for these old people to be treated as are other old people who are on the rolls within my State and in neighboring States.

It is no answer so far as the Federal Government is concerned, because, if the Federal Government is willing to pay any part of \$15 to an old man or an old woman 65 years of age who has seen better days, it is no answer to say to the old people, "Your State has not done its duty." Perhaps that is an answer to the State. Perhaps the States are not dealing with the question as they should. Perhaps they have not imposed the taxes they ought to impose. However, there is simply no answer that I as a representative of the people of my State in this body, can make to forty-odd thousand who are not on the rolls and who are not receiving a dime from the Federal Government, while some forty-odd thousand in the State are receiving checks monthly from the Federal Government.

Mr. President, I think this amendment would enable the States perhaps not to do equal justice to all the aged people but to do something that approaches it, to put people on the rolls who ought to go on the rolls, and to give to the aged people within the State who are already on the rolls something in the neighborhood of adequate provision for their actual necessities.

What are the facts with respect to those who are on the rolls? We must meet the facts as they are. The facts are that in a State which contributes, with the assistance of the Federal Government, some \$6 per month to an old person, such contribution is inadequate to meet human needs. The State which contributes the sum of \$8 per month, on the average, to an old person who has no means whatever is not meeting all the actual needs of that person.

Mr. President, the Federal Government thought it wise to enter this field, and to say to the States, "We will set up a fund from which you may draw if you see fit to set up benefits for the aged people within your State." Under those circumstances it seems to me the Federal Government owes something. Perhaps it is unwise to depart from the 50-50 basis of contribution; but we have done it in the case of social security. We have a condition which no kind of logic can answer, because it is a condition of naked human want and misery. The facts stand out. No logic can answer them. No logic can satisfy the aged person in my State or any other State who is receiving less from the State and the Federal Government than is necessary to meet his physical needs or who is receiving nothing simply and solely because the State itself does not act. The argument advanced is no answer to that man or woman, and it is no answer to my conscience, Mr. President. I dare say it is no answer to the conscience of any other Senator.

Mr. President, when I contemplate some of the things that we are doing I wonder why we hesitate to say that up to an average of \$15, to which the State must contribute, the Federal Government will pay to the worthy aged people within that State \$2 to the State's \$1. At this very moment the Secretary of Agriculture is convening in this city the representatives of the cotton trade to devise the best program to give away \$35,000,000 of the money of the taxpayers of the country to foreign spinners, to the aged and the young alike who live in foreign countries, in order to induce the shipment of our cotton out of the United States.

So, Mr. President, I shall vote for the amendment. It is not based upon aiding the poor States by discriminating against the better-off States, because under the provisions of the amendment every State would receive \$2 for \$1 until

it had paid to the worthy old people within the State an average of \$15 per month. If there is any justification for social-security legislation, if there is any justification for the Federal Government in the first instance inviting the States to take care of their old people, it seems to me we are justified in saying that up to the level at which ordinary physical demands can be only inadequately met the Federal Government shall pay \$2 while the State pays only \$1, and above that amount the States and the Federal Government shall pay on a 50-50 basis.

It is too late to raise the issue that we must never depart from a 50-50 basis. We have done so in the Social Security Act, and I think wisely so. We have done so in the case of public health. That action was based in part upon the financial need of the State. We said to the Surgeon General, "Apportion this appropriation among the States." We have done it in the case of crippled children. We have said to the Secretary of Labor, "Apportion this appropriation among the States on the basis of need." Of course, the financial condition of the State was again involved. The two appropriations to which I have referred are substantially increased in the bill now before the Senate.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. DOWNEY. The Senator from Georgia has stated that he believes the Federal Government should contribute \$2 for every dollar from the State up to a sum which is required to satisfy the necessities of the old people. I should like to inquire of the Senator what sum he believes he would fix to satisfy the necessities of a senior citizen under this bill.

Mr. GEORGE. Speaking now to the amendment offered, my position is that the Federal Government should be willing to do at least what the amendment provides; that is, to contribute \$2 to \$1 up to the meager average of \$15 a month.

Mr. DOWNEY. May I inquire further of the Senator if he does not think a sum substantially higher than \$15 a month is required to keep body and soul together in decency and vigor?

Mr. GEORGE. I should hesitate to say that the statement made by the Senator from California is not true.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WAGNER. The point was made that we ought to adhere to a certain definite policy. As I understand, the Social Security Board, which has had experience in administration over a period of 4 years, has itself recommended that there should be some variation between the States which can less afford to help the aged and the States which can better afford to do so, as measured by relative per-capita income. The amendment which had been prepared by the Senator from South Carolina [Mr. BYRNES], accomplished that objective. I favored that amendment, and would prefer it to that now offered by the Senator from Texas. Since this amendment, however, seeks the same objective, I propose to support it, with perhaps some safeguard that the additional Federal funds will be devoted to lifting up the States' present average pensions.

Mr. BYRD. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. BYRD. I should like to say to the Senator from New York that Mr. Altmeyer, in his testimony, stated that he thought the Connally amendment was a very dangerous proposal.

Mr. WAGNER. Did not Mr. Altmeyer say that the proposal submitted by the Senator from South Carolina was an improvement?

Mr. BYRD. That is true, but the proposal of the Senator from Texas he thought was a very dangerous proposal.

Mr. WAGNER. I am using my own judgment in supporting the amendment offered of the Senator from Texas, and I am going to vote for it because I want to give aid where aid is needed.

Mr. BYRD. The Senator may not have been informed that Mr. Altmeyer was opposed to the amendment of the Senator from Texas and thought it was very dangerous.

Mr. WAGNER. But he did favor the variable grant principle recognized by the Byrnes amendment.

Mr. BYRD. The Byrnes amendment, as the Senator knows, is very different from the pending amendment.

Mr. WAGNER. Yes; but it recognized the variable rule.

Mr. BYRD. This amendment does not recognize it.

Mr. WAGNER. Not to the same extent. I would very much have preferred the other amendment.

Mr. BYRD. The pending amendment does not do that at all, because it is uniform throughout the country.

Mr. GEORGE. Mr. President, since the distinguished Senator from New York has raised the question, may I say that Dr. Altmeyer, of the Social Security Board, did favor the Byrnes amendment. The Byrnes amendment sought to do precisely what the pending amendment seeks to do in another way, so far as minimum assistance is concerned.

I may also say to the Senator from New York and the Senator from Virginia that Dr. Altmeyer objected to the amendment now before the Senate, not because it would vary the contributions from the 50-50 basis but because he thought—and undoubtedly with some reason—or at least he feared that, if the Federal Government matched \$2 to \$1 up to \$15, some States might be content not to go above the \$15. That is the reason why he opposed the amendment.

Mr. WAGNER. I may say to the Senator that there is some apprehension that if the Connally amendment were adopted, some States might take advantage of the situation. I believe that the States are sufficiently interested in helping unfortunate aged people that they will not take advantage of the amendment to reduce their own contributions.

Mr. O'MAHONEY. Mr. President, will the Senator from Georgia yield at that point?

Mr. GEORGE. I yield the floor.

Mr. O'MAHONEY. Mr. President, earlier in the afternoon I interrupted the Senator from Virginia [Mr. Byrd] upon the phase of the matter which the Senator from New York has just mentioned and suggested that the pending amendment might be so modified as to prevent any danger of the contingency that any State might take advantage of the increased contribution under clause (a) to reduce its contribution to old-age assistance. The Senator from Texas was good enough to suggest to me that if I should attempt to prepare definite language to carry out the corrective plan, he would accept a satisfactory formula. I have now done that, Mr. President, and I should like to offer the modifying amendment at this time.

Mr. WAGNER. I take it that the Senator is providing for a minimum?

Mr. O'MAHONEY. I shall read the proposed amendment to the amendment.

*Provided, however, That in the case of any State which shall reduce the amount paid in such State in 1939 to such needy individuals for old-age assistance, the amount to be paid by the Secretary of the Treasury to such State shall be—*

And then follows the language of the House bill, so that it would have the effect of declaring that if any State should seek to take advantage of the increased contribution by the Federal Government to decrease its own contribution, the 50-50 rather than the two-thirds plan would apply. I send the amendment to the desk.

Mr. WAGNER. The other way I had in mind to improve the Connally amendment would be to provide that the one-third and two-thirds rule should not apply unless a minimum average of \$15 was paid to the aged individuals in any State.

Mr. CONNALLY. Mr. President, so far as I am concerned, I am willing to accept the amendment of the Senator from Wyoming, though I do not think it is necessary. It merely provides that if any State should reduce the amount paid during this fiscal year, it would still have to pay on a 50-50 basis instead of obtaining the advantage of the two-thirds Federal contribution. I have no objection to the amendment.

Mr. O'MAHONEY. Let me add that the table which was put into the RECORD yesterday while the Senator from South Carolina [Mr. BYRNES] was addressing the Senate, reveals a rather startling condition with respect to the payment of old-age assistance. Twenty-eight of the States make an average total payment from both Federal and State sources combined of less than \$20; 42 States make a total payment of less than \$25; and in the State of California alone do needy aged persons who are obviously without resources of their own receive as much as \$30.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. LODGE. The Senator refers to average payments, does he not?

Mr. O'MAHONEY. Yes; these are average payments, of course.

Mr. LODGE. In my State, I happen to know, there are 17,000 people who in May received more than \$30; yet the average, of course, is less than that.

Mr. O'MAHONEY. I was speaking of the average. The average for the State of Massachusetts is \$28.56.

Mr. LODGE. And in the State of Louisiana, for instance, which is very far down on the list, there are people who receive more than \$30.

Mr. O'MAHONEY. The average in Louisiana is \$10.26.

Mr. LODGE. But there are individuals there who receive more than \$30.

Mr. BARKLEY. Mr. President, I wish to say only a brief word about this amendment. I voted in the committee for the Byrnes amendment, and, as a matter of fact, as a member of the Committee on Unemployment, I participated in preparing that amendment, which was a departure from the original 50-50 requirement of the law as it now exists.

In considering the matter from the standpoint of the Federal Government and the States, I am convinced that we cannot lose sight of the condition of individual aged persons in the country irrespective of any meticulous regard for some proportion between the States and the Federal Government.

When I voted for the social-security law—and I imagine many other Senators had the same notion—I thought we were providing \$30 a month old-age pension on a 50-50 basis, \$15 by the Federal Government and \$15 by the State. That is what I believed in. I have all over my State advocated a \$15 contribution by the State to match the \$15 contribution by the Federal Government, and I have criticized my own State government for not providing \$15 to match the \$15 contributed by the Federal Government.

When the bill was introduced calling for compliance by the State with the social-security law, it provided \$15 a month to be matched by the States. That was reduced to \$7.50. So the maximum under the present law that is possible in my State is \$15. But, as a matter of fact, the average is eight dollars and fifty-some cents.

I believe that my State can do better than to pay an average of \$8.50 to older people. I have advocated, and I am now advocating that the State of Kentucky amend its law so as to provide \$15 to match the \$15 contributed by the Federal Government. But I am confronted with the problem of how long I am willing to wait, and thereby add to the suffering and indigency of old people, while some State administration is willing to carry out what we thought was the original intention of Congress by putting up \$15 to match the like Federal contribution. The Byrnes amendment, which was voted down in the committee but for which I voted and which I helped to frame as a member of the Committee on Unemployment, recognized that there are some States that may not be able to do that.

I would not draw any invidious comparisons here by attempting to name the States that cannot put up sufficient money to average at least \$15 or even \$30 per month. I am frank to say that I think my own State can do it, but there may be some others that cannot do it; but my State has not done it. Therefore it seems to me that if we are to depart from the rigid 50-50 rule, the amendment offered by the Senator from Texas is preferable even to the amendment offered



by the Senator from South Carolina [Mr. BYRNES] in this respect, at least, that it does not embarrass the administration of the law by requiring the authorities to decide which States can and which States cannot put up more money than they are now contributing in order that they may make a higher average payment for old-age pensions.

Because I believe it is better to make the variation apply to all States than to pick out a few of them and make it applicable to them on the basis of need, and because I do not believe we can wait indefinitely for the States which either cannot or are unwilling to do their duty in regard to the old-age pension situation, I am going to vote for the amendment offered by the Senator from Texas, making this 2-to-1 proposition apply in all the States up to an average of \$15 per month.

I realize that the question arises, How soon shall we reach a period when the Federal Government will undertake the entire obligation and leave the States entirely free? It may be that we are headed toward that situation. I do not know whether we are or not. If we are headed toward it, we cannot stop it any more than one can take a broom and sweep back the waves rolling in from the ocean. We shall reach that point some day if we are going to head in that direction, and it may be necessary to do it. It may be that from the standpoint of justice, the obligation of the Federal Government is paramount to the obligation of the States. But whether or not that be true, for the time being it seems to me we can afford to make this departure up to an average of \$15 per month; and I reiterate my hope that the time is not far distant when the average pension received by the old people of the country will be at least \$30, for it is difficult to understand how anybody entitled to it at all can live on any decent standard for less than \$30 per month.

For these reasons I expect to vote for the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY], as modified.

Mr. LODGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	King	Reynolds
Andrews	Frazier	La Follette	Russell
Austin	George	Lee	Schwartz
Barbour	Gerry	Lodge	Schwellenbach
Barkley	Gibson	Lucas	Sheppard
Bilbo	Glass	McKellar	Shipstead
Bone	Green	McNary	Slattery
Borah	Guffey	Maloney	Stewart
Bridges	Gurney	Mead	Taft
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Thomas, Utah
Byrd	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Chavez	Herring	Norris	Truman
Clark, Idaho	Hill	Nye	Vandenberg
Clark, Mo.	Holman	O'Mahoney	Van Nuys
Connally	Holt	Overton	Wagner
Danaher	Hughes	Pittman	Walsh
Davis	Johnson, Calif.	Radcliffe	White
Downey	Johnson, Colo.	Reed	Wiley

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. CONNALLY], as modified.

Mr. HARRISON and Mr. LODGE called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. BYRNES]. Being unable to transfer my pair, I cannot vote. If at liberty to vote, I should vote "nay" and the Senator from South Carolina would vote "yea."

The roll call was concluded.

Mr. DAVIS (after having voted in the negative). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote if present, I withdraw my vote.

Mr. HILL. My colleague [Mr. BANKHEAD] and the Senator from North Carolina [Mr. BAILEY] are absent on important business. They have a pair on this question. I am advised that if my colleague were present he would vote "yea" and if the Senator from North Carolina were present he would vote "nay."

Mr. ANDREWS. My colleague [Mr. PEPPER] is out of the city. If he were present he would vote "yea." He is paired with the Senator from Maryland [Mr. TYDINGS], who, I understand, if present, would vote "nay."

Mr. HAYDEN. My colleague [Mr. ASHURST] is detained from the Senate because of illness in his family.

Mr. MINTON. I announce that the Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness in his family.

The Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mr. CARAWAY], the Senator from Ohio [Mr. DONAHEY], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business.

The Senator from Iowa [Mr. GILLETTE], the Senator from Minnesota [Mr. LUNDEEN], and the Senator from South Carolina [Mr. SMITH] are detained in various Government departments.

The Senator from Arkansas [Mr. CARAWAY] is paired on this amendment with the Senator from Iowa [Mr. GILLETTE]. I am advised that if present and voting, the Senator from Arkansas would vote "yea" and the Senator from Iowa would vote "nay."

The Senator from Montana [Mr. WHEELER] is detained in the Committee on Interstate Commerce. I am advised that if present and voting, he would vote "yea."

The result was announced—yeas 43, nays 35, as follows:

#### YEAS—43

Andrews	Frazier	Miller	Schwellenbach
Barkley	George	Minton	Sheppard
Bilbo	Guffey	Murray	Shipstead
Bone	Harrison	Neely	Slattery
Borah	Hatch	Nye	Stewart
Bulow	Hayden	O'Mahoney	Thomas, Okla.
Chavez	Hill	Overton	Thomas, Utah
Clark, Idaho	Hughes	Pittman	Truman
Connally	La Follette	Reynolds	Van Nuys
Downey	Lee	Russell	Wagner
Ellender	McKellar	Schwartz	

#### NAYS—35

Adams	Gerry	Johnson, Colo.	Reed
Austin	Gibson	King	Taft
Barbour	Glass	Lodge	Tobey
Barkley	Green	Lucas	Townsend
Bilbo	Gurney	McNary	Vandenberg
Bone	Herring	Maloney	Walsh
Borah	Holman	Mead	White
Bridges	Holt	Norris	Wiley
Bulow	Johnson, Calif.	Radcliffe	

#### NOT VOTING—18

Ashurst	Caraway	Logan	Smith
Bailey	Davis	Lundeen	Tydings
Bankhead	Donahay	McCarran	Wheeler
Brown	Gillette	Pepper	
Byrnes	Hale	Smathers	

So Mr. CONNALLY's amendment, as modified, was agreed to.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944); asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON of Georgia, Mr. DREWRY, and Mr. MAAS were appointed managers on the part of the House at the conference.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 955) creating the City of Dubuque Bridge Commission and authorizing said Commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill., and it was signed by the Vice President.

## AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

Mr. LEE. Mr. President, at this time I wish to have taken up an amendment of mine lying on the table. I ask that the clerk state the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to strike out beginning with line 7 on page 1, through line 22 on page 5, and to insert in lieu thereof the following:

SEC. 101. Effective January 1, 1940, title I of the Social Security Act is amended to read as follows:

## "TITLE I—OLD-AGE ASSISTANCE"

"SECTION 1. (a) Every citizen of the United States who is 60 years of age or older and who is not gainfully employed shall, upon application, be entitled to receive a payment of \$40 for each month beginning with the month in which he files application or the month in which he becomes 60 years of age, whichever month is later.

"(b) No such citizen shall be deemed to be gainfully employed in any month unless he renders services during such month for which he receives remuneration in excess of \$10. The amount of any payment made to any such citizen for any month in which he is gainfully employed shall be deducted from subsequent payments to which he may be entitled.

"Sec. 2. (a) Applications for payments under this title shall be filed with the Social Security Board in such form as the Board may prescribe.

"(b) The provisions of sections 204 to 208, both inclusive (including penalties), shall, insofar as they are not inconsistent with the provisions of this title, be applicable with respect to payments under this title in the same manner and to the same extent as such provisions are applicable with respect to payments under title II.

"Sec. 3. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"(b) The sums appropriated for making payments under this title shall be maintained in a separate account in the Treasury; and such payments shall be made by the Secretary of the Treasury from such account in accordance with certification by the Social Security Board."

Mr. LEE. Mr. President, I shall first explain the amendment by telling what it does not do. It does not change the pending bill or the present law with respect to, first, aid to the blind; second, aid to crippled children; third, aid to dependent children; fourth, aid for public health; fifth, aid for maternal and child welfare; sixth, vocational rehabilitation; seventh, unemployment compensation; and, finally, it does not change the present law or the pending bill with respect to old-age and survivors' insurance.

The amendment would, however, repeal the requirement of State contribution for aid to needy old people, and substitute therefor an outright Federal pension of \$40 a month to every citizen 60 years of age or more who is not gainfully employed.

The amendment provides that the pension shall be paid directly to the old person, without State administration. It also provides that payment be made regardless of need. In other words, the amendment provides a clear-cut Federal pension of \$40 a month without the administration of State officials, without regard to need of the individual.

Mr. President, this administration is the first administration to give old-age pensions. This administration deserves great credit for blazing the trail on the entire program covered by social-security legislation.

For the first time in the history of our Nation the Federal Government, in present law and in the pending bill, recognizes its obligation to crippled children, recognizes its obligation to blind people, recognizes its obligation to care for the health of the people throughout the Nation. For the first time in the history of this Nation the Federal Government, through this administration, has recognized the obligation of the Government to mothers, for maternal care, for the welfare of crippled children, and for the welfare of dependent children. For the first time in the history of this Nation the Federal Government, through this administration, has recognized the obligation of the Government to the old people of this country. Therefore I have only praise for the

efforts which have been made already to meet these problems, and I certainly have no caustic criticism to make of the present administration for the things it has done in that direction.

However, we must learn by experience. We can profit by the years of experience which we have already had with respect to the administration of the law in its application to old-age pensions.

Again let me make it clear that the amendment does not change the law which provides for contribution and for old-age insurance. For example, a person who is contributing now to a fund which will later be paid to him in the form of an old-age annuity would still be allowed to draw that fund. Whatever is provided in the amendment would be in addition to that. If that person, who is now contributing to a fund, should die, his survivors—that is, his widow and orphans—would receive the amount of money he has contributed. That is not changed by the amendment. It seeks only to repeal that part of the law which provides that the States must match money for the payment of pensions to old people, and to put in its place a Federal old-age pension which is paid to old people regardless of whether the State matches it or not, and is paid directly to them by the Federal Government.

Mr. TAFT. Mr. President—

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. LEE. I yield.

Mr. TAFT. Has the Senator an estimate of how many people there are in the United States today who are over 60 years of age?

Mr. LEE. According to the last census, the Census of 1930, the total is 10,385,026. According to an estimate made by the Bureau of the Census in July 1938 there are 12,450,000 such persons in the United States.

Mr. TAFT. Then am I to understand that the amendment would require approximately \$5,000,000,000 a year from the Federal Treasury as opposed to approximately \$250,000,000 which the bill provides?

Mr. LEE. I do not believe so, and I base my belief on the following facts. In the first place the amendment provides payment only for those who are not gainfully employed, and according to figures furnished me, which seem to be reasonably accurate, there are 4,155,000 persons 60 years of age and over who are gainfully employed, which would leave a total of 6,230,000 who are not. That calculation is based on the census of 1930 of 10,385,026 persons, instead of the other figure which I gave. There is a little difference between the two. But it leaves a total of 6,230,000 persons, and that would amount to \$2,990,400,000.

Mr. President, there is precedent for paying old-age pensions. In the first place, we now make retirement payments to certain groups. We pay to those who have served in the Army and Navy after a certain number of years of service. We retire such persons on a good income. A major general is retired after 30 years' service on a monthly retirement pay of \$500. A brigadier general is retired on a monthly pay of \$375. A colonel is retired on a monthly pay of \$375. A lieutenant colonel on \$359.37 monthly pay. A major on \$338.12 monthly pay. A captain on \$281.25 monthly pay. A first lieutenant on \$225 monthly pay. A second lieutenant on \$187.50 monthly pay.

In respect to the Navy, a rear admiral's retirement pay is \$6,000 a year. A captain's retirement pay is \$4,500 a year. A lieutenant's retirement pay is \$3,300 a year. An enlisted man's retirement pay is from \$133.80 down to \$31.50 a month.

In addition to that, a Supreme Court Justice's retirement pay is \$20,000 a year. Federal judges are retired on full pay. Whatever their salary is, they are retired on that salary.

Furthermore, the civil-service groups are retired on pay according to their service and their pay after a certain number of years' service.



I do not hear any questions asked in the Senate when we appropriate money to make these retirement payments. I do not hear a Senator rise and ask, "How much will it cost?" It is accepted as a matter of course that these people have earned this retirement pay.

The mail carrier who brings our mail every day knows that at the end of a certain period of time he is going to be retired on sufficient to keep him in a respectable station of life. He also knows that he is protected by the civil-service laws; that he cannot be arbitrarily discharged. In other words, he is given a guaranty, so to speak, of a job with an income for 30 years, and then a guaranty of an income on retirement pay.

An Army officer or an enlisted man is given a certain guaranty of an income while he lives and while he serves. Then he is guaranteed an income afterward on retirement.

Let me ask the Senate, What about the laborer who does not know whether or not he will have a job next month? Consider his condition. It may be argued that because a man has given 30 years of service to the Government, therefore he should be retired with pay; but compare that with this argument: The man who is not sure of a job may say, "Why, I look at it the other way. That other man has been guaranteed a job for 30 years. If there is any difference, it ought to be in my favor, because I have not had a guaranty of a job. He has had an assurance that his job is secure, and in addition to that you guarantee him a living on a decent standard afterward, but I am not guaranteed even a job, and because I am not guaranteed a job, neither am I guaranteed a retirement pension after a certain number of years. Why," he says, "instead of saying that you owe that man retirement pay, you should say that he has been guaranteed a job all the time and has had an opportunity to save for his old age. He has had the best of it. I am the one who has been receiving the rebuffs of life. I lost my job and used up my saving. I am the one who needs a pension more than the man who has had a steady income all of his life."

A Federal judge cannot be dismissed. He serves for life during good behavior. He has a guaranteed income; and because of his service the Government says to him, "When you reach 70 years of age, after 10 years' service, we will continue you on full pay."

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. SCHWARTZ. Under sections 1 and 2, would the Government pay \$40 a month to a person over 60 years of age who has a substantial income but who has retired and is not performing any service?

Mr. LEE. That is correct. I shall discuss that question before I conclude.

I am pointing out that our Government is already committed to a policy of pensions and retirement pay. I do not wish anyone to interpret my remarks to mean that I do not favor retirement for Army or Navy officers or for enlisted men who serve in the Army or Navy. I favor such retirement. I favor retirement pay for men who serve on the bench. I favor civil-service retirement. However, I am arguing that since such individuals are protected from the hardships of life by virtue of the perpetuity and security of their positions, and since we grant them a continued income after a certain period of service, we should grant an income to the man who serves and who has not been so protected.

Whom could we better do without, the civil-service worker or the farmer? Who is to guarantee the farmer an income after he has spent his vigorous years producing food for the country? Who is to guarantee an income to the merchant? Who is to guarantee an income to the doctor, or to professional and business people who are not protected by our system of insurance and retirement funds? Who is to guarantee an income to the wage earner after he has given a life of labor?

I mention these things to show that we are committed to a system of retirement pay. The farmer, the laborer, the merchant, and the professional people, and all workers, are

just as much entitled to an income after they have served their fruitful years as are those who have served in protected capacities.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BILBO in the chair). Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. LEE. I yield.

Mr. HATCH. I do not wish to interrupt the Senator's remarks; but he was talking about civil-service employees, and the thought occurred to me that there is a provision under which certain deductions are made from their salaries throughout the years to provide a retirement fund. Is not retirement something for which they themselves pay? I am asking for information.

Mr. LEE. I cannot answer that question directly. I am inclined to think that they make a contribution, and I believe the Government also makes a contribution. However, they have sufficient salary after the contribution is made to insure them a reasonable income. I am not saying what I say in criticism of that system. In fact, I voted for it when I was a member of the Civil Service Committee in the House.

Mr. HATCH. I merely wanted to interrupt the Senator to say that I am sure he desires to be fair in the matter.

Mr. LEE. That is correct.

Mr. HATCH. The RECORD should show that in a sense civil-service employees are paying for the retirement which is granted to them. In other words, it is not a gratuity from the Government.

Mr. LEE. In the case of an Army or Navy officer I believe that if there is a contribution from his pay it is not so considered. The same is true of Federal judges.

Mr. HATCH. I am sure the Senator is correct with respect to Federal judges. I have no information with respect to Army and Navy personnel.

Mr. LEE. If it be true that they make a certain contribution, they have enough left over to sustain them during the time they are working and after they have worked the necessary period to entitle them to a retirement income.

The present law with respect to old-age pensions for the needy is not good. Of course, it is better than none at all. I voted for it, and it is today serving a great purpose; but it has defects and faults which I believe we should correct at this time. We are blazing a new trail. We are working on a new subject. We should perfect and improve the law where it falls short.

At the present time the law requires State matching. We have just adopted an amendment; and all the argument in support of that amendment could just as well apply to the amendment which I have offered. It would apply even better, for the reason that the amendment which we have just approved, the amendment offered by the Senator from Texas [Mr. CONNALLY], removes only a degree of the objection raised to the present law. Everything the Senator from Texas said with regard to the present situation could be said with greater force in support of my amendment, because his amendment goes only part of the way toward correcting the fault of the present law. It only matches \$2 for \$1, instead of dollar for dollar, and that only up to \$15.

The Senator from Texas said yesterday, very effectively:

The point I am trying to drive home is that the Federal Government is responsible for this system. The Federal Government decreed that the policy of giving something to dependent aged persons in the United States should come into existence.

Why did we do that? Did we have any obligation to do it? It is said, "Yes; the Federal Government owes an obligation to all of the aged people who are dependent, who are in need. It owes them the duty of seeing that they get something toward relieving their need."

Very well. Where are these citizens? They are not all in Washington; they are not all in the Senate; they are not all in the House of Representatives. They are scattered throughout 48 States of the Union. They are all the same kind of citizens. They are all in need. They are all sovereigns in some State, in some Commonwealth.

What would we think of a government which said, "Well, now, there is a good citizen down in Arkansas who is in need. The Federal Government owes him something. But how much does it owe him? It owes him only \$3.08. There is another citizen in California in need. How much does the Federal Government owe

him? It owes him \$15." He is the same kind of a citizen, in the same condition, in the same country, under the same flag. But we give one of these citizens, the one in Arkansas, just \$3.08, and the other one, in California, \$15. Is that right?

We adopted an amendment which would cause the Federal Government to give the citizen in Arkansas a little more than he is receiving now. It would increase the amount he receives by one-third and to that extent it is an improvement over the present law. However, there would still be an inequality, and the Senator admitted that his amendment would not entirely correct the evil of which he spoke.

What is the average old-age pension in Arkansas? It is \$6.15 a month. What is the average old-age pension in Oklahoma? It is \$19.94. There is an imaginary line between Oklahoma and Arkansas. When I was campaigning for the Senate I may have crossed the line into Arkansas. I did not see any line. At that time Senator Robinson was living. One of my friends asked one of the men who was attending the meeting, "Are you going to vote for JOSH LEE?" He replied, "Well, I like JOSH all right, but I guess I will have to vote for Uncle Joe again." [Laughter.] Either I was over the line campaigning or this citizen was over the line listening. Usually I could tell when I crossed the line. When I crossed the line the applause was unanimous. When I got back into Oklahoma only those who were supporting me applauded. That was the only way I could tell I was over the line into Arkansas. [Laughter.]

The line is an imaginary one. A citizen living on one side of that imaginary line draws a monthly pension of \$6.15, while a citizen in exactly the same circumstances on the other side of the imaginary line, which cannot be seen, draws \$19.94. That is making fish of one and fowl of the other.

The amendment which we have just adopted does not correct that situation. It helps it only to a degree; but it does not eliminate the difference. It is left up to the States to decide, first, whether they are able, and, second, whether they want to match Federal funds and to what extent, even on a 2-to-1 basis, up to \$15. Even the pending bill, which amends the present law, would not correct that situation. It would only ameliorate it.

Yesterday the Senator from Florida [Mr. ANDREWS] read into the Record a very fine statement from the late Mr. Justice Cardozo, following the decision on the present law, in which he recognized and stated that our obligation to the old people is a national obligation. In the opinion, which was written by the late Justice Cardozo and concurred in by six Justices of the United States Supreme Court, all except Justice McReynolds and Justice Butler, the Court said:

The purge of Nation-wide calamity that began in 1929 has taught us many lessons. Not the least is the solidarity of interests that may once have seemed to be divided. Unemployment spreads from State to State, the hinterland now settled that in pioneer days gave an avenue of escape. \* \* \* Spreading from State to State, unemployment is an ill not particular but general, which may be checked, if Congress so determines, by the resources of the Nation. If this can have been doubtful until now, our ruling today in the case of the *Chas. C. Steward Mach. Co.* (301 U. S. 548, ante, 1279, 57 S. Ct. 883, 109 A. L. R. 1293, supra), has set the doubt at rest. But the ill is all one or at least not greatly different whether men are thrown out of work because there is no longer work to do or because the disabilities of age make them incapable of doing it. Rescue becomes necessary irrespective of the cause. The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near.

Then later in the opinion the Court said:

The problem is plainly national in area and dimensions.

A second fault of the present law is that old people are required to prove their poverty in order to receive old-age pensions. An old man must prove that he is "broke"; that he has no property; that he has no relatives or kin sufficiently close who will support him. In other words, whether or not we like to say it, he must take a pauper's oath in order to be eligible to receive an old-age pension.

The present plan penalizes the thrifty and rewards the extravagant. A man who has nothing and proves that he has nothing is put on the pension roll, but another man who has been a little more thrifty and has foregone some of the

pleasures of life and accumulated and saved a little property is penalized by not being eligible to receive a pension. So the present law places a penalty upon the thrifty and offers a reward to the extravagant.

Again the present law is faulty because it causes friction since the human equation enters into the decision of whether or not a man or a woman is entitled to receive an old-age pension. The amendment which I have offered will remove that friction because it will remove the element of human judgment. A State board in every State now sits in judgment to decide the question whether or not an individual is in need and to what extent he is in need before he may receive a pension. I say that form of procedure should be eliminated. Most of the misunderstanding, most all of the friction that has arisen in the administration of the law, has been due to that very element of human judgment deciding that one man is in need and his neighbor is not in need or is in need to a lesser degree.

Year before last Oklahoma received some unfavorable publicity, which I greatly regretted. It grew out of the allegation that dead men were on the pension rolls in Oklahoma. When investigation was held before the Social Security Board, members of the State board of Oklahoma explained that the reason the names of some who were dead were on the rolls was due to the fact that the case load in Oklahoma was so heavy that the social-security workers could not visit the pensioners sufficiently often to check the rolls. One social-security worker, a girl, perhaps—most of them are girls—had 1,000 old people whom she had to interview. That was the average, we were told. The social-security worker had to go to the homes, ascertain everything possible as to the economic condition of the old people, and then report back to the State board. If she had to visit a thousand homes that would mean at least three or more pensioners a day from whom she would have to secure all the necessary information. The statement was made that the case load was so heavy that she could make the rounds so infrequently that some of those on the pension roll had died since the list was last checked. That is a reasonable explanation of that condition.

The point I am coming to is that the machinery of administration under the present law is so intricate and complicated that, in itself, it results in friction and will continue to result in friction, and it also adds to the cost of administering the present law. Much of the money that is intended to go to the old people must, of necessity, be spent in administration, in order to determine who should be on the rolls and who should not be on the rolls.

The Senator from Wyoming [Mr. SCHWARTZ] asked a very proper and important question a while ago. He asked if, under this proposal, every person 60 years of age would receive \$40 a month. My reply is, "Yes; he would"; and the universality of its application would meet with the approval of the people throughout the country. For example, Henry Ford would receive a pension of \$40 a month if it should be determined that he was not gainfully employed, but, with a fair tax adequate to raise the money for the payment of the amount provided, Henry Ford would pay back in taxes much more than he would receive in pension, and he would pay it much more willingly when he realized that the plan was fairly administered and that its simplicity argued in its favor.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. SCHWARTZ. I wonder if the Senator has any information as to the number of people over 60 who have private incomes which enable them to live according to good, American standards of living?

Mr. LEE. I do not have such information. I have only the figures as to those who are considered to be gainfully employed, and, in round numbers, of 10,000,000 people 60 years of age or over, 4,000,000 are gainfully employed or are so considered. It is safe to say that only a small percentage of people 60 years of age and over have an income sufficient to sustain them. The percentage must, of necessity, be small, because when we consider the people around us, we



know that the number who are poor is much greater than the number of those who are wealthy. Those who no longer have jobs and who can depend entirely upon income from wealth naturally must constitute a small percentage. For that reason I am persuaded that the payment of old-age pensions, regardless of need, is desirable, because many persons in the middle class who would receive \$40 a month, even though they might be able to eke out an existence without the \$40, would have their purchasing power increased, and the money would find its way immediately back into the current of circulation, for they would spend it; they would buy things they want and need; and many who might be able to get along without it would put it back in circulation and thereby increase our national income and stimulate employment.

The question is asked, "Why \$40 per month? Why not \$45, or why not \$50, or why not \$60, or why not \$30?" I grant you that I have no magic method of determining exactly the right amount; but the Gallup poll which was published in the Washington Post of February 26, 1939, gave us the figure of \$40 per month. After Dr. Gallup had taken a poll, the average pension which the people of the United States were willing to support was \$40 per month.

The question which was sent out by Dr. Gallup was, "Do you believe in old-age pensions?" The response to that question was, "Yes," 94 percent; "No," 6 percent.

The next question was, "About how much pension per month do you believe should be paid?" The average of the answers to that question was \$40. These figures are the average for all those who stated a figure. The amounts varied in various sections. For example, Southern States had a low figure of \$31; Western States had a high figure of \$44; West Central States had a figure of \$36; but the average was \$40.

This question then was asked, "Would you be willing to pay a sales tax or an income tax to pay these pensions?" The result of that questionnaire was, "Yes," 87 percent; "No," 13 percent.

Forty dollars per month is not enough to discourage taking out life-insurance policies. Forty dollars per month is not enough to destroy retirement plans of private companies. A pension of \$40 per month would augment an income from the pension of a private company, or it would augment an annuity paid by a life-insurance company. I am persuaded that it would even encourage taking out such annuities, because it is very difficult for an average man in the middle class to pay for enough life insurance to give him a large enough annuity to encourage him to lay aside the little he would be able to spare from his daily living; but when he realized that he would receive a pension of \$40 per month, he would know that whatever life insurance he might be able to pay for would simply augment his income to that amount, and I think the adoption of the amendment would encourage taking out life-insurance annuities. I believe it would further encourage the retirement plans of private companies and institutions and professions.

Forty dollars per month is not enough to discourage saving. It would encourage saving. A person would have an incentive to save. If he knew his income above 60 years would be only \$40 per month, he would say, "Well, if I can save a little I shall have more to spend. I can live in a little better condition than I could with only \$40 per month."

Again, the question is asked, "Why 60 years? Why not 65? Why not 70? Why not 50?" I cannot answer that question. We have to arrive at some reasonable figure. It may be that the age ought to be lower than 60 years, because business discriminates against a man after he is 40 years of age. If you apply for a job after you are over 40 years of age you run squarely into the policy of companies which will not employ workers above 40 years of age.

In this regard I wish to read again from the opinion which was written by Mr. Justice Cardozo, and which the Senator from Florida [Mr. ANDREWS] quoted yesterday:

In 1930, out of 224 American factories investigated, 71, or almost one-third, had fixed maximum hiring-age limits; in 4 plants the limit was under 40; in 41 it was under 46. In the other 153 plants

there were no fixed limits, but in practice few were hired if they were over 50 years of age.

As a man grows older, usually his responsibilities increase, his obligations increase, and his possibility of earning decreases. Sixty years seem to be a fair and reasonable age, because I doubt if a man 60 years of age could secure employment in industry today unless he was a craftsman of unusual expertness, and his efficiency was not impaired because of his years. It might be possible then that he could secure employment for a few more years. The principle involved of paying an outright Federal pension is the important thing, not as to whether the age should be 60 or 65.

Mr. President, I am going to ask for a ye-a-and-nay vote on this amendment. I have heard different persons giving lip service to the old people in very general terms and very general phrases. Now, let us see if that lip service was lip service only. Here is the vote.

I support this old-age pension for economic reasons as well as for sentimental reasons, if you want to call them that, or emotional reasons, or humanitarian reasons. I support it for economic reasons.

The amendment would decrease unemployment, first, by making room for more young men. As the amendment is drawn, the pension would be paid to those not gainfully employed. Many old persons who are working, but who are not really able to work, would surrender their employment under this plan, and that would make room for younger men and give them employment, and the old persons would still have incomes.

Again, the amendment would decrease unemployment because it would tremendously increase purchasing power, and that increase in purchasing power would increase the demand for goods. The increased demand for goods would increase the demand for employment and thereby increase jobs.

The amendment would force money into circulation and restore prosperity.

Mr. VANDENBERG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. LEE. I do.

Mr. VANDENBERG. I desire to ask the Senator for one bit of information regarding his proposal. Has he submitted an estimate of its cost?

Mr. LEE. The nearest estimate I can arrive at is \$2,990,000,000.

Mr. VANDENBERG. In round numbers, \$3,000,000,000?

Mr. LEE. In round numbers, \$3,000,000,000. The estimate is based upon the census of 1930, and the estimate of old persons gainfully employed.

Mr. VANDENBERG. How is the Senator proposing that the money shall be raised? Is he suggesting some special tax in connection with it?

Mr. LEE. I am not suggesting any tax in the amendment. I am prepared to vote for a tax, but the money would have to be raised in the same manner that money is now being raised to pay pensions through the present law.

Mr. VANDENBERG. But it cannot be raised, as the Senator knows, from income taxes to an extent equal to \$4,000,000,000. We must find some other method of taxation, and I was wondering whether the Senator would approve the theory of the sales tax or the transactions tax in order to get the money.

Mr. LEE. I will approve whatever tax the Finance Committee report as one that they recommend to raise this money, and let me correct the Senator. Instead of \$4,000,000,000, the estimated amount is \$2,990,000,000, or, if the Senator likes, in round numbers, \$3,000,000,000. The amount is large enough. Let us not make it larger than it actually is.

I am prepared to vote for a tax to raise this sum. In this particular measure I am not offering or recommending a tax, but whenever the Finance Committee of the Senate or the Ways and Means Committee of the House shall report a measure providing for a tax to raise the money to pay these benefits, I am prepared to support it and to vote for it.

Mr. VANDENBERG. I happen to be a member of the Committee on Finance, and I happen to know some of the grave difficulties in finding available tax targets from which to get enough money to make it possible to come anywhere near closing the existing fiscal gap in the Government's operations, and I was wondering whether the Senator had any suggestions to offer as to where this tax could be levied in order to produce the \$3,000,000,000.

Mr. LEE. Of course, I have some opinions, which I shall be glad at the proper time to offer to the Committee on Finance. However, I feel that the Senator and the other members of the committee should, and will, at the proper time, if this amendment shall be agreed to, bring forward a tax, and whatever tax plan they bring forward, it is my intention to support it, and I believe the people of this country will support it. I cannot swear by the Gallup poll, but it seems to hit a pretty good average in getting the opinions of the people; and in one of the questionnaires which Mr. Gallup has sent out, and which was published in the Washington Post on February 26, 1939, this question was asked:

Would you be willing to pay a sales tax or an income tax to pay these pensions?

Yes, 87 percent.

No, 13 percent.

I believe that the people of this country are willing and ready to support the imposition of a tax for this purpose. I am not yet prepared to say that it should be a sales tax. I am not prepared to say it should be a tax raised all from one source.

Mr. VANDENBERG. Of course, it would not be possible to get \$3,000,000,000, or anything like it, from an income tax. It will be necessary to resort to some new tax method, and that is what induced me to ask the Senator the question. I feel as the Senator from Virginia stated he felt a few hours ago; much as I disagree at the moment with the philosophy of the transactions tax, under the Townsend plan, I think the proponents of that plan are to be tremendously commended for their courage and their bravery in proposing the means with which to pay the bill which they propose to incur. I share every sentiment the Senator has uttered about the wisdom and desirability of old-age pensions, yet it seems to me it is a snare and a delusion to hold that mirage before the senior citizens of this country, except as it is balanced with a specific program for producing the money with which to pay the bill.

Mr. LEE. Of course, that is very sound; but let us see about it. I stated that I was willing to vote for any tax the committee would present to this body to finance what I propose. The Senator from Michigan says he agrees with everything I propose.

Mr. VANDENBERG. No; I say I agree—

Mr. LEE. With the sentiment.

Mr. VANDENBERG. With the sentiment the Senator utters, and that it would be a splendid thing if what he proposes could be done. I am asking the Senator to show me how it can be done, in dollars and cents.

Mr. LEE. Will the Senator then join me also in saying he will vote for any tax bill the Committee on Finance will present to this body for financing such a proposal?

Mr. VANDENBERG. Certainly not, unless the tax bill is one which in its very nature does not stifle American industry and commerce, and does not make it impossible for us to do anything except to live on a pension system sooner or later. That is the reason why I am interested in finding how the Senator wants us to raise the money, because I am keenly concerned in finding the practical means of doing it, and I am wondering whether the Senator has any suggestion.

Mr. LEE. This is just another case of lip service, but when it comes to voting the Senator says, "No, I will not vote for anything the committee brings out; I will not vote for a transactions tax;" and I suppose the Senator is ready to say he will not vote for a gross income tax.

Mr. VANDENBERG. The Senator uses the phrase "lip service" with a great deal of freedom. Let me say to the

Senator that I think it is lip service to propose these pensions without proposing a way to raise the money.

Mr. LEE. The Senator seems to favor an old-age pension, but he is not willing to say that he will propose a tax or vote for a tax to provide the money for paying it. I say I am willing to vote for any tax the Finance Committee will report for financing it.

Mr. VANDENBERG. I do not think the Finance Committee can find a tax with which to pay it, and I am asking the Senator where he would find it.

Mr. LEE. If the Finance Committee is made up of members of the same frame of mind as that of the Senator from Michigan, no doubt the Senate Finance Committee will never find one, or bring in a proposal, for financing such a humanitarian program.

Mr. VANDENBERG. It takes more than a frame of mind to finance a tax.

Mr. LEE. Yes; it takes courage.

Mr. VANDENBERG. And it takes resources.

Mr. LEE. Does the Senator mean to tell me that in the richest Nation on the face of the earth we cannot get sufficient money to take care of the men and women who made the wealth of this country?

Mr. VANDENBERG. I mean to say to the Senator that for 7 years we have failed by \$3,000,000,000 a year to find the money with which to pay our bills.

Mr. LEE. Because the Finance Committee has not brought in a tax bill to accomplish that, and every time we offer a tax bill the Senator is one of the first to say, "Let us not stifle business."

Mr. VANDENBERG. The Senator knows that is not accurate if he is familiar with the RECORD. I have voted for every increased tax amendment proposed by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE]. I have voted for every increased tax that has been proposed in the Senate for the purpose of paying the Government's bills, and I cannot do any more than that.

Mr. LEE. But the Senator is not willing to vote for a tax bill to raise the money with which to pay old-age pensions.

Mr. VANDENBERG. I cannot vote for a tax bill which the Senator will not present to me. I am trying to find out how he proposes to raise the money, what kind of a tax it is he wants.

Mr. LEE. Tax proposals have been presented, but the Finance Committee have not reported them. The Townsend-plan advocates proposed a transactions tax, a turn-over tax, a gross-income tax; they have all been presented, but I have not heard the Senator advocating any of them with which to finance this proposal.

Mr. VANDENBERG. Is the Senator in favor of the transactions tax?

Mr. LEE. I am in favor of any tax the Finance Committee will report; and if they will report a tax to this body, I will support it.

Mr. VANDENBERG. The Senator is very careful to hide behind the Finance Committee before he makes his commitment. Will the Senator support a transactions tax per se, himself?

Mr. LEE. Certainly.

Mr. VANDENBERG. That is the exact answer I want; and if the Senator joins that with his proposal, I say he is on sound ground.

Mr. LEE. Will the Senator vote for the amendment, then?

Mr. VANDENBERG. I will not. [Laughter.] But this is the first time in the course of the Senator's address that I have discovered precisely how he is willing to raise the money, which is what I have been trying to discover.

Mr. LEE. I am willing to raise it in that way; I am willing to raise it by a gross-income tax; I am willing to raise it by any tax the Finance Committee will report to this body, or the Ways and Means Committee will report to the other body. I think any tax ought to have the careful scrutiny of the committees. I think it ought to be gone over by experts.

At first it was my intention to offer a tax measure along with the amendment I am now offering, but finding that it



had not gone through the hot fires and the close scrutiny and the careful, fine-tooth combing of either one of the revenue committees, I did not present the measure, because I did not want merely to make an empty gesture. I will prove my faith by my works at any time, but I am convinced that the Senator from Michigan is not willing to support any kind of a tax that will raise the money to pay the old people of this country \$40 a month. I challenge him now to stand up and tell the Senate, in my time, whether he will support any kind of a tax; and if so, what kind?

Mr. VANDENBERG. I shall be very happy to tell the Senator. The first thing I want to find is a tax which will pay the existing \$3,000,000,000 deficit of the Federal Government. Thus far the Finance Committee, under the leadership of the Senator's administration, has been unable to find such a tax, although I have supported every increase proposed.

In my judgment, if the existing spending tempo, without an increase of any nature, shall continue, there will be no recourse except a national sales tax, and much as I should regret to resort to that, I expect sooner or later to have to vote for some kind of a national sales tax, unless the spending deficits decrease.

After we have found a way to put the Public Treasury on a solvent basis, in the presence of its existing obligations—which, in my judgment, cannot be ignored very much longer—then, on the basis of what I anticipate will be the increased costs of this Nation, just so soon as we are on a sound fiscal basis nationally, with respect to the Government, I should be perfectly willing to expand the sales tax to pay whatever reasonably ought to be paid in behalf of the senior citizens, so-called, of this country. I am not prepared to give the Senator a bill of particulars, because I have not the slightest idea of what it will be.

Mr. LEE. The Senator expected me to give a bill of particulars and answer definitely, which I did, but the Senator has not done so, and I will give him a chance now to say what tax will he vote for to pay the old people of this country \$40 a month.

Mr. VANDENBERG. I asked the Senator for a bill of particulars because he is proposing a measure which would call for the expenditure of a vast sum. Whenever I propose that the Government expend money I will submit the method by which I think the Government should obtain the money.

Mr. LEE. But the Senator wanted it to go into the RECORD that he agreed with the sentiments of the Senator from Oklahoma, which were for an old-age pension, but he is not ready to offer any proposal for paying the pensions, and I am.

Mr. VANDENBERG. I am glad the Senator finally has done so.

Mr. REYNOLDS. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. REYNOLDS. As the Senator knows, I am very much interested in providing for the elderly in this country, and I have a suggestion to make. I should like to know from the Senator how much it is going to cost annually to take care of the elderly people of this country, under the plan proposed by him?

Mr. LEE. As near as I can estimate, \$2,990,000,000.

Mr. REYNOLDS. I have a proposal to make which will take care of those people for at least 6 years. The countries abroad, with whom we were allied during the World War, owe us \$13,000,000,000. I am suggesting, and have heretofore suggested, and have presented a resolution to that end, the appointment of an American gentleman to go abroad and rap on the doors of all those nations every day and ask them to pay us the money which they owe us. He might tell them that we want that money because we are nearly broke, and we want to look after the old people in this country, whom we love. If we can get those "chiselers" to pay the taxpayers of this country the \$13,000,000,000 they owe us, then we can take care of our old folks, at least for 6 years.

Mr. LEE. I appreciate that statement from the Senator, and I imagine that he and I will both be waiting a long time, and the Congress will be waiting a long time if we have to wait for either the Senator from Michigan to advocate a tax plan which will finance this proposal, or for foreign governments to pay the debt which the able Senator from North Carolina is interested in collecting. I may say that I share his feeling in the matter. I wish we could collect the debt. But I have never been one who continues to follow a vain hope. I am ready and willing now to vote, and will vote today for a tax measure which the proper fiscal committee of either House is willing to recommend which will pay for this proposal. I will vote for a tax measure, if the committee will report it, which will enable \$40 a month to be paid to the old people. I should like to hear the Senator from Michigan say as much. Yes; there is lip service to the old people. Yes; they are told how they built this country. They are told how their dear trembling old fingers have erected monuments in America, but when we come to the vote, where are those who tell them that? We just cannot get the money to do it.

In a campaign it is very easy to say, "I am for a reasonable old-age pension." And there is another good statement behind which lip-service pension advocates can hide: "I am for an adequate old-age pension which can be raised in a reasonable manner without stifling business." There is plenty of cover there to hide anyone.

Yes, Mr. President; I am for an old-age pension, and I am offering an amendment which would provide a pension of \$40 a month. Forty dollars a month would make the old people very happy, and it would keep many of them from misery.

We no longer send old people to the poorhouse. We make them take a pauper's oath for a pauper's pension. We have just voted to adopt an amendment to increase the amount of the pension. I voted for it, and I approve it. I commend the present administration for being the only administration which has ever considered the old folks in legislation so far as an old-age pension is concerned. I am for that, and I think we ought to refine and improve the pension legislation. The way to improve it is to separate the Federal old-age pension from the State pension, and not make fish of one citizen and fowl of another. We pay one citizen \$6.15, and another citizen, under exactly the same circumstances, across an imaginary line, not 100 yards away, \$19.94.

Mr. CLARK of Idaho. Mr. President—

The PRESIDING OFFICER (Mr. BILBO in the chair). Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. LEE. I yield.

Mr. CLARK of Idaho. Is it fair to say that what the Senator from Oklahoma means is that today we pay the old folks a pension not to live on but to die on?

Mr. LEE. I imagine that pretty well covers it.

The average amount paid in Oklahoma is \$19.94. That means, as was shown in the hearings here, that some old people there receive \$1.36; perhaps some receive less than that.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CHAVEZ. When the Senator from Oklahoma says that some States pay as much as \$6 he is too liberal. I have right now on my desk many letters from persons in my State who say they receive as low as \$2.82. I do not know which would be the better, to go to the poorhouse or to receive only \$2.82.

Mr. LEE. Mr. President, I have always felt that the poorhouse is a disgrace and a shame. Of course, the poorhouse was developed and came into being, I supposed, as an act of mercy. People decided that instead of letting old people die on the street they would have a county farm or a county poorhouse, and those who were not able to take care of their mothers and fathers, or were not charitable enough to take care of them, sent them "over the hill to the poorhouse," where most of them died of a broken heart instead of old age. There is not a great deal of difference in that

and forcing our fathers and mothers to say by affidavit, and to prove, "I do not have a cent in the world. I do not have a thing in the world on which to live. I must take the pauper's oath in order to get \$6.16 a month." Of course, it is the intention of the administration that the procedure shall be kindlier, and I suppose it is. I voted for the improvement in the law relating to that matter. I shall vote for every amendment which will improve the law and provide a better and a more adequate old-age pension for old people.

Mr. President, I did not build any of the great buildings in the United States. I did not build any of the great industries. Not many other Senators did. In the years we have lived we may have contributed to creating the wealth in America. The economists estimate the assessed wealth in the United States at \$450,000,000,000. I suppose I have contributed very little of that; and persons younger than I have contributed still less.

Mr. President, who erected these buildings? Who built America? Who cut down the timber and cleared the land? Who broke the sod? The old people in this country made this country the great Nation it is today. They have served; they have worked; they have toiled; they have foregone pleasures; they have foregone necessities.

The first time I remember gazing on western Oklahoma I was looking out of the back end of a covered wagon. That little hole where the wagon sheets come together was just big enough for my head. There was an old hound dog trotting under the coupling pole, and the wagon tongue was pointing west. Father drove the wagon. We were driving from Pauls Valley, Indian Territory, to a new strip in western Oklahoma. We drove there, and we dug a hole in the ground and we lived in it. I saw other settlers come. I saw them pick up sod as the sod plow turned it over. I saw them lay it in long strips, one layer on top of another, until they built what we called sod shanties. Then I saw them break out a little strip of land. They would haul water in times of drought. Then they would dig down to get "gyp" water. We lived out there as best we could.

Mr. President, I think we never would have settled western Oklahoma if it had not been for prairie dogs. We did not eat the prairie dogs—at least I do not think we did—but the prairie dogs destroyed the crops, and at Hobart, the county seat of Kiowa County, they offered a bounty for every prairie dog we would kill and take in to the county seat. At Cordell, the county seat of Washita County, a bounty was offered for every prairie dog we killed and took to the county seat.

Mr. President, every westerner is a good shot, and the dogs accumulated faster than they could be taken care of. Finally, the county authorities said, "Do not bring the whole dog. Just bring in his head or his tail, or some part of him to show you killed him." That was done at Hobart, and it was also done at Cordell in Washita County. We soon got onto that. We took the tails to Kiowa County and the heads to Washita County, and we settled western Oklahoma on heads and tails. [Laughter.]

The old pioneers developed that country. Later I went back and I saw the fields of alfalfa growing there. Then I have seen the hot winds sweep over that country and blight the crops.

Not long ago I was in western Oklahoma. I attended a meeting where there were many old-age pensioners. There I saw some of the men whom I had known years ago when they were young, when their muscles were hard and strong, when their eyes were quick and clear. There they were in a mass meeting, begging for enough money to live on until the Grim Reaper should take them away. There they were, silver-crowned mothers; there they were, the first citizens of Oklahoma, gray-bearded fathers who had made Oklahoma one of the great empires of the Nation. They had toiled; they had worked; they had labored; they had hoped, and they had nothing to live on until they died. They were asking for a pension as dividends for services already rendered.

Mr. President, I say it is not charity. It is not a gift. It is a delayed annuity. It is dividends on labor already accomplished.

Our Government is already committed to such a policy. We have passed a law called the wage-hour law which limits the number of hours that people may work. Why? Because we have more workers than we have jobs. Therefore we are cutting down on the hours. Then it is sensible to cut off employment at both ends. We have an N. Y. A. program, a youth program which gives employment to young people and takes them out of competition with regular wage earners. Then why not offer some inducement and some incentive to the old people to surrender jobs which they are no longer able to perform, and make more room at the top as well as at the bottom of the scale, thereby increasing employment?

We are already committed to a limitation on hours. My amendment would simply further that program by cutting off employment at the top, or at the bottom, whichever way one looks at it, and making more jobs available for young people, paying to the old people a delayed accumulation of their dividends from the wealth of America, which they have helped to create and accumulate.

It may be said, "But that is a compulsory insurance policy."

That is exactly what it is; and the Government has a precedent for it. During the war we passed the War Risk Insurance Act, under which the Government said to every mother's son who went to war, "You must take out an insurance policy. We will take the premiums out of your soldier's pay. We will insure you." My proposal is that the Government, through whatever tax program Congress deems advisable, raise the money from those who are able to pay, at a time in their lives when they are earning enough to pay a part of the premium and store up for themselves an annuity to be paid in their old age. That is what the proposal amounts to. It is an old-age annuity, to begin at the age of 60, and pay \$40 a month as long as the beneficiary lives.

Mr. President, I ask for the yeas and nays on this question. Let us show by our votes whether we are rendering only lip service, or whether we are willing to face the music and go on record for an old-age pension.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

During the delivery of Mr. LEE's speech,

THE JUDICIARY—ELMER D. DAVIS

Mr. McKELLAR. Mr. President, will the Senator from Oklahoma yield to me? As the Senator knows, I am on a committee which will have to leave the city in a few minutes.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. LEE. I yield.

Mr. McKELLAR. I ask unanimous consent, as in executive session, that the nomination of Elmer D. Davies to be United States district judge for the middle district of Tennessee be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. AUSTIN. Mr. President, I understand the exigencies of the occasion which cause the request for unanimous consent. For my part, I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. McKELLAR. Mr. President, I ask unanimous consent also that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.

SAM E. WHITAKER—NOTIFICATION TO THE PRESIDENT

Mr. McKELLAR. As in executive session, I also ask unanimous consent that the President be notified of the confirmation yesterday of the nomination of Sam E. Whitaker to be judge of the United States Court of Claims.

The PRESIDING OFFICER. Without objection, the President will be notified of the confirmation of the nomination of Mr. Whitaker.



After the conclusion of Mr. LEE's speech,

# AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma [Mr. LEE].

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Schwollenbach
Austin	Ellender	La Follette	Sheppard
Barbour	Frazier	Lee	Shipstead
Barkley	George	Lodge	Slattery
Bilbo	Gerry	Lucas	Smith
Bone	Gibson	Lundeen	Taft
Borah	Green	Maloney	Thomas, Okla.
Bridges	Guffey	Mead	Thomas, Utah
Bulow	Gurney	Minton	Tobey
Burke	Hale	Neely	Townsend
Byrd	Harrison	Norris	Vandenberg
Capper	Hatch	Nye	Van Nuys
Chavez	Hayden	O'Mahoney	Wagner
Clark, Idaho	Herring	Overton	Walsh
Clark, Mo.	Hill	Pittman	Wheeler
Connally	Holman	Radcliffe	White
Danaher	Hughes	Reynolds	Wiley
Davis	Johnson, Calif.	Russell	
Donahey	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Seventy-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HARRISON. Mr. President, I understand the yeas and nays have been ordered on this amendment.

The PRESIDING OFFICER. That is correct.

Mr. HARRISON. I merely wish to make the statement that representatives of the Social Security Board inform me that the amendment, if adopted, would cost approximately \$5,000,000,000 at the very outset.

Mr. LEE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. LEE. Will the Senator give us the figures upon which he bases his estimate?

Mr. HARRISON. The Senator gave figures which were based upon the census for 1930.

Mr. LEE. Have we had any census since that time?

Mr. HARRISON. The figures which I have given are based on the latest obtainable figures from the Social Security Board. The Senator will realize that over a period of 9 years there has been a large increase in the number of persons in the United States over 60 years of age.

Mr. LEE. There has been no official census, though, since 1930.

Mr. HARRISON. No; there has been no official census since then.

Mr. LEE. The estimate of the Bureau of the Census places the figure on July 1938 at 12,450,000.

Mr. HARRISON. I may say to the Senator that I desired to call attention before the vote is taken to the fact that the figures given by me are the latest that could be procured by the Social Security Board. The Board states that the Lee amendment would probably cost about \$5,000,000,000 a year at the very outset, and the sum would increase in future years, due to the increase in the number of the aged.

The figures as given in the committee report and as furnished by the Advisory Council on Social Security show that of persons 65 years of age and over, there are now in the United States about 8,200,000, and that in 1980 there will be 22,000,000 such persons. It is perhaps a peculiar thing, but the number of old people increases proportionately greater than the number of the young people. So the Board states there will be in 1940 over 13,000,000 persons aged 60 and over. About 4,500,000 of this number are estimated to be gainfully employed, but a large percentage of these persons earn less than \$480 per year and would be encouraged to withdraw from

gainful employment to accept the pension proposed by the Senator from Oklahoma. It is reasonable to assume, therefore, that 10,000,000 persons could qualify for pensions in the first year at a cost of \$4,800,000,000. Since the number of persons aged 60 and over will double within the next 40 years, such a pension will eventually cost the Federal Government a minimum of \$10,000,000,000 a year.

Mr. BARKLEY. Did the Senator say "ten million" or "ten billion"?

Mr. HARRISON. I said "\$10,000,000,000 a year."

Mr. LEE. Mr. President, will the Senator yield?

Mr. HARRISON. Yes.

Mr. LEE. First, I cannot accept those figures. They are based on estimates, and I feel that they do not come from a sympathetic source. Then, I wish to state that, according to the only official figures I can obtain, in round numbers, the cost will be \$3,000,000,000, and that a gross-income tax of 1 percent or a transaction tax of 1 percent, if the estimates furnished in the hearings of the House are correct, would pay that amount.

Mr. HARRISON. I ask permission to insert in the RECORD at this point a table giving the actual and estimated number of persons aged 60 and over and aged 65 and over compared to total population, 1860-1980. These estimates were made by the President's Committee on Economic Security. As indicated in the table, the figures for 1860 to 1930, inclusive, are actual; those for 1940-80 are estimates.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Actual and estimated number of persons aged 60 and over and aged 65 and over, compared to total population, 1860-1980<sup>1</sup>*

Year	Total population	Population aged 60 and over		Population aged 65 and over	
		Number	Percent	Number	Percent
1860.....	31,443,000	1,348,000	4.29	849,000	2.70
1870.....	38,558,000	1,933,000	5.01	1,154,000	2.99
1880.....	50,156,000	2,827,000	5.64	1,723,000	3.44
1890.....	62,622,000	3,882,000	6.20	2,424,000	3.87
1900.....	75,995,000	4,880,000	6.42	3,089,000	4.06
1910.....	91,972,000	6,225,000	6.77	3,958,000	4.30
1920.....	105,711,000	7,923,000	7.49	4,940,000	4.67
1930.....	122,775,000	10,385,000	8.46	6,634,000	5.40
1940.....	132,000,000	13,251,000	10.04	8,311,000	6.30
1950.....	141,000,000	16,908,000	11.99	10,863,000	7.70
1960.....	146,000,000	20,168,000	13.81	13,590,000	9.31
1970.....	149,000,000	22,685,000	15.22	15,055,000	10.10
1980.....	150,000,000	25,406,000	16.94	16,990,000	11.33

<sup>1</sup> Figures for 1860-1930, inclusive, are actual; 1940-80 figures are estimates of the President's Committee on Economic Security, 1935.

Mr. HARRISON. Mr. President, I am opposed to the amendment, and I hope the Senate will vote it down.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. LEE], on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. BYRNES]. I understand that, were he present, he would vote as I intend to vote. I therefore am at liberty to vote, and vote "nay."

Mr. HOLMAN (when his name was called). I have a general pair with the distinguished Senator from Tennessee [Mr. STEWART], who has been called away to attend the funeral of the late Representative McReynolds of Tennessee. I do not know how the Senator from Tennessee would vote, if present. If I were permitted to vote, I should vote "nay."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote as I intend to vote. I am therefore free to vote, and vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. McKELLAR]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). I transfer my general pair with the Senator from Oregon [Mr. McNARY] to the senior Senator from North Carolina [Mr. BAILEY] and allow my vote to stand.

Mr. DAVIS (after having voted in the negative). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote if present, I withdraw my vote.

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. BYRNES], the Senator from Virginia [Mr. GLASS], and the Senator from Maryland [Mr. TYDINGS] are detained on important public business. I am informed that if present and voting, these Senators would vote "nay."

The Senator from Iowa [Mr. GILLETTE] and the Senator from Montana [Mr. MURRAY] have been called to Government departments and are unable to be present for the vote.

The Senators from Tennessee [Mr. McKELLAR and Mr. STEWART], the Senator from Arkansas [Mr. MILLER], and the Senator from Missouri [Mr. TRUMAN] are members of the committee to attend the funeral of the late Representative McReynolds, and are, therefore, necessarily absent.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from West Virginia [Mr. HOLT], the Senator from Kentucky [Mr. LOGAN], and the Senator from Nevada [Mr. McCARRAN] are detained on important public business.

The Senator from Florida [Mr. ANDREWS] is attending a meeting of the Committee on the Judiciary.

The Senator from Florida [Mr. PEPPER] is absent on official business. He has a pair with the Senator from Maryland [Mr. TYDINGS]. I am informed that if present and voting, the Senator from Florida would vote "yea," and the Senator from Maryland would vote "nay."

The Senator from Arizona [Mr. ASHURST] and the Senator from New Jersey [Mr. SMATHERS] are detained from the Senate because of illness in their families.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. REED] is detained on official business. He has a general pair with the Senator from Missouri [Mr. TRUMAN].

The result was announced—yeas 16, as follows:

## YEAS—16

Bilbo	Donahay	Lee	Schwartz
Borah	Downey	Lundeen	Schwellenbach
Chavez	Ellender	Minton	Thomas, Okla.
Clark, Idaho	Frazier	O'Mahoney	Wheeler

## NAYS—55

Adams	Gerry	King	Sheppard
Austin	Gibson	La Follette	Shipstead
Barbour	Green	Lodge	Slattery
Barkley	Guffey	Lucas	Smith
Bone	Gurney	Maloney	Taft
Bridges	Hale	Mead	Thomas, Utah
Bulow	Harrison	Neely	Tobey
Burke	Hatch	Norris	Vandenberg
Byrd	Hayden	Nye	Van Nuys
Capper	Herring	Overton	Wagner
Clark, Mo.	Hill	Pittman	Walsh
Connally	Hughes	Radcliffe	White
Danaher	Johnson, Calif.	Reynolds	Wiley
George	Johnson, Colo.	Russell	

## NOT VOTING—25

Andrews	Davis	McKellar	Stewart
Ashurst	Gillette	McNary	Townsend
Bailey	Glass	Miller	Truman
Bankhead	Holman	Murray	Tydings
Brown	Holt	Pepper	
Byrnes	Logan	Reed	
Caraway	McCarran	Smathers	

So Mr. LEE's amendment was rejected.

## AMENDMENT OF BANKRUPTCY LAW RELATIVE TO CARRIERS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5407) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary

thereto, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WHEELER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WHEELER, Mr. BONE, Mr. TRUMAN, Mr. AUSTIN, and Mr. TOBEY conferees on the part of the Senate.

## AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 59, between lines 5 and 6, it is proposed to insert the following new subsection:

(c) Section 521 (a) of such act is amended by striking out \$1,500,000 and inserting in lieu thereof \$1,510,000.

Mr. LA FOLLETTE. Mr. President, a brief explanation.

When the Finance Committee adopted the amendments increasing the authorizations for work for the promotion of maternal and child health, through an inadvertence the fact was overlooked that in the House bill Puerto Rico had been designated as a State. The only effect of this amendment is to provide \$10,000 for Puerto Rico in conformity with the action of the House in describing Puerto Rico as a State under the provisions of these titles of the Social Security Act.

In view of the action taken by the Senate on yesterday, I feel sure that there will be no objection to the amendment.

Mr. HARRISON. Mr. President, it was thought that this provision was carried in the bill; but, as stated by the Senator from Wisconsin, it was inadvertently omitted. I can see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new section:

Sec. 908. All functions of the Social Security Board shall be administered by the Social Security Board under the direction and supervision of the Federal Security Administrator.

Mr. LA FOLLETTE. Mr. President, a brief word of explanation in regard to this amendment.

When the reorganization order was drawn the language affecting the Social Security Board—through, I am certain, an inadvertence or an oversight—was different than that relating to the other agencies which were consolidated under the order. This is a clarifying amendment in connection with the amendments to the Social Security Act, and will make the phraseology of the order in that respect conform to governing all the other agencies which were thus consolidated into the agency created by the reorganization order.

Mr. HARRISON. Mr. President, I hope the amendment will be agreed to. It removes some ambiguities which are in the law that we passed regarding reorganization and places the Social Security Board on the same basis as the Public Health Service and others that were reorganized.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. BILBO. Mr. President, I send to the desk Senate bill 750, the text of which I offer as an amendment to the pending measure.



The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place in the bill, the following:

That, effective January 1, 1940, clause (7) of section 2 (a) of the Social Security Act is amended to read as follows:

"(7) provide that, if the State or any of its political subdivisions collects from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, the net amount so collected shall be prorated between the United States and the State in the proportion that the amount the United States contributed to such old-age assistance during the year next preceding the year such net amount was collected bears to the amount the State contributed during such year and the amount due the United States shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this title."

SEC. 2. Effective January 1, 1940, section 3 (a) of such act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing January 1, 1940, (1) an amount, which shall be used exclusively as old-age assistance, of \$30 per month, with respect to each aged needy individual who, at the time of such expenditure, is 65 years of age or older, and is not an inmate of a public institution, and (2), 5 percent of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose: *Provided*, That no amount for old-age assistance shall be paid by the Secretary of the Treasury to any State which shall contribute for old-age assistance during any quarter an amount smaller than the amount contributed by the State during the quarter beginning January 1, 1939. Any individual entitled to Federal old-age benefits under title II of this act may elect to receive in lieu thereof old-age assistance under the State plan for old-age assistance as provided in title I of this act."

Mr. BILBO. Mr. President, there are two divisions of this amendment.

The first division merely provides that all amounts recovered from the estates of deceased recipients of old-age assistance shall be divided in proportion to the amounts contributed by the State and by the Federal Government. The present law provides that the amounts so recovered shall be evenly divided between the State and the Federal Government.

The second division of the amendment merely provides for the substitution of a pension of \$30 per month to those who are eligible under the present set-up.

There is quite a difference between the amendment offered by the Senator from Oklahoma [Mr. LEE] and the one I am offering. He proposed to give \$40 per month to all old persons 60 years of age or over unless they were self-sustaining; and, as he himself admitted, over \$3,000,000,000 would be required to pay the pensions. My amendment is based upon the enrollments shown by the records of the Social Security Board. Under the amendment I have offered the cost to the Federal Government will be about \$400,000,000 more than the present appropriation, or about \$550,000,000 or \$600,000,000 altogether.

Mr. President, this is not a raid on the Treasury. This is an obligation which the United States Government owes to the old and needy people of the country 65 years of age or older. I disagree with some of the Senators who have expressed themselves on this legislation. Some insist that the obligation is a local one, a State obligation. Others insist that it is a dual obligation. Personally, I think old-age assistance is a Federal obligation which should be met by the Government doing business in the city of Washington.

Pensions to soldiers are paid by the Federal Government. This is a pension, not for soldiers of war but for soldiers of peace. They have fought the battles of the country in times of peace as well as those who fought its battles in time of war. As the Senator from Florida [Mr. ANDREWS] announced on yesterday, and again today, the Supreme Court of the United States by a practically unanimous decision has held that this is a Federal obligation which should be met by the United States Government.

You have heard a great deal about the Townsend plan, and the great demand on the part of many persons for the enactment of the Townsend plan. I want to warn you that if the Senate does not do something that is decent in pro-

viding pensions for the old people of the country who are in need, sooner or later you will get the Townsend plan whether you like it or not.

My goal for a pension is \$60 per month. My amendment provides that the Federal Government shall put up \$30 per month; and I safeguard the amount of money which the States are now contributing to old-age pensions by providing in the amendment that no State shall be permitted to desert the field that it has already undertaken, because my amendment requires that the States shall continue to appropriate as much as and never less than they are now appropriating for old-age pensions. In other words, if this amendment should be agreed to, the old people of the United States who are now eligible and on the rolls and certified as needy would receive \$30, plus what the States throughout the United States, are now appropriating.

For instance, in my State, where the payments are the lowest in the Union, the State appropriates a little over \$3 per capita. That is the average. If this amendment should be agreed to the old people in Mississippi would receive \$33 a month.

In the great State of California, where the old people are receiving \$32, the State government of California putting up today the difference between \$32 and \$15, or \$17, under my amendment the people of California would receive \$30 plus the \$17. So all that is necessary in order to find out what the people of a State would receive is to find out what the legislature is appropriating.

I do not think the amount I have suggested is excessive. I know there is a growing demand for an increase in the pensions to the old people of this country, and there are enough old people, with their friends and their relatives, and others who honestly believe in old-age pensions, to hold the balance of power in the coming election. If we, the party in power, are not willing to do what they want, they are going to try some other party which will, and when it comes to making promises, my colleagues know how wonderfully successful the Republican Party has been in the past. They will make more promises in the next convention of the Republican Party than the Democrats will make, and even if we should make better promises and more promises, we would not be believed, because we are on the job, we have the majority, we have the administration, we can pass a bill, and if we refuse to do so no one will believe our promises.

Mr. KING. Mr. President, will the Senator permit me to ask a question for information?

Mr. BILBO. Certainly.

Mr. KING. I desire to be sure that I properly interpret the amendment which the Senator has offered. As I read and interpret it, it means that if Mississippi, for instance, should put up \$3 per capita for all those receiving old-age pensions, then the Federal Government would have to put up \$30.

Mr. BILBO. Yes.

Mr. KING. And if Mississippi put up \$10, then the Federal Government would still put up \$30?

Mr. BILBO. Yes.

Mr. KING. And if California put up \$35, the Federal Government would have to put up \$30?

Mr. BILBO. Yes.

Mr. KING. That is the proper interpretation?

Mr. BILBO. That is the proper interpretation. That is what I intended by the amendment.

Mr. KING. I may say that I am very much opposed to it.

Mr. BILBO. So far as the generosity and liberality of the State is concerned, the sky is the limit. But each and every aged person who has been certified as eligible for old-age assistance, no matter in which State he may live, would receive \$30 from the Federal Government in Washington.

Mr. President, I have not much patience with some who are economical, especially when it comes to appropriations for the welfare of the suffering citizens of this country. I was rather astounded, indeed, I was rather amused, by the most wonderful speech made this morning by the distinguished junior Senator from Virginia in the interest of balancing the Budget—whatever that means—and of economy.

The thing which surprised me about the speech was that he was so late in making such a good speech, because during this session of Congress we have appropriated nearly \$10,000,000,000, and when the time comes to take up the cause of the old men and women of this country who are suffering because of want, and poverty, and need, the distinguished Senator proposes to "take it out" on the old folks, when we have been voting day after day, not millions, not hundreds of millions, but billions for the Army and the Navy and every other purpose on earth. If we are to economize anywhere, God forbid that we should economize at the expense of the old people, who cannot help themselves, and who need and deserve the discharge of this just obligation from their Government.

A remark was made on the floor this morning to the effect that this obligation should be met by the States and could be better met by the States, and should not be a Federal obligation, because the States are able to take care of the obligation. If we examine the statistics, we find that the per capita income in 30 of the 48 States is below the national income per capita. Four hundred and thirty-two dollars is the per capita income from the national standpoint, the income over the whole Nation, yet there are 30 States whose per capita income is lower than \$432.

I do not like to admit it but my State stands at the bottom, with a per capita income of only \$170. Yet the State of Mississippi, with a per capita income of \$170, against \$900 in some other States, is expected to be able to appropriate \$15 a month in order that we may get our share of the money being offered by the Federal Government for the benefit of the old people of the country.

I confess, frankly, that my State is not able to make the contribution. Yet the old people of my State are as much entitled to this Federal bounty or Federal appropriation as an old man or an old woman in Massachusetts or California is entitled to it. We pay taxes. It is not our fault that we are poor. It is not our fault that our per capita income is so low. For the last 50 years we have been the victims of policies of government, and of rules and regulations and laws which are responsible for the condition of my people.

It is not that this country is poor. This is the richest country on earth. We have more resources; we have more wealth and more power than any other nation on earth. Yet it is said that we cannot pay a pitiful \$30 a month to the needy old people of this Republic.

We are not consistent. Consider the 300,000 enrollees of the C. C. C. I wish to say that I think that agency of the Government is doing some of the best work being performed by the New Deal for the youth of this country, but Senators are willing to vote \$73 a month for the 300,000 boys in the C. C. C. Consider the relief rolls. Senators are willing to vote \$61 a month to every man and woman in the country on the relief rolls. Yet they hesitate to vote \$30 a month for the old people of this country.

Why not be fair? Do not my colleagues know that the old men and women have given their lives for the welfare of this country, that they have lost their earning capacity, that they are no longer wanted anywhere, so far as jobs are concerned, and have only a few more years to spend on earth? Is it not much better to give them at least \$30 than to spend \$73 on the young of the country? There is more humanity in it. I would not discount the splendid work the C. C. C. is doing. I should like to see that organization made permanent. The only regret I have about it is that we have not encouraged military training. I think we are losing a splendid opportunity to give these boys proper training and discipline by enforcing military regulations.

I repeat, Mr. President, this is not a billion-dollar proposition I am offering. I am merely suggesting an increase of about \$400,000,000. I am asked, "Where are you going to get the money?" We can get it from the same source where we are to get the \$10,000,000,000 we have already appropriated.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BILBO. I am glad to yield.

Mr. LEE. I understood some of the Senators who voted against the amendment which I offered a while ago and which was defeated, to console themselves by saying, "Well, Josh, I would have voted for your amendment if you had had a tax provision included in it for raising the money." According to that philosophy, if they follow the same reasoning, they will have to vote against the pending bill, because there is not included in it a tax provision for raising the money that is being paid under the present plan, or that will be paid under the amended bill. I imagine the proposal of the Senator from Mississippi would fall in the same category. Some will ask, "Where are you going to get the money?" My answer would be, "At the same place from which the money which is being used to pay under the present plan is coming."

I intend to support the Senator's amendment. I think it is a good one, and I believe that if we should adopt the amendment, as would have been true if we had adopted the other one, the Finance Committee would report a tax bill, as they are going to have to do anyway, to meet the deficit.

Mr. KING. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I am glad to yield.

Mr. KING. As a member of the Committee on Finance, I can assure the Senator from Oklahoma, although I cannot speak for all of the members of the committee, but I can speak for a majority of them, I believe that the Finance Committee would report a bill to raise \$5,000,000,000, in addition to the \$6,200,000,000 of taxes we have already imposed on the people. If we continue these outrageous expenditures, these profligate expenditures, obviously we will soon have inflation, and our economic system will be destroyed.

Mr. BILBO. I am sure the Senator is speaking his honest conviction. I am indebted to the Senator from Oklahoma for his observation on the pending amendment.

I wish to urge my colleagues to give serious consideration to this proposal. No one wants to spend the money of the taxpayers ruthlessly and criminally, but I dare say that the taxpayers of the United States would justify and would honor Senators for voting to provide \$30 per month for the old people of the United States.

Mr. LUNDEEN. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. BILBO. I yield.

Mr. LUNDEEN. How much would the Senator's amendment cost approximately?

Mr. BILBO. My estimate is that the amendment would cost between \$350,000,000 and \$400,000,000, in addition to what the present set-up on old-age assistance will cost.

Mr. LUNDEEN. If the Senator will further permit, I should like to say that that will not be any more money than it will cost to build the two 45,000-ton battleships which we read about in the newspapers this morning, which, I take it, are in addition to two other 45,000-ton battleships previously ordered to be constructed, and in addition to the 1940 Navy appropriation, the greatest peacetime Navy appropriation we have ever had in the history of the United States, and in addition to the \$1,000,000,000 we voted last year, which was in addition to the regular appropriation of last year. Each battleship costs between \$90,000,000 and \$100,000,000. Then there must be spent another \$90,000,000 or \$100,000,000 to build submarines, destroyers, and aircraft to prevent this dinosaur of the deep, this dreadnaught of the sea, from being sunk. For every dollar spent for the construction of the giant battleships an equal amount must be spent to provide protecting ships. So, if upward of \$100,000,000 is spent for a battleship, we must count on a total of \$200,000,000 for that ship and its protecting ships. Besides all that, hundreds of millions will be expended for their imperial upkeep, and so on, all because our internationalists itch to meddle in Europe—



are afflicted by a world-saving mania and other illusions and delusions. I understand the able Senator's proposal will cost less than that.

Mr. BILBO. Yes.

Mr. LUNDEEN. I think we have gone a little far in building armaments and in interfering in the quarrels of other continents, and we had better pay more attention to our folks at home—our fine, patriotic, old folks at home—those who have helped build America.

Mr. BILBO. Mr. President, I am indebted to the Senator from Minnesota for his contribution.

Mr. BYRD. Mr. President, is not the Senator in error concerning the cost under his proposal? As I understand, he proposes to give \$30 a month, which is \$360 a year.

Mr. BILBO. Yes.

Mr. BYRD. He proposes to give that amount to approximately 2,000,000 of those receiving old-age assistance?

Mr. BILBO. About 1,800,000.

Mr. BYRD. The list has the figure of 1,900,000. If that be multiplied by \$360, the result is a cost of over \$700,000,000.

Mr. BILBO. No; after subtracting the amount which the present set-up now will cost from the total under the proposal of \$30 per month, I think the Senator will find it is between \$350,000,000 and \$400,000,000 in addition to the cost of the present set-up.

Mr. BYRD. Is it not the plan of the Senator to pay \$30 a month, and add to it whatever the States may pay?

Mr. BILBO. Yes.

Mr. BYRD. Then it will cost \$360 a year to the Federal Government for each person on relief.

Mr. BILBO. Yes, \$360.

Mr. BYRD. It will make about \$700,000,000, if the number of those receiving old-age assistance is multiplied by \$360.

Mr. BILBO. It would be between \$650,000,000 and \$675,000,000. I have no reference to the amounts the States are contributing. I am talking now about what Congress will have to appropriate. I wish to say there is not one State in the Union that will not profit by this, and it will be interesting, if Senators will take the list showing the amount that each State contributes, to see what they will be able to receive.

I have a suspicion that when Senators get back home and the people look at the monthly check they are receiving, when those in Georgia receive \$8.14, whereas they had an opportunity of receiving \$34.14 by voting for this simple amendment, Senators will have some explaining to do.

In South Carolina the payment is \$3.90, and that is matched by the Federal Government. In other words, South Carolina is getting only \$3.90 per capita for her old people who are listed on the rolls. Under my amendment they would get \$30 per capita plus the \$3.90 they are now receiving, which would give the old people of South Carolina \$33.90 a month.

In North Carolina—I think that is a State in the Union—

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. BILBO. I shall be delighted to yield.

Mr. REYNOLDS. I wish to say to the Senator that North Carolina is the finest State in the Union.

Mr. BILBO. And well represented.

Mr. REYNOLDS. Excellently represented.

Mr. HUGHES. I should like to say that the State of Delaware is the first State in the Union.

Mr. BILBO. The State of North Carolina today pays her old people an average of \$9.57. It is receiving from the Government \$4.78. The old people of California are getting \$15 out of the Treasury of the United States. The old people of Massachusetts are receiving from \$14 to \$15.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. SCHWELLENBACH. I take it that a few minutes ago the Senator from Mississippi agreed with the Senator from North Carolina that North Carolina was at least one of the finest States in the Union. I should like to have the Senator from Mississippi explain why it is that one of the finest

States in the Union—and I have been very much enamored of the eloquence of the Senator from North Carolina, particularly when speaking about Asheville, "the little gem city of the mountains"—I should like to have the Senator explain why it is that that great State which produces such a large percentage of the tobacco of the country and is so wealthy, pays only a very small amount to its aged people. I think that perhaps one of the great national organizations we have heard about recently, which is interested in a great many other things, might interest itself in taking care of that problem in North Carolina.

Mr. BILBO. I shall be glad to yield to the Senator from North Carolina in order that he may answer this very embarrassing question.

Mr. REYNOLDS. Mr. President, I wish to say to the Senator that it is not embarrassing to me at all. As a matter of fact, I am very rarely embarrassed. [Laughter.]

I am very unhappy that North Carolina has not provided more generously for its citizens from a standpoint, particularly, of providing for its elderly and its aged. I am very happy indeed to be able to report that we no longer have poorhouses or county homes in North Carolina. We have in the past endeavored as best we could to provide for our aged, because we of North Carolina recognize, with the able Senator from the great Commonwealth of Mississippi, that the aged now were the youthful in years gone by, and that the aged now are the ones who have made North Carolina a great and a prosperous and a grateful State.

Mr. President, I am going to vote for the amendment which has been offered by the Senator from Mississippi, because he tells us that it will cost the taxpayers of the United States of America only approximately \$300,000,000 or \$400,000,000. As a matter of fact, the way we are digging into the pockets of the taxpayers of America and are continuing to dig into the pockets of the taxpayers of America, that is merely a drop in the bucket. We have appeased every one upon the face of the earth with the exception of the elderly people of America.

A few months ago, as the result of propaganda which swept this country from the Atlantic to the Pacific and from Canada to Mexico, there was a great hue and cry that we should provide for ourselves an adequate national defense. The Senator from Mississippi knows, as well as the Senator from North Carolina knows, that there is just about as much likelihood of any country in the world attacking the United States of America as there was likelihood of Al Smith bringing the Pope and putting him in the White House in 1928, as suggested by our friendly enemies.

We have appeased the people of this country who are afraid of being attacked by the enemies from abroad by appropriating billions upon billions of their hard-earned dollars. That was one appeasement.

Mr. President, I say that the time has arrived when we must do a little appeasing for the elderly of our country. The very able Senator from Minnesota [Mr. LUNDEEN] a moment ago made mention of the fact that 45,000-ton battleships cost today under present conditions \$90,000,000 each. I read a statement in one of the local newspapers only a few days ago to the effect that under present conditions those ships in contemplation would cost no less than \$100,000,000 apiece, and I think there are some three or four or five on order. For the amount of money spent on those ships we could take care of the old people of the United States, as was suggested by the Senator from Mississippi.

As I mentioned a moment ago in private conversation with the Senator from Minnesota, we must not only consider the initial cost of the ships but we must consider also the upkeep and the maintenance of those ships.

As a matter of fact, we never recover the initial cost. We never collect any of it. If we can remain so big-hearted as to permit countries abroad to fail to pay their debts to the United States of America, as I suggested on the floor of the Senate a moment ago; if we can afford to give to the European countries \$13,000,000,000, after having already given them \$13,000,000,000 when we cut the war debts immediately following the Great War, certainly we can afford to give a

few million dollars to the aged who actually constructed this country and made it the greatest and most powerful nation on the face of the earth.

A moment ago the Senator mentioned the young men in the C. C. C. camps of the country. It is my recollection that today we have in the C. C. C. camps more than 300,000 young, able-bodied men.

Mr. BILBO. Costing \$73 a month each.

Mr. REYNOLDS. Costing \$73 a month each. I inquire of the able Senator what the annual total is. It is 300,000 times 73 times 12. As a matter of fact, it costs almost as much to house, clothe, and feed those young men annually as it would cost to take care of the old people under the Senator's amendment. Is not that true?

Mr. BILBO. That is correct.

Mr. REYNOLDS. I am very happy that we are able to care for the young men of the country, particularly in view of the fact that \$25 out of every \$30 derived by the 300,000 young men monthly is in turn delivered to their dependents and aged parents. If we can take care of those young men, surely we can take care of the others. I do not know where the money is coming from. But do we know where the money is coming from for any of the terrific appropriations we have made in the present session of the Congress? I say that if we can vote billions upon billions of dollars for sundry items, we can certainly afford to open up our hearts and take care of the old people of the country. In order to do that, and with that in view, so far as the junior Senator from North Carolina is concerned, I shall support the amendment of the Senator from Mississippi.

Mr. BILBO. Mr. President, I am indebted to the Senator from North Carolina for developing that idea. We are appropriating more than \$200,000,000 to take care of only 300,000 of the boys in the C. C. C. For twice that amount we should be able to bring happiness, peace, comfort and joy to 1,800,000 old people in the country.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. REYNOLDS. In view of the fact that the Senator again made mention of the C. C. C. camps, I should like to state that although we are spending more than \$200,000,000 annually to take care of those worthy young men, and although we have appropriated billions and billions to provide a national defense to appease the people of the country, we have not enforced military training in C. C. C. camps, which I think we should have done.

Mr. BILBO. Mr. President, I am ready to proceed further. I should like to ask permission to continue my address tomorrow at the beginning of the session.

I now yield to the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. The Senator realizes that we are anxious to conclude consideration of the pending measure. Other legislation is waiting on it. We do not wish to delay it any longer than necessary. We had hoped to conclude consideration of the bill today.

Mr. BILBO. I understand it will be impossible to conclude it on account of the address of the Senator from California [Mr. DOWNEY] which will consume possibly 2 or 3 hours.

Mr. BARKLEY. Whatever is agreeable to the senior Senator from Mississippi [Mr. HARRISON] is agreeable to me.

Mr. HARRISON. Mr. President, I wonder if it will be agreeable to vote on the pending amendment not later than 1 o'clock tomorrow.

Mr. BARKLEY. It is agreeable to me. Is it agreeable to the junior Senator from Mississippi?

Mr. BILBO. That is agreeable, provided I may begin speaking at 12 o'clock.

Mr. HARRISON. I understand my colleague has the floor. I have no objection to his having the floor tomorrow to continue his remarks.

The PRESIDING OFFICER. Is there objection to the request of the junior Senator from Mississippi [Mr. BILBO] that he be recognized tomorrow to resume his remarks? The Chair hears none, and the request is granted.

Mr. HARRISON. Mr. President, I ask unanimous consent that tomorrow, not later than 5 minutes past 1, the Senate

vote on the amendment offered by my colleague [Mr. BILBO], and that 5 minutes be given to some member of the committee to speak in opposition to the amendment, if desired.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Mississippi?

Mr. DOWNEY. Mr. President, the agreement extends merely to voting on the pending amendment, does it not?

Mr. HARRISON. Only on the pending amendment.

Mr. DOWNEY. And not on the measure itself?

Mr. HARRISON. No; merely on the pending amendment.

The PRESIDING OFFICER. Is there objection to the request of the senior Senator from Mississippi? The Chair hears none, and it is so ordered.

#### PROMOTION OF OFFICERS IN THE NAVY

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944), and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WALSH. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WALSH, Mr. TYDINGS, and Mr. HALE conferees on the part of the Senate.

#### INTERSTATE OIL COMPACT TO CONSERVE OIL AND GAS

Mr. THOMAS of Oklahoma. Mr. President, I wish to take up an emergency matter by unanimous consent.

I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 155, consenting to an interstate oil compact to conserve oil and gas. The joint resolution provides for the continuation of the present oil compact. The present oil compact is an agreement among six or seven States which produce oil. The compact will expire on the 1st day of September, unless extended. The joint resolution simply proposes to extend the compact for another period of 2 years.

Mr. AUSTIN. Mr. President, will the Senator yield for an inquiry?

Mr. THOMAS of Oklahoma. I yield.

Mr. AUSTIN. Is there anything in the compact which conflicts with the Federal policy respecting commerce in oil?

Mr. THOMAS of Oklahoma. Mr. President, the Federal policy has never been expressed in law. The compact is a treaty among the oil-producing States. There has been no Federal legislation affecting oil interests. The joint resolution merely grants the permission of Congress for the oil States to get together to handle their own affairs in their own best interests.

Mr. AUSTIN. Mr. President, in general I have reason to be very sympathetic with any section of the United States where States endeavor to solve their sectional problems by compacts. I would not interfere with that effort on the part of the Senator from Oklahoma [Mr. THOMAS] in behalf of his State and the surrounding States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 155) consenting to an interstate oil compact to conserve oil and gas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.,* That the consent of Congress is hereby given to an extension and renewal for a period of 2 years from September 1, 1939, of the interstate compact to conserve oil and gas, executed in the city of Dallas, Tex., the 16th day of February 1935, by the representatives of the States of Oklahoma, Texas, California, and New Mexico, and thereafter recommended for ratification by the representatives of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and subsequently ratified by the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, which said compact was deposited in the Department of State of the United States, and thereafter such compact was, by the President, presented to the Congress and the Congress gave consent to such compact by House Joint Resolution 407, approved August 27, 1935 (Public Res. No. 64, 74th Cong.), and which said compact was thereafter extended and renewed for a period of 2 years from September 1, 1937, by an agreement executed in New Orleans, La., the 10th



day of May 1937, by the representatives of the States of Oklahoma, Texas, Kansas, and New Mexico, and was duly ratified by the States of Oklahoma, Texas, Kansas, New Mexico, Illinois, and Colorado, and was deposited in the Department of State of the United States, and thereafter such extended and renewed compact was, by the President, presented to the Congress, and the Congress gave consent to such extended and renewed compact by Senate Joint Resolution 183, approved August 10, 1937 (Public Res. No. 57, 75th Cong.). The extended and renewed compact, dated the 5th day of April 1939, duly executed by the representatives of the States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and duly authorized and ratified by the said States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and which extended and renewed compact has been deposited in the Department of State of the United States, reads as follows:

#### "ARTICLE I

"This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

#### "ARTICLE II

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

#### "ARTICLE III

"Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of—

"(a) The operation of any oil well with an inefficient gas-oil ratio.

"(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural-gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive, or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

#### "ARTICLE IV

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted, then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order, or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

#### "ARTICLE V

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

#### "ARTICLE VI

"Each State joining herein shall appoint one representative to a Commission hereby constituted and designated as the Interstate Oil Compact Commission, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

#### "ARTICLE VII

"No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

#### "ARTICLE VIII

"This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"Done in the city of Dallas, Tex., this 16th day of February 1935. "Whereas said interstate compact was heretofore duly renewed and extended for 2 years from September 1, 1937, its original expiration date, to September 1, 1939; and

"Whereas it is desired to again extend and renew said interstate compact to conserve oil and gas for another period of 2 years from September 1, 1939, its present expiration date, to September 1, 1941: Now, therefore, this writing witnesseth:

"It is hereby agreed that the said compact entitled 'An interstate compact to conserve oil and gas,' executed in the city of Dallas, Tex., on the 16th day of February 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of 2 years from September 1, 1939, its present date of expiration, this agreement to become effective within those States joining herein when executed by any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico, and consent thereto is given by Congress.

"The signatory States executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States.

"Executed as of this the 5th day of April 1939 by the several undersigned States, at their several capitols, through their proper officials thereunto duly authorized by statutes, resolutions, or proclamations of the several States."

SEC. 2. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes; that the House further insisted upon its disagreement to the amendment of the Senate to the bill; asked a still further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NICHOLS, Mr. RANDOLPH, Mr. KENNEDY of Maryland, Mr. DIRKSEN, and Mr. BATES of Massachusetts were appointed managers on the part of the House at the further conference.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. HATCH (for Mr. ASHURST), from the Committee on the Judiciary, reported favorably the nomination of Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

He also, from the same committee, reported favorably the nominations of sundry noncommissioned officers to be second lieutenants in the Marine Corps.

He also, from the same committee, reported favorably the nominations of sundry citizens to be second lieutenants in the Marine Corps.

Mr. HARRISON, from the Committee on Foreign Relations, reported favorably, without reservation, the following treaties and conventions, and submitted reports thereon:

Executive D, Seventy-sixth Congress, first session, a consular convention between the United States of America and Liberia, signed at Monrovia on October 7, 1938 (Exec. Rept. No. 10);

Executive E, Seventy-sixth Congress, first session, a treaty of friendship, commerce, and navigation between the United States of America and Liberia, signed at Monrovia on August 8, 1938 (Exec. Rept. No. 11);

Executive F, Seventy-sixth Congress, first session, an extradition treaty between the United States of America and Liberia, signed at Monrovia, on November 1, 1937 (Exec. Rept. No. 12);

Executive G, Seventy-sixth Congress, first session, a treaty of commerce and navigation between the United States of America and the King of Iraq, signed at Baghdad, on December 3, 1938 (Exec. Rept. No. 13);

Executive H, Seventy-sixth Congress, first session, a convention between the United States of America and the Republic of Finland, signed at Helsinki on January 27, 1939, regulating the military obligations of persons possessing the nationality of both the high contracting parties (Exec. Rept. No. 14);

Executive I, Seventy-sixth Congress, first session, an extradition treaty between the United States of America and Monaco, signed at Monaco on February 15, 1939 (Exec. Rept. No. 15); and

Executive M, Seventy-sixth Congress, first session, a convention on interchange of publications signed at the Inter-American Conference for the Maintenance of Peace at Buenos Aires on December 23, 1936, by the plenipotentiaries of the United States of America and the respective plenipotentiaries of the other American republics (Exec. Rept. No. 16).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, earlier in the day reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of Aubrey W. Williams, of Wisconsin, to be National Youth Administrator (reappointment).

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### FEDERAL SECURITY ADMINISTRATOR—PAUL V. McNUTT

The legislative clerk read the nomination of Paul V. McNutt to be Federal Security Administrator.

Mr. BRIDGES. Mr. President, before the nomination of Mr. McNutt is acted upon I desire to occupy a few moments of the time of the Senate to make some appropriate remarks about Mr. McNutt.

I send to the desk a resolution and ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 161) was read, as follows:

Whereas Paul V. McNutt, if confirmed by the Senate to the office of Federal Security Administrator, to which office he has been nominated by the President, will have authority and executive control over the following agencies, to wit: The Civilian Conservation Corps, the Office of Education, the Public Health Service, the National Youth Administration, and the Social Security Board; and

Whereas Paul V. McNutt, as Governor of the State of Indiana was alleged to have been instrumental in forming the so-called Two Percent Club made up of State employees and officeholders of that State, whereby the said employees and officeholders were required to contribute 2 percent of their salaries for political purposes: Therefore be it

Resolved, That it is the sense of the Senate that Paul V. McNutt shall not be permitted, while serving as Federal Security Administrator, to establish a so-called Two Percent Club of employees of the above-named agencies for the purpose of assessing their salaries for political purposes.

Mr. BRIDGES. Mr. President, I ask unanimous consent that the resolution be considered and acted upon at this time.

Mr. BARKLEY. Mr. President, I move that the resolution be laid on the table.

The motion was agreed to.

Mr. BRIDGES. Mr. President, inasmuch as the resolution has been laid on the table, and the Democratic Members of the Senate have therefore gone on record as favoring the Two Percent Club of Indiana as established by Mr. McNutt, then Governor of Indiana, I think it is very appropriate, before he is put in charge of one of the most important agencies of the Government, that the people of the country have some knowledge of the Two Percent Club of Indiana, what it is, what it stands for, and Mr. McNutt's connection with it.

I have known Mr. McNutt for a number of years. He served as Governor of Indiana during the time I had the privilege of serving as Governor of New Hampshire. I think he is a nice fellow. I have nothing personally against him. He is a handsome man. He has many fine qualities. But the Two Percent Club that is so closely associated with Mr. McNutt and Mr. McNutt's history and political life smells. It not only smells but its odor could be described by even a stronger term.

What is the Two Percent Club?

Shortly after Mr. McNutt took office as Governor of Indiana, he put into effect a 2-percent regulation, assessing the wages and the salaries of all the officials of the State of Indiana for political purposes; and during the years he served as Governor of Indiana that assessment was in force. The protests became so severe, and the criticism so widespread, that in 1937 the McNutt machine in Indiana, then headed by Governor Townsend of that State, legalized it. The McNutt machine put through an act of the legislature legalizing a 2-percent assessment on all State employees for the benefit of the Democratic Party—one of the most brazen political acts ever put across in this Nation. The act exempted this 2-percent fund from the application of the Corrupt Practice Act of the State.

This 2-percent assessment was applied regardless of the ability to pay of the employee or official. According to various estimates, this assessment raised somewhere around \$300,000 a year. The treasurer of the Two Percent Club in Indiana was a man by the name of Bowman Elder.

In this new job Mr. McNutt will have charge of the Social Security Commission. He will have charge of the National Youth Administration. He will have charge of the Office of Education, the Civilian Conservation Corps, and various other units, many of them agencies dealing with the unfortunates of the country and the youth of the country.

My reason for offering the resolution at this time was to call attention to this situation. Let us go back to 1932. In 1932 Mr. McNutt belonged to the "Stop Roosevelt" movement. He was working against the nomination of Mr. Roosevelt at Chicago. Finally Mr. Farley, by his very astute methods, secured some support for Mr. Roosevelt in Indiana; but I am given to understand that there has always been a sort of distant feeling between Mr. Roosevelt and Mr. McNutt, and particularly has there been a strong feeling between Mr. Farley and Mr. McNutt. Now, Mr. McNutt comes home in all his grandeur and is appointed to a new post, one of the best jobs in the Government.

There is a great question in my mind and in the minds of the people of the country, whether Mr. McNutt has been taken in by the New Deal and President Roosevelt, or whether he has swallowed the New Deal. I do not know which is the case. There is some question of the New Deal's interest in McNutt's political future, because Mr. McNutt no doubt is going forward with his campaign for the Presidency, at the same time being entrusted with the care of the youthful citizens of our country and many of the unfortunate citizens of our country in the various agencies. He will have a twofold job to make himself the nominee of his party for President and to administer this new agency.

I have before me an article written by some Washington columnists to which I wish to refer.



Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BRIDGES. Certainly.

Mr. SCHWELLENBACH. I inquire whether or not this speech by the Senator from New Hampshire is an indication that he is opposed to Mr. McNutt for President; or, let me limit the question to the Democratic nomination for President.

Mr. BRIDGES. I do not think the Senator needs to make that inquiry, because my answer would be in the affirmative; but not only am I opposed to Mr. McNutt for President but I am opposed to him for the particular post to which the gentleman in the White House has just appointed him.

Mr. SCHWELLENBACH. I should like to say to the Senator from New Hampshire that I know of no better recommendation that Mr. McNutt or anybody else could get, so far as the Democratic Party is concerned, than to have the vigorous opposition of the Senator from New Hampshire. [Laughter.]

Mr. BRIDGES. I take that as a great compliment. I thank the Senator for it.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BRIDGES. Certainly.

Mr. HARRISON. Why did the Senator vote for the confirmation of Mr. McNutt as High Commissioner of the Philippines?

Mr. BRIDGES. I cannot recall the circumstances when that matter first came up. I do not think there was a record vote, and I do not think my voice was raised very loudly in the affirmative at that time. That is a reasonable question, however.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. BRIDGES. Certainly.

Mr. LUCAS. Was the 2-percent club in existence at that time?

Mr. BRIDGES. I understand that it was going in full force at that time.

Mr. LUCAS. At the time Mr. McNutt was confirmed as High Commissioner to the Philippines?

Mr. BRIDGES. Yes. I should like to point out to the Senator from Illinois that in serving as High Commissioner to the Philippines Mr. McNutt, of course, would not have the same opportunity of putting political assessments into force that he will in dealing with some 40,000,000 American citizens who will be under his supervision as head of the Federal Security Administration, many of them the poor people of the country, many of them the unfortunate, many of them the youth of the Nation, many of them persons who can ill afford to make such a contribution.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BRIDGES. Certainly.

Mr. BARKLEY. Is this speech a sort of preliminary canter looking forward to the Senator's own nomination on the Republican ticket as candidate for President?

Mr. BRIDGES. No; this speech deals exclusively with Democratic politics. I rather expected that I might get some help from the distinguished leader from Kentucky, because I understand that sometimes the sun from the White House shines on his fair head as to his own candidacy for the Presidency, and I did not know but that he might join in a wholehearted drive here to stop the McNutt nomination. [Laughter.]

Mr. BARKLEY. Mr. President, in reply I will say to the Senator from New Hampshire that I am not a candidate; but if I could be assured that the Senator from New Hampshire would be nominated by the Republican Party, I should be tempted to run. [Laughter.]

Mr. BRIDGES. I cannot think of a greater delight than for the Senator from New Hampshire to take part in any contest in opposition to the Senator from Kentucky. I will say that I am going down to Kentucky next Saturday to talk to the young Republican State convention there.

Mr. BARKLEY. I hope both of those present will enjoy the speech. [Laughter.]

Mr. BRIDGES. I do not doubt that those present will enjoy the speech; and I do not doubt that a great many per-

sons in Kentucky may enjoy a few remarks I intend to make relative to some of the things which occurred in the last campaign, and some of the methods used by the supporters of the Senator from Kentucky to obtain for him the nomination for United States Senator against the Governor of the State, Mr. Chandler. At that time I propose to tell a few of the things that have come to my attention about the methods used in W. P. A. circles, which the Senator from Kentucky may have known very little about, but which nevertheless probably very effectively contributed to his nomination and his return to the United States Senate.

I read from this article in the Evening Star by Joseph Alsop and Robert Kintner:

The strong Hoosier flavor has faded from the Washington air; the Indiana job holders have returned to their desks in the Government departments, and the 3-day wonder of Paul V. McNutt is over. Now that comparative calm has been restored it's interesting to know who paid for the McNutt ruckus, what sort of man it's about, and how long it's likely to continue.

The people who paid for the grandiose launching of the McNutt candidacy for the Presidency of the United States are, presumably, the employees of the Indiana State government and the businessmen of Indiana. It seems unlikely that Senator SHERMAN MINTON had such an attack of hospitality that he gave a party for 4,000 people himself, and thus far no generous political angels are understood to be backing Mr. McNutt.

That leaves us the McNutt Two Percent Clubs, and the imitation of the recent Democratic campaign books lately prepared for publication by the McNutt master mind, Frank McHale.

The Two Percent Clubs, a feature of the McNutt machine's iron-clad Indiana dictatorship, which have been much talked of but little understood, are simple, if rather brutal, institutions. Pretty nearly anyone who wants to keep a job with the State of Indiana has got to belong to them. Their chief function is the collection of 2 percent of the salary of everyone with a government job.

The Two Percent Clubs have locals, chiefly consisting of a sharp-eyed treasurer, in all the large agencies of the State government. Every pay day the treasurers collect their 2 percent and turn it over to the treasury chest of the McNutt machine. Thus the funds of the taxpayers of Indiana were really the source most heavily drawn on for the cocktails, canapes, and sandwiches at the McNutt reception.

The Two Percent Clubs are understood to gather in something like \$150,000 a year, which is not bad, everything considered. It does not seem to have been enough, however; no doubt because parties for 4,000 people and Presidential candidacies, run like a three-ring circus, cost a great deal of money. Fortunately the new imitation of the Democratic campaign book is likely to make up any deficits.

His administration was notable for three things. The 2-percent clubs were established. The Governor exhibited a curious fondness for marching the National Guard about the State, declaring martial law at the drop of a picket sign in labor disputes. And a McNutt-conceived reorganization of the State government was put through, which brought the State of Indiana as tightly under McNutt's control as Louisiana ever was under Long's. These three things led Norman Thomas to describe the new Presidential candidate as the Hoosier Hitler.

Lest it seems strange that a statesman of such attainments as Paul V. McNutt should be treated with occasional coldness by the national administration, it ought to be pointed out that McNutt made the single important mistake of his career back in 1932.

Not only was he not for Franklin Delano Roosevelt before Chicago; he was positively rude about it. He earned the undying dislike of Postmaster General James A. Farley, and he did not endear himself to the President. Since then the President has occasionally been ready to relent, but Jim Farley has kept his memories of Chicago refreshingly green.

Then Mr. McNutt was sent to the Philippines as high commissioner.

It will be recalled that when he went to the Philippines the first thing we heard about him was news of a big rumpus about whether Mr. McNutt should be toasted first as the high commissioner to the Philippines, or whether the President of the Philippine Commonwealth should be first toasted. Mr. McNutt worked hard on this matter. He threw his great power as high commissioner behind his demands and he won. He is a very persevering gentleman.

My point in bringing up this matter about Mr. McNutt is easily explained. I like the gentleman personally; I have no objection of a personal nature to him, but I do think that a man who has been associated with the Two Percent Club in Indiana, one of the most brazen samples of political racketeering I know of in the entire Nation, should not go unchallenged when he is appointed to head one of the great

governmental agencies of this country, where he will have under his charge the young and the old and the unfortunate of the Nation.

Mr. President, I hope that, based upon his past record, the nomination of Mr. McNutt will not be confirmed by the Senate.

Mr. MINTON. Mr. President, I know of no one who knows less about Paul McNutt and Indiana politics than Joe Alsop, unless it be the Senator from New Hampshire. The Senator from New Hampshire has called attention, through the medium of a resolution which the Senate promptly laid on the table, to the fact that the Democratic organization in Indiana, when McNutt became Governor in 1933, established a so-called Two Percent Club.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. The Senator admits the Two Percent Club was established by Paul McNutt?

Mr. MINTON. No; I do not admit anything of the kind. If the Senator will be seated for a moment, I will try to give him the first bit of facts he apparently has had about this situation. Judging by his speech, he has never been in possession of any of the facts, and if the Senator will indulge me just a few minutes, I will give him some information.

It is true the Two Percent Club was established by the Democratic organization—the Democratic employees, if you please—not by McNutt. The Senator from New Hampshire says that McNutt issued the order establishing the Two Percent Club. No such thing happened. The Democratic employees of the State administration organized their own Two Percent Club and placed upon themselves a voluntary obligation to contribute 2 percent of their earnings, if they received over a hundred dollars a month, to the Two Percent Club to help defray the expenses of the Democratic organization of the State of Indiana.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. Not only did they establish this voluntarily, I suppose, but when they failed to make their voluntary contributions they voluntarily fired themselves; did they? [Laughter.]

Mr. MINTON. No one was ever fired; and that is another statement by the Senator from New Hampshire which cannot be borne out by the facts. The fact of the matter is that these people put this obligation upon themselves voluntarily, and it worked so well—they were so proud of it—they were glad to pay the 2 percent; and no one was fired in the State of Indiana, and no one ever has been fired because he did not pay the Two Percent Club 2 percent of his salary. The Senator cannot cite a case of anyone in the State of Indiana, since the McNutt administration went into authority, who was fired because he did not pay the 2 percent to the Two Percent Club.

I was a member of that State administration before I came to the Senate, and I paid my 2 percent every month. I paid it voluntarily, and I paid it gladly, and everyone else who paid did likewise. But everyone in the State house did not pay it. I know the judges never would pay. They never thought they should pay, and nobody ever asked them to pay. I know that certain others in the State house never did pay.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. It would be impossible for the Governor to fire a judge, would it not?

Mr. MINTON. Pardon me.

Mr. BRIDGES. The Senator said the judges never did pay, and I inquired whether or not it was possible for the Governor to fire a judge.

Mr. MINTON. No, he could not fire a judge, but he could have a great deal to do with whether the judge would be renominated if he wanted to, because that would all come before the State convention, and the State organization, as the Senator knows, is quite powerful in State conventions.

But as I said, no one ever lost his job in Indiana because he did not contribute to the 2-percent fund. So that is just another erroneous statement made by the Senator from New Hampshire.

So far as the legalizing act went, it simply provided that the Two Percent Clubs are exempted from the Corrupt Practices Act for an accounting of their funds. Why? Because the Two Percent Clubs can, under the act, contribute its money only to a political party or a political campaign committee, and either that party or its campaign committee must account under the Corrupt Practices Act for every nickel it gets. So there was no sense in the Two Percent Club making an accounting and then the campaign committee also making an accounting of the same money.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. If 2-percent contributions are working so satisfactorily in Indiana, did they ever consider making it 4 percent, or 5 percent, or any higher percent?

Mr. MINTON. No; the Republicans did that.

Mr. BRIDGES. The Republicans have not been in power in Indiana for some time.

Mr. MINTON. They did it before the Democrats went in. And I am coming to that in a moment.

I now wish to say to the Senate that that organization was not established, as the Senator from New Hampshire said it was, it was not operated as the Senator from New Hampshire said it was, and it has no purposes such as the Senator from New Hampshire has attributed to it.

Let us take a look at the philosophy that is back of this Two Percent Club.

Mr. BRIDGES. Will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. Does the Senator mean to say that it is not political in character?

Mr. MINTON. No; it is political. Oh, it is a Democratic organization, and the purpose of it is to keep the Republicans out of power in Indiana, and may God prosper it.

Mr. BRIDGES. Will the Senator allow me to amend that statement a little? Is it not more to keep the McNutt machine in power than to keep the Republicans out of power?

Mr. MINTON. Well, the two are synonymous, and as long as the McNutt crowd has been in power in Indiana we have managed to keep the Republicans wandering in the wilderness and I hope we will continue to do so.

Let us now take a look at this Two Percent Club which the Senator has seen fit to characterize as political racketeering. We all know that in running a political party you must have the wherewithal to do it. You have to have sinews of war. You must have money with which to conduct a political campaign. In all seriousness I ask Senators, "Where do you want to get your money? You have got to get it some place. Where do you want to turn to get it?" The Democratic Party simply says, "We elect to go to our people who hold offices under the Democratic Party and who are responsible for the administration in the Democratic Party's lease of power, and ask them to contribute of their funds in order to defray the expenses of the Democratic Party." What could be fairer than that, Mr. President? For instance, when I run for the Senate in Indiana my party assesses me \$2,500. Everyone here who runs for office in his State knows that his political party assesses him in his State something or other to go on the ticket.

I have put up \$2,500 under the rules of the Democratic Party in my State. Every man who runs for county clerk or township trustee is assessed by the political party a certain sum of money to help defray the expenses of that party in that township, in that county, in that State, or in the Nation.

We have been getting money, as I said, from the office-holders and the people who hold office under those who run for office. We believe that that is an honest, honorable, straightforward way of getting money to finance a campaign. We know and have told the people of Indiana that that is the honest way to do it.



How did the Republicans do it out in Indiana when they were in power? I will give the Senator from New Hampshire a little bit of enlightenment about the way things were run when the Republicans were in. One way was to pass the hat around to these boys that had keys to the side door of the Governor's office. The corporation's representatives got the hat filled by the corporations who received quid pro quo.

Mr. President, it is a notorious fact that before the Democrats came into power in Indiana the group representing the Republican machine gave to the representatives of the utilities and the lobbyists over in the statehouse in Indianapolis keys to the side door to the office of the Governor of the State of Indiana, who was then a Republican. And when McNutt came in the keys to the Governor's office were all taken up, and were held by him and not by the representatives of Insull and the utilities in the State of Indiana.

Another way that Republicans operated in Indiana at that time was not to let them pay 2 percent a month, but to assess them 5 or 6 percent for every primary and every election campaign that came on.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. Yes; I yield to the Senator.

Mr. BRIDGES. Do I understand the statement that everyone who receives pay from the State is assessed, means that the people on relief and the people who are needy, the blind, the underprivileged, are also assessed?

Mr. MINTON. Absolutely not. No one on relief in Indiana is assessed.

Mr. BRIDGES. Where do they draw the line of distinction?

Mr. MINTON. Those who are on the State pay roll holding a State job, who receive a salary of \$100 a month or more, are the people who contribute to the Two Percent Club in the State of Indiana. No relief, no one holding a Federal position is asked to belong to the Two Percent Club.

It is a State organization, maintained by the State employees of the State of Indiana. It has worked so well, however, that the State employees have carried the message back to the people in their own communities, and the cities have established their Two Percent Clubs in the cities in the State of Indiana.

Not only have the Democrats established such clubs but the Republicans have followed suit in Indiana, and cities in Indiana today which are run by the Republican Party have Two Percent Clubs assessing the workers in the cities of the State of Indiana 2 percent on their salaries. But that was not the way they did it before they learned a little from the Democrats. Before the Democrats came in the Republicans did it this way. And I quote from an article by Herbert H. Evans, who was during the last session of the legislature in Indiana the Republican floor leader, and who for many years has been a member of the State legislature in Indiana. Mr. Herbert Evans had an article in *Outdoor Life* in October of 1930, and the Republicans in the State of Indiana at that time operated after this fashion. They would send out this kind of a letter:

Warden—

Referring to a game warden.

I suppose that you boys have been expecting this letter for some time, knowing that the campaign time is about here, so I am writing now to ask each of you for a donation to the campaign fund. I want \$25 from men receiving \$125 a month and \$15 from men receiving \$100 a month. Make the checks payable to Richard Lieber and mail to the office as soon as possible.

R. D. FLEMING, Captain of Wardens.

Here is the response of one of these wardens to Mr. Evans' letter. He says:

I was a warden for 4 years, and I know that I contributed to the campaign fund every election.

Here is a letter from a man by the name of Gardner, who was on the warden's staff. He writes to Mr. Evans:

Lieber \* \* \* had sent his captain of the game warden service out to collect \$25 from each warden for a campaign fund before the primary 2 years ago.

Now, mark you, that was the primary, so they came around with the hat again for the general election. So \$25 was assessed from the fellows who received \$125 a month

for the primary and \$25 for the election, which made \$50, or far beyond 2 percent. That is what the Republicans were taking. They were not only taking it from the game wardens; over in the highway department they issued an order—and I am in possession of the order, a copy of it at least—assessing the employees of the Highway Commission of the State of Indiana not 2 percent, as we Democrats did.

Oh, no; they took 5 percent. And you had to lay it on the line. That is the way they operated their campaigns in the State of Indiana under the Republican administration.

That was not the only way. As I said a while ago, they passed the hat around to the corporations, and the Democrats never could get any big money in Indiana, because they never would deal with the privileged element in Indiana which wanted to run the State for its own aggrandizement. We have never dealt with the Insulls. We have never had a Governor sent to the penitentiary, as did the Republicans. We have never had a Governor plead the statute of limitations in Indiana to keep from going to the penitentiary, as did the Republicans. We have never had a State chairman go to the penitentiary, as did the Republicans. We have never had a Congressman go to the penitentiary, as did the Republicans. We have never had a mayor of the great city of Indianapolis go to jail, as did the Republicans. I do not know of anyone who was prominent in the Republican Party in Indiana who at some time or other was not either indicted or convicted.

That is the kind of politics we have been used to in Indiana, and that is the kind of thing upon which the Republicans turned their backs in 1930 and 1932 in the great State of Indiana.

As I said a while ago, we in Indiana believe that the honorable way to raise money to finance a political campaign is to get it from those who profit by success at the polls. As I say, the Republicans do not believe in that philosophy. They believe in passing around the hat and getting it from the rich fellows; and then they believe in delivering their quid pro quo. They believe in paying off the rich fellows who contribute handsomely to the Republican campaign fund. Let us see how they operate.

The CONGRESSIONAL RECORD was filled with the facts prior to the campaign of 1932. If the Senator from New Hampshire [Mr. BRIDGES] wants to know who financed Republican campaigns in days gone by, I will tell him it was the United States Treasury. I refer him to the CONGRESSIONAL RECORD of July 15, 1932, pages 15516 and 15517, at which place Representative Garrett of Texas laid the figures before the House, and showed that Andrew Mellon, when he was Secretary of the Treasury, and could not obtain from Congress an act which would reduce the income taxes to the point where he wanted them, persuaded Congress to enact a law providing for a refund of taxes without the necessity of the taxes having been paid under protest. That opened the door wide for Andrew Mellon to lay down liberal regulations, and in marched those from whose pockets Woodrow Wilson had taxed the war profits. Andrew Mellon gave them back \$4,000,000,000.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. Just a moment. I want to develop the technique of the Republicans. I want to develop the methods they used to collect campaign funds, and to show what was given in return.

How did the system operate? The companies obtained enormous returns, but they obtained them only after they had made campaign contributions. How did the Republicans make sure of receiving the contributions? They had a man by the name of Robert Lucas who was collector of Internal Revenue. He was placed as an executive officer in the Republican National Committee. He knew whom the Treasury Department had taken care of. He knew who received the big refunds in taxes from the Treasury of the United States. Bob was placed in the Republican National Committee to see that the boys did not forget their duty. This is the way the contributions came in to the Republicans in that campaign. Here they are:

Harry Guggenheim contributed \$25,000 and received a tax refund of \$210,555.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. Just a moment. Jeremiah Milbank contributed \$25,000, and received a tax refund of \$891,443.

Mr. BONE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BONE. What was his business?

Mr. MINTON. I think he was a banker.

Mr. BONE. I wondered what connection these gentlemen might have had with war-time activities.

Mr. MINTON. They all lined their pockets.

Mr. BONE. I was wondering just how much profit we taxed out of them by our so-called war-profits tax.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. Just a moment. I want the Senator to hear these names. He probably never heard of them before.

John N. Willys contributed \$25,000, and received a tax refund of \$677,567. In addition, he was appointed Ambassador to Poland. Mr. Guggenheim went to Cuba.

W. R. and H. M. Timken contributed \$10,000, and they received a tax refund of \$370,031.

O. P. and M. J. Van Sweringen contributed \$32,500 each, and obtained tax refunds of \$353,364.

Here is an old fellow who knows how to trade. Here is a fellow who never casts his bread upon the waters without getting back a grain elevator and a flour mill [laughter]. John D. Rockefeller and John D. Rockefeller, Jr., gave \$25,000, and they received tax refunds of \$8,545,309.

Herbert N. Straus gave \$25,000, but he received a tax refund of only \$86,736.

William Nelson Cromwell gave \$25,000, and received tax refunds of \$222,652.

J. R. Nutt—that is not McNutt; just Nutt—treasurer of the Republican National Committee, gave \$25,000. He received tax refunds of only \$83,669.

Harvey S. Firestone gave \$25,000, and he received tax refunds of \$2,960,000.

And so it goes. In the case of the United States Steel Corporation, of course, the corporation could not contribute anything, but Mr. Baker—

Mr. BRIDGES. Mr. President, will the Senator yield at that point?

Mr. MINTON. Mr. George F. Baker, who is deeply interested, gave \$20,000; and the United States Steel and other corporations in which Mr. Baker was a director received tax refunds approximating \$100,000,000.

So all along the line the great corporations and moneyed interests of the country poured money into the coffers of the Republican campaign committee, and received in return millions and millions of dollars—yes, billions of dollars—as shown in the CONGRESSIONAL RECORD of July 15, 1932, to which I have referred.

The Senator from New Hampshire talks about a Two Percent Club! The Republicans shake down the contributors and then pay off, unabashed and unashamed, in the form of tax refunds.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BRIDGES. Inasmuch as the Senator has so clearly and without qualification stated that a political party may not accept contributions from corporations, I should like to have him explain how the Democratic National Committee, in the campaign of 1936, sold campaign books to many of the corporations in the country, some of them big, some of them little, many of them corporations seeking favors from the administration; and how, when certain individuals failed to subscribe to such campaign publications, certain penalties took place, certain individuals arrived to look at their tax records, and so forth. I should like to have the Senator explain why when Mr. Snell, then minority leader in the House of Representatives, submitted that information to the House and to the Attorney General, then Mr. Cummings, the Attorney General said it was without the sphere of the Department of Justice, and that the Department could not in-

vestigate the matter. The names were published. The Senator from West Virginia [Mr. Holt] last year put into the CONGRESSIONAL RECORD hundreds and hundreds of names of corporations which had contributed to the Democratic National Committee in the form of subscriptions to campaign books. Inasmuch as the Senator from Indiana is entering the national field, I should like to have him explain that situation which to me smells.

Mr. MINTON. Does the Senator refer to the advertising space that was bought in the convention books by corporations and other business people? Is that what the Senator refers to?

Mr. BRIDGES. No; I refer to the books that were sold as souvenirs, containing the autograph of the President of the United States, Mr. Franklin D. Roosevelt.

Mr. MINTON. There was no law against it. If anybody was willing to buy one of them and pay for it, it was perfectly all right for him to do so. There is no law against it; and, as I understand, the Republicans are not a bit squeamish about doing such things.

Mr. BRIDGES. It was a violation of the law.

Mr. MINTON. It was not a violation of the law. If it had been a violation of the law, the Senator could have appeared before a grand jury, or his party's representatives could have appeared before a grand jury, and had somebody indicted. Why did you not do it? Because you knew it was not against the law. There was no violation of the law. The Democrats did what was a perfectly legal thing, and they did what the Republicans did with reference to advertising in their convention book. The same outfit, the same corporation that put out the Democrats' book for the convention in 1936, put out the Republicans' book, and put it out on the same basis, although they did not make quite as much money by it, because nobody was much interested in the losing cause of the Republicans in that year.

Mr. BRIDGES. Does the Senator say that the Republican National Committee sold for any amount campaign books containing anybody's autograph?

Mr. MINTON. I did not say anything of the kind. There was not anybody in the Republican Party at that time whose autograph was worth a thin dime. [Laughter.] Therefore they did not use that method. What I did say was that the Republican Party used the same method that the Democratic Party used about getting out a convention book, and the Republicans used the same corporation to get out the book, collected money in the same way, and paid the corporation on the same basis.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator.

Mr. BRIDGES. The Senator is certainly making an incorrect statement when he says the Republicans used the same method. The Republicans, in no instance, sold to great corporations campaign publications containing the autograph of the President of the United States. When the Senator says they proceeded by the same method he is making an incorrect statement.

Mr. MINTON. The Senator does not think anybody paid for Hoover's autograph; does he? [Laughter.]

Mr. BRIDGES. Let me tell the Senator something. I had too high a regard for Herbert Hoover when he was President to think he would sell his autograph in a campaign publication for a campaign contribution.

Mr. MINTON. He sold it for a good deal less, according to the books that have been written about him. I do not know about the matter; but a number of books have been written about him and circulated in this country, and he has never prosecuted anybody for libel.

Mr. President, as I was saying before I was interrupted by the Senator from New Hampshire, there is no evidence in the record that if a corporation did buy a Democratic convention book, the trail led to the Treasury of the United States.

Mr. BRIDGES. Mr. President, let me answer that statement and say that I have not the list at hand; but I am certain that some of the persons who purchased campaign



publications—I shall be glad to get the list and give the Senator tomorrow the names—had matters of interest before this administration in Washington.

Mr. MINTON. Yes; and then the Senator ought to do what I did, set down what this administration gave them in return. The Senator from New Hampshire cannot do it, because the Democratic Party never has been guilty of that kind of conduct in all its long and glorious history.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. MINTON. Yes; I yield to the Senator.

Mr. BRIDGES. The Senator might perhaps explain some of the activities of a man by the name of Chip Robert, treasurer of the Democratic National Committee.

Mr. MINTON. I have heard of a fellow by the name of Fall, and a fellow by the name of Daugherty, and fellows like that, whom I might discuss here at great length; but at Chip Robert's door has never been laid a scandal, or a fraud, or anything at all that he could be indicted for under the law of the land.

Mr. President, I know the Senate wants to go home, and does not want to hear about this contest between the Senator from New Hampshire and me. I should like to have the Senator from New Hampshire, who finds fault with the method of Indiana in raising campaign funds, tell the Senate how he is raising the money to conduct his campaign for the Presidential nomination on the Republican ticket. I dare say the Senator from New Hampshire is not paying it out of his salary. I dare say that the man he has employed in his office to write his speeches, and dig up this stuff that he spews out here on the floor of the United States Senate, is not paid for out of the Senator's salary. What 2-percent club or what other racketeering political organization lines the pockets of the Senator from New Hampshire to send out his material for his political campaign for the Republican nomination for President of the United States? Let him tell his colleagues. Let him tell the Republican Party how he finances his campaign. Do not come to the Democratic Party of Indiana and try to cast any reflections upon it when it goes about in its little, humble way, collecting nickels and dimes among its own workers. Let the Senator from New Hampshire explain his own methods before he casts a stone at somebody else.

Mr. BRIDGES. In due course I will explain that to the Senator from Indiana or anybody else when I become a candidate for any office. Let me say that I do not approve of the 2-percent method, the McNutt method, or the method used by the Democratic National Committee of getting funds by selling books to corporations or unethical methods used by any person or committee whether they be Democrats or Republicans.

Mr. MINTON. Perhaps the Senator is not a candidate; but is he not angling just a little for the nomination—just a little bit? [Laughter.] I take it from the Senator's silence that that gives consent. I hope the Republican Party, which furnished him with the resolution he introduced, the party of the reactionary press that he always speaks for, will take note that they now have a candidate. By his silence here on the floor of the United States Senate he has given his blessing to the campaign of letter-writing and post cards that sent out the questionnaire: "Who is this fellow who has been Governor, who has been on the Public Service Commission, who is now in the United States Senate, who is a staunch Republican? Who is this fellow? Who is he? Does he not fit the specifications? Is he not just the fellow for whom we are looking for the Presidency of the United States, for our candidate on the Republican ticket?" Who is paying for those postcards? Who is sending them out? Where does the money come from? Let the Senator from New Hampshire tell us.

So, Mr. President, I conclude, with the observation that it is more honorable—and I say it with all sincerity—for a political party to go out among its own workers, openly and aboveboard, collecting a dollar here and a dollar there, than it is to pass around the hat among the great cor-

porations and the rich people of the country who expect to be paid off, as they were paid off under the Republican administration to the tune of \$4,000,000,000 out of the Treasury of the United States. So, when you consider the methods, ask yourselves honestly the question, How do you want your party to raise its money—by honest, voluntary contributions by the workers in the party itself, or by the privileged interests that want to get something from the Government because they gave something to the political party which they placed in power?

ELMER D. DAVIES

Mr. BARBOUR. Mr. President, I was detained from the Chamber, speaking to a caller from my State in the ante-room, just before the executive session was announced by the bells. I actually entered while the bells were still ringing. The Senator from New Hampshire [Mr. BRIDGES] had just taken the floor, and in the meantime there has been this rather long, spirited, and interesting interchange over the nomination of Mr. Paul V. McNutt between the Senator from New Hampshire and the Senator from Indiana.

As I entered the Chamber I was surprised to note that the confirmation of the Federal Security Administrator, Mr. McNutt, was the one that was being discussed. I must ask the Chair what happened in respect to the nomination of Elmer D. Davies as United States district judge for the middle district of Tennessee? Was that nomination passed over? It was the first on the list. Why was it not taken up first?

Mr. BARKLEY. Mr. President, I will say to the Senator from New Jersey that, because of the fact that the two Senators from Tennessee were leaving on a committee to attend the funeral of a Member of the House, the late Representative McReynolds, the Senator from Tennessee [Mr. McKELLAR] earlier in the afternoon asked that that nomination be confirmed, and it was confirmed.

Mr. BARBOUR. Mr. President, I do not charge that there was anything underhanded or any connivance or anything of that sort. I do not charge that, but certainly I expected, and had a right to expect, that the nomination of Elmer D. Davies would be brought up during the regular executive session and not out of order earlier in the day.

Mr. AUSTIN. Mr. President, will the Senator from New Jersey yield?

Mr. BARBOUR. I am glad to yield to my good friend from Vermont.

Mr. AUSTIN. I should like to say for the benefit of the Senator from New Jersey that when this matter arose I was present and knew of the exigency of the circumstances, but did not know there was any occasion for delay or that there was any opposition to the confirmation of the nomination. Therefore I did not object to the procedure out of order.

Mr. BARBOUR. That is perfectly true, I am sure, Mr. President. I would have objected to the confirmation of Mr. Davies had I known it was coming up out of order earlier, and I would have spoken to either the Senator from Oregon, if he had been present, or, in his absence, to the Senator from Vermont. It is perfectly true that the Senator from Vermont had no knowledge that I had any interest in the matter, and I did not advise anyone of my objection, for, of course, I expected that this nomination, like all the others on the Executive Calendar, would be reached when the Executive Calendar was called, and when the name thus would be reached in the ordinary way. Now, I must ask unanimous consent to have the vote confirming the nomination reconsidered.

Mr. BARKLEY. Mr. President, in view of the fact that the two Senators from Tennessee are away on official business, attending a funeral, I think that ought not to be agreed to at this time. The two Senators will be back Friday morning.

The PRESIDING OFFICER. The Chair calls attention to the fact that the President was notified of the confirmation.

Mr. BARKLEY. That is true. I had overlooked the fact that the senior Senator from Tennessee [Mr. McKELLAR]

asked that the President be notified, and he has already been notified of the confirmation.

Mr. BARBOUR. There was certainly a great deal of hurry about this particular confirmation, it seems to me. As I have said, I do not make any charges, for I accept the explanation of the majority leader, the distinguished Senator from Kentucky, but I find myself, through no fault of my own, in what I feel to be both an embarrassing position and a handicapped position, and I am compelled to move a reconsideration of the vote by which the nomination was confirmed.

Mr. BARKLEY. Mr. President, I have no desire to embarrass the Senator from New Jersey. At the same time, I do not want any advantage taken of the two Senators from Tennessee, at whose instance the nomination was confirmed, and, without objection, the President notified. I do not know that the President may not have issued the commission by this time. Of course, the Senator from New Jersey understands that the requirement that 2 days shall elapse after a nomination before the President is notified is for the purpose of giving opportunity to move a reconsideration if anyone wishes to make such a motion, and when, by unanimous consent, the President is notified at once, the 2-day period is waived.

Mr. BARBOUR. Mr. President, I know how absolutely fair the majority leader, the distinguished Senator from Kentucky, is, and I am not inferring that there has been anything underhanded or surreptitious, as I have said before, but I do say that under the circumstances, certainly in view of the fact that the nomination was brought up out of the regular order, before either I, or, I am sure, many other Senators expected it would come up, there should be a reconsideration. That is only fair.

Mr. BARKLEY. The Senator is not a member of the Committee on the Judiciary, I believe.

Mr. BARBOUR. I am not.

Mr. BARKLEY. I understand the nomination was unanimously reported by the Committee on the Judiciary after an investigation which they conducted.

Mr. AUSTIN. Mr. President, I desire to propound a parliamentary inquiry. Is there any reason why the Chair should not put the motion?

The PRESIDING OFFICER. The Senator can make a motion to reconsider the vote by which the nomination was confirmed, and should couple with that a motion to recall from the White House the resolution of confirmation.

Mr. AUSTIN. I feel some responsibility for this awkward situation, and therefore I make the motion that the resolution of confirmation be recalled.

Mr. NORRIS. Mr. President, I understand a subcommittee of the Committee on the Judiciary held hearings on the nomination, which I suppose were full hearings. I should like to ask the Senator from New Jersey whether he appeared before the subcommittee to make any objection.

Mr. BARBOUR. No, Mr. President; I did not. I knew nothing about the hearings before the subcommittee, and I am perfectly willing to admit that perhaps I should have known about them; but I did not. All I want to do now, and I must do it, is to have the resolution of confirmation recalled. I am, of course, perfectly willing that a vote be taken now on my motion. But I insist on a vote. I move that the resolution of confirmation be recalled. I realize how this has all come about, but I must insist that the Senate vote on my motion.

The PRESIDING OFFICER. The Chair understands the motion to be that the notification of confirmation sent to the President shall be recalled from the White House.

Mr. BARBOUR. That is correct. I understand that is the first move I should take to prevent the confirmation of this nomination.

Mr. LUCAS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. As I understand, both the proposals are in the same motion?

The PRESIDING OFFICER. The rule states that the motion for a recall of the notification must be coupled with a motion for reconsideration, and voted on separately.

Mr. LUCAS. Only one motion is to be voted upon?

The PRESIDING OFFICER. The two motions are to be voted upon separately.

Mr. BARKLEY. Mr. President, I understand the motion made was to recall the notification and to reconsider the action of the Senate in confirming the nomination.

The PRESIDING OFFICER. The motion is to recall the notification.

Mr. BARBOUR. I make the motion, and I insist it be voted on.

Mr. BARKLEY. That is one matter, and of course the other is a separate proposition.

The PRESIDING OFFICER. Whether the nomination will come back or not is a question.

Mr. BARKLEY. Of course, I do not express any opinion on that. The absence of the Senators from Tennessee on an official mission is responsible, of course, for the present situation. The nomination would not have been brought up except at the regular executive session except for the fact that the two Senators were appointed on the committee to attend the funeral of the late Representative McReynolds, of Tennessee, and had to leave at 4:50 o'clock this afternoon, before the Senate held an executive session. In view of the length of time which has elapsed between the occurrence of the vacancy in the judgeship and the appointment, it was desired that action be taken at once.

Mr. LA FOLLETTE. Mr. President, I suggest to the Senator from Kentucky that if the motions are voted upon separately, and the first motion is merely to recall the notification, under all of the circumstances the Senators from Tennessee, who made the request I am informed—I did not happen to be present—would not lose anything except the elimination of the waiver of the 2 days which ordinarily would elapse before the President would be notified. If merely the motion to recall the notification should be voted upon and carried, the vote to reconsider would not be acted on before the return of the Senators from Tennessee and there would be an opportunity for the Senator from New Jersey to present his objections.

Mr. BARKLEY. If the notification should be recalled from the President it would still be in order for the Senator to move to reconsider on Friday, when the Senators from Tennessee will have returned.

Mr. BARBOUR. Mr. President, I would not feel justified in presenting the two motions at the same time now. In the light of what has just been stated, and because it might appear to be unfair to the two Senators from Tennessee in their absence, I feel I should only press in the first instance my motion for the recall of the notification to the President. I am perfectly willing to abide by the vote of the Senate at this time. If I am voted down, of course I will have failed. But I feel I will not be voted down under all the circumstances, and on Friday I can move to reconsider the vote by which the nomination was confirmed.

Mr. BARKLEY. Of course, the Senate cannot vote on a motion to reconsider the confirmation until the notification is returned to the Senate. What the Senator from New Jersey is seeking to do now is all he can do now anyway.

Mr. BARBOUR. In the light of the parliamentary situation as outlined by the distinguished Senator from Kentucky, I am not suggesting that right now, Mr. President. I will make that motion Friday. However, now I do make the motion that the Senator from Wisconsin spoke of and ask that it be voted on.

Mr. BARKLEY. Mr. President, the Senator's motion is to recall the resolution of confirmation from the President?

Mr. BARBOUR. That is correct.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey [Mr. BARBOUR].

The motion was agreed to.



## FEDERAL SECURITY ADMINISTRATOR—PAUL V. McNUTT

The Senate resumed the consideration of the nomination of Paul V. McNutt, of Indiana, to be Federal Security Administrator.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. HARRISON. I move that the President be notified of the action of the Senate in confirming the nomination of Mr. McNutt.

The motion was agreed to.

## DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. BARKLEY. I move that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## POSTMASTERS

The legislative clerk read the nomination of Tony T. Turk to be postmaster at Falls Creek, Pa., which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters, with the exception of the one just acted upon, be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters, with the exception noted, are confirmed en bloc.

That completes the calendar.

## RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Thursday, July 13, 1939, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate July 12 (legislative day of July 10), 1939*

## PROMOTIONS IN THE COAST GUARD OF THE UNITED STATES

The following-named officers in the Coast Guard of the United States, to rank as such from July 1, 1939:

## TO BE CAPTAINS

Commander Wales A. Benham.

Commander Raymond L. Jack.

## TO BE CAPTAIN (ENGINEERING)

Commander (Engineering) Philip B. Eaton.

## TO BE COMMANDERS

Lt. Comdr. Charles W. Dean.

Lt. Comdr. Walfred G. Bloom.

The following-named officers in the Coast Guard of the United States, to rank as such from the dates set opposite their names:

## TO BE CAPTAIN

Commander Philip F. Roach, May 25, 1939.

## TO BE COMMANDERS

Lt. Comdr. Louis B. Olson, May 25, 1939.

Lt. Comdr. Roger C. Heimer, May 25, 1939.

Lt. Comdr. Lester E. Wells, May 25, 1939.

## TO BE LIEUTENANTS

Lt. (Jr. Gr.) James D. Craik, March 1, 1938.

Lt. (Jr. Gr.) Theodore J. Harris, July 1, 1938.

Lt. (Jr. Gr.) Anthony J. DeJoy, August 1, 1938.

Lt. (Jr. Gr.) Loren H. Seeger, September 1, 1938.

Lt. (Jr. Gr.) George D. Synon, September 15, 1938.

Lt. (Jr. Gr.) Irvin J. Stephens, November 16, 1938.

Lt. (Jr. Gr.) Edward T. Hodges, December 20, 1938.

Lt. (Jr. Gr.) Donald T. Adams, May 25, 1939.

Lt. (Jr. Gr.) Theodore J. Fabik, May 25, 1939.

## TO BE LIEUTENANTS (JUNIOR GRADE)

Ensign Guy L. Ottinger, June 8, 1939.

Ensign Clifford S. Gerde, June 8, 1939.

Ensign Edward C. Thompson, Jr., June 8, 1939.

Ensign James P. Stow, III, June 8, 1939.

Ensign Gerald T. Applegate, June 8, 1939.

Ensign George R. Reynolds, June 8, 1939.

Ensign Fred J. Scheiber, June 8, 1939.

Ensign William B. Ellis, June 8, 1939.

Ensign Harold L. Wood, June 8, 1939.

Ensign Arthur W. Johnsen, June 8, 1939.

Ensign Douglas B. Henderson, June 8, 1939.

Ensign Robert Wilcox, June 8, 1939.

Ensign Chester R. Bender, June 8, 1939.

Ensign Samuel G. Guill, June 8, 1939.

Ensign Paul E. Trimble, June 8, 1939.

Ensign Russell R. Waesche, Jr., June 8, 1939.

Ensign George R. Boyce, Jr., June 8, 1939.

Ensign Joseph P. Martin, June 8, 1939.

Ensign George W. Playdon, June 8, 1939.

Ensign Thomas F. Epley, June 8, 1939.

Ensign Julius E. Richey, June 8, 1939.

Ensign Benjamin B. Schereschewsky, June 8, 1939.

Ensign Frederick J. Statts, June 8, 1939.

Ensign James S. Muzzy, June 8, 1939.

Ensign Raymond W. Blouin, June 8, 1939.

Ensign Fred F. Nichols, June 8, 1939.

Ensign Theodore F. Knoll, June 8, 1939.

Ensign Nelson C. McCormick, June 8, 1939.

Ensign Frank M. McCabe, June 8, 1939.

## POSTMASTERS

## ALABAMA

Joseph H. Randolph to be postmaster at Grand Bay, Ala., in place of A. F. Johnson, removed.

## ARIZONA

Caleb O. Rice to be postmaster at Douglas, Ariz., in place of C. O. Rice. Incumbent's commission expires July 17, 1939.

## ARKANSAS

Della Kay to be postmaster at Keiser, Ark. Office became Presidential July 1, 1937.

Ivy L. Dunnam to be postmaster at McCrory, Ark., in place of I. T. Mayo. Incumbent's commission expired June 6, 1938.

## CALIFORNIA

Margaret Allen to be postmaster at Indio, Calif., in place of Margaret Allen. Incumbent's commission expired February 9, 1939.

Rodney McCormick to be postmaster at Napa, Calif., in place of Rodney McCormick. Incumbent's commission expired May 31, 1939.

Florence E. Cornelius to be postmaster at Piru, Calif., in place of F. E. Cornelius. Incumbent's commission expired February 9, 1939.

## CONNECTICUT

Joseph T. McCarthy to be postmaster at Plainville, Conn., in place of J. T. McCarthy. Incumbent's commission expired May 13, 1939.

William F. Rabbett, Jr., to be postmaster at Windsor Locks, Conn., in place of B. V. Keevers, deceased.

## FLORIDA

Minnie H. Vick to be postmaster at Apopka, Fla., in place of M. H. Vick. Incumbent's commission expired March 16, 1939.

Sue Barco to be postmaster at Clearwater, Fla., in place of Sue Barco. Incumbent's commission expired February 20, 1939.

Florence M. Bowman to be postmaster at Clermont, Fla., in place of F. M. Bowman. Incumbent's commission expires July 26, 1939.

Edward L. Powe to be postmaster at De Land, Fla., in place of E. L. Powe. Incumbent's commission expired February 10, 1938.

James L. Crayden to be postmaster at Eustis, Fla., in place of J. L. Crayden. Incumbent's commission expired March 16, 1939.

Albert V. Prevatt to be postmaster at Green Cove Springs, Fla., in place of A. V. Prevatt. Incumbent's commission expired February 28, 1939.

Gertrude B. Scott to be postmaster at Jacksonville Beach, Fla., in place of Gertrude Scott. Incumbent's commission expired March 27, 1939.

George W. Oliver to be postmaster at Lake Wales, Fla., in place of G. W. Oliver. Incumbent's commission expired January 17, 1939.

Ebenezer J. Harris to be postmaster at Madison, Fla., in place of E. J. Harris. Incumbent's commission expired January 17, 1939.

Edward T. Owen to be postmaster at Maitland, Fla., in place of E. T. Owen. Incumbent's commission expired January 17, 1939.

John Andrew Shelley to be postmaster at Palatka, Fla., in place of J. A. Shelley. Incumbent's commission expired May 23, 1938.

Gertrude A. Ross to be postmaster at Raiford, Fla., in place of S. A. Bryan, removed.

Wrather H. Reams to be postmaster at Winter Garden, Fla., in place of W. H. Reams. Incumbent's commission expired January 17, 1939.

#### GEORGIA

Minnie L. Bird to be postmaster at Bowdon, Ga., in place of M. L. Bird. Incumbent's commission expired August 22, 1939.

Grady Adams to be postmaster at Moultrie, Ga., in place of Grady Adams. Incumbent's commission expired May 13, 1939.

Elmer T. Williams to be postmaster at Quitman, Ga., in place of E. T. Williams. Incumbent's commission expired June 1, 1939.

James H. Mahone to be postmaster at Talbotton, Ga., in place of J. H. Mahone. Incumbent's commission expired June 18, 1939.

Ralph Waldo Harris to be postmaster at Wrens, Ga., in place of R. W. Harris. Incumbent's commission expires July 31, 1939.

#### ILLINOIS

Arthur S. Austin to be postmaster at Altona, Ill., in place of A. S. Austin. Incumbent's commission expired January 16, 1939.

Elmer E. Dallas to be postmaster at Cerro Gordo, Ill., in place of E. E. Dallas. Incumbent's commission expired January 16, 1939.

Marsel F. Snook to be postmaster at Cutler, Ill., in place of M. F. Snook. Incumbent's commission expired July 1, 1939.

Roy M. Cocking to be postmaster at Erie, Ill., in place of R. M. Cocking. Incumbent's commission expired March 18, 1939.

Kile E. Rowand to be postmaster at Fairmount, Ill., in place of K. E. Rowand. Incumbent's commission expired January 16, 1939.

Hazel A. Richmond to be postmaster at Fillmore, Ill., in place of H. A. Richmond. Incumbent's commission expired May 13, 1939.

Maxine Loy to be postmaster at Maquon, Ill., in place of Maxine Loy. Incumbent's commission expired January 22, 1939.

John F. Hartsfield to be postmaster at Monticello, Ill., in place of J. F. Hartsfield. Incumbent's commission expired January 16, 1939.

Henry R. Richardson to be postmaster at Mowaqua, Ill., in place of H. R. Richardson. Incumbent's commission expired January 16, 1939.

Walter W. Schultz to be postmaster at Oakglen, Ill. Office became Presidential July 1, 1938.

Roy S. Preston to be postmaster at Pekin, Ill., in place of R. S. Preston. Incumbent's commission expired May 29, 1939.

Harry C. Strader to be postmaster at Westfield, Ill., in place of H. C. Strader. Incumbent's commission expired March 18, 1939.

#### INDIANA

Harry T. Ferguson to be postmaster at Jeffersonville, Ind., in place of H. T. Ferguson. Incumbent's commission expired May 15, 1939.

Edwin D. Smith to be postmaster at Ligonier, Ind., in place of E. D. Smith. Incumbent's commission expired June 1, 1939.

Maurice C. Goodwin to be postmaster at New Castle, Ind., in place of M. C. Goodwin. Incumbent's commission expired June 18, 1939.

Earl J. McWilliams to be postmaster at Plainville, Ind., in place of E. J. McWilliams. Incumbent's commission expired January 18, 1939.

#### IOWA

Anna V. McDonnell to be postmaster at Adair, Iowa, in place of A. V. McDonnell. Incumbent's commission expired January 18, 1939.

Adolph M. Schanke to be postmaster at Mason City, Iowa, in place of A. M. Schanke. Incumbent's commission expired May 7, 1938.

Donald E. Carson to be postmaster at New Hartford, Iowa, in place of L. E. Grady, removed.

Leonard L. Snyder to be postmaster at Oskaloosa, Iowa, in place of L. L. Snyder. Incumbent's commission expired June 18, 1939.

Grace G. Patterson to be postmaster at Westside, Iowa, in place of G. G. Patterson. Incumbent's commission expired January 18, 1939.

#### KANSAS

Norbert W. Shean to be postmaster at Spearville, Kans., in place of J. J. Appelhaus, removed.

#### KENTUCKY

Henry H. Snodgrass to be postmaster at Alva, Ky., in place of Roy Fraim, resigned.

Walter Clayton Thomason to be postmaster at Georgetown, Ky., in place of N. L. Blackburn, deceased.

Forrest P. Bell to be postmaster at Hartford, Ky., in place of L. G. Barrett, removed.

#### MAINE

Walter G. Anderson to be postmaster at Kittery Point, Maine, in place of C. E. Perry, deceased.

#### MARYLAND

Lily M. Kuhl to be postmaster at Bowie, Md., in place of Nettie Fowler, deceased.

Harry R. Price to be postmaster at Rock Hall, Md., in place of H. R. Price. Incumbent's commission expired May 13, 1939.

#### MICHIGAN

Annah E. Turnbull to be postmaster at Clio, Mich., in place of M. W. Covert. Incumbent's commission expired January 25, 1936.

Claude J. Tessman to be postmaster at New Haven, Mich., in place of C. J. Tessman. Incumbent's commission expired April 26, 1939.

#### MINNESOTA

Mary E. Herron to be postmaster at Watertown, Minn., in place of S. A. Mystrom. Incumbent's commission expired January 25, 1936.

#### MISSISSIPPI

Pink Hardy to be postmaster at Bruce, Miss., in place of Hezekiah Logan. Incumbent's commission expires July 26, 1939.

James H. Middlebrook to be postmaster at Ethel, Miss., in place of I. I. Massey. Incumbent's commission expired April 6, 1939.



Mary D. McMahan to be postmaster at Holcomb, Miss., in place of H. C. Varner. Incumbent's commission expired July 11, 1939.

Erma O. Barnes to be postmaster at Louise, Miss. Office became Presidential July 1, 1938.

William J. Newton to be postmaster at Monticello, Miss., in place of A. P. Wilson. Incumbent's commission expired June 10, 1936.

## MISSOURI

John R. Sims to be postmaster at Blackwater, Mo., in place of R. M. Abney, deceased.

Meredith B. Lane to be postmaster at Sullivan, Mo., in place of M. B. Lane. Incumbent's commission expired February 20, 1939.

## MONTANA

Karl Oliver Lentz to be postmaster at Baker, Mont., in place of T. R. Bergstrom, resigned.

Dudley W. Greene to be postmaster at Columbia Falls, Mont., in place of D. W. Greene. Incumbent's commission expired April 10, 1938.

Raymond M. Birck, to be postmaster at Corvallis, Mont., in place of R. M. Birck, resigned.

## NEW JERSEY

Irving Washburn to be postmaster at Dover, N. J., in place of A. J. Kaiser, deceased.

Herbert Schulhafer to be postmaster at Linden, N. J., in place of Herbert Schulhafer. Incumbent's commission expired June 18, 1938.

Russell J. Noncarrow to be postmaster at Morristown, N. J., in place of R. J. Noncarrow. Incumbent's commission expired February 13, 1939.

William H. Fisher to be postmaster at Phillipsburg, N. J., in place of W. H. Fisher. Incumbent's commission expired April 2, 1939.

## NEW MEXICO

Clotilde C. Montes to be postmaster at Bernalillo, N. Mex., in place of C. C. Montes. Incumbent's commission expired February 25, 1939.

## NEW YORK

Willard S. Brown to be postmaster at Fair Haven, N. Y., in place of W. S. Brown. Incumbent's commission expired January 22, 1939.

Antoinette C. Longworth to be postmaster at Hewlett, N. Y., in place of P. J. Daub, removed.

Frederick M. Dennin to be postmaster at Lake Placid, N. Y., in place of F. M. Dennin. Incumbent's commission expired March 23, 1939.

Hugh E. Dean to be postmaster at Vestal, N. Y., in place of J. S. Crane, deceased.

William H. Butler to be postmaster at Saranac Inn, N. Y., in place of W. H. Butler. Incumbent's commission expired May 8, 1939.

## NORTH CAROLINA

Joseph C. Allen to be postmaster at Durham, N. C., in place of J. C. Allen. Incumbent's commission expired March 28, 1939.

## OHIO

Milan E. Croul to be postmaster at Killbuck, Ohio, in place of C. B. Hyatt. Incumbent's commission expired January 30, 1938.

## OKLAHOMA

Mona Clark to be postmaster at Idabel, Okla., in place of H. Clark, deceased.

William Clarence Ray to be postmaster at Wilburton, Okla., in place of W. C. Ray. Incumbent's commission expired March 20, 1939.

## OREGON

Anne E. O'Rourke to be postmaster at Condon, Oreg., in place of A. E. O'Rourke. Incumbent's commission expired February 18, 1939.

Frank L. Armitage to be postmaster at Eugene, Oreg., in place of F. L. Armitage. Incumbent's commission expired June 1, 1939.

## PENNSYLVANIA

Helen I. Simkovich to be postmaster at Beaver Meadows, Pa., in place of J. M. Kotch, removed.

Edward W. Coley to be postmaster at Cochran, Pa., in place of E. W. Coley. Incumbent's commission expired March 18, 1939.

Harry C. Beck to be postmaster at Cressona, Pa., in place of H. C. Beck. Incumbent's commission expired March 18, 1939.

Michael J. Glenn to be postmaster at Ford City, Pa., in place of M. J. Glenn. Incumbent's commission expired March 18, 1939.

Margaret M. Callahan to be postmaster at Glen Mills, Pa. Office became Presidential July 1, 1938.

John Paul Garrett to be postmaster at Herndon, Pa., in place of J. P. Garrett. Incumbent's commission expired February 21, 1939.

Donald B. Gardner to be postmaster at Howard, Pa., in place of D. B. Gardner. Incumbent's commission expired May 28, 1939.

James P. King to be postmaster at Kittanning, Pa., in place of J. P. King. Incumbent's commission expired February 1, 1938.

Charles M. Howell to be postmaster at Lancaster, Pa., in place of C. M. Howell. Incumbent's commission expired March 18, 1939.

Frank B. Kunselman to be postmaster at Meadville, Pa., in place of F. B. Kunselman. Incumbent's commission expired February 9, 1939.

Clarence F. Ludwig to be postmaster at Minersville, Pa., in place of J. F. Boran, removed.

Olin V. Deterick to be postmaster at Orangeville, Pa., in place of O. V. Deterick. Incumbent's commission expired April 6, 1939.

James M. Herrold to be postmaster at Port Trevorton, Pa., in place of J. M. Herrold. Incumbent's commission expired April 6, 1939.

Samuel Bankin to be postmaster at Revloc, Pa. Office became Presidential July 1, 1938.

Ambrose A. Connelly to be postmaster at Rosemont, Pa., in place of A. A. Connelly. Incumbent's commission expired May 4, 1939.

Ella Belle Luce to be postmaster at Saegertown, Pa., in place of E. B. Luce. Incumbent's commission expired March 18, 1939.

Charles P. Hilty to be postmaster at Saltsburg, Pa., in place of C. P. Hilty. Incumbent's commission expired May 28, 1939.

Joseph Harry Brownmiller to be postmaster at Schuylkill Haven, Pa., in place of J. H. Brownmiller. Incumbent's commission expired February 21, 1939.

Andrew E. Hildebeitel to be postmaster at Souderton, Pa., in place of A. E. Hildebeitel. Incumbent's commission expired May 4, 1939.

John L. Gracey to be postmaster at Three Springs, Pa., in place of J. L. Gracey. Incumbent's commission expired January 29, 1939.

## PUERTO RICO

Pedro Muniz Rivera to be postmaster at Manati, P. R., in place of P. M. Rivera. Incumbent's commission expired February 13, 1939.

## RHODE ISLAND

William F. Harkins to be postmaster at West Barrington, R. I., in place of W. F. Harkins. Incumbent's commission expired February 18, 1939.

## SOUTH CAROLINA

Jo H. King to be postmaster at McBee, S. C., in place of J. H. King. Incumbent's commission expired January 21, 1939.

Crayton C. Crenshaw to be postmaster at Pendleton, S. C., in place of C. C. Crenshaw. Incumbent's commission expired February 9, 1939.

Lucia C. Lindsey to be postmaster at Piedmont, S. C., in place of L. C. Lindsey. Incumbent's commission expired January 24, 1939.

Lawrence E. King to be postmaster at Simpsonville, S. C., in place of L. E. King. Incumbent's commission expired January 24, 1939.

Joseph H. Coleman to be postmaster at Travellers Rest, S. C., in place of J. H. Coleman. Incumbent's commission expired January 24, 1939.

## SOUTH DAKOTA

Alex C. Lembcke to be postmaster at Garretson, S. Dak., in place of A. C. Lembcke. Incumbent's commission expired February 20, 1938.

Ruel E. Dana to be postmaster at Hartford, S. Dak., in place of R. E. Dana. Incumbent's commission expired January 28, 1939.

William F. Curren to be postmaster at Vienna, S. Dak., in place of W. F. Curren. Incumbent's commission expired February 15, 1939.

## TENNESSEE

Franklin P. Moore to be postmaster at Cookeville, Tenn., in place of H. T. Whitson. Incumbent's commission expired May 10, 1939.

Hugh V. Somerville to be postmaster at Paris, Tenn., in place of H. V. Somerville. Incumbent's commission expired June 17, 1939.

## TEXAS

Kathryn A. Baker to be postmaster at Edna, Tex., in place of O. G. Baker, Jr., deceased.

William P. Slaton to be postmaster at Electra, Tex., in place of W. P. Slaton. Incumbent's commission expired January 25, 1939.

Gladys J. Ballard to be postmaster at Estelline, Tex., in place of G. J. Ballard. Incumbent's commission expired March 15, 1939.

Gus M. Hodges to be postmaster at Greenville, Tex., in place of F. E. Horton, deceased.

Mary S. Donald to be postmaster at Lewisville, Tex., in place of J. M. Edwards. Incumbent's commission expired January 25, 1939.

George A. McElroy to be postmaster at Nocona, Tex., in place of M. S. Strong. Incumbent's commission expired January 25, 1939.

Plummer M. Barfield to be postmaster at Sourlake, Tex., in place of P. M. Barfield. Incumbent's commission expired January 25, 1939.

Fred W. Hines to be postmaster at Wiergate, Tex., in place of F. W. Hines. Incumbent's commission expired January 25, 1939.

## UTAH

Eugene Yeates to be postmaster at Logan, Utah, in place of Eugene Yates. Incumbent's commission expired January 17, 1939.

## VIRGINIA

John Frank Harper to be postmaster at Waynesboro, Va., in place of J. F. Harper. Incumbent's commission expired July 9, 1939.

Ethel L. Deans to be postmaster at Windsor, Va., in place of E. L. Deans. Incumbent's commission expired February 18, 1939.

## WASHINGTON

Robert H. Maus to be postmaster at Wenatchee, Wash., in place of G. C. Eller, deceased.

## WEST VIRGINIA

Edward Ellis Brumfield, Sr., to be postmaster at Berwind, W. Va., in place of P. H. Lawless, resigned.

Edward E. Williams to be postmaster at Masontown, W. Va., in place of E. E. Williams. Incumbent's commission expired June 6, 1938.

## WISCONSIN

John L. Cunningham to be postmaster at Beaver Dam, Wis., in place of J. L. Cunningham. Incumbent's commission expired June 26, 1939.

William H. McCrea to be postmaster at Benton, Wis., in place of W. H. McCrea. Incumbent's commission expired June 15, 1938.

Albert L. Ehret to be postmaster at Prairie du Sac, Wis., in place of A. L. Ehret. Incumbent's commission expired June 18, 1938.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate July 12 (legislative day of July 10), 1939*

## DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE

Lampton Berry	R. Kenneth Oakley
Roland K. Beyer	M. Robert Rutherford
Robert P. Chalker	J. Kittredge Vinson
Ralph C. Getsinger	O. Meredith Weatherby
George D. Henderson	Alfred T. Wellborn

## UNITED STATES DISTRICT JUDGE

Elmer D. Davies to be United States district judge for the middle district of Tennessee.

## FEDERAL SECURITY ADMINISTRATOR

Paul V. McNutt to be Federal Security Administrator.

## POSTMASTERS

## ALASKA

Albert Wile, Juneau.

## ARIZONA

Nina Bess Prather, Casa Grande.

## ARKANSAS

Oscar E. Wyatt, Bono.

Walter Finley, Lincoln.

## FLORIDA

Charles H. Fletcher, Branford.

## GEORGIA

Hardy S. McCalman, Buchanan.

Hal D. Austin, Conyers.

## ILLINOIS

Scott W. Hershey, Taylorville.

## INDIANA

Floyd B. Faulkerson, Angola.

Roy D. Haines, Bryant.

James S. Auble, Cayuga.

Albert Seufert, Ferdinand.

Jesse M. Kemp, Kempton.

Charles H. Wilson, Mooresville.

Linda M. Peine, Oldenburg.

Joseph C. Whitesell, Plymouth.

Paul A. Kerstiens, St. Mary-of-the-Woods.

Heber L. Menaugh, Salem.

Albert J. Anderson, Shirley.

Albert Rautenkranz, Urbana.

Benjamin B. Plummer, Windfall.

## KENTUCKY

Homer G. McConnell, Marion.

## MAINE

Harold E. Weeks, Augusta.

Mollie M. Armstrong, Cape Cottage.

Fred E. Skillings, Jr., Scarborough.

Fernald E. Anderson, Stockholm.

## MARYLAND

Egbert F. Tingley, Hyattsville.

Taylor R. Biles, Rising Sun.

## MICHIGAN

Rita C. Boucha, Engadine.

## MISSOURI

Max H. Dreyer, Festus.

Hazel Ryals, Greenfield.

William Arthur Girdner, Mercer.

Leslie C. Sheckelsworth, Meta.

Harry F. Allen, Powersville.

Frank J. Albers, Robertson.

Eva G. Allen, Rutledge.



## MONTANA

Lena L. Fleming, Bonner.  
Philester F. Morrison, Columbus.  
Thomas J. Somerville, Jr., Gardiner.  
Pypsy B. Snelson, Great Falls.  
Ruth A. Nutting, Laurel.  
John W. McKee, Plentywood.

## NEVADA

Henry J. Rosenbrock, Gardnerville.

## NEW JERSEY

Robert H. McKinney, Barrington.  
Daniel T. Hagans, Blackwood.  
James D. Magee, Bordentown.  
John M. Timcoe, Bradley Beach.  
Frank F. Burd, Califon.  
Jacob Garrison, Cape May Court House.  
Nelson Pickel, Clinton.  
Warren Eckerson, Closter.  
Mamie R. Stone, Egg Harbor City.  
Edward F. McKeever, Englewood.  
Edward W. Seyler, Fords.  
Arthur B. Williams, Grenloch.  
Leslie B. Vail, Hamburg.  
Anthony De Staffen, Haskell.  
Fred G. Leiser, Hudson Heights.  
Frank Mastrangelo, Iselin.  
John L. Cagni, Lavallette.  
Martin E. Carroll, Lawrenceville.  
Joseph D. Donato, Little Falls.  
Lucy M. Buckbee, Manahawkin.  
Harry Kramer, Metuchen.  
Joseph J. McNally, Park Ridge.  
William T. Snyder, Pittstown.  
Dominic Soriano, Raritan.  
Michael S. Malone, Rockaway.  
Anna A. Mullen, Sewaren.  
Madelyn Swanwick, West New York.  
Timothy J. Lyons, Westwood.  
Clarence Smith, Woodstown.

## NEW MEXICO

Henry Gallegos, Grants.  
Virginia M. Cason, Mosquero.

## NEW YORK

Hattie B. Dye, Cassadaga.  
May T. Powers, Essex.  
George H. Raum, Kenoza Lake.  
Katherine H. Nevil, Marion.  
Grace M. Mumford, Middleville.  
Charles L. Prince, Mohawk.  
Roy Brant, Remsen.  
Edward J. Hally, Sonyea.

## NORTH DAKOTA

Otis Malone, Almont.  
Freda A. Sempel, Braddock.  
Maude L. Burbeck, Cathay.  
Olive M. Bartlett, Cogswell.  
Michael C. Rausch, Elgin.  
H. C. Erhart Petersen, Makoti.  
Christine Loken, Petersburg.  
William J. Gust, St. Thomas.  
Thelma B. Bohrer, Stanton.

## OHIO

Howard M. Whitehead, Alexandria.  
Mollie M. Morrow, Bergholz.  
Florence B. Nichols, Burton.  
Dee C. Franks, Clyde.  
John W. Ritz, Hamler.  
Edmund L. Curchill, Metamora.  
Carl V. Beebe, Mount Gilead.  
Harley C. Brubaker, Waynesburg.

## OKLAHOMA

Harry F. Craig, Boswell.  
Wilma P. Walcher, Braman.  
Lydia C. Rhyne, Dawson.  
Luther C. Dobbs, Davidson.  
Edwin B. Minich, Eldorado.  
James Roy Clem, Granite.  
Vernie A. Oates, Shattuck.  
Nell M. Dilks, Temple.

## PENNSYLVANIA

Elmer T. Smith, Hopewell.

## TENNESSEE

Timmie M. Bryant, Charleston.  
Walter W. Ryburn, Erwin.  
William R. Massey, Harriman.  
A. Klasen Broyles, Limestone.  
Charles P. Fults, Monteagle.  
Wilia J. McCrary, Philadelphia.  
Jean N. McGuire, Sweetwater.

## WEST VIRGINIA

Lucille Jividen, Leon.

## WASHINGTON

Elizabeth S. Garland, Endicott.  
Charles J. Fredricks, Moxee City.  
Walter Lee Barnard, Sumner.

## REJECTION

*Executive nomination rejected by the Senate July 12 (legislative day of July 10), 1939*

## POSTMASTER

## PENNSYLVANIA

Tony T. Turk to be postmaster at Falls Creek in the State of Pennsylvania.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 12, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we praise Thee that the sun of life, with its quickening rays, has again shed upon our path the glow of another day. Thy merciful love and care, our Father, are as constant as the stars that never set, as the mountains that never move, and as the tides that never forget to ebb and flow. Glory be to Thy holy name, O Lord, most high. Continue to shelter us with Thy gracious providence, uplifting and transfiguring us with the sublime consciousness of a personal God. Inspire us to love Thee with a whole heart, to serve man and hate only sin. As the custodians of a glorious heritage, grant that the might of a great purpose may surge through the halls of our being. Search us, O God, and know our hearts; see if there is any wicked way in us and lead us in the way everlasting. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6577) entitled "An act to provide revenue for the District of Columbia, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 955. An act creating the City of Dubuque Bridge Commission and authorizing said Commission and its successors

to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.; and

S. 1575. An act to provide that the annual registration of motor vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1384) entitled "An act for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim," with an amendment.

The message also announced that the Senate had adopted the following resolution:

**Senate Resolution 159**

IN THE SENATE OF THE UNITED STATES,  
July 11 (legislative day, July 10), 1939.

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAM D. McREYNOLDS, late a Representative from the State of Tennessee.

*Resolved*, That a committee of six Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian tomorrow.

The message also announced that pursuant to the foregoing resolution the Presiding Officer had appointed Mr. McKELLAR, Mr. STEWART, Mr. CONNALLY, Mr. RUSSELL, Mr. BURKE, and Mr. MILLER as members of said committee on the part of the Senate.

**UNITED STATES SUPREME COURT BUILDING COMMISSION**

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 341) to dissolve the United States Supreme Court Building Commission.

Mr. RICH. Mr. Speaker, reserving the right to object, we would like to know what the joint resolution is.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the United States Supreme Court Building Commission, having fully executed all the duties imposed upon it by law, accomplished the purposes for which it was created, settled all accounts, and submitted its final report to Congress, is hereby dissolved and the members of such Commission discharged from any further duties in connection with the matters heretofore committed by law to such Commission.

Sec. 2. All the books, papers, documents, and other records of such Commission shall be transferred to such permanent agencies of the United States, including the Supreme Court of the United States, as the Chief Justice of the United States shall deem appropriate.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point with reference to the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANHAM. Mr. Speaker, the Supreme Court Building Commission has completed its work and submitted its report to the Congress. The pending resolution provides, accordingly, that the Commission be discharged. It is unnecessary to recite here the legislative provisions governing the labors of the Commission as they are all set out in the report to the Congress.

Through the years of its service, the Commission has worked diligently and has had many problems to solve. The efficiency of that service in its financial features is reflected in the fact that out of the funds provided for the construction of the building the Commission has also furnished the

building and is returning more than \$95,000 to the Treasury of the United States. [Applause.]

The building houses one of the three coordinate branches of the Government in its highest tribunal. Naturally, it is designed primarily for the conduct of the business of the Court, with proper facilities for litigants and attorneys. However, it is provided also with ample corridors and conveniences for the general public, and accommodations for visitors to the courtroom are much more numerous and satisfactory than in the crowded quarters formerly occupied by the Supreme Court in the Capitol.

The resolution provides also for the deposit of the records of the Commission by its Chairman, the Chief Justice of the United States, in a proper place, and it is believed that a perusal of these records will attest the care and diligence with which the Commission has discharged its duties and also allay the criticism of any who may be disposed to find fault with details. It is believed that the structure is well adapted to the particular purposes for which it was intended.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I desire to take issue with the distinguished gentleman from Texas [Mr. LANHAM] on what the Supreme Court Building Commission has done. It has taken care of the Supreme Court judges all right; but, so far as the convenience of the public is concerned, the present Supreme Court Building and its surroundings are far from perfect.

I know the gentleman from Texas [Mr. LANHAM] is not responsible for these conditions; he inherited them from a former administration. But they ought to be corrected if it is possible to correct them at this late date.

In front of the building they made no provision whatever to take care of the water. The water that falls in front of the Supreme Court Building runs 79 yards before it reaches the street, after flowing across the sidewalk, and everybody who walks along that sidewalk in front of the building has to wade that water day in and day out because of lack of some provision to take care of it.

Again, at the back of the building on Second Street, in order that the Supreme Court judges might not be jolted, they cut the sidewalk in two twice and cut the pavement down about 6 or 8 inches, so that old persons who walk along there do so at the risk of limb, due to the fact that they are likely to step off and fall and break some of their bones. I understand several have already been injured by unwittingly stepping off into these architectural driveways.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 more minute.

Mr. HOFFMAN. Reserving the right to object, are you going to turn off the rain or fix the building? [Laughter.]

Mr. RANKIN. Of course, we cannot stop the rains. I think all the membership know that, with the possible exception of the gentleman from Michigan [Mr. HOFFMAN].

But there are some other things about this building the House ought to know.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, they made absolutely no provision for the public to get into and out of the building. They seemed to think when they house the nine Supreme Court Justices their job was done. They made no provision for a public driveway, such as we have at both wings of the Capitol. As a result every day the Supreme Court meets there are probably 1,000 visitors, including lawyers, litigants, witnesses, and spectators, all American citizens, who come there to hear the arguments before and the decisions of the Supreme Court. If it is raining when they leave the Supreme Court,



they have to go out in the rain, because they made no provision whatever for a drive-in except for the judges themselves. They have to walk the entire distance of 79 yards through the rain down to First Street and there wait in the rain for a streetcar or a taxicab to come by. As a result, every day the Supreme Court meets the people who go there are subjected to these inconveniences.

In addition to that, the Supreme Court room is too small to accommodate the public. There is a large hall with magnificent columns that could have been added to the Supreme Court room which would have furnished ample space for all visitors without crowding them. But somebody, in their evident desire for what they thought was architectural perfection, or artistic excellence, shut this vast hall off from the main auditorium and thereby made it impossible for large numbers of people to ever attend the sessions of the Supreme Court.

The lights in the building were so bad that it took at least a year or two to get them adjusted so the Justices on the bench could read their manuscripts; and I am not sure they are satisfactorily adjusted yet.

Instead of a wall behind the Justices' seats that would reflect the sound, they provide a large curtain that absorbs the sound. This, together with the miserable acoustics of the building, renders it almost impossible to hear some of the Justices throughout the small Supreme Court room that has been provided.

This is no criticism of the Supreme Court, for I dare say that no member of the present Court is in any way responsible for this condition.

I understand that a majority of the members who are now on the bench, and who were serving at the time they moved into this building, voted against doing so. I am told that on the proposition of moving into this building the Court did so by a divided vote of 5 to 4.

Personally, I think now, and I thought then, that it was a mistake to move the Supreme Court out of the Capitol. In my opinion, there was ample room in this building for that august tribunal, and I believe it would have been much better for the Court, for the country, and for the amicable relations that should exist between the legislative and the judicial branches of this Government for the Court to remain in the Capitol.

I am told that there are 37 guards employed in the Supreme Court Building. Certainly that expense would have been obviated if the Court had remained in the Capitol where, in my opinion, the Fathers of this Republic intended it to remain.

But be that as it may, the complaint I am making is at the manner in which the public was ignored in the construction of this building which, from their standpoint, I must say, is a superb model of inconvenience.

Mr. RICH. Is that the reason the administration wanted to make everybody a judge?

Mr. RANKIN. No; a Republican administration constructed this building at a cost of about \$12,000,000, and made a mess of it. [Laughter and applause.]

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in order to give the House more information on the inconveniences of the Supreme Court Building.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### ADDITIONAL CLERK HIRE IN THE HOUSE OF REPRESENTATIVES

Mr. WARREN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina a few questions in reference to this bill, if I may.

The first one relates to the number of new clerks that are going to be required by the other body for the conduct of their business, which, in their judgment, they deem necessary. How many additional clerks does this bill carry?

Mr. WARREN. Mr. Speaker, as previously stated, I have no interest whatever in this legislation, and I make this request only because I am sure that if the gentleman will reflect, it is a matter of comity between the two Houses, and certainly a matter of courtesy to agree to the conference asked by the Senate. I assume that I shall be one of the three conferees along with the gentleman from Missouri [Mr. COCHRAN] and the gentleman from Pennsylvania [Mr. WOLFENDEN]. As far as I am concerned, without consulting them, there are at least two of the Senate amendments that I shall insist upon being deleted. Regardless of what we do about this matter, I call the attention of the House to this situation.

I have already been informed upon reliable authority that the Senate will do all of these things covered by their amendments to this bill, if we do not see fit to send this bill to conference and have final action on it, out of their own contingent fund. Since 1935 each Senator has had an additional clerk at the rate of \$1,800 a year, paid for out of their contingent fund, without the question ever even coming to the House of Representatives. Therefore, when they seek to make that permanent, I do not think they are really creating a new place. In addition to that, they also follow our example and have a new clerk at the rate of \$1,500 a year. Also in addition to that, they have allowed one clerk to each Senator whose State has a population exceeding 3,000,000. There are 10 States in the Union that have a population exceeding 3,000,000, and that would mean 20 additional clerks for these Senators. Also, they have added an amendment which would give the majority and the minority leaders of the Senate an expert, or a statistician, in the form of a clerk at the rate of \$5,000 a year. We have no such position as that in the House. Frankly, if this bill goes to conference I shall insist that that go out. Then there is another provision that the employees of a Senator shall remain on the pay roll for 6 months after the Senator has either died or resigned. The House has such a provision as that, because it generally requires about 6 months to have a special election, and if there is a special election before that then, of course, the House clerks serve only until the successor has qualified. There is no such occasion for a provision as that in the Senate as I see it, because a Senator is usually immediately appointed by the Governor of the State when one dies or resigns, and if this goes to conference, I shall insist that those two items be stricken out. In any event, the House will have an opportunity to vote up or down the conference report, but I do think that as a matter of courtesy, as a matter of comity, that this bill ought to go to conference, although I have no interest whatever in it.

Mr. RICH. Mr. Speaker, the House adds one additional clerk at the rate of \$1,500 a year. The Senate has one clerk in the bill at \$1,800 a year.

Mr. WARREN. That is the same clerk that they have had all of the time.

Mr. RICH. One clerk at \$1,500, and then an additional clerk for the Senators from each State that has over 3,000,000 population.

Mr. WARREN. I do not think the gentleman should count the \$1,800 clerk, because they have had that all of the time.

Mr. RICH. There are really two clerks in the bill. It is just like this. There are Senators from States that have populations that are but one-third of the population of my district. I know that I can get along with two clerks. The Senators now have many more than that. There are times probably when you need them for a short while, but if you give the membership of the Senate the right to appoint these clerks, they are going to make the appointments, and that is as natural as anything can be, and I have seen it happen

ever since I came to Washington. Whenever we give an appointment to a man, he makes that appointment. They do not limit the cost, it seems to me.

Mr. WARREN. That is correct.

Mr. RICH. And if you permit those Senators that have States with 100,000 population to put in two additional clerks, there is no rhyme or reason or sense in it and I do not care if it is at the other end of the Capitol, or in this House, it is not good business sense.

There are 15 States with less than 1,000,000 people living in them. There are 8 States with less than 500,000 people living in them. There are 3 States with less than 300,000 people living in them.

Two Senators to a State if they each took one-half the people to look after, I am sure the 30 Senators representing the 15 States would have no more use for additional clerks. If that is the case why let them put people on the pay roll when they are not necessary? The taxpayers have to pay the bill and where are they going to get the money? Did you ever think of that.

There is a way to do this, and the way is to bring these things in here so that we know who has responsibility for this legislation—get a vote on it. I do not want to assume the responsibility, but if I let this go to conference, then I am responsible for some of these acts of spending, spending, and spending, and I do not want to have it charged to me. I do not propose to let it go to conference today in this manner, but let them bring it in in a way so that we will know who is responsible for this legislation—that the Members be recorded. I am going to have to object to this at this time being brought in here in this way.

Mr. COCHRAN. Will the gentleman withhold his objection for a moment?

Mr. RICH. I will withhold the objection.

Mr. COCHRAN. I do not question the gentleman's sincerity, but if this bill goes to conference we are likely to get more for the Government by reason of a conference than we will if this bill fails, for this reason: All the Senate has to do in order to get what it wants is to pass a Senate resolution granting themselves additional clerk hire with instructions to pay it out of the contingent fund, and the House does not have anything to say about it. The responsibility is on the Senate, not the House, for the increase in Senate expenses.

Mr. RICH. Let me say to the gentleman from Missouri last year we went in the red seven and one-half million dollars a day. Beginning July 1 you have gone in the red at the rate of \$36,345,000 a day. The Senators seem to care not for this from their actions, as they have increased greatly each appropriation bill. It is up to the red-blooded American people to stop some of these expenditures that are going on, and I am going to be one to try to do it. I have not had much success, however, with the deal in cutting down expenses. I object, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania objects to the request of the gentleman from North Carolina.

#### REVENUE FOR THE DISTRICT OF COLUMBIA

Mr. NICHOLS, from the Committee on the District of Columbia, submitted a conference report and statement on the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes.

Mr. Speaker, I wish to announce that later on today I shall ask unanimous consent for the consideration of the conference report.

#### THE LATE HON. SAM D. McREYNOLDS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. THOMASON. Mr. Speaker, I was called from the floor yesterday while resolutions were being passed and tribute paid to our late colleague, Judge SAM McREYNOLDS, of Tennessee. I want the RECORD also to show the great personal loss I feel on account of his death. He was one of my most intimate and highly valued friends. Being a native son of Tennessee myself, I came to know him shortly after I

entered this body. He showed me many courtesies, but our acquaintance for a few years was slightly more than casual. After our trip to the inauguration of the Philippine Government that friendship ripened into an intimate one not only for us but for our wives. I have never known a more honorable or dependable man. It could be truly said of him that his word was as good as his bond. He had his convictions on all personal and political questions and was willing to defend them. He was a fair but hard fighter for the things in which he believed. His influence was felt on great national and international questions. In addition to his fine legal ability and his great judicial and legislative mind he had character of the highest order. I shall miss him more than I know how to express. I am sure his devoted wife and daughter have the sympathy of every Member of this House.

#### RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from committee:

JULY 12, 1939.

HON. WILLIAM B. BANKHEAD,  
*Speaker, House of Representatives,*  
*Washington, D. C.*

MY DEAR MR. SPEAKER: I herewith tender my resignation as a member of the following committee:

Committee on War Claims.

Sincerely yours,

JOSHUA L. JOHNS,  
*Member of Congress, Eighth District, Wisconsin.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### APPOINTMENT OF FUNERAL COMMITTEE

The SPEAKER. Pursuant to House Resolution 254, the Chair appoints the following Members as a committee to attend the funeral of the late Sam D. McReynolds: Mr. COOPER, Mr. CHANDLER, Mr. PEARSON, Mr. BYRNS of Tennessee, Mr. GORE, Mr. COURTNEY, Mr. BLAND, Mr. BLOOM, Mr. LUTHER A. JOHNSON, Mr. THOMASON, Mr. RICHARDS, Mr. SHANLEY, Mr. TAYLOR of Tennessee, Mr. PLUMLEY, and Mr. STEARNS of New Hampshire.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that following the legislative program for today and any other special orders that may have been entered, the gentleman from California [Mr. LELAND M. FORD] may be allowed to speak for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

#### ELECTION TO COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution (H. Res. 255), which I send to the desk.

The Clerk read as follows:

#### House Resolution 255

*Resolved*, That JOSHUA L. JOHNS, of Wisconsin, be, and he is hereby, elected to the Committee on Rivers and Harbors of the House of Representatives.

The resolution was agreed to.

#### EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address by Rear Admiral Clark H. Woodward, of the United States Navy, delivered at New York on June 29.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I make a similar request, to include a speech delivered by Maj. Gen. Hugh S. Drum, made at the same time.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### AMENDING TENNESSEE VALLEY AUTHORITY ACT

Mr. MAY, from the Committee on Military Affairs, submitted a conference report and statement on the bill S. 1796, an act to amend the Tennessee Valley Authority Act of 1933.



## EXTENSION OF REMARKS

Mr. MAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein a statement by Herbert S. Salmon, of Alabama, in connection with the Tennessee Valley Authority.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## WILLIAM E. HULL LOCK AND DAM

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, for 10 years, the Honorable William E. Hull, of Peoria, Ill., represented the Sixteenth Congressional District of Illinois in the Congress. He was my predecessor. When he came here, he became a member of the Committee on Rivers and Harbors and labored unceasingly and indefatigably for the improvement of the water courses of the Nation and for the development of inland waterway navigation. Not only was he an active member of the Rivers and Harbors Congress of the United States, but served as an official of that organization as well. As the Illinois member on the Committee on Rivers and Harbors he devoted himself with vigor and determination to the development of the 9-foot waterway in the Illinois River which would bring the great inland metropolis of Chicago and the States of the great land-locked empire of the Middle West closer to the seaboard States and to the ports of the world. Through his diligent and untiring efforts, that 9-foot waterway became a reality. Adequate water level in the Illinois River was made possible by the construction of three locks and dams. The first of these is located at Alton on the Mississippi River. The second is located at Versailles, and the third is located at Peoria, Ill. These locks and dams break the Illinois River into a series of three pools, each of which is about 80 miles in length. The lock and dam at Peoria, Ill., is now in operation and already there has been a stimulation of water commerce. I deem it timely and proper in view of the devotion and untiring efforts of Congressman Hull to the effectuation of this project that the lock and dam at Peoria, Ill., near his home city, be named in his honor. This day I have introduced a bill to designate this lock and dam as the William E. Hull Lock and Dam.

## EXTENSION OF REMARKS

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an address made by Hon. Herbert E. Hoover at the International Convention of Christian Endeavor in Cleveland, Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I desire to submit two requests.

I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from this morning's New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a brief analysis of H. R. 5254, and a letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address I made recently on the neutrality bill passed by the House a few days ago.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GERLACH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution adopted by the Travelers' Protective Association in a national convention at San Antonio, Tex.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## THE CENSUS

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. YOUNGDAHL. Mr. Speaker, within the next few months between 150,000 and 175,000 men and women will be put to work taking the 1940 census. I believe in the taking of this census. I believe it furnishes valuable information for the guidance of Government and of business.

But as we approach the hiring of these people by the Government, we must at the same time be cognizant of the fact that upward of 10,000,000 Americans are still without employment, that hundreds of thousands of good American citizens are necessarily being furnished with the necessities of life through public relief and work relief.

I have today introduced a bill for the consideration of this House providing that preference in the hiring of all census supervisors, enumerators, clerks, tabulators, and other temporary employees, other than those under civil service and veterans' preference, be given to persons certified as in need of public relief.

This bill would take the hiring of these people, temporary though their employment may be, out of the class of political patronage and place it under the regulation of the Commissioner of Work Projects.

It seems only logical to me, Mr. Speaker, that with the Government facing the necessity of hiring close to 175,000 men and women and at the same time furnishing relief to thousands of others, that we should use these needy people for this work.

That there are thousands of persons well qualified and able to perform this work who are badly in need of assistance, I think would be admitted by everyone.

I respectfully urge that this House give serious consideration to this measure.

## EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a resolution received by me from Dr. Kress, secretary of the California Medical Association, opposing the bill S. 1620, known as the Wagner health bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## THE HOUSE VOTE ON NEUTRALITY

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. FISH. Mr. Speaker, for sake of accuracy, and to keep the record clear, I take this occasion to emphasize the fact that the arms embargo was approved in the House of Representatives by a vote of 214 to 173, or a majority of 41. Many of the eastern newspapers and columnists opposed to the embargo have been giving out misleading information that it was only adopted by a majority of 2 votes.

It is my belief that this is a studied attempt to deceive the public, and it is my conviction that if in the future the issue is again brought back to the House we would not lose any of the 41 majority and would probably increase it by another 20 votes.

## EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the New York Times.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Portland Journal on the question of sugar production in the State of Oregon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WILLIAMS of Delaware. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Journal-Every Evening, of Wilmington, Del.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a radio address delivered by me last evening.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD upon two subjects and to include therein three brief newspaper articles and one editorial from the News-Sentinel of Fort Wayne.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a speech I made over the radio last week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, it was my privilege to spend yesterday and the day before in Harlan County, Ky., the county misnamed "Bloody Harlan," where I visited several mines, talked with miners at work, with miners who were not working but who wanted to work; talked with mine operators who were losing money while continuing to give employment.

From personal observation it was evident that if left to themselves the people of that county and city would get along as well, if not better, than the people of the average American county and city; that the trouble and persecution from which they suffer is brought to them by "outsiders," in particular by John L. Lewis and his tribute-levying agents who insist that all who work in the mines of that county pay tribute to him. So far, notwithstanding the assistance of the National Labor Relations Board, the so-called La Follette Senate Civil Liberties Committee and the Department of Justice, he has been unable to forge his shackles upon these liberty-loving Americans.

But under the National Labor Relations Act he is continuing his drive. Last Sunday Turnblazer, head of the local United Mine Workers, called for pickets to stop operations in the mines. Golden, attorney for the union, called upon the pickets to make it cost the operators \$25 a ton to mine coal. The pickets answering these calls, and most of them are not employees of these mines but come in from outside, made an attempt to carry out those suggestions.

The pickets armed themselves and, following Turnblazer's and Golden's suggestions made at the prior meeting, to prevent the operations of the mines, attempted to pull miners from a man-trip car.

Captain Hanberry, with 15 soldiers, was guarding the miners who were attempting to enter the pits of the Mahan-Ellison Coal Co. at Stanfill, 9 miles southwest of Harlan, early this morning.

When Captain Hanberry attempted to protect the miners in the car he was shot down, then drew his pistol and returned the fire. The result of this armed attack upon defenseless miners and upon the National Guardsmen of the State of Kentucky was that Captain Hanberry, of Hopkinsville, Ky., shot through the abdomen, was seriously wounded and may die; four of the pickets were wounded, and one of them, Dock Caldwell, 31, union miner of Wilson-Berger, died in a Harlan hospital.

Daniel Noe, 37, of Elcomb, a striker, was shot through the abdomen. Noble Bowman, 29, of Chevrolet, was shot through the side. John Kennedy, 30, of Gulston, was wounded in the knee. Frank Laws, 39, of Crummies, had a fractured skull, and Pvt. W. T. Mason, of Hopkinsville, had eye lacerations. All of those injured, except the two members of the National Guard, were identified as members of the United Mine Workers and were members of the picket line.

So once more we have men belonging to John L. Lewis' United Mine Workers, following the advice of their officers; of Turnblazer, who might very well be charged with inciting the riot and with contributing to the death of Caldwell, defying the law, attempting to carry out Lewis' suggestion, bringing bloodshed and death to a community which otherwise would be peaceful.

Once before, in June of '22, Lewis wired his associates to treat men who were working as scabs, and his orders were followed at Herrin, Ill., by the death, by shooting and hanging, of more than 20 men.

Does he intend the same bloody killings to follow at Harlan? Are the dues which he might be able to collect by forcing these men into his union so precious to him that he will follow a course which will result in murder?

And are we to sit here, let the Labor Committee of the House continue its hearings, and do nothing to amend the act; to abolish the Board which does so much to encourage him in denying to workers the right to a job, the right to bargain through representatives of their own choosing?

Let us bring this so-called Wagner Act before the House for amendment. Let us do what we can to end this industrial strife, to free the American worker from the chains which Lewis is forging upon him.

## EXTENSION OF REMARKS

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a communication from Raymond G. Carroll, a newspaperman.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULKIN]?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution passed by the Disabled American Veterans paying tribute to the memory of Bert E. Lord, formerly a Member of this body.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULKIN]?

There was no objection.

## ALLOWANCES FOR EMPLOYEES OF VETERANS' ADMINISTRATION

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, during consideration of the independent offices appropriation bill, a great many Members were concerned with the provisions for the Veterans' Administration and the question of charges for quarters, subsistence, and laundry. The chairman of the subcommittee, the gentleman from Virginia [Mr. WOODRUM], stated that the subcommittee had discussed this matter with



General Hines, Administrator of Veterans' Affairs, and that steps would be taken to deal with the situation.

Mr. Speaker, I ask unanimous consent to place in the Appendix of the RECORD the letter from the Administrator of Veterans' Affairs, stating the progress that has been made in this matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent that on Friday next, after the disposition of business on the Speaker's table and at the conclusion of any special orders heretofore made, I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. VAN ZANDT]?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, on last Monday I obtained unanimous consent to address the House on tomorrow for 20 minutes. I will be out of the city tomorrow and for this reason I desire to withdraw my request for tomorrow and renew the request that I may be permitted to address the House on next Tuesday for 20 minutes after the disposition of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. TAYLOR]?

There was no objection.

#### INCREASED PROSPERITY

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

Mr. LEAVY. Mr. Speaker, I wonder what the critics of the New Deal and its spending program would say if they were to pick up one of the most conservative, yet one of the most reliable newspapers in America, and read headlines, such as the following:

Business Far Ahead of Stock Market.  
National Income Up 11 Percent From Levels Year Ago.  
New Investing Firm Starts Operations.  
Bank Loans Register Substantial Gain During the Week.  
Bond Prices Improve Fractions to Point on Broad Front.  
Dividends Announced.  
New York Gets Favorable Rate on Big Issue.  
Remington Rand Sales Sharply Above 1938.  
Steel Casting Orders Increased During May.  
Daily Oil Output up 82,440 Barrels in Latest Week.  
Huge Copper Exports Indicated by Heavy Foreign Buying.  
Capital Store Sales 4.4 Percent Above 1938 in Half.  
Wholesale Commodity Index Gains Slightly.  
Big Gain Shown in United Fruit Earnings.  
Studebaker Sales Set Best Mark Since 1928.  
Output of Rectified Spirits Shows Gain.  
Stock Leaders Score Advances Ranging Point or More.  
Silver Prices up Fractionally at London.  
Talcott Volume Hits \$45,311,000 in Half.  
Steady Climb Seen in Life Insurance Co. Assets.  
B. & O. Loadings Hold Well Above a Year Ago.  
Paper Output Rises Far Above 1938 Mark.

All of this appeared in the Washington Evening Star of last night, July 11, and will be found on pages A-12, 13, 14, 15. The Washington Evening Star is recognized as a Republican paper and no one has ever charged it with New Deal leanings. It is a dependable newspaper and throughout the Nation is recognized as one of America's greatest daily newspapers. A careful reading of each of the articles under the headlines just quoted, will show that the material in the articles in every way bears out the headline.

Mr. Speaker, the substance of what has just been given to the House can be found in similar form in the newspapers during the last 30 days, and will doubtless be found in the issue of the Washington Evening Star tonight. It is difficult to understand why the membership of this House, irrespective of party labels, and preconceived political notions, does not unanimously look toward those cheering, promising, and worthwhile reports on national recovery, instead of constantly seeking something to criticize and something to com-

plain about. In other words, we would experience a rapid recovery if the Congress and the critics would show a willingness to do teamwork and become affirmative rather than negative.

I suggest that those who are skeptical read the financial pages of their daily papers, and if they are open-minded, they will become convinced that the New Deal is working. Signs of the times, as evidenced by that which I have just given you, clearly indicate that we are rapidly moving along the road of business recovery and toward a solution of our more fundamental economical and social problems. [Applause.]

[Here the gavel fell.]

#### AMENDMENT TO ACT OF JUNE 23, 1938 (52 STAT. 944)

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4929) to amend the act of June 23, 1938 (52 Stat. 944), with Senate amendments thereto, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There was no objection, and the Chair appointed the following conferees: Mr. VINSON of Georgia, Mr. DREWRY, and Mr. MAAS.

#### GENERATION AND DISTRIBUTION OF ELECTRICITY AT BONNEVILLE (OREGON)

Mr. PIERCE of Oregon. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. PIERCE of Oregon. Mr. Speaker, there is a question in the Pacific Northwest that seems to be agitating the whole section. I refer to the distribution of electricity being generated at Bonneville Dam. Public-utility districts are being organized or attempting to be organized. They are being opposed vigorously by the various private utilities. Many cities are being asked to renew private-utility franchises where the franchises do not run out for some time.

Mr. Speaker, I have made an extensive study of electric rates, not only in the Pacific Northwest but throughout the country. I am replying in this speech directly to our friend and colleague, the gentleman from Michigan, who some time ago gave some figures here showing why people were not investing in private-utility stocks today. I am answering those figures and showing, from my viewpoint, why people are not investing and the difficulties in the situation.

#### EXTENSION OF REMARKS

Mr. PIERCE of Oregon asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial dealing with mining.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KERR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a memorial tribute to our deceased colleague Hon. Ben Craven, of Arkansas.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address recently delivered by the Speaker of the House.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### AMENDMENT OF THE NATIONAL LABOR RELATIONS ACT

Mr. KELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I wish to reply especially to the insinuation of the gentleman from Michigan [Mr. HOFFMAN] in relation to the Labor Committee. No committee in this House has been more industrious, more fair, or more continuously in session than the Labor Committee of this House. We are hearing everyone who wants to be heard and who ought to be heard in relation to the Wagner Labor Relations Act. We are hearing everybody for it and everybody against it. When we have completed these hearings we will make a report to this House that will be to the liking of every man and every woman who wants a fair and honest report made.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I will yield in just a minute.

Those who are making other statements are doing so from a lack of understanding, because there has not only been no idea of preventing the making of a report and no attempt to do so but there has been no lack of hearing everybody who wants to be heard, and we have asked that everybody who wants to be heard come and be heard and have their testimony heard fairly and squarely. I believe the will of the House is that it shall be done well and truly.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. KELLER. I yield to the gentleman from Georgia.

Mr. COX. But there has been no intention on the part of the committee to report anything during the present session of Congress.

Mr. KELLER. The gentleman is entirely wrong, as he generally is on labor subjects. Every man who is interested in labor ought to know that.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a letter of Mr. T. J. Kidd, of Birmingham.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Indian Affairs be permitted to sit during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by inserting an article on the late Admiral Mark Bristol.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARTIN of Massachusetts asked and was given permission to extend his own remarks in the Record.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I am glad to see you have returned to the Speaker's chair, and I hope you are well and happy. [Applause.]

Mr. Speaker, the gentleman from Washington [Mr. LEAVY] made a statement a few moments ago about the condition of the country. I should like to know why the gentleman did not make a statement about the 11,000,000 unemployed, the great number of strikes that are taking place—it does not

look as if everything is happy and rosy in the country—and the reason why we do not change the Wagner Labor Relations Act and the National Labor Relations Board. I should also like to ask why we are going into the red since the 1st of July at the rate of \$36,345,000 a day. You spent forty billion more than you received the past 6 years, and getting worse off each day. Where are you going to get the money? Do you ever think of that?

I wish to say to you, Mr. Speaker, we are glad to see you back. We hope you will take some action to cut down this reckless expenditure of Government funds, because we know you would have a great influence with the Congress in bringing that about.

[Here the gavel fell.]

#### CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

#### AUTHORIZING THE SECRETARY OF WAR TO FURNISH CERTAIN MARKERS FOR CERTAIN GRAVES

Mr. MAY (when the Committee on Military Affairs was called). Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill before we grant this request?

Mr. MAY. This is a bill to authorize the Secretary of War to furnish certain markers for graves of persons who are entitled to have them. Under the statute they are bronze markers or stone markers.

Mr. HOBBS. Mr. Speaker, I object.

Mr. MAY. To what is the gentleman objecting?

Mr. HOBBS. I am objecting to the consideration of the bill.

Mr. MAY. Then I move, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous-consent request, but not a motion.

The gentleman from Kentucky asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection to the request of the gentleman from Kentucky?

Mr. HOBBS. I object, Mr. Speaker.

The SPEAKER. This bill is on the Union Calendar.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, with Mr. TARVER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. MAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAY. How much time is allowed under existing circumstances to each side for debate on this measure?

The CHAIRMAN. The time allowed under the rules of the House is 1 hour on each side.

Mr. MAY. Mr. Chairman, I ask unanimous consent that the time for debate on this bill be limited to 30 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, this bill (H. R. 985) is a bill which the various organizations of ex-service men throughout the United States have been very much interested in for several years.



As you are all aware, cemeteries, like other institutions, change with the times and during the past 10 or 15 years the perpetual-care cemetery has come into being. In these cemeteries upright tombstones are not allowed because they interfere with the mowing of the grass and the care of the grounds of the cemetery. In order that veterans may be buried in these perpetual-care cemeteries, it is necessary, if their graves are to receive a marker—and, of course, their graves must be marked—that the marker be of a variety that will lie flat on the ground or, in other words, it must be a flat marker.

The Federal Government has throughout the years been accustomed to furnishing upright markers for the graves of veterans. These upright markers are made in various parts of the United States to the extent of about 30,000 each year; in other words, there are about 30,000 veterans buried in the United States each year, to the families of whom the Government furnishes a marker. A stone marker will not give good service if placed flat on the ground, because the grain of the stone runs in the wrong direction, it weathers, and soon you are unable to tell the inscription on the stone due to deterioration.

In order that the graves of those buried in these perpetual-care cemeteries may be properly marked, it is necessary that they have a bronze marker. Therefore the veterans' organizations, believing that the veterans of the United States have as much right to be buried in a perpetual-care cemetery as they have in any other cemetery, and believing if the relatives of the veterans desire to bury them in a perpetual-care cemetery, they are entitled to bury them there and are entitled to a gravestone for that grave, have asked that a bill be introduced providing that the Government may furnish a bronze grave marker for these graves.

This bill has been brought up on the Consent Calendar several times and has been objected to by various Members of the House for the principal reason that they have within their districts an industry which at the present time furnishes these stone markers. I do not blame anyone for looking after the interests of his district, of course; but, after all, this is a rather small matter, because 30,000 gravestones distributed throughout the United States is not a very large item, and whatever percent of these gravestones are displaced by the bronze markers, or whatever percentage of that displacement would come out of the district of any man in this House, would certainly be immaterial.

The evidence before the committee shows that the stone marker furnished by the Government costs in the neighborhood of \$7.51. Evidence was also presented to the committee that these bronze markers can be furnished at a cost of \$7.25 each, and in the Senate bill a provision has been written that in no case shall the Government pay over \$9 apiece for these grave markers.

We ask the favorable consideration of the Committee here today for this piece of legislation, because it is something that the veterans have been asking for for quite a long time. It is only a matter of simple justice that they should be furnished a gravestone that will permit them to be buried in perpetual-care cemeteries on the same basis as they are buried in any other cemetery.

If anyone has any questions now, I shall be pleased to answer them.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. COOPER. May I inquire whether an optional privilege of the next of kin or the relative of a deceased veteran may be exercised as to a choice of markers?

Mr. FADDIS. Yes; that is the object of the legislation.

Mr. COOPER. In other words, the family of the deceased veteran may exercise their choice as to which type or form of marker may be provided.

Mr. FADDIS. That is it exactly.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. MAY. I call the gentleman's attention to what is apparently an error in the language of the bill, which I think should be amended or corrected. The gentleman is

familiar with the legislation—in fact, is the author of it. I refer to line 5, page 1, where the following language occurs, after providing what the Secretary of War shall furnish:

A flat stone grave marker, a standard flat bronze marker, and an upright stone grave marker or headstone.

I think the word "and" should be stricken out and the word "or" substituted.

Mr. FADDIS. Yes; that is correct. That is a mistake in the printing of the bill.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. VAN ZANDT. Has the gentleman any idea of the cost of the grave marker now furnished by the Government?

Mr. FADDIS. About \$7.51.

Mr. VAN ZANDT. If this bill becomes a law, will the Government be put to any additional expense in furnishing bronze grave markers?

Mr. FADDIS. As far as the furnishing of the marker is concerned, the testimony before the committee would indicate that the expense would be less. However, the Veterans' Bureau has advanced the argument their administrative expenses will be increased because of the passage of this legislation. I cannot see where that will be necessary, because it is not going to complicate their bookkeeping or their administrative methods. I think that is an unjust claim and that they are merely in opposition to the bill because they do not want to be disturbed in their present status, as far as we could tell from any evidence presented.

Mr. VAN ZANDT. The gentleman mentioned the veterans' organizations were actively behind this legislation. Is it not true that for years the several veterans' organizations have taken this up with their national conventions and unanimous adopted resolutions favoring these bronze markers?

Mr. FADDIS. Every convention for years has adopted this resolution.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. KELLER. Is there any reason why provision should not be made for an upright bronze marker as well as an upright stone marker?

Mr. FADDIS. I see no reason it should not, but it is not included in the bill. Of course, there would be one valid objection that an upright marker of bronze would be much more expensive than an upright stone marker.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. TREADWAY. Will this prevent the Secretary of War furnishing stone markers in any other cemeteries than those controlled by the Secretary of War?

Mr. FADDIS. No; it will not.

Mr. TREADWAY. I read from line 10:

*Provided, That the Secretary of War shall furnish the upright stone marker authorized by section 4877 of the Revised Statutes for cemeteries under the jurisdiction of the Secretary of War.*

Mr. FADDIS. Yes.

Mr. TREADWAY. Suppose a cemetery is not under the jurisdiction of the Secretary of War, must a bronze marker be used?

Mr. FADDIS. No; it is optional with the family of the deceased. The bronze markers are not used in the cemeteries under the control of the Secretary of War. The upright stone marker is used.

Mr. TREADWAY. That would refer to such a cemetery as Arlington, where there are thousands and thousands of upright stone markers.

Mr. FADDIS. Yes.

Mr. TREADWAY. And they are to be continued as such?

Mr. FADDIS. Yes.

Mr. TREADWAY. The only difference being under the provisions of this bill, that if the family of the deceased veteran prefers it, a bronze marker may be provided in a private cemetery?

Mr. FADDIS. That is it exactly.

Mr. TREADWAY. I am particularly interested to know about this detail and that is why I am asking the question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman 2 minutes additional.

Mr. TREADWAY. I am particularly interested because a contract has been held for many years with the Government by a marble concern in my district. It is not a monopoly, because there are other quarries that provide stone markers, but I would not like to see anything done, naturally, that would be inimical to the business that is being carried on.

Mr. FADDIS. That is true, and what small business will be displaced by the bronze marker will not amount to much in any section of the country.

Mr. TREADWAY. There is no danger of such a cemetery as Arlington being changed in its present method of markers?

Mr. FADDIS. No, sir; because they will undoubtedly continue the present style of marker in those cemeteries.

Mr. TREADWAY. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. BROOKS. This bill is designed, is it not, to permit the use of the type of marker in certain private cemeteries which the Secretary of War now is not able to furnish?

Mr. FADDIS. That is true.

Mr. BROOKS. In order to conform to the local rule of those cemeteries; is that correct?

Mr. FADDIS. That is correct.

Mr. BROOKS. Now, the veteran who dies, whose body would be placed in a private cemetery and whose family want it marked by a stone or a marker officially authorized by the United States Government is unable to obtain that marker and place it there; is that not right?

Mr. FADDIS. That is true at the present time without this legislation.

Mr. GEYER of California. Will the gentleman yield?

Mr. FADDIS. I yield.

Mr. GEYER of California. At least, in my section of the country practically all private cemeteries are using this type of marker. It seems to me this is just conforming to the trend of the times.

Mr. FADDIS. It is merely justice to the veteran.

[Here the gavel fell.]

Mr. ANDREWS. Mr. Chairman, as far as I know, there is no opposition to the passage of this bill on the minority side, nor do I have any requests for time. I am glad to yield 5 minutes to the gentleman from Alabama [Mr. HOBBS], and I hope that with the conclusion of his remarks we can conclude the debate.

Mr. MAY. Mr. Chairman, I also yield 5 minutes to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. HOBBS. Mr. Chairman, of course none of us has any personal interest in this matter. I have the highest regard for the distinguished membership of the Committee on Military Affairs and its distinguished chairman, which committee, I understand, unanimously reported this bill. I did not think it should be considered under unanimous consent, because I am seriously of the opinion that the veterans themselves and their organizations have been misled by commercial propaganda of the bronze manufacturers, and that when they rightly understand the bill they will not desire that this extension of a so-called privilege should become law.

If the House, after debating this bill and after hearing the reasons against it, should pass the bill, it will be perfectly agreeable to all of us, I am sure.

For years and years and years there has been provision made for the marking of every grave of a veteran. A veteran of each war has a distinctive type of marker. After many experiments the division of the War Department that has this matter in charge, has come to the conclusion that the best marker, all things considered—beauty, dignity,

markability, permanence, and price—is a white marble stone. They have an upright marker which is several feet high. They have a flat marker which can be set on a level with the sod. At any rate, no matter which type may be selected, whenever you see one of those characteristic white marble grave markers, you know that a grateful Government has set it there in honor of one of its heroes. It is distinctive. It is honorable. It is of a shape which differs from any other type of marker in any cemetery, and it can be used in any cemetery, because it can be put either flush with the ground or stand upright to conform with cemetery requirements. Each family is given choice of the kind preferred.

Now a word about the commercial possibilities in this matter. From time immemorial the marble producers of the Nation have furnished the material for these veterans' headstones free. All that they get is a sufficient amount to cut the stone and fashion it into the prescribed form which the Government has established for each of the various wars that have been fought, and the cost of polishing that marble and carving the service emblem or insignia and the name of the veteran as well as of the outfit in which he served.

Now, it is not of any serious commercial interest to the marble fraternity, but it is to the bronze fraternity. That commercial interest is the reason back of this bill.

I respectfully submit that it is an injustice to the soldiers of our several wars who lie buried all over this country, and whose dust hallows the ground in which they repose, to change our long-established and thoroughly satisfactory policy of our Government, and, for no weighty reason, give them an inferior marker. The distinguished chairman of the Committee on the Library of this House asked a very significant question: "Why not an upright marker in bronze?" Because, my dear friend, as the distinguished gentleman from Pennsylvania [Mr. FADDIS] so well said, its cost would be prohibitive. They do not propose to give a marker comparable in size, dignity, or distinction with the traditional marble ones. They do not propose to give anything that either identifies or honors. All they propose to do is to give a little thin bronze disc, or plate, those I have seen being about two or three times the size of a dollar, set in wrought concrete, flush with the ground. This bill would substitute a marker which does not mark for one that does; a manufactured product for a God-made stone, taken from the breast of the land the soldier loved; one that could be seen, or its inscription read, only with difficulty, for one that can be seen and its inscription read easily and from a distance, and which has proudly stood the test of time.

Throughout the years there has grown up around the grave markers, the headstones, that have been furnished by the Government a tradition; and the tradition is that nothing of a similar kind should ever be erected by anybody but the Government; that no private marble concern or monument manufacturer would ever imitate these designs, or make anything so near it as to detract from the distinction that the marble markers give to the graves of those we would honor. That is why it is standard; that is why it is used. Because of our desire to let every passerby know that this marks the grave of a hero. These are some of the reasons why the authorities in our Government having this matter in charge are opposed to this bill.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Gladly; for any question.

Mr. KEEFE. Is the gentleman aware of the fact that there are in this country hundreds of memorial parks, the most beautiful cemeteries in the country? I speak with some interest, because I happen to be the head of one of them. These memorial parks do not permit the erection of any memorials except those that lie flush with the ground.

Mr. HOBBS. Of course, I know of them.

Mr. KEEFE. There has been developed in this country a standard bronze memorial which is referred to in this bill as a standard flat bronze grave marker, which, in the minds of the people of this country, is far preferable to the type of marker the gentleman has described.



Would the gentleman deny the veteran who is buried in one of these cemeteries which does not permit the erection of an upright memorial because it would destroy the beauty of the park, deny him the right to have his grave marked with the type of memorial that is standard in that cemetery, made of bronze?

We have a number of veterans buried in the memorial park I am interested in, and they have a right to have their graves marked with the standard marker. When the gentleman says that the standard marker is just a little disk, the gentleman is very much in error; it is a beautiful marker, one which permits the erection of a flag or star upon the marker—a marker far superior in beauty to these cold marble slabs we see in these other cemeteries.

Mr. KELLER. How large is this marker?

Mr. KEEFE. It is about 28 inches long. It sets flush with the ground and is embedded in 3 feet of concrete, anchored into it with bronze anchors. It is a standard marker.

Mr. HOBBS. I shall be pleased to answer the gentleman's questions.

I am perfectly familiar with the rules of the cemeteries the gentleman has described. There is nothing in those rules that would proscribe the use of a marble marker set flush with the ground. There may have been a change in the design of the bronze marker since the last ones I saw, but you cannot for any such amount as \$9 get anything in bronze that is really handsome and in keeping with the dignity which I believe, and which many of us think, should go with the marking of the graves of our veterans.

As far as the proposed bronze marker is concerned, except for the fixtures or gadgets the gentleman described, the grave might as well be unmarked, for there is nothing about it to call attention to the fact that there lies a veteran. The same gadgets could just as easily be placed on marble markers, no doubt.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. It gives me pleasure to yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The gentleman from Alabama in his remarks stated that veterans' organizations are being misled. Does the gentleman realize that the veteran organizations at their national conventions year after year discussed and thoroughly analyzed this problem based on their own experiences back home? Does not the gentleman feel his charge to the effect they are being misled is erroneous at this time?

Mr. HOBBS. No, sir; I do not think so. I think that the veterans' organizations have based all of their considerations of this measure upon an unsound premise, to wit: That marble markers could not be used in certain cemeteries, and that therefore, unless bronze was used, the graves of veterans in those cemeteries would be unmarked. This is not so. There may be isolated cases, but the rule is otherwise. Nor do I think the veterans' organizations have taken into account the reasons for marble advanced by the Government in support of its time-honored policy.

[Here the gavel fell.]

The Clerk read as follows:

*Be it enacted, etc.,* That notwithstanding any provision of existing law, the Secretary of War is directed to furnish a flat stone grave marker, a standard flat bronze grave marker, and an upright stone grave marker or headstone for the grave of any deceased person for which the Secretary of War is authorized to furnish a marker or headstone. Either of the above shall be furnished at the option of the relative or representative of the deceased war veteran: *Provided*, That the Secretary of War shall furnish the upright stone marker authorized by section 4877 of the Revised Statutes for cemeteries under the jurisdiction of the Secretary of War.

Mr. MAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 1, line 5, strike out the word "and" and insert the word "or."

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while rising technically in opposition to the amendment for the purpose of gaining the floor, I really rise

in support of the bill, because I have had some personal experience with veterans' organizations in reference to this particular proposition.

I feel that a thing of this sort should be separated from a commercial proposition. It is something entirely too hallowed to be dealt with in commercial figures at all.

The real question, to my mind, is what the veteran's family really wants in the nature of a marker. In my section of the country we had some of these private burial parks which prohibit the use of upright markers as prescribed by the United States Government and as allowed by Congress in cases of death of veterans. As the situation is now, Mr. Chairman, when a veteran dies, if his family desires his body to repose in one of these burial parks, the family is immediately confronted with the rules of the park and the question immediately arises as to whether the Government marker can be used. Oftentimes these veterans' organizations have found that the rules will not permit the use of the upright Government markers. I think this is most unfortunate in those cases where a veteran's family desires the use of an official Government marker, but the rules of the cemetery will not permit its use on account of elevation and other factors.

This bill, in my opinion, will relieve that situation. It will give the family of the veteran the option which the family deserves and is entitled to and which will conform also to the rules of the cemetery.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The standard bronze grave marker being used today by the several veterans' organizations is nothing more than a replica of the World War veterans' discharge button. Is it not true this bronze marker is furnished free by the veterans' organizations where the use of a Government headstone is not permissible due to cemetery regulations? In other words, the veterans' organizations furnish the bronze marker when the Government should and will if this bill becomes a law.

Mr. BROOKS. Yes: It is a small marker about this size.

Mr. HARE. Will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from South Carolina.

Mr. HARE. Is there any reason why this new design could not be furnished in marble as well as in bronze?

Mr. BROOKS. It may be possible. I know nothing about that. In answer to the gentleman's question, may I say that I believe the veteran's family ought to be given the option and should be permitted to receive a type of marker that will conform to the rules of the ordinary cemetery.

Mr. HARE. I understand that; but the point I want to get at is this: Is there any reason why a changed design could not be perfected so that it would meet the requirements of these cemeteries, a design in marble? I see no reason why we should change from marble to bronze.

Mr. BROOKS. I hold no brief for either marble or bronze. I am speaking today on behalf of the family of the veteran which wants an official grave marker at that grave, and I think they are entitled to that marker.

Mr. HARE. I agree with the gentleman.

[Here the gavel fell.]

Mr. HARE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am very much interested in these markers, because I recall several years ago when I had the honor and distinction of cooperating with the gentleman from California, Mr. Barbour, in providing markers for the first time in history to the graves of Confederate soldiers. That agreement was reached between the gentleman from California, who happened to be the son of a Union officer, and myself, who happened to be the son of a private Confederate soldier. I always thought it was a gracious and commendable act on the part of the Government to provide these markers, and I think they ought to be continued. I have no objection whatever to providing a suitable marker to mark the resting place of the

heroes of our wars, and I can see the wisdom of providing a marker that will meet the rules and regulations of various cemeteries. But the question that arises in my mind is whether it would be possible to make a marker out of marble that would meet these rules and regulations. If so, I think it would be better to enact legislation giving the War Department authority to change the design of marble markers so it will comply with such rules and regulations. To go ahead and change from marble to bronze, I think possibly we might be doing something that would show partiality to those who are to come after as compared with those who have gone before, and my primary reason in rising at this time is to inquire whether or not it might be possible for the War Department under appropriate legislation to prepare a design in marble that would meet the requirements of the cemeteries referred to and not change to a more expensive material, such as bronze.

Mr. KEEFE. Will the gentleman yield?

Mr. HARE. I yield to the gentleman from Wisconsin.

Mr. KEEFE. May I say to the gentleman, to start with, that there are many cemeteries in this country that have been in existence for a number of years which absolutely prohibit the erection of a marble memorial. I mean by that large memorials. These marble stones do not stand the weather, they become broken, the inscriptions become obliterated in the process of time, they crack and chip.

Mr. HARE. May I ask this question: Would those rules prohibit the installation of a marble stone or monument the same size or the same design as bronze?

Mr. KEEFE. Absolutely, because the bronze memorials are required to rest flush with the ground. In a park-plan cemetery, you cannot spoil the beauty of the cemetery by the erection of every type of memorial; consequently, if you take a marble slab, put an inscription upon it, lay it flat on the ground, the first time a freeze takes place, such as up in my country, your marble slab would become cracked and broken and the inscription would be gone in no time. It is just impracticable. It cannot be done.

Mr. HARE. Do I understand the gentleman to answer my question by saying it would not be possible to arrange a marble design that would serve the same purpose as the bronze design?

Mr. KEEFE. It would not. In the cemeteries with which I am associated, we have a rule and regulation prohibiting the use of that type of marble in the cemetery.

Mr. HARE. Does the gentleman think it would be wise in this bill to confine these markers to cemeteries where they object to marble?

Mr. KEEFE. The gentleman will observe that this bill does provide that the Secretary of War shall furnish this standardized, upright little marble marker in all the national cemeteries which are under the control of the Secretary of War. They may still use that type in all those cemeteries.

Mr. HARE. Another thing I am afraid of is that if you use bronze in place of marble the families of deceased veterans who have marble markers may complain by saying that Congress is discriminating between those who are already dead and those who may die hereafter. Of course, if there is to be an option and there will be no danger of this criticism I can see no valid reason for not enlarging the authority of the War Department to place such markers in cemeteries where the present designed marker is prohibited, provided the gentleman from Pennsylvania [Mr. FADDIS] is correct in saying the cost of the two types will be approximately the same.

[Here the gavel fell.]

The pro forma amendments were withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. MAY].

The amendment was agreed to.

Mr. MAY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. TARTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. MAY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

#### ACQUISITION OF ADDITIONAL LAND FOR MILITARY PURPOSES

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 5735) to authorize the acquisition of additional land for military purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to acquire, in such order or priority as he may determine, title to additional land, or interest therein, or rights pertaining thereto, to the extent of the approximate areas hereinafter set forth, for the establishment, enlargement, and essential improvement of the following military reservations, posts, and facilities:

Fort Ethan Allen Artillery Range, Vt., 4,451 acres.  
Antiaircraft firing range, Mohave Desert, north of Barstow and Baker, Calif., 749,440 acres.  
Fort Bliss, Tex., 51,300 acres.  
Fort Devens, Mass., 6,448 acres.  
Fort Dix, N. J., 1,750 acres.  
Fort Knox, Ky., 51,342 acres.  
Leon Springs, Tex., 13,253 acres.  
Camp McCoy, Wis., 1,000 acres.  
Fort George G. Meade, Md., 10,000 acres.  
Pine Camp, N. Y., 1,670 acres.  
Seventh Corps Area Training Center, south-central Iowa, 40,000 acres.

Sec. 2. In order to accomplish the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, the sum of \$5,000,000, approximately one-half of which is authorized to be appropriated in each of the fiscal years 1941 and 1942.

Mr. STEFAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I plan to offer an amendment to one item in this bill. I am opposed to that item which refers to the acquisition of 40,000 acres of land in the State of Iowa for the use of the Seventh Corps Area. You will find that item on page 2, line 17. My amendment would strike out the words "south central Iowa" and insert in lieu thereof the words "northeastern Nebraska."

In order to explain the amendment to the House and acquaint the Members with the true situation, I may say that as long ago as 1923, at a time when General Duncan was the commanding general of the Seventh Corps Area, the War Department requested an investigation of a suitable site for a training field for the Seventh Corps Area, and an investigation was made. General Duncan caused a careful investigation to be made in the State of Nebraska, recommending to the War Department that an area of about 40,000 acres of land located near the towns of Norfolk, Pierce, and Battle Creek met the essential requirements "better than any other ground that could be acquired, having the advantage of an



eastern location." The site is near the geographical center of the Seventh Corps Area and very satisfactory and suitable for a firing range for artillery of all calibers. It is centrally located, has adequate and pure water, and marginal land is procurable cheaply, without involving the withdrawal of good agricultural land from cultivation. There are railroads and wonderful highway facilities. In view of the fact that the former commander of the Seventh Corps Area recommended this particular field in Nebraska, I am constrained to offer this amendment.

After General Duncan made these recommendations, I was in communication with the late Secretary of War, Mr. Dern, who sent me a letter dated May 16, 1935, indicating that it was considered at that particular time there was no necessity for an artillery range or a training field in the Seventh Corps Area. I personally talked with Mr. Dern about this field. However, incident to the current year's expansion of the national-defense program, the War Department has suddenly requested legislative authorization for the acquisition of land at about a dozen points throughout the United States. They suddenly disregard General Duncan's recommendations and select higher-priced land in Iowa.

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from Iowa.

Mr. HARRINGTON. In what part of Nebraska is this area located?

Mr. STEFAN. Northeastern Nebraska.

Mr. HARRINGTON. What counties?

Mr. STEFAN. Pierce, Madison, and probably part of Antelope.

Mr. HARRINGTON. How many acres would be set aside for this purpose?

Mr. STEFAN. About 40,000 acres.

I may say to the gentleman from Iowa, who is very much interested in the acquisition of the Iowa land, that this land in Nebraska as recommended by General Duncan can be bought much more cheaply than similar land can be bought in Iowa. In my opinion, General Duncan knows best. If you procure this land in Iowa, the price of the land will go up. You watch the price of that land go up in Iowa if this bill is passed. I predict you will be forced to pay \$40 to \$50 an acre for that land in Iowa, maybe more. This Congress is entitled to know what is being done here, and I will not yield to any man here my right to fight for my district. Here are some facts you should know. This is an omnibus bill. That means that this Iowa field is not in it alone. It contains authorization for the acquisition of land for 10 other fields. I am not concerned so much about those other fields in which I know a score of Members here are interested because these fields are in their districts. It means that if they vote against this bill they would vote against all of the fields included in the bill. It is one way we have here to push through certain legislation and gain support from Members who are directly interested. Let me assure you the amendment I am introducing will not affect any of you gentlemen, nor will it affect any of your particular fields. It will only affect the Iowa location. If you vote for my amendment it will mean that the War Department will put the training field in northeast Nebraska, where General Duncan and other Army officers, after a careful study of many years, said it should go. A location which they decided after many years of serious study said was the best possible field for the training of the Seventh Corps Area.

Do not take my word for this statement. Let me quote from General Duncan's own report. I quote:

(1) Search has been made throughout the corps area for a tract of land that could be used for mobilization and training of field artillery under war conditions and that could also be used as a general replacement training center as provided in War Department mobilization plans.

(2) Such a tract must meet the following requirements:

(a) Sufficient size and character for use as a firing range by artillery of all calibers.

(b) Tract should be centrally located within the corps area and have good railroad connections.

(c) Adequate and pure water supply available, and possible means of sewage disposal.

(d) Land should be of poor or sand soil so as to be cheap in price and to avoid withdrawal of good agricultural land from cultivation.

(3) Land has been found in eastern Nebraska which will, in my opinion, meet the above requirements. The land is located approximately 10 miles from the town of Norfolk, Nebr., and from 5 to 7 miles from the smaller towns of Pierce and Battle Creek. There are three railroad lines or systems running into Norfolk from five directions, viz, Chicago & North Western, Chicago, Milwaukee, St. Paul & Oregon, and Union Pacific. There would be no difficulty in running spur tracks from these lines onto the tract for mobilization purposes. In time of peace, a camp at the southeastern end of the reservation could be supplied by trucks from Norfolk.

(4) On account of its railroad connections and central location, Omaha was designated as the replacement training center for this corps area, but considerable ground will be required for such a training center and all land in the vicinity of Omaha is very expensive, so it is far more preferable to obtain a comparatively inexpensive tract of land which could be used for general training purposes for artillery and other arms in time of peace and for general replacement training center in time of war.

With this foregoing report General Duncan submitted to the War Department blueprint maps showing the proposed tract of land, also report of water supply, and General Duncan summarized his investigation as follows:

I have examined the whole tract myself and believe it meets the requirements above listed better than any other ground that could be acquired, having advantage of eastern location.

This language represented his evaluation of the tract of land in the vicinity of Norfolk, Nebr. Since that report by General Duncan, I have no information that the War Department is opposed to the Nebraska site. But without giving real reasons for its action the War Department is proceeding in this manner, in an omnibus bill, with the acquisition of land for the same purpose located in Iowa, where we are told the land is more costly and not as suitable as the Nebraska land.

I hope Members of this House have the picture now and that you will support my amendment. I do in no way cast any reflections on the experts of the War Department who have written this bill. I assume they are military experts and know what kind of a field they should select. But I give you the word of Army experts who have already made the investigation and who have made their report on the Nebraska field in writing. I could give you many verbal statements I have received from other Army experts on these fields, but I dare not do that. So I merely quote from written statements. This bill is going to put the Army in the land-buying business, and we people from Iowa and Nebraska know that the Iowa land in question is going to cost more than the once-recommended Nebraska land. If the Army experts say the Nebraska site is suitable for the purpose required and the Nebraska land is cheaper, why not consider the taxpayer and buy the Nebraska land previously decided upon? I ask my colleagues from Iowa to be considerate of my earnest endeavor to secure for my district this Army site, which we have worked for during the past 10 years and which has once been approved. I ask my Nebraska colleagues to join me in this fight for Nebraska, and I ask the other Members of the House to be fair in considering this measure and vote for the amendment which I shall presently offer. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, I wonder if the Members of the House realize that you are providing for the purchase of nearly 1,000,000 acres of ground under this bill? That is just what you are doing, authorizing an appropriation of \$5,000,000 to buy nearly 1,000,000 acres of ground. I predict if you buy this 1,000,000 acres of ground you will be back here increasing this authorization from year to year until it will jump to about \$25,000,000. Further, you are not taking into consideration the cost of putting this ground into condition for military purposes, and that, too, will mean many, many millions.

It was only a few years ago a movement was on foot to close up many Army posts in this country. As I recall,

a board of officers recommended that a large number of camps in this country be closed, but we never closed them.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In just a moment.

You have scattered all over this country, especially in the West, camps that should no longer be in existence. We should combine the activities of our Army in a few places rather than increase the size of these posts.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I only have 5 minutes; the gentleman can get in under the 5-minute rule.

There is nothing in this report to indicate the cost of this land. I do not know whether any figures have been submitted to the committee, but I say you are treading on very dangerous ground when you give the War Department power to contract for the purchase of nearly a million acres of ground adjoining existing Army posts. The ground is not valueless when it is right alongside of an existing Army post. I know this because there is a large post in the county adjoining my city, St. Louis. I insist you are never going to buy this amount of ground for the authorization contained in this bill. This is one of those omnibus bills where you put them all in one measure so that the Members from all the States affected will be voting for the bill, because if they vote against one item they will be voting against their own provision.

I think each authorization should have stood on its own bottom, and every one of them should have been in here separately, after we had an estimate from the War Department as to the cost of the additional ground of each camp, as well as the need for it. That is the proper way to legislate.

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman.

Mr. THOMASON. If the gentleman will read the hearings on this bill (H. R. 5735) he will find that the officers of the War Department representing what is known as the land-acquisition board, gave the exact price and need for every tract that is proposed in this bill.

Mr. COCHRAN. May I ask the gentleman whether or not the Government has an option on the ground?

Mr. THOMASON. Not a foot of it that I know about.

Mr. COCHRAN. You bet the Government has not, and as soon as the owners find out this bill is law up goes the price.

Mr. THOMASON. The Government does not have to buy it because the land is left for appraisal by a board appointed by the Federal judge or the United States attorney. Condemnation suits would be filed.

Mr. COCHRAN. What happened to the bill under which you authorized purchase of additional land at West Point? You told them they could buy 15,000 acres, for which, I believe, they got another \$1,500,000.

Mr. FISH. That is very valuable land up there.

Mr. COCHRAN. What happened?

Mr. FISH. They ought to have had twice that amount.

Mr. COCHRAN. Yes. Instead of getting the 15,000 acres for the authorization you got about 5,000 acres, and that is exactly what is going to happen here. They are coming back to ask you for more money to buy the land at West Point if they want the entire 15,000 acres.

Mr. FISH. They ought to have twice as much or three times as much. That land is in my district.

Mr. THOMASON. The gentleman cannot complain when he states there is an authorization of \$5,000,000 to buy 1,000,000 acres of land.

Mr. COCHRAN. Oh, if I thought it would buy the 1,000,000 acres of land, I doubt if I would say a word about the bill. Mr. Speaker, I do not like omnibus bills. You get better legislation when you consider each item on its merits. I doubt the wisdom of passing this bill in its present form.

[Here the gavel fell.]

Mr. STEFAN. Mr. Speaker, I offer the amendment to which I have referred.

The Clerk read as follows:

Amendment offered by Mr. STEFAN: On page 2, lines 17 and 18, after the comma in line 17, strike out the words "South Central Iowa" and insert in lieu thereof the words "Northeastern Nebraska."

Mr. THOMASON. Mr. Speaker, I do not want to be understood as trying to be the arbiter between our friends from Nebraska and Iowa on where the training area for that corps area should be. I feel that is up to them and up to the War Department to select the proper land; but in answer to my able friend from Missouri I would like to give you the exact status of this matter as shown by the record. This bill is an authorization—and that is all it is—for \$5,000,000 to buy additional land at 11 Army posts scattered throughout the country, and I believe there is not a Member of this House who does not have implicit confidence in the judgment and the ability and the fairness of Gen. Malin Craig, who is just about to retire as Chief of Staff. General Craig and the War Department officials were unanimous in bringing in this recommendation which appears here in the report, and they say that an actual necessity exists for the purchase of this additional land at these 11 posts.

Mr. LELAND M. FORD. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. LELAND M. FORD. Is it not a fact, in connection with much of this land in the western country, that it is already owned by the United States; that it can be segregated and withdrawn from entry and thereby come to the Federal Government with little or no cost?

Mr. THOMASON. Yes; and in the gentleman's own State of California the hearings on this matter show that a considerable portion of land selected is owned by the Government in the Mojave Desert and much of it that is not owned by the Government can be bought for 30 cents an acre; and may I say to my friend from Missouri that this bill seeks to do the very thing he argues for, and that is to get rid of a lot of the undesirable posts, so as to provide for modern-day guns and training. In other words, a whole lot of this bill carries with it provisions for antiaircraft. That takes a big country. It requires a lot of cheap land where no people reside. The result is that the War Department, acting through its land-acquisition board, went out and made a study of the entire country and came back with this recommendation. I invite the attention of Members to the rather exhaustive hearings had on this bill that show the estimated cost of each piece of land and the necessity for it.

Mr. HARTER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. Yes.

Mr. HARTER of Ohio. At the instance of the gentleman from New Mexico [Mr. DEMPSEY], who has been called from the Chamber, I rise to ask the gentleman whether any of the land authorized to be purchased is included in the State of New Mexico?

Mr. THOMASON. No land in New Mexico is authorized to be purchased by this bill. It does authorize the purchase of land up to the New Mexico line, and high officials of the War Department express the hope that the time is not far distant when they may use some of the public lands in the State of New Mexico for their training purposes or antiaircraft and I join in that hope. The gentleman from New Mexico [Mr. DEMPSEY] is one of my best friends. He and I work in complete harmony in all matters affecting the mutual welfare of El Paso and west Texas. I hope to work out an arrangement with him and the War Department together with other State and Federal officials in New Mexico by which we may develop one of the greatest training areas for the Army in all the country. We have the climate. We have the cheap land, and we have the great Fort Bliss as a base for supplies and operations.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. In a moment.



Mr. TERRY. Mr. Speaker, I notice on page 2 there is an item for an antiaircraft firing range in the Mohave Desert by the purchase of 749,440 acres of land. Last year an appropriation was made for the purchase of land known as Muroc Lake area in California for the purpose of bombing practice by the Air Corps. This was represented to be a large desert area of sufficient size to enable the Air Corps to have bombing practice. I would like to know whether or not that Muroc Lake region could also be used as an antiaircraft firing range.

Mr. THOMASON. I regret to say that I cannot answer the gentleman from Arkansas but the gentleman from California [Mr. COSTELLO] can, and I yield to him for that purpose.

Mr. COSTELLO. That is not of sufficient size to allow them to use antiaircraft guns. In other words, the range of fire is so great that they need a tremendous area designated here of over 700,000 acres.

Mr. TERRY. Does the gentleman remember the size of the Muroc Lake area?

Mr. COSTELLO. Approximately 20 miles square.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. Yes.

Mr. COCHRAN. The gentleman invited attention to the hearings. I notice in the hearings there is an item for the purchase of 4,451 acres at Fort Ethan Allen artillery range in Vermont. The gentleman from Vermont [Mr. PLUMLEY] was on the stand, and the gentleman from Pennsylvania [Mr. FADDIS] asked him the question what land is worth in that country, and the gentleman from Vermont [Mr. PLUMLEY] replied:

Well, our first price is about \$500 an acre, but we will cut it for cash.

Mr. THOMASON. I imagine that same sort of condition existed when the gentleman from Missouri was getting the land for the Jefferson Memorial in St. Louis.

Mr. COCHRAN. The gentleman from Missouri did not get the land for the Jefferson Memorial.

Mr. THOMASON. My reply was made in jest, and I withdraw it. The first price was pretty high, but I will have to ask the gentleman from Kansas [Mr. LAMBERTSON] to give attention to that.

Mr. COCHRAN. We are not talking about the Jefferson Memorial now, we are talking here about a bill where you are authorizing an appropriation of \$5,000,000 to buy land which I insist is far below the final cost if all the land mentioned in the bill is acquired.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

Mr. PARSONS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-eight Members—not a quorum.

Mr. MAY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 123]

Barnes	Englebright	Kleberg	Rabaut
Bloom	Evans	Larrabee	Reed, Ill.
Bolton	Fay	Lemke	Sasser
Buck	Fenton	McKeough	Schulte
Buckley, N. Y.	Fernandez	McMillan, Thos. S.	Simpson
Cartwright	Fitzpatrick	Maas	Smith, Conn.
Casey, Mass.	Flannery	Maciejewski	Smith, Ill.
Claypool	Folger	Marcantonio	Smith, Ohio
Cluett	Grant, Ala.	Martin, Colo.	Smith, Va.
Connery	Hartley	Martin, Ill.	Somers, N. Y.
Curley	Holmes	Mitchell	Sullivan
Dies	Kee	Murray	Sumners, Tex.
Ditter	Kelly	Myers	Thomas, N. J.
Eaton, Calif.	Kennedy, Michael	Norton	White, Idaho
Eaton, N. J.	Keogh	O'Toole	
Edmiston	Kirwan	Pfeifer	

The SPEAKER. On this roll call 368 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

There was no objection.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMASON. Mr. Speaker, I just want the membership to understand that this bill was not initiated or requested by the Military Affairs Committee or any member of it. This bill came to the committee from the personal hands of General Craig, Chief of Staff. It was introduced at his request. I invite a reading of his message to the Committee on Military Affairs, which explains the situation far better and more forcefully than I or any member of the committee could do.

As I said, this provides for an authorization of only \$5,000,000, with the War Department given full authority to spend all or any part of it, as it sees fit, on these different acquisitions, based on what they regard as the proper priorities.

I fully appreciate the position of the able gentleman from Missouri [Mr. COCHRAN] when he says that land prices might be advanced, but that is true every time the Government undertakes to buy land for a post office or every time a rivers and harbors bill is passed, or every time a national park is established, but that does not necessarily mean that simply because the owners of some land might start out by asking a large price the Government will buy it at that price, as all of you know, when the post-office sites are bought. It was testified in these hearings that if the War Department and the owners of the land cannot agree upon a fair and reasonable price the Federal court, acting through either the judge or the United States attorney, shall appoint disinterested appraisers. Condemnation suits would follow. Not only that, but the Appropriations Committee, of which the gentleman from Michigan [Mr. ENGEL] is a member, will also have a hand in that.

Mr. ENGEL. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. ENGEL. Does the estimate of the War Department, \$5,000,000, cover the estimated cost of the entire tract, or is it only the partial cost?

Mr. THOMASON. No. If the gentleman will read the testimony of the two officers who appeared representing the War Department and who are members of the Land Acquisition Board, Major Myers and Major Hodge, he will find that the appraisals which they have obtained on each one of these sites will not make a total of more than \$5,000,000.

Mr. ENGEL. That is, the \$5,000,000 authorized here will, if the War Department purchases this land at the estimated cost, purchase the entire tract?

Mr. THOMASON. Yes. I will say that the Land Acquisition Board of the War Department says it feels confident it can acquire all of this land for the \$5,000,000.

I repeat what I said in my opening statement, that this is a new day and a new age in warfare. This is a day of aviation, of antiaircraft, so the result is that they need large bodies of cheap lands. I believe the records show that much of the tract which they propose to buy in California is worth about 30 cents an acre, and they propose to buy some land in my part of the country where the cost will be on an average of from \$5 to \$15 an acre. It is not high-priced land.

Mr. COFFEE of Nebraska. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. COFFEE of Nebraska. Does not the gentleman think that the purchase of 40,000 acres of land in south central Iowa will take approximately \$4,000,000 alone?

Mr. THOMASON. I am not familiar with values in that section. I do not know.

I yield to the lady from Massachusetts.

Mrs. ROGERS of Massachusetts. In the case of Fort Devens, in my district, it is an absolute necessity, because at the present time there is no tract large enough for target practice. They are likely to kill people if they do not have the proper amount of land.

Mr. THOMASON. They lady is absolutely right. This is a day of long-range guns and aviation and antiaircraft, so that they cannot do business on these small tracts of land.

Mr. SHORT. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. SHORT. This bill is not only desirable but it is absolutely necessary?

Mr. THOMASON. That is true. I agree with the gentleman. That is exactly what General Craig said, and I trust General Craig as much or more than any man with whom I have ever come in contact in the United States Army. He is a credit to the Army and his country. This country has no finer citizen. He says it is a necessity. [Applause.]

Mr. SHORT. I think we will all agree with that statement, and I trust the Members on the floor will not object to this bill.

Mr. THOMASON. General Craig and his assistants testify this land is needed. This bill came out of the Military Affairs Committee of the House with a unanimous report. I do hope that you do not begin amending the bill. If there is anything wrong about it, let it go to conference. [Applause.]

[Here the gavel fell.]

Mr. COFFEE of Nebraska. Mr. Speaker, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. COFFEE of Nebraska as a substitute for the amendment offered by Mr. STEFAN: On page 2, lines 17 and 18, strike out "south central Iowa" and insert "Iowa or Nebraska."

Mr. COFFEE of Nebraska. Mr. Speaker, I offer this amendment for the purpose of making it possible for the War Department to save a few million dollars in the acquisition of land. I think all will agree that in south central Iowa the land would be worth at least \$100 an acre.

Mr. GILCHRIST. Mr. Speaker, will the gentleman yield?

Mr. COFFEE of Nebraska. Briefly.

Mr. GILCHRIST. Not a foot of land could be got for that price in that area.

Mr. COFFEE of Nebraska. Mr. Speaker, my colleague the gentleman from Nebraska [Mr. STEFAN] offered an amendment to strike out "south central Iowa" and substitute in lieu thereof "northeastern Nebraska." My amendment seeks to make it possible for the War Department to select this 40,000 acres of land either in Nebraska or Iowa as they see fit. My reason for that is this: The War Department should give some consideration to the thousands of acres of submarginal land that has been purchased by the Resettlement Administration near Fort Robinson, Nebr., up in the northwestern part of the State, where it could get the 40,000 acres of land at a very small cost. This area is served by two railroads and is an ideal location for a training center for the Seventh Corps Area.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. COFFEE of Nebraska. I yield.

Mr. STEFAN. The reason for my writing "northeastern Nebraska" into my amendment was because the former commander of the Seventh Corps Area had recommended "northeastern Nebraska." My amendment would take in Iowa and also Nebraska. What assurance would we have that the War Department would give Nebraska any further consideration, in view of the fact that they have given no consideration to the recommendation of the former commander of the Seventh Corps Area?

I do not believe the gentleman's amendment is satisfactory.

Mr. COFFEE of Nebraska. Under my amendment there will be an opportunity for Nebraska to be given some consideration; otherwise the bill provides the 40,000 acres must be purchased in "south central Iowa." You know and I

know that 40,000 acres of land in south central Iowa is going to cost almost as much as provided in this bill for all the projects. Let us give the War Department an opportunity to investigate the possibilities to use some of this land already owned by the Government in Nebraska. The War Department will make the final selection in the end, anyway.

Let me say further that Fort Robinson, Nebr., is one of the outstanding remount stations in this country. At the present time over 23,000 acres belong to that military reservation, and near the reservation are some 30,000 acres of land that have been purchased by the Federal Government under the submarginal land purchase program that would be available without any cost to the War Department.

Mr. Speaker, I hope this amendment will be adopted in the interest of economy.

Mr. McLAUGHLIN. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, ordinarily no one has higher regard for the War Department and its recommendations than I. However, I submit that the substitute amendment proposed by my colleague, the gentleman from Nebraska [Mr. COFFEE], meets the situation and should have the serious and favorable consideration of this body.

This bill calls for the acquisition of 40,000 acres of land for training purposes, and it binds the War Department to the selection of that land in south central Iowa. With all respect to the War Department I submit to this body that the War Department must not have taken into consideration all of the facts when it made this recommendation. The gentleman from Iowa [Mr. LeCOMPTE] who appeared before the Military Affairs Committee, as you will see from the hearings, indicated that he did not believe that the War Department could acquire 40,000 acres of land in Iowa within the limit of the funds available for use in the purchase of land by the War Department in this legislation.

This bill does not affect the district I represent because there is not available land in that district. I speak in support of the substitute amendment of my colleague and I hope it will be adopted. In the State of Nebraska we have many areas where 40,000 acres of land in one body could be acquired and could be used to great advantage for military purposes under the provisions of this act. I have had some practical experience with military training areas in this country. During the war as an artillery officer I was stationed for some time at the artillery school of fire in the training area at Fort Sill, Okla. I think I know something about what it takes to fit the needs of the War Department for military training grounds, and I know that they selected Fort Sill, Okla., because of its varied terrain and the varied character of that land. I know that in parts of Nebraska we have that identical type of land which can be acquired at a very reasonable cost.

This is not a fight between the State of Nebraska and the State of Iowa. It is merely an occasion when this Congress has the right to indicate to the War Department that it believes that Department should exercise discretion and that it should choose between the lands offered and available in the State of Iowa and in the State of Nebraska which are both in the Seventh Corps Area.

Nebraska offers land which can be purchased within the costs outlined and within the appropriation authorized, but I submit Iowa does not, as the record of the hearings shows.

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN. I shall be pleased to yield to my colleague from Nebraska.

Mr. COFFEE of Nebraska. I submit that land around Fort Robinson, Nebr., can be purchased at a price of approximately \$5 an acre.

Mr. McLAUGHLIN. I thank my colleague for his contribution. The gentleman's substitute amendment affords an opportunity to the Congress to exercise economy and to save a great deal of money by following the plan suggested by



him rather than the recommendation of the War Department of limiting itself rigidly to the purchase of land in south central Iowa.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. McLAUGHLIN. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. May I ask the gentleman if the purpose is to limit the discretion of the Army officers to the States of Nebraska and Iowa only?

Mr. McLAUGHLIN. I think in this instance it would be well to do that for the reason they are adjoining States. The War Department has made a general indication of the location it desires and it would be proper to allow the Department to choose land in either of the two States.

Mr. CURTIS. Will the gentleman yield?

Mr. McLAUGHLIN. I yield to the gentleman from Nebraska.

Mr. CURTIS. May I make the observation that generally speaking in this territory the further east you go the more valuable the land becomes.

Mr. McLAUGHLIN. Yes. As you go farther east the cost of the land becomes higher and higher, and a smaller amount of land may be purchased for the same amount of money.

Mr. CURTIS. If the gentleman will yield further, may I call attention to the statement of General Duncan, when he said in his report:

On account of its railroad connections and central location, Omaha was designated as the replacement training center for this corps area, but considerable ground will be required for such a training center and all land in the vicinity of Omaha is very expensive, so it is far more preferable to obtain a comparatively inexpensive tract of land which could be used for general training purposes for artillery and other arms in time of peace and for general replacement training center in time of war.

Mr. McLAUGHLIN. That is correct. Omaha is the headquarters of the Seventh Corps Area. As I have said, there is not available land in the Second Congressional District of Nebraska in which Omaha is located. However, there is available land in other parts of Nebraska which suits the purposes of this bill and the intention of the War Department. I trust the amendment offered by the gentleman from Nebraska will be adopted.

Mr. LeCOMPTE. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the bill H. R. 5753, provides for training areas for the whole of the United States and to take out an area that has been selected and designated after careful survey by the War Department simply emasculates the bill. I am opposed to the substitute amendment offered by the gentleman from Nebraska, and I am opposed to the original amendment offered by the gentleman from Nebraska [Mr. STEFAN].

Mr. COFFEE of Nebraska. Will the gentleman yield?

Mr. LeCOMPTE. I yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. I think the gentleman stated this was a bill providing for a training center for the whole of the United States. Is it not true this is for a training center for the Seventh Corps Area only?

Mr. LeCOMPTE. This provision is for the Seventh Corps Area. There are seven States in the Seventh Corps Area. At the present time there is no training area for troops stationed in the States of Iowa, Minnesota, Missouri, Arkansas, the Dakotas, Nebraska, and Kansas, I believe. The War Department, after surveying the whole field, selected an area in south central Iowa, in Decatur County, overlapping slightly into Missouri, on account of several considerations.

There are paved highways already in existence from every direction and troops can be transported into this area at a minimum of expense. In addition to that, this point will be equidistant from all the principal Army posts. Fort Des Moines would be 68 miles; Fort Omaha, 175 miles; St. Louis about 300 miles; and Kansas City about 185 miles. The area was chosen because it has direct connection with Fort Snelling where are located a large number of troops in Minne-

sota. Not only is it true that there are transportation facilities direct to this proposed area from all points in the Seventh Corps Area, but it is also true that the existing railroad facilities would enable the movement of troops, artillery, and munitions from every direction—North, South, East, and West. I told the committee that land in Iowa could not be bought for \$16 an acre. There is not any \$16-an-acre land in Iowa, where we have the best agricultural region in the world, and the Government nor anyone else can buy Iowa land for \$16 an acre. It is probably true that one acre of Iowa land will produce what a half dozen acres of the northwestern Nebraska land might produce.

Mr. STEFAN. How about northeast Nebraska?

Mr. LeCOMPTE. We will still be ahead on the production of corn and other agricultural products when the returns come in this fall.

Mr. Speaker, not only does this area have railroad and highway facilities, but the region generally will supply adequate feed, grain, and forage for all the animals which may be used by the War Department in moving the troops in and out for summer training.

Mr. HARRINGTON. Will the gentleman yield?

Mr. LeCOMPTE. I yield to the gentleman from Iowa.

Mr. HARRINGTON. Is not the reason this area was selected because a survey had been made by the Army engineers and they felt this was the most practical site?

Mr. LeCOMPTE. This was the ideal, practical site for the Seventh Corps Area. It would not do for any other area.

Mr. HARRINGTON. It is centrally located.

Mr. LeCOMPTE. Yes; it is centrally located. It is well supplied with railroad and highway facilities. We have an adequate water supply right in the region that has been approved by the State health board.

Mr. HARRINGTON. Is it not a further fact that if the land cannot be purchased, possibly it could be leased for 100 years or more?

Mr. LeCOMPTE. Yes; it might be possible to lease it.

[Here the gavel fell.]

Mr. ENGLE. Mr. Speaker, I offer a preferential motion. The Clerk read as follows:

Mr. ENGLE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. ENGLE. Mr. Speaker, I take this time to ask a few questions. As pointed out by the gentleman from Missouri [Mr. COCHRAN] this bill provides for the purchase of approximately 1,000,000 acres of land; in other words, an area involving approximately 1,500 square miles.

One item in the bill provides for the purchase of an anti-aircraft firing range in the Mojave Desert, consisting of nearly 1,200 square miles. I doubt very much, speaking from my experience on the War Department Subcommittee of the Appropriations Committee, that they will purchase this land for \$5,000,000. Two years ago the War Department Subcommittee of the Appropriations Committee had before it the consideration of the purchase of some lands at Muroc Lake. If I remember correctly, and I believe I am correct, we were told that land could be purchased for 50 cents an acre. I find on page 10 of the hearings, which have just been turned over to me, that they purchased 60,000 acres from the Southern Pacific Railway Co. at \$2.25 an acre, and that the remaining land has not been purchased. Lieutenant Colonel Valliant testified:

At Muroc we met and are meeting with organized opposition, so that we have had to go into court and condemn all of the private land.

In the first place, to see if my understanding is correct, I should like to ask the gentleman from Texas a question. If this bill is passed it merely authorizes the purchase of that land, and the War Department cannot make the actual purchase of the land until Congress has appropriated the money for a particular item?

Mr. THOMASON. I think that would be unquestioned in any such case. Certainly they could not buy the land without some money, and this is only an authorization.

Mr. ENGEL. Of course, under the bill as written the War Department, if the Appropriations Committee and Congress should authorize it, could pay the entire \$5,000,000 for any one item in the bill. Of course they would not do that, but they could. That is true, is it not?

Mr. THOMASON. That is true. I am sure they will not, but they would have that authority.

Mr. ENGEL. But the War Department Subcommittee of the Appropriations Committee would have the final say-so as to recommending to the House what should be appropriated and spent for each particular item?

Mr. THOMASON. The gentleman of course speaks with more authority than I as to what procedure the Appropriations Committee would follow in the break-down.

Mr. ENGEL. Subject to the approval of the full committee and the House, of course.

Mr. THOMASON. It is true that the Appropriations Committee has to make the appropriation. Just exactly what the break-down would be, I think, would depend on the actions of the Appropriations Committee.

Mr. ENGEL. It would be within the authority of the Appropriations Committee to say what item should be allowed and the amount for that item.

Mr. THOMASON. That is my construction of it.

Mr. ENGEL. If this bill were an actual appropriation, giving the War Department authority without any check on spending the entire amount on any one item, I would be opposed to it, but the bill apparently is an authorization and the Appropriations Committee will have a check on the spending. Therefore, I shall support the bill.

Mr. THOMASON. Then we can count on the gentleman's support, because that is my construction of it.

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. If the War Department should spend \$100 an acre for 40,000 acres of land in Iowa, that would be \$4,000,000, and very little money would be left over for all the rest of these projects.

Mr. ENGEL. As one member of the Subcommittee of the Appropriations Committee I shall oppose the spending of \$100 an acre for land out there for that purpose.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman realizes that if this bill passes, amendments offered to a War Department appropriation bill on the floor of this House are germane as long as they stay within the \$5,000,000 authorization. Do not get away from that. The Appropriations Committee has its check. It can recommend the appropriation in any amount up to \$5,000,000 as it sees fit, but once the authorization bill passes, an amendment offered from the floor of this House is always germane to a War Department appropriation bill. So if your committee says no then you will have an amendment offered from the floor.

Mr. ENGEL. The House then has an opportunity to vote and to say whether or not the amendment carries by a majority of the Members of the House and of the Committee of the Whole.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Kentucky.

Mr. MAY. Of course, the gentleman understands this is merely an authorization, and that the War Department representatives will go out and ascertain the value of these lands. They will buy the lands if they are cheap enough, but if they are not cheap enough they will not buy them.

Mr. ENGEL. They will buy the lands if the Appropriations Committee and the House finally allow the appropriations with which to buy them, and in amounts they can buy them with.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Nebraska.

Mr. CURTIS. Has any attempt been made to ascertain if any submarginal land that meets the requirements for these areas is owned by the Government?

Mr. ENGEL. I am not on the Committee on Military Affairs, so I cannot say.

Mr. Speaker, I withdraw my motion to strike out the enacting clause.

Mr. DOWELL. Mr. Speaker, I rise in opposition to the substitute amendment.

Mr. Speaker, this legislation was prepared by the War Department because of the many millions of dollars which have been appropriated to enlarge the Army and enlarge the range of the big guns that are now used in the Army. I wish to quote just a word from a letter of General Craig, in which he says:

This bill is the result of an exhaustive investigation of peacetime Army needs; it includes only the most urgent requirements for training purposes.

Further in the communication to the Speaker of the House, General Craig uses this language:

Increased ranges of modern weapons and ammunition demand the expansion of existing target ranges in order to safeguard life and property.

Further, he states:

Lack of suitable target ranges and training areas situated reasonably close to garrisoned posts results in excessive annual troop movements.

I just want to say, in a word, with the millions of dollars appropriated for the enlargement of the Army it seems that we will be unable to get the full benefit of these appropriations unless we enlarge these grounds and provide an opportunity for this use.

So far as the substitute is concerned, I wish to say that the Army selected this location in Iowa because of the railroad and highway facilities and because of the further fact that Iowa has located close to this 40,000 acres of land, one of the finest Army posts in the United States. These long-range guns cannot be utilized as extensively as they might be if this range were extended with safety to life and property.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. I yield for a short question.

Mr. CURTIS. You have at your disposal a report from the Army that recommends this place in Iowa?

Mr. DOWELL. Yes; it is written in the bill.

Mr. CURTIS. I find one in the hearings in reference to the Nebraska site, but there is no report approving the Iowa site.

Mr. DOWELL. I think there is no report filed, except the bill, but the testimony before the committee during the hearings states very specifically where this is to be located. There has been no one, so far as I know, interested in the purchase of this land in Iowa except the Army itself.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. I yield.

Mr. CULKIN. And the purchase of this land meets the necessity for modern training conditions?

Mr. DOWELL. Absolutely.

Mr. CULKIN. And it is absolutely essential in view of the development of artillery fire.

Mr. DOWELL. General Craig has so stated in his letter to the Speaker of the House, saying that this is necessary for the longer-range guns now being operated by the Army.

[Here the gavel fell.]

Mr. MUNDT. Mr. Speaker, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. MUNDT to the substitute offered by Mr. COFFEE of Nebraska: Strike out the words "Iowa or Nebraska."

Mr. COSTELLO. Mr. Speaker, will the gentleman yield so I may propound a unanimous-consent request?

Mr. MUNDT. Yes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.



Mr. SHORT. Mr. Speaker, reserving the right to object, I would like 3 or 4 minutes after the gentleman from South Dakota finishes.

Mr. COSTELLO. Then, Mr. Speaker, I modify my request and ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The SPEAKER. Is there objection to the modified request?

There was no objection.

Mr. MUNDT. Mr. Speaker, I believe this body does not want to undertake the responsibility of voicing a distinction between Nebraska and Iowa and being responsible for locating this particular project in favor of one of those good States and against the other by a direct vote, and we now find ourselves facing that dilemma.

The amendment I have offered to the substitute will remove us from that embarrassing position and will place the Army in an advantageous spot where it can bargain for the best possible tract of land in the entire Seventh Corps Area.

Coming as I do from South Dakota, I am sure you cannot blame me for calling attention to the fact that the very sound, logical, and intriguing arguments advanced by the gentleman from Nebraska hold true with equal and extended force with respect to land in South Dakota, where we have an abundance of highly useful land which can be purchased at an economical price, where the rural credits department of the State of South Dakota owns big blocks of this land which it will be willing to work on under a contract with the Federal Government, so as to give the Army the best possible price in a consolidation of the type of land it wants.

I think since we have now arrived at the point where the logical thing for this body to do is to adopt my amendment to the substitute amendment and leave it to the Army to determine where, in the entire Seventh Corps training area, they are going to locate this particular project. Under my amendment South Dakota and other States in the area can present their most attractive propositions, and the Army and our taxpayers will receive the benefits of such possible savings.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to my colleague from South Dakota.

Mr. CASE of South Dakota. I just want to commend the gentleman's suggestion. This is the practical thing to do. It does not tie the hands of the Army. It allows them to buy this land within the corps area where they can make the best purchase and suit the needs of the Army the best. This will also avoid any attempt to determine this matter in the House here this afternoon.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman.

Mr. COSTELLO. I call the gentleman's attention to the fact that the purpose of this bill is to give the War Department authority to make purchases of land in these sections that they consider desirable for the purpose they have in mind. They have already made the study that the gentleman would have them make and have already determined upon the area in which they would like to locate this particular field, and I may also call the gentleman's attention to the fact that "the tentative area selected is badly eroded, submarginal land in south-central Iowa, which can be purchased cheaply," according to the testimony of Major Myers, who appeared before the committee and stated that the War Department has already made such a study as the gentleman suggests.

Mr. MUNDT. If the Army has arrived at that conclusion, and if its conclusion will stand up under the scrutiny of closer examination, and if they can find no better place in which to locate this project, my amendment will not change the situation one iota, because it gives to the Army the full right and privilege to locate the project at any place within the Seventh Corps training area. Consequently this would relieve the House of the embarrassment of having to decide with one group of our splendid colleagues against another group from another State, and reposes in the Army the re-

sponsibility which it should exercise to place this project where it can do so most advantageously.

Mr. CASE of South Dakota. And gives the Army adequate protection against any possible advance in price.

Mr. MUNDT. Yes; it enables them to drive the best possible bargain.

Mr. COFFEE of Nebraska. And is it not a fact that unless you do amend this section the Army will have no opportunity to make any other selection?

Mr. MUNDT. Precisely.

Mr. COFFEE of Nebraska. And is it not a fact that the Army has not investigated many of these positions in these other States?

Mr. MUNDT. That is correct. In other words, by this amendment we will untie the hands of the Army rather than tie their hands.

Mr. SHORT. Mr. Speaker, I shall not use the 5 minutes allotted to me. It is regrettable that this friendly contest has developed between Iowa and Nebraska. I merely wish to see those neighbors dwell together in peace and amity, for I love them both.

It seems to me supreme folly for anyone to object to the passage of this bill that carries \$5,000,000 only. And this sum is an authorization and not an appropriation. We have voted at this session hundreds of millions of dollars to build airplanes and battleships and tanks and to purchase war materials, and then when we come in here at the suggestion of the Chief of Staff of the United States Army, whose ability or integrity has never been questioned by anyone, and ask for an authorization of \$5,000,000, which is an infinitesimal amount when we compare it with the whole sum that is being expended for national defense, I think those who oppose this measure are simply straining at a gnat and swallowing the camel. The vast sums of money we already have voted for national defense will be wasted if we do not have adequate training grounds for the personnel of our Army and the testing of the modern weapons of war. And because of the very nature of the case, the General Staff of the United States Army is better qualified than Congress to select the proper sites. I sympathize with my friend from Nebraska [Mr. STEFAN], who has put up a valiant fight for a field in his district and State. I would like to have one for my own, but in this instance I am constrained to follow the recommendation of the Chief of Staff. We have made a mountain out of a molehill this afternoon, and we have wasted precious moments. I trust the membership of the House will follow the recommendations of General Craig and uphold the unanimous report of the Committee on Military Affairs by voting this bill as reported. [Applause.]

The SPEAKER. The question is on the amendment to the substitute offered by the gentleman from South Dakota [Mr. MUNDT].

The question was taken, and the amendment to the substitute was rejected.

The SPEAKER. The question now is on the substitute offered by the gentleman from Nebraska [Mr. COFFEE].

The question was taken; and on a division (demanded by Mr. COFFEE of Nebraska) there were—ayes 17, noes 117.

So the amendment to the substitute was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from Nebraska [Mr. STEFAN].

The question was taken, and on a division (demanded by Mr. STEFAN) there were—ayes 15, noes 94.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. COCHRAN. Mr. Speaker, I move to strike out the last three words. My distinguished friend from Missouri [Mr. SHORT] does not understand why anybody should question the advisability of passing this bill. He referred to General Craig's recommendation. As far as General Craig is concerned let me say he comes from my own State. He has been a personal friend of mine for many years, and the other day he visited my office to bid me goodbye, as he was leaving the service, about to retire after a distinguished

service. I have as high a regard for General Craig as anyone in this House.

I have been simply commenting in reference to what is going to happen under this bill, as I see it. Let us look at the record—the hearings. I did not have a copy of the hearings at the outset. Let us see about this land we are going to buy in California. Now, the Government already owns 660,000 acres of the land in that State and, according to the testimony, it is worth 30 cents an acre. We are going to buy 78,000 acres adjoining the Government-owned land, and we are going to pay \$3.20 an acre for it, according to the testimony of Army officers before the committee. If we own 660,000 acres of land and it is in the hands of the Interior Department, why can we not transfer that to the War Department and stop at the 660,000 acres, without taking in an additional 78,000 acres of land?

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In just a moment. Let us now go to Fort Devens, Mass. A representative of the Army testifying before the committee says the assessed value of the land is \$270,000. What are we going to pay for it? The Army officer says we are going to pay \$580,000 for it. Here they admit they are going to pay more than double the assessed value.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. In just a moment. Yes; we are going to pay \$580,000 for that land that is assessed at \$270,000 and your Army officials frankly admit that. That supports my statement when I say you are now going to buy the acreage named in this bill for \$5,000,000. That is absolutely true, and the gentleman from Missouri [Mr. SHORT] nods his head and agrees with me, that you are not going to do it. He realizes I am correct.

Now, I do not feel anyone should be criticized for commenting on a bill that includes 11 separate items with 11 States interested. Naturally, the Members from each of the 11 States, including some of our large delegations, are going to support the bill and the bill is going to pass, the bad will go along with the good. You know some of these projects would not stand up if voted on separately.

Surely we are entitled, without being subject to criticism, to the right to express ourselves with reference to a measure being considered in the House, that is going to cost the taxpayers much more than the \$5,000,000 authorized in the bill. We have a right to our views even if in disagreement with yours.

Mr. SHEPPARD. Will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. SHEPPARD. Are you familiar with the values of the property to which you referred?

Mr. COCHRAN. No; I am taking the testimony in the hearings which I have just read.

Mr. SHEPPARD. The gentleman stated it was no good. Does not the gentleman realize that we raise the finest and largest jack rabbits in the world on that property? [Laughter.]

Mr. COCHRAN. Fine. What is the Army going to do—use jack rabbits for target practice?

Mr. SHEPPARD. And send them down to the gentleman's district for food.

Mr. COCHRAN. I should say not. Anything California wants to give away Missouri has no use for.

This 660,000 acres you can get for nothing from the Department of the Interior, if you can get Mr. Ickes to transfer it to the Army.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute in order that I may answer the question of the lady from Massachusetts.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. The gentleman has spoken of Fort Devens. Does the gentleman realize there is quite a valuable property there, and there is great danger if

you do not have sufficient land? How would you like to have people shooting over your land, and your animals were in danger of being killed, to say nothing of your children? [Applause.] The Army needs it desperately. It has to come to the House for an appropriation, and you can take it by condemnation if necessary; or, if it is decided that the price asked for the land is too high—

Mr. COCHRAN. I will say to the lady in reply that I realize the value of the land adjoining Army reservations; I know it will cost a great amount, and that is the reason I am trying to impress upon you now that you will not buy the land enumerated in this bill for anything like \$5,000,000.

Mrs. ROGERS of Massachusetts. But if you have a fort, you have to have land in order to make it safe for target practice, and to have adequate training ground. Fort Devens, when completed, will be one of the finest training grounds in the country. Approximately \$6,000,000 have already been expended in improving it. Stationed there at the present time are 47 officers and 1,174 enlisted men. In the summer it is used by the R. O. T. C., the C. M. T. C., and various units from other forts. Strategically it is an ideal location as a protection to the industrial Northeast. Transportation facilities are the best. For years I have been trying to secure this additional land in order to have adequate facilities for target practice and training. It has been approved by the War Department, but the Budget Bureau has not given its approval until this year. It is a great joy to me that this much-needed improvement to Fort Devens will take place. I have spent many hours of work to bring it about, and I am extremely grateful to the members of the Committee on Military Affairs for cooperating in bringing it about. During the war Fort Devens was selected as an ideal location for a training station. At that time the War Department owned some of the land now in question. Unfortunately, after the war the Department sold some of that land. Now Fort Devens is again considered as an extremely necessary part of our national defense.

The SPEAKER. The time of the gentleman from Missouri has again expired.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed. A motion to reconsider was laid on the table.

#### RETIREMENT OF OFFICERS WHO SERVED IN THE WAR WITH SPAIN

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (S. 839) to amend the Retirement Act of April 23, 1904, and I ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of Congress approved April 23, 1904, authorizing the retirement to the next higher grade of officers of the United States Army who served in the Civil War is hereby extended to include those officers not above the grade of colonel who served in the War with Spain between April 21, 1898, and April 11, 1899.

That the advance in grade herewith provided shall be without any additional pay above that of the grade held by them at the date of retirement.

With the following committee amendment:

Page 1, line 8, after the figures, insert a colon and the following proviso: "Provided, That the advanced rank on the retired list shall be extended in like manner to those officers of the Navy, Marine Corps, and Coast Guard, who have been retired, or may be retired, in accordance with existing law for retirements in these respective services."

Mr. VINSON of Georgia. Mr. Speaker, I make a point of order on the committee amendment that it is not germane to the bill.

The SPEAKER. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. MAY. I do not, Mr. Speaker.



The SPEAKER. The Chair sustains the point of order.  
Mr. HARTER of Ohio. Mr. Speaker, I offer an amendment.  
The Clerk read as follows:

Amendment offered by Mr. HARTER of Ohio: In line 7, page 1, after the word "colonel", insert "with not less than 30 years' service."

Mr. HARTER of Ohio. Mr. Speaker, this amendment is for the purpose of clarifying this act, which applies to all veterans of the Spanish-American War. The bill is modeled after an act passed some 40 years after the Civil War, and at that time the requirement was 40 years' service before one could retire from the Army. The present rule is 30 years, and the bill is made to conform to the situation at present.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend the remarks I made on the bill previously passed and include certain letters dealing with the subject matter under consideration.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include a certain letter.

The SPEAKER. Is there objection?

There was no objection.

#### PROVIDING A RIGHT-OF-WAY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 4784) to provide a right-of-way, and I ask unanimous consent that the same be considered in the House as in Committee of the Whole. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant to the Atlantic Refining Co., its successors and/or assigns, an easement for the right-of-way for oil-pipe lines over, across, in, and upon the Fort Mifflin Military Reservation, in the State of Pennsylvania: *Provided,* That such right-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further,* That all or any part of such right-of-way may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### PROVIDING A RIGHT-OF-WAY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 4783) to provide a right-of-way, and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant to Keystone Pipe Line Co., its successors and/or assigns, an easement for a right-of-way for oil-pipe lines over, across, in, and upon the Middletown Air Depot Military Reservation, in the State of Pennsyl-

vania: *Provided,* That such right-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further,* That all or any part of such right-of-way may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### REPUBLIC OF PANAMA HIGHWAY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up S. 2163, to authorize an appropriation to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in completing the construction of a national highway between Chorrera and Rio Hato, Republic of Panama, for defense purposes, and ask that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Whereas the United States now has under lease an area of about 19,000 acres in the vicinity of Rio Hato, Republic of Panama, a distance of approximately 70 miles west of the Canal Zone, which is being developed and used as a landing field, bombing range, and training center for the Air Corps units established in the Canal Zone; and

Whereas the present road facilities between Chorrera and Rio Hato, Republic of Panama, are inadequate to accommodate the heavy traffic necessary in event of hostilities: Therefore

*Be it enacted, etc.,* That there is hereby authorized to be appropriated the sum of not to exceed \$1,500,000, to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in connection with the construction of a highway between Chorrera and Rio Hato, in the Republic of Panama: *Provided,* That the expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from the Government of the Republic of Panama of its cooperation in such construction.

The bill was ordered to be read a third time, and was read the third time.

Mr. MAY. Mr. Speaker, I move that the preamble of the bill be stricken out.

The motion was agreed to.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

#### WAIVER OF AGE LIMIT OF CERTAIN SECOND LIEUTENANTS, AIR CORPS, UNITED STATES ARMY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 6925) to waive the age limit for appointment as second lieutenant, Regular Army, of certain persons now on active duty with the Air Corps, and ask that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding any provision of law which prohibits the appointment as a second lieutenant in the Air Corps, Regular Army, of a person above the age of 30 years, any Reserve officer of the Air Corps now on extended active duty with the Air Corps who on the date of enactment of this act has served not less than a total of 2 years on such extended active duty or on duty as an enlisted pilot, or both, and who on the date of enactment of this act is over 30 years of age by a period not in excess of the total such active duty performed by him, and any warrant officer and enlisted man now in the active service in the Regular Army who is a qualified pilot, shall be eligible, if otherwise qualified, to be appointed in the fiscal year 1940 as a second lieutenant, Air Corps, of the Regular Army: *Provided,* That vacancies in the Air Corps, Regular Army, which are to be filled in the fiscal year 1940 upon the basis of competitive examinations held in the fiscal year 1940, shall be apportioned to applicants under this act in the ratio that the number of such applicants bears to the total number of applicants for appointment in the Air Corps, Regular Army, under

other provisions of law: *And provided further*, That applicants for appointment under this act shall be given qualifying examinations separate and distinct from those given to other applicants for commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ALLOWANCES FOR CERTAIN OFFICERS OF THE RESERVE CORPS

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 3321) to provide allowances for inactive-status training and for uniforms and equipment for certain officers of the Officers' Reserve Corps.

The Clerk read the title of the bill.

Mr. MAY. Mr. Speaker, I ask unanimous consent to substitute the bill S. 507 for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ANDREWS. Mr. Speaker, I object.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the House bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That officers of the Officers' Reserve Corps, eligible for active duty shall be entitled to money allowances for inactive-status training and for uniforms and equipment as follows:

(a) Such officers shall be entitled to an allowance of \$1 for each hour of credits earned in Army extension courses and other forms of inactive-status training as shall be designated by the War Department for this purpose: *Provided*, That such allowance shall apply only to inactive-status credits earned in excess of the annual average minimum of 20 hours of inactive-status credits required for maintaining active-duty status, and shall not exceed \$75 in any one year: *And provided further*, That in determining the amount of such allowance for any year only the inactive-status credits earned in that year shall be considered.

(b) For a period of 3 years after their original appointment and under such regulations as the War Department may prescribe, such officers shall be entitled to an allowance of \$50 per annum for the purchase of necessary uniforms and equipment.

With the following committee amendments:

Page 1, line 4, between the word "duty" and the comma, insert the word "training" and on page 1, line 4, strike out the words "for inactive"; page 1, line 5, strike out the words "status training and"; on page 1, strike out lines 6 to 10 inclusive, and on page 2, strike out lines 1 to 6, inclusive, and in line 7 strike out "(b)".

Amend the title.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide allowances for uniforms and equipment to certain officers of the Officers' Reserve Corps."

A motion to reconsider was laid on the table.

#### PROBATIONARY APPOINTMENTS OF OFFICERS IN REGULAR ARMY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs I call up the bill (H. R. 3654) to provide for probationary appointments of officers in the Regular Army.

The Clerk read the title of the bill.

Mr. MAY. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1155, to provide for probationary appointments of officers in the Regular Army, for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PACE. Mr. Speaker, I object.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the House bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PACE. Mr. Speaker, I object.

Mr. MAY. Mr. Speaker, I ask unanimous consent that this bill may be passed over until the other bills on the calendar have been considered.

The SPEAKER. The gentleman from Kentucky withdraws the bill from present consideration.

#### OTIS M. CULVER ET AL.

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1882) for the relief of Otis M. Culver, Samuel E. Abbey, and Joseph Reger, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read as follows:

Amend the title so as to read: "An act for the relief of Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

#### RANK AND TITLE OF LIEUTENANT GENERAL, REGULAR ARMY

Mr. MAY. Mr. Speaker, I call up the bill H. R. 7093, to provide for the rank and title of lieutenant general of the Regular Army, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the major generals of the Regular Army specifically assigned by the Secretary of War to command the four armies of the United States Army shall have the rank and title of lieutenant general while so serving: *Provided*, That major generals, while holding the rank and title of lieutenant general under the foregoing provisions, shall be entitled to receive the pay and allowances of a major general and, in addition, shall be entitled to receive the same personal money allowances as are now, or may hereafter be, prescribed by law for vice admirals of the Navy: *Provided further*, That should an officer, while serving in the rank of lieutenant general be retired from active service, he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving in the rank of lieutenant general, the provisions of section 1254, Revised Statutes (10 U. S. C. 1025), to the contrary notwithstanding.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXCHANGE OF LANDS BETWEEN WAR DEPARTMENT AND DEPARTMENT OF LABOR

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 4008) to authorize an exchange of lands between the War Department and the Department of Labor, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized to transfer to the control and jurisdiction of the Secretary of Labor that portion of the Fort Armstrong Military Reservation, Honolulu, T. H., now occupied by the Department of Labor under revocable permit from the Secretary of War dated August 24, 1935, and in exchange therefor the Secretary of Labor is hereby authorized to transfer to the control and jurisdiction of the Secretary of War that portion of the adjoining immigration station site now occupied by the War Department under revocable permit from the Secretary of Labor dated September 18, 1935.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONSTRUCTION AND MAINTENANCE OF CERTAIN ROADS ACROSS FORT DOUGLAS MILITARY RESERVATION

Mr. MAY. Mr. Speaker, by request of the Committee on Military Affairs, I call up the bill (H. R. 5912) authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?



There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized to permit the Board of Commissioners of Salt Lake City, Utah, to construct and maintain such roads, streets, and boulevards across lands of the United States located within the Fort Douglas Military Reservation in the State of Utah as he may determine will not interfere with the use of such lands in such manner as the public interest may require. Any grant of permission to construct and maintain any such road, street, or boulevard shall be made subject to such conditions as the Secretary may prescribe for the purpose of protecting the public interest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RIGHT-OF-WAY THROUGH THE CHILKOOT BARRACKS MILITARY RESERVATION (ALASKA)

Mr. MAY. Mr. Speaker, by request of the Committee on Military Affairs, I call up the bill (H. R. 3795) to provide a right-of-way through the Chilkoot Barracks Military Reservation, Alaska, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to grant, for such term or terms and subject to such conditions as he deems advisable, a right-of-way to Erik Oslund, his successors and assigns, to install and maintain one each gasoline and fuel-oil pipe lines on the Chilkoot Barracks Military Reservation, Alaska, with intake valves on the Government wharf: *Provided*, That valves and connections shall be installed by the grantee, which, including said pipe lines, shall be available for the use of the Government without cost to divert gasoline and fuel oil into Government storage tanks: *Provided further*, That all or any part of such right-of-way may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights under the authority hereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXCHANGE OF LANDS AT THE FORT FRANCIS E. WARREN MILITARY RESERVATION (WYOMING)

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (S. 2336) to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo., and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to convey to N. P. Black of Cheyenne, Wyo., all right, title, and interest of the United States to a portion of the Fort Francis E. Warren Military Reservation, Wyo., consisting of 25 acres, more or less, and to convey another portion of the reservation consisting of 10 acres, more or less, to the city of Cheyenne, Wyo., and to accept in exchange for such conveyances a deed from the said N. P. Black, conveying a fee-simple title to a tract of land consisting of 35 acres, more or less, lying contiguous to the reservation, the three conveyances to be made under such terms and conditions as may be prescribed by the Secretary of War.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PROBATIONARY APPOINTMENT OF OFFICERS IN THE REGULAR ARMY

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 3654) to provide for probationary appointments of officers in the Regular Army, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. MAY. Mr. Speaker, I may say that I have an amendment which I am going to offer.

Mr. SCHAFER of Wisconsin. I will reserve the right to object. What is the purpose of the bill, to prevent these officers from getting married?

Mr. MAY. Yes; for a certain period of time. We have provided a 1-year limitation.

Mr. SCHAFER of Wisconsin. What is the necessity for such a piece of legislation?

Mr. MAY. The practice has grown up in the Army where young fellows come out of the academy, get married and get into all kinds of difficulties. They get hard up, and after awhile they get into trouble with the regulations of the Army.

Mr. SCHAFER of Wisconsin. You want to pass legislation which will encourage them to run around?

Mr. MAY. No. We are trying to pass legislation which will keep them from running around.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAY. Mr. Speaker, I ask unanimous consent to substitute the Senate bill (S. 1155) to provide for probationary appointments of officers in the Regular Army, for the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That section 23 of the National Defense Act, as amended by the act of June 4, 1920 (41 Stat. 771), be, and the same is hereby, amended to read as follows:

SEC. 23. Original appointments to be probationary: The Secretary of War, under such regulations as he may prescribe, may hereafter revoke the commission of any officer on the active list, initially commissioned after the date of this act, who, at the date of said revocation, has had less than 3 years of continuous service as a commissioned officer of the Army, and each officer whose commission is so revoked shall be discharged from the Army: *Provided, however*, That marriage shall not constitute cause for revocation of a commission under this act.

Mr. MAY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 1, line 13, after the word "Army", strike out the remainder of the bill and insert in lieu thereof the following: "*Provided*, That until July 1, 1942, the marriage of an officer shall not be a cause for revocation of commission but that after that date, under regulations issued pursuant to the authority contained in this act, marriage may be a cause for revocation of commission only in the event that the officer marries within 1 year subsequent to the date of his original commission."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MAY. Mr. Speaker, this concludes the business of the Committee on Military Affairs.

The SPEAKER. Without objection, further business in order on Calendar Wednesday will be dispensed with.

There was no objection.

#### DISTRICT OF COLUMBIA REVENUE BILL

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the conference report accompanying the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

#### "TITLE I—FEDERAL PAYMENT

"For the fiscal year ending June 30, 1940, and for each fiscal year thereafter, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, as the annual payment by the United States toward defraying the expenses of the government of the District of Columbia, the sum of \$6,500,000.

#### "TITLE II—INCOME TAX

"This title divided into sections and paragraphs according to the following table of contents, may be cited as the 'District of Columbia Income Tax Act':

#### "TABLE OF CONTENTS

- "Sec. 1. Application of title.
- "Sec. 2. Imposition of tax.
  - "(a) Tax on individuals.
  - "(b) Tax on corporations.
  - "(c) Definition of 'taxable income.'
  - "(d) Exemptions from tax.
- "Sec. 3. Net income—definition.
- "Sec. 4. Gross income and exclusions therefrom.
  - "(a) Of resident individuals.
  - "(b) Of corporations and nonresident individuals.
  - "(c) Exclusions from gross income.
- "Sec. 5. Deductions from gross income.
  - "(a) Items of deduction.
  - "(b) Allocations of deductions.
  - "(c) Corporations and nonresident individuals to file return of total income.
- "Sec. 6. Gain or loss from sale of assets.
  - "(a) Gain or loss in capital assets not recognized.
  - "(b) Gain or loss in assets other than capital.
- "Sec. 7. Exchanges.
- "Sec. 8. Deductions not allowed.
  - "(a) General rule.
  - "(b) Holders of life or terminable interest.
- "Sec. 9. Personal exemptions and credit for dependents.
  - "(a) Credits.
  - "(b) Change of status.
  - "(c) In return for fractional part of year.
- "Sec. 10. Accounting periods.
- "Sec. 11. Period in which items of gross income included.
- "Sec. 12. Period for which deductions and credit taken.
- "Sec. 13. Installment basis.
  - "(a) Dealers in personal property.
  - "(b) Sales of realty and casual sales of personalty.
  - "(c) Change from accrual to installment basis.
  - "(d) Gain or loss upon disposition of installment obligations.
- "Sec. 14. Inventories.
- "Sec. 15. Individual returns.
  - "(a) Requirement.
  - "(b) Persons under disability.
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- "Sec. 16. Corporation returns.
- "Sec. 17. Taxpayer to make return whether return form sent or not.
- "Sec. 18. Time and place for filing returns.
- "Sec. 19. Extension of time for filing returns.
- "Sec. 20. Allocation of income and deductions.
- "Sec. 21. Publicity of returns.
  - "(a) Secrecy of returns.
  - "(b) When copies may be furnished.
  - "(c) Reciprocal exchange of information with States.
  - "(d) Publication of statistics.
  - "(e) Penalties for violation of this section.
- "Sec. 22. Returns to be preserved.
- "Sec. 23. Fiduciary returns.
  - "(a) Requirement of return.
  - "(b) Joint fiduciaries.
  - "(c) Law applicable to fiduciaries.
- "Sec. 24. Estates and trusts.
  - "(a) Application of tax.
  - "(b) Computation of tax.
  - "(c) Net income.
  - "(d) Different taxable year.
  - "(e) Revocable trusts.
  - "(f) Income for benefit of grantor.
  - "(g) Definition of 'in discretion of grantor.'
  - "(h) Income from intangible personal property held by trust.

#### "Sec. 25. Partnerships.

- "(a) Partners only taxable.
- "(b) Partnership return.

#### "Sec. 26. Payment of tax.

- "(a) Time of payment.
- "(b) Extension of time for payment.
- "(c) Voluntary advance payment.
- "(d) Fractional part of cent.
- "(e) Payment to the collector and receipts.

#### "Sec. 27. Tax a personal debt.

#### "Sec. 28. Information from Bureau of Internal Revenue.

#### "Sec. 29. Assessor to administer.

- "(a) Duties of the assessor.
- "(b) Records, statements, and special returns.
- "(c) Examination of books and witnesses.
- "(d) Return by assessor.

#### "Sec. 30. Assessment and collection of deficiencies.

#### "Sec. 31. Determination and assessment of deficiencies.

#### "Sec. 32. Jeopardy assessments.

- "(a) Authority for making.
- "(b) Bond to stay collection.

#### "Sec. 33. Period of limitation upon assessment and collection.

- "(a) General rule.
- "(b) False return.
- "(c) Waiver.
- "(d) Collection after assessment.

#### "Sec. 34. Refunds.

#### "Sec. 35. Closing agreements.

#### "Sec. 36. Compromises.

- "(a) Authority to make.
- "(b) Concealment of assets.
- "(c) Of penalties.

#### "Sec. 37. Failure to file return.

#### "Sec. 38. Interest on deficiencies.

#### "Sec. 39. Additions to tax in case of deficiency.

- "(a) Negligence.
- "(b) Fraud.

#### "Sec. 40. Additions to tax in case of nonpayment.

- "(a) Tax shown on return.
- "(b) Deficiency.
- "(c) Fiduciaries.

#### "Sec. 41. Time extended for payment of tax shown on return.

#### "Sec. 42. Penalties.

- "(a) Negligence.
- "(b) Willful violation.
- "(c) Definition of 'person.'
- "(d) No fraud penalty if full disclosure made.

#### "Sec. 43. Definitions.

#### "APPLICATION OF TITLE

"SECTION 1. The provisions of this title shall apply to the taxable year 1939 and succeeding taxable years, except that in the case of a taxable year beginning in 1938 and ending in 1939 the income taxable under this title shall be that fraction of the income for the entire fiscal year equal to the number of days remaining in the fiscal year after January 1, 1939, divided by three hundred and sixty-five: *Provided, however,* That if the taxpayer's records properly reflect the income for that part of the fiscal year falling in the calendar year 1939, then the portion of the fiscal year's income taxable hereunder shall be the portion received or accrued during the calendar year 1939.

#### "IMPOSITION OF TAX

"Sec. 2. (a) Tax on individuals: There is hereby levied for each taxable year upon the taxable income of every individual domiciled in the District of Columbia on the last day of the taxable year a tax at the following rates:

- "One per centum on the first \$5,000 of taxable income.
- "One and one-half per centum on the next \$5,000 of taxable income.
- "Two per centum on the next \$5,000 of taxable income.
- "Two and one-half per centum on the next \$5,000 of taxable income.

"Three per centum on the taxable income in excess of \$20,000.

"(b) Tax on corporations: There is hereby levied for each taxable year upon the taxable income from District of Columbia sources of every corporation, whether domestic or foreign (except those organizations expressly exempt under paragraph (d) of this section), a tax at the rate of 5 per centum thereof.

"(c) Definition of 'taxable income': As used in this section, the term 'taxable income' means the amount of the net income in excess of the credits against net income provided in section 9 of this title.

"(d) Exemptions from tax: There shall be exempt from taxation under this title the following organizations: Corporations, including any community chest, fund, foundation, cemetery, association, teachers' retirement fund association, church, or club, organized and operated exclusively for religious, charitable, scientific, literary, educational, or social purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and labor organizations, trade associations, boards of trade, chambers of commerce, citizens' associations or organizations, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual; banks, insurance



companies, building and loan associations, and companies, incorporated or otherwise, which guarantee the fidelity of any individual or individuals, such as bonding companies, all of which pay taxes upon gross premiums or earnings under existing laws of the District of Columbia; and voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (1) no part of their net earnings inures (other than such payments) to the benefit of any private shareholder or individual, and (2) 85 percent or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses.

#### "NET INCOME"

"Sec. 3. Definition: The term 'net income' means the gross income of a taxpayer less the deductions allowed by this title.

#### "GROSS INCOME AND EXCLUSIONS THEREFROM"

"Sec. 4. (a) Of individuals: The words 'gross income', as used in this title, include gains, profits, and income derived from salaries, wages, or compensation for personal services of whatever kind and in whatever form paid, including salaries, wages, and compensation paid by the United States to its officers and employees to the extent the same is not immune from taxation under the Constitution, or income derived from professions, vocations, trades, businesses, commerce, or sales or dealings in property, whether real or personal, growing out of the ownership, or use of, or interest in, such property; also from rent, royalties, interest, dividends, securities, or transactions of any business carried on for gain or profit, or gains or profits, and income derived from any source whatever.

"(b) Of corporations: In the case of any corporation, gross income includes only the gross income from sources within the District of Columbia. The proper apportionment and allocation of income with respect to sources of income within and without the District may be determined by processes or formulas of general apportionment under rules and regulations prescribed by the Commissioners.

"(c) Exclusions from gross income: The following items shall not be included in gross income and shall be exempt from taxation under this title:

"(1) Life insurance: Amounts received under a life-insurance contract paid by reason of the death of the insured, whether in a single sum or otherwise (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income).

"(2) Annuities, and so forth: Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts and other than amounts received as annuities) under a life-insurance or endowment contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. Amounts received as an annuity under an annuity or endowment contract shall be included in gross income; except that there shall be excluded from gross income the excess of the amount received in the taxable year over an amount equal to 3 per centum of the aggregate premiums or consideration paid for such annuity (whether or not paid during such year), until the aggregate amount excluded from gross income under this title in respect to such annuity equals the aggregate premiums or consideration paid for such annuity. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life-insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph (1) or this paragraph.

"(3) Gifts, bequests, and devises: The value of property acquired by gift, bequest, devise, or inheritance (but the income from such property shall be included in gross income).

"(4) Tax-free interest: Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States; or (C) the obligations of the United States or its possessions.

"(5) Compensation for injuries or sickness: Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received, whether by suit or agreement on account of such injuries or sickness.

"(6) Ministers: The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation.

"(7) Income exempt under treaty: Income of any kind to the extent required by any treaty obligation of the United States.

"(8) Dividends from China Trade Act corporations: In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a resident of China, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

"(9) Income of foreign governments.

#### "DEDUCTIONS FROM GROSS INCOME"

"Sec. 5. (a) Items of deduction: In computing net income there shall be allowed as deductions:

"(1) Expenses: All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

"(2) Interest: All interest paid or accrued within the taxable year on indebtedness.

"(3) Taxes: Taxes paid or accrued within the taxable year, except—

"(A) income taxes;

"(B) estate, inheritance, legacy, succession, and gift taxes;

"(C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges; and

"(D) taxes paid to any State or Territory on property, business, or occupation the income from which is not taxable under this title.

"(4) Losses in trade or business: Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business, the income from which is subject to taxation under this title.

"(5) Losses in transactions for profit: Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit would be subject to taxation under this title, though not connected with the trade or business.

"(6) Intercompany dividends: In the case of a corporation, the amount received as dividends from a corporation which is subject to taxation under this title.

"(7) Bad debts: Debts ascertained to be worthless and charged off within the taxable year or, in the discretion of the assessor, a reasonable addition to a reserve for bad debts; and when satisfied that a debt is recoverable only in part, the assessor may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

"(8) Insurance premiums: All fire-, tornado-, and casualty-insurance premiums paid during the taxable year in connection with property held for investment or business.

"(9) Depreciation: A reasonable allowance for exhaustion, wear, and tear of property used in the trade or business, including a reasonable allowance for obsolescence; and including in the case of natural resources allowances for depletion as permitted by reasonable rules and regulations which the Commissioners are hereby authorized to promulgate.

"(10) Charitable contributions: Contributions or gifts actually paid within the taxable year to or for the use of any corporation, or trust, or community fund, or foundation, maintaining activities in the District of Columbia and organized and operated exclusively for religious, charitable, scientific, literary, military, or educational purposes, no part of the net income of which inures to the benefit of any private shareholder or individual: *Provided*, That such deductions shall be allowed only in an amount which in all of the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this subparagraph.

"(11) Wagering losses: Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

"(b) Allocation of deductions: In the case of a taxpayer, other than an individual, the deductions allowed in this section shall be allowed only for and to the extent that they are connected with income arising from sources within the District and taxable under this title to a nonresident taxpayer; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the District shall be determined by processes or formulas of general apportionment under rules and regulations to be prescribed by the Commissioners. The so-called charitable contribution deduction allowed by subparagraph (10) of paragraph (a) of this section shall be allowed whether or not connected with income from sources within the District.

"(c) Corporations and nonresident individuals to file return of total income: A corporation shall receive the benefits of the deductions allowed to it under this title only by filing or causing to be filed with the assessor a true and accurate return of its total income received from all sources, whether within or without the District.

#### "GAINS OR LOSSES FROM SALE OF ASSETS"

"Sec. 6. (a) Gain or loss in capital assets not recognized: No gain or loss from the sale or exchange of a capital asset shall be recognized in the computation of net income under this title. For the purposes of this title, 'capital assets' means property held by the taxpayer for more than two years (whether or not connected with his trade or business) but does not include stock in trade of the taxpayer or other property of a kind which would properly be

included in the inventory of a taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

"(b) Gain or loss in assets other than capital: Gains or losses from the sale or exchange of property other than a capital asset shall be treated in the same manner as other income or deductible losses, and the basis for computing such gain or loss shall be the cost of such property or, if acquired by some means other than purchase, the fair market value thereof at the date of acquisition.

#### "EXCHANGES

"SEC. 7. Where property is exchanged for other property, the property received in exchange for the purpose of determining the gain or loss shall be treated as the equivalent of cash to the amount of its fair market value; but when in connection with the reorganization, merger, or consolidation of a corporation a taxpayer receives, in place of stock or securities owned by him, new stock or securities of the reorganization, merged, or consolidated corporation, no gain or loss shall be deemed to occur from the exchange until the new stock or securities are sold or realized upon and the gain or loss is definitely ascertained, until which time the new stock or securities received shall be treated as taking the place of the stock and securities exchanged; provided such reorganization, merger, or consolidation is a 'reorganization' within the meaning of the term 'reorganization' as defined in section 112 (g) of the Federal Revenue Act of 1936.

#### "DEDUCTIONS NOT ALLOWED

"SEC. 8. (a) General rule: In computing net income no deductions shall be allowed in any case in respect to—

"(1) personal, living, or family expenses;

"(2) any amount paid out for new buildings or for permanent improvements or betterments, made to increase the value of any property or estate;

"(3) any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; and

"(4) premiums paid on any life-insurance policy covering the life of any officer or employee or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy.

"(b) Holders of life or terminable interest: Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act (except the deductions provided for in subsections (l) and (m) of section 23 of the Federal Revenue Act of 1926 as amended) for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States or foreign country for the purpose of computing the income to which such holder is entitled.

#### "PERSONAL EXEMPTIONS AND CREDIT FOR DEPENDENTS

"SEC. 9. (a) Credits: There shall be allowed to individuals the following credits against net income:

"(1) Personal exemption: In the case of a single person or married person not living with husband or wife, a personal exemption of \$1,000; in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$2,500; a husband and wife living together shall receive but one personal exemption, the amount of such personal exemption shall be \$2,500. If such husband and wife make separate returns the personal exemption may be taken by either or divided between them.

"(2) Credit for dependents: \$400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

"(b) Change of status: If the status of the taxpayer, insofar as it affects personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned under rules and regulations prescribed by the Commissioners, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional portion of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

"(c) In return for fractional part of year: In the case of a return made for a fractional part of a year, the personal exemption and credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which the return is made bears to twelve months.

#### "ACCOUNTING PERIODS

"SEC. 10. The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the assessor does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 43 or if the taxpayer has no annual accounting

period or does not keep books, the net income shall be computed on the basis of the calendar year. If the taxpayer makes a Federal income-tax return, his income shall be computed, for the purposes of this title, on the basis of the same calendar or fiscal year as in such Federal income-tax return.

#### "PERIOD IN WHICH ITEMS OF GROSS INCOME INCLUDED

"SEC. 11. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer unless, under methods of accounting permitted under section 10, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer there shall be included, in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect to such period or a prior period.

#### "PERIOD FOR WHICH DEDUCTIONS AND CREDITS TAKEN

"SEC. 12. The deductions and credits provided for in this title shall be taken for the taxable year in which 'paid or accrued' or 'paid or incurred', dependent upon the method of accounting upon the basis of which the net income is computed unless, in order to clearly reflect the income, the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect to such period or a prior period.

#### "INSTALLMENT BASIS

"SEC. 13. (a) Dealers in personal property: Under regulations prescribed by the Commissioners, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed bears to the total contract price.

"(b) Sales of realty and casual sales of personalty: In the case of (1) a casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year) for a price exceeding \$1,000, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed 30 per centum of the selling price, the income may, under regulations prescribed by the Commissioners, be returned on the basis and in the manner above prescribed in this section. As used in this section the term 'initial payments' means the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

"(c) Change from accrual to installment basis: If a taxpayer entitled to the benefits of subsection (a) elects for any taxable year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other disposition of property made in any prior year shall not be excluded.

"(d) Gain or loss upon disposition of installment obligations: If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (1) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (2) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission, or disposition. Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect to which the installment obligation was received. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full. This paragraph shall not apply to the transmission at death of installment obligations if there is filed with the assessor, at such time as he may by regulation prescribe, a bond in such amount and with such sureties as he may deem necessary, conditioned upon the return as income, by the person receiving any payment in such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and had received such payment.

#### "INVENTORIES

"SEC. 14. Whenever in the opinion of the assessor the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the assessor may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

#### "INDIVIDUAL RETURNS

"SEC. 15. (a) Requirement: The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe:

"(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband or wife;



"(2) Every individual having a net income for the taxable year of \$2,500 or over, if married and living with husband or wife; and  
 "(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income.

"(b) Husband and wife: If a husband and wife living together have an aggregate net income for the taxable year of \$2,500 or over, or an aggregate gross income for such year of \$5,000 or over—

"(1) Each shall make a return, or

"(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

"(c) Persons under disability: If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

"(d) Fiduciaries: For returns to be made by fiduciaries, see section 23.

#### "CORPORATION RETURNS

"Sec. 16. Every corporation not expressly exempt from the tax imposed by this title shall make a return and pay a filing fee of \$25 which shall be credited against the tax. Such returns shall state specifically the items of its gross income and the deductions and credits allowed by this title, and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe. The return shall be sworn to by the president, vice president, or other principal officer, and by the treasurer, assistant treasurer, or chief accounting officer. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

"TAXPAYER TO MAKE RETURN WHETHER RETURN FORM IS SENT OR NOT

"Sec. 17. Blank forms of returns for income shall be supplied by the assessor. It shall be the duty of the assessor to obtain an income-tax return from every taxpayer who is liable under the law to file such return; but this duty shall in no manner diminish the obligation of the taxpayer to file a return without being called upon to do so.

#### "TIME AND PLACE FOR FILING RETURNS

"Sec. 18. All returns of income for the preceding taxable year shall be made to the assessor on or before the 15th day of March in each year, except that such returns, if made on the basis of a fiscal year, shall be made on or before the 15th day of the third month following the close of such fiscal year, unless such fiscal year has expired in the calendar year 1939 prior to the approval of this Act, in which event returns shall be made on or before the 15th day of the third month following the approval of this Act.

#### "EXTENSION OF TIME FOR FILING RETURNS

"Sec. 19. The assessor may grant a reasonable extension of time for filing income returns whenever in his judgment good cause exists and shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no such extension shall be granted for more than six months, and in no case for more than one year. In the event time for filing a return is deferred, the taxpayer is hereby required to pay, as a part of the tax, an amount equal to 6 per centum per annum on the tax ultimately assessed from the time the return was due until it is actually filed in the office of the assessor.

#### "ALLOCATION OF INCOME AND DEDUCTIONS

"Sec. 20. In any of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the District of Columbia, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the assessor is authorized to distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses. The provisions of this section shall apply, but shall not be limited in application to any case of a common carrier by railroad subject to the Interstate Commerce Act and jointly owned or controlled directly or indirectly by two or more common carriers by railroad subject to said Act.

#### "PUBLICITY OF RETURNS

"Sec. 21. (a) Secrecy of returns: Except to any official of the District, having a right thereto in his official capacity, it shall be unlawful for any officer or employee of the District to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return under this title.

"(b) When copies may be furnished: Neither the original nor a copy of the return desired for use in litigations in court shall be furnished where the District of Columbia is not interested in the result whether or not the request is contained in an order of the court: *Provided*, That nothing herein shall be construed to prevent the furnishing to a taxpayer of a copy of his return upon the payment of a fee of \$1.

"(c) Reciprocal exchange of information with States: Notwithstanding the provisions of this section, the assessor may

permit the proper officer of any State imposing an income tax or his authorized representative to inspect income-tax returns, filed with the assessor or may furnish to such officer or representative a copy of any income-tax return provided such State grants substantially similar privileges to the assessor or his representative or to the proper officer of the District charged with the administration of this title.

"(d) Publication of statistics: Nothing herein shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports and the items thereof, or of the publication of delinquent lists showing the names of taxpayers who have failed to pay their taxes at the time and in the manner provided by law, together with any relevant information which in the opinion of the assessor may assist in the collection of such delinquent taxes.

"(e) Penalties for violation of this section: Any offense against the provisions of this section shall be a misdemeanor and shall be punishable by a fine not exceeding \$1,000 or imprisonment for six months, or both, in the discretion of the court.

#### "RETURNS TO BE PRESERVED

"Sec. 22. Reports and returns received by the assessor under the provisions of this title shall be preserved for six years and thereafter until the assessor orders them to be destroyed.

#### "FIDUCIARY RETURNS

"Sec. 23. (a) Requirement of return: Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title and such other information for the purpose of carrying out the provisions of this title as the Commissioners may by regulations prescribe:

"(1) Every individual having a net income for the taxable year of \$1,000 or over, if single, or if married and not living with husband and wife;

"(2) Every individual having a net income for the taxable year of \$2,500 or over, if married and living with husband or wife;

"(3) Every individual having a gross income for the taxable year of \$5,000 or over, regardless of the amount of his net income;

"(4) Every estate or trust the net income of which for the taxable year is \$1,000 or over;

"(5) Every estate or trust the gross income of which for the taxable year is \$5,000 or over, regardless of the amount of the net income.

"(b) Joint fiduciaries: Under such regulations as the Commissioners may prescribe, a return by one of two or more joint fiduciaries and filed in the office of the assessor shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate, or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct.

"(c) Law applicable to fiduciaries: Any fiduciary required to make a return under this title shall be subject to all the provisions of law which apply to individuals.

#### "ESTATES AND TRUSTS

"Sec. 24. (a) Application of tax: The taxes imposed by this title upon individuals shall apply to the income of estates or of any kind of property held in trust, including—

"(1) income accumulated in trust for the benefit of unborn or unascertained person or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

"(2) income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

"(3) income received by estates of deceased persons during the period of administration or settlement of the estate; and

"(4) income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

"(b) Computation of tax: The tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary, except as provided in paragraph (e) of this section (relating to revocable trusts) and paragraph (f) of this section (relating to income for benefit of the grantor).

"(c) Net income: The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

"(1) there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under subsection (2) of this section in the same or any succeeding taxable year;

"(2) in the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year, which is properly paid or

credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary;

"(3) there shall be allowed as a deduction (in lieu of the deductions for charitable contributions authorized by section 5 (a) (10)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating a trust, is during the taxable year paid or permanently set aside for the purposes and in the manner provided in section 5 (a) (10) or is to be used exclusively for the purposes enumerated in section 5 (a) (10).

"(d) Different taxable year: If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under subparagraph (1) of paragraph (c) of this section, to include in computing his net income, shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within or with his taxable year.

"(e) Revocable trusts: Where at any time the power to revest in the grantor title to any part of the corpus of the trust is vested—

"(1) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom; or

"(2) in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, then the income of such part of the trust shall be included in computing the net income of the grantor.

"(f) Income for benefit of grantor: Where any part of the income of a trust—

"(1) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

"(2) may, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

"(3) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in section 5 (a) (10), relating to the so-called 'charitable contribution' deduction); then such part of the income of the trust shall be included in computing the net income of the grantor.

"(g) Definition of 'in discretion of grantor': As used in this section, the term 'in the discretion of the grantor' means 'in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question.'

"(h) Income from intangible personal property held by trust: Income from intangible personal property held by any trust company or by any national bank situated in the District (with or without an individual trustee, resident or nonresident) in trust to pay the income for the time being to, or to accumulate or apply such income for the benefit of any nonresident of the District, shall not be taxable hereunder if—

"(1) such beneficial owner or cestui que trust was at the time of the creation of the trust a nonresident of the District; and

"(2) the testator, settlor, or grantor was also at the time of the creation of the trust a nonresident of the District.

#### "PARTNERSHIPS

"SEC. 25. (a) Partners only taxable: Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity, and no income tax shall be assessable hereunder upon the net income of any partnership. All such income shall be assessable to the individual partners; it shall be reported by such partners as individuals upon their respective individual income returns; and it shall be taxed to them as individuals along with their other income at the rate and in the manner herein provided for the taxation of income received by individuals. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year; or if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the taxable year upon the basis of which the partner's net income is computed.

"(b) Partnership return: Every partnership shall make a return for each taxable year stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and the addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

#### "PAYMENT OF TAX

"SEC. 26. (a) Time of payment: The total amount of tax imposed by this title shall be paid on the 15th day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the 15th day of the third month following the close of the fiscal year, except a fiscal year which expired in the calendar year 1939 prior to the approval of this Act, in which event the tax shall be paid on the 15th day of the third month following the approval of this Act.

"(b) Extension of time for payments: At the request of the taxpayer the assessor may extend the time for payment by the

taxpayer of the amount determined as the tax, for a period not to exceed six months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect to which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

"(c) Voluntary advance payment: A tax imposed by this title, or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

"(d) Fractional part of cent: In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

"(e) Payment to collector and receipts: The tax provided under this title shall be collected by the collector and the revenues derived therefrom shall be turned over to the Treasury of the United States for the credit to the District in the same manner as other revenues are turned over to the United States Treasury for the credit to the District. The collector shall, upon written request, give to the person making payment of any income tax a full written or printed receipt therefor.

#### "TAX A PERSONAL DEBT

"SEC. 27. Every tax imposed by this title, and all increases, interest, and penalties thereof, shall become, from the time it is due and payable, a personal debt, from the person or persons liable to pay the same to the District, and shall be entitled to the same priority as other District taxes, and the taxes levied hereunder and the interest and penalties thereon shall be collected by the collector of taxes in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection.

#### "INFORMATION FROM THE BUREAU OF INTERNAL REVENUE

"SEC. 28. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed by this title.

#### "ASSESSOR TO ADMINISTER

"SEC. 29. (a) Duties of assessor: The assessor is hereby required to administer the provisions of this title. The assessor shall prescribe forms identical with those utilized by the Federal Government, except to the extent required by differences between this title and its application and the Federal Act and its application. He shall apply as far as practicable the administrative and judicial interpretations of the Federal income-tax law so that computations of income for purposes of this title shall be, as nearly as practicable, identical with the calculations required for Federal income-tax purposes. As soon as practicable after the return is filed the assessor shall examine it and shall determine the correct amount of the tax.

"(b) Statements and special returns: Every taxpayer liable to any tax imposed by this title shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the Commissioners from time to time may prescribe. Whenever the assessor judges it necessary he may require any taxpayer, by notice served upon him, to make a return, render under oath such statements, or keep such records as he deems sufficient to show whether or not such taxpayer is liable to tax under this title and the extent of such liability.

"(c) Examination of books and witnesses: The assessor, for the purpose of ascertaining the correctness of any return filed hereunder, or for the purpose of making an estimate of the taxable income of any taxpayer, is authorized to examine any books, papers, records, or memoranda of any person bearing upon the matters required to be included in the return and may summon any person to appear and produce books, records, papers, or memoranda bearing upon the matters required to be included in the return, and to give testimony or answer interrogatories under oath respecting the same, and the assessor shall have power to administer oaths to such person or persons. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then, and in that event, the assessor may report that fact to the District Court of the United States for the District of Columbia, or one of the justices thereof, and said court or any justice thereof hereby is empowered to compel obedience to such summons to the same extent as witnesses may be compelled to obey the subpoenas of that court. Any person in custody or control of any books, papers, records, or memoranda bearing upon the matters required to be included in such returns, who shall refuse to permit the examination by the assessor or any person designated by him of any such books, papers, records, or memoranda, or who shall obstruct or hinder the assessor or any person designated by him in the examination of any books, papers, records, or memoranda, shall upon conviction thereof be fined not more than \$300. All prosecutions under this section shall be brought in the police court of the District of Columbia on information by the corporation counsel of the District of Columbia in the name of the District of Columbia.

"(d) Return by assessor: If any person fails to make and file a return at the time prescribed by law or by regulations made under authority of law, or makes, willfully or otherwise, a false or fraudulent return, the assessor shall make the return from his own knowledge and from such information as he can obtain through testimony or otherwise. Any return so made and subscribed by the assessor shall be prima facie good and sufficient for all legal purposes.



**"ASSESSMENT AND COLLECTION OF DEFICIENCIES"**

"Sec. 30. Definition of 'deficiency': As used in this title in respect of a tax imposed by this title 'deficiency' means—

"(1) the amount by which the tax imposed by this title exceeds the amount shown as the tax by the taxpayer upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

"(2) if no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax.

**"DETERMINATION AND ASSESSMENT OF DEFICIENCY"**

"Sec. 31. If a deficiency in tax is determined by the assessor, the taxpayer shall be notified thereof and given a period of not less than thirty days, after such notice is sent by registered mail, in which to file a protest and show cause or reason why the deficiency should not be paid. Opportunity for hearing shall be granted by the assessor, and a final decision thereon shall be made as quickly as practicable. Any deficiency in tax then determined to be due shall be assessed and paid, together with any addition to the tax applicable thereto, within ten days after notice and demand by the collector. The taxpayer may appeal from such assessment to the Board of Tax Appeals for the District of Columbia in the same manner and to the same extent as set forth in sections 3, 4, 7, 8, 9, 10, 11, and 12 of title VI of an Act to amend the District of Columbia Revenue Act of 1937, and for other purposes, approved May 16, 1938.

**"JEOPARDY ASSESSMENT"**

"Sec. 32. (a) Authority for making: If the assessor believes that the collection of any tax imposed by this title will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties, the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful.

"(b) Bond to stay collection: The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, the collection of which is stayed, at the time at which, but for this section, such amount would be due.

**"PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION"**

"Sec. 33. (a) General rule: Except as provided in paragraph (b) of this section—

"(1) The amount of income taxes imposed by this title shall be assessed within two years after the return is filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

"(2) In the case of income received during the lifetime of a decedent, or by his estate during the period of administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within twelve months after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of two years after the return is filed. This subparagraph shall not apply in the case of a corporation unless—

"(A) such written request notifies the assessor that the corporation contemplates dissolution at or before the expiration of such twelve-month period; and

"(B) the dissolution is in good faith begun before the expiration of such twelve-month period; and

"(C) the dissolution is completed.

"(3) If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 per centum of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within five years after the return was filed.

"(4) For the purposes of subparagraphs (1), (2), and (3), a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

"(b) False return: In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

"(c) Waiver: Where before the expiration of the time prescribed in paragraph (a) for the assessment of the tax, both the assessor and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

"(d) Collection after assessment: Where the assessment of any income tax imposed by this title has been made within the period

of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (A) within three years after the assessment of the tax or (B) prior to the expiration of any period for collection agreed upon in writing by the assessor and the taxpayer before the expiration of such three-year period. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

**"REFUNDS"**

"Sec. 34. Except as otherwise provided in section 31 of this title, where there has been an overpayment of any tax imposed by this title, the amount of such overpayment shall be refunded to the taxpayer. No such refund shall be allowed after two years from the time the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of the refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or, if no claim was filed, then during the two years immediately preceding the allowance of the refund. Every claim for refund must be in writing, under oath; must state the specific grounds upon which the claim is founded, and must be filed with the assessor. If the assessor disallows any part of a claim for refund, he shall send to the taxpayer by registered mail a notice of the part of the claim so disallowed. Within ninety days after the mailing of such notice, the taxpayer may file an appeal with the Board of Tax Appeals for the District of Columbia, in the same manner and to the same extent as set forth in sections 3, 4, 7, 8, 9, 10, 11, and 12 of title IX of an Act to amend the District of Columbia Revenue Act of 1937, and for other purposes, approved May 16, 1938. The remedy provided to the taxpayer under this section shall not be deemed to take away from the taxpayer any remedy which he might have under any other provision of law; but no suit by the taxpayer for the recovery of any part of such tax shall be instituted in any court if the taxpayer has elected to file an appeal in accordance with this section.

**"CLOSING AGREEMENTS"**

"Sec. 35. The assessor is authorized to enter into an agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any income tax for any period ending prior to the date of the agreement. If such agreement is approved by the Commissioners within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive and except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—the case shall not be reopened as to the matters agreed upon or the agreement modified; and in any suit or proceeding relating to the tax liability of the taxpayer such agreement shall not be annulled, modified, set aside, or disregarded.

**"COMPROMISES"**

"Sec. 36. (a) Authority to make: Whenever in the opinion of the Commissioners there shall arise with respect of any tax imposed under this title any doubt as to the liability of the taxpayer or the collectibility of the tax for any reason whatsoever the Commissioners may compromise such tax.

"(b) Concealment of assets: Any person who, in connection with any compromise under this section or offer of such compromise or in connection with any closing agreement under this title or offer to enter into any such agreement, willfully (1) conceals from any officer or employee of the District of Columbia any property belonging to the estate of the taxpayer or other person liable with respect of the tax, or (2) receives, destroys, mutilates, or falsifies any book, document, or record or makes under oath any false statement relating to the estate or the financial condition of the taxpayer or to the person liable in respect of the tax, shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than 1 year, or both.

"(c) Of penalties: The Commissioners shall have the power for cause shown to compromise any penalty arising under this title.

**"FAILURE TO FILE RETURN"**

"Sec. 37. In case of any failure to make and file a return required by this title, within the time prescribed by law or prescribed by the Commissioners in pursuance of law, 25 per centum of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was due to reasonable cause and not due to willful neglect, no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

**"INTEREST ON DEFICIENCIES"**

"Sec. 38. Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 1 per centum per month from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed.

**"ADDITIONS TO THE TAX IN CASE OF DEFICIENCY"**

"Sec. 39. (a) Negligence: If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the

deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency.

"(b) Fraud: If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid.

#### "ADDITIONS TO THE TAX IN CASE OF NONPAYMENT

"SEC. 40. (a) Tax shown on return:

"(1) General rule: Where the amount determined by the taxpayer as the tax imposed by this title, or any installment thereof, or any part of such amount or installment, is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

"(2) If extension granted: Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 41 is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subparagraph (1) of this paragraph, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

"(b) Deficiency: Where a deficiency, or any interest or additional amounts assessed in connection therewith under section 38, or under section 39, or any addition to the tax in case of delinquency provided for in section 37 is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

"(c) Fiduciaries: For any period an estate is held by a fiduciary appointed by order of any court of competent jurisdiction or by will, there shall be collected interest at the rate of 1 per centum per month in lieu of the interest provided in subparagraphs (a) and (b) of this section.

#### "TIME EXTENDED FOR PAYMENT OF TAX SHOWN ON RETURN

"SEC. 41. If the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, is extended under the authority of section 26 (c), there shall be collected, as a part of such amount, interest thereon at the rate of 1 per centum per month from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

#### "PENALTIES

"SEC. 42. (a) Negligence: Any person required under this title to pay or collect any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply information, who fails to pay or collect such tax, to make such return, to keep such records, or supply such information, at the time or times required by law or regulations shall, upon conviction thereof (in addition to other penalties provided by law), be fined not more than \$300 for each and every such failure, and each and every day that such failure continues shall constitute a separate and distinct offense. All prosecutions under this paragraph shall be brought in the police court of the District of Columbia on information by the corporation counsel or his assistants in the name of the District of Columbia.

"(b) Willful violation: Any person required under this title to pay or collect any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of this title, who willfully refuses to pay or collect such tax, to make such returns, to keep such records, or to supply such information, or who willfully attempts in any manner to defeat or evade the tax imposed by this title, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and shall be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with costs of prosecution.

"(c) Definition of 'person': The term 'person' as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under duty to perform the act in respect to which the violation occurs.

#### "DEFINITIONS

"SEC. 43. For the purpose of this title and unless otherwise required by the context—

"(1) The word 'person' means an individual, a trust or estate, a partnership, or a corporation.

"(2) The word 'taxpayer' means any person subject to a tax imposed by this title.

"(3) The word 'partnership' includes a syndicate, group, pool, joint adventure, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the word 'partner' includes a member in such a syndicate, group, pool, joint adventure, or organization.

"(4) The word 'corporation' includes associations, joint-stock companies, and insurance companies.

"(5) The word 'domestic' when applied to a corporation other than an association, means created under the law of the United States applicable to the District of Columbia; and when applied

to an association or partnership means having the principal office or place of business within the District of Columbia.

"(6) The word 'foreign' when applied to a corporation or partnership means a corporation or partnership which is not domestic.

"(7) The word 'fiduciary' means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

"(8) The word 'individual' means all natural persons, whether married or unmarried; and also all trusts, estates, and fiduciaries acting for other persons; it does not include corporations or partnerships acting for or in their own behalf.

"(9) The words 'taxable year' mean the calendar year or the fiscal year ending during such calendar year upon the basis of which the net income is computed under this title. The term 'taxable year' includes, in the case of a return made for a fractional part of a year under the provisions of this title, the period for which such return is made.

"(10) The words 'fiscal year' mean an accounting period of twelve months and ending on the last day of any month other than December.

"(11) The words 'paid or incurred' and 'paid or accrued' shall be construed according to the method of accounting upon the basis of which the net income is computed under this title.

"(12) The words 'trade or business' include the engaging in or carrying on of any trade, business, profession, vocation or calling, or commercial activity in the District of Columbia; and include the performance of the functions of a public office.

"(13) The word 'stock' includes a share in an association, joint-stock company, or insurance company.

"(14) The word 'shareholder' includes a member in an association, joint-stock company, or insurance company.

"(15) The words 'United States' when used in a geographical sense include only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

"(16) The word 'dividend' means any distribution made by a corporation out of its earnings or profits to its stockholders or members whether such distribution be made in cash, or any other property, other than stock of the same class in the corporation. It includes such portion of the assets of a corporation distributed at the time of dissolution as are in effect a distribution of earnings.

"(17) The word 'include', when used in a definition contained in this title, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"(18) The word 'Commissioners' means the Commissioners of the District of Columbia or their duly authorized representative or representatives.

"(19) The word 'District' means the District of Columbia.

"(20) The word 'assessor' means the assessor of the District of Columbia.

"(21) The word 'collector' means the collector of taxes of the District of Columbia.

#### "TITLE III—FEES AND FINES

"On and after July 1, 1939, there shall be credited to the District of Columbia that proportion of the fees and fines collected by the District Court of the United States for the District of Columbia, including fees and fines collected by the offices of the clerk of that court and of the United States marshal for the District of Columbia, as the amount paid by the District of Columbia toward salaries and expenses of such court and of the offices of the United States district attorney for the District of Columbia and of the United States marshal for the District of Columbia bears to the total amount of such salaries and expenses; and such proportion of the fees and fines, if any, collected by the United States Court of Appeals for the District of Columbia, including fees and fines, if any, collected by the office of the clerk of that court, as the amount paid by the District of Columbia toward the salaries and expenses of such court bears to the total amount of such salaries and expenses.

#### "TITLE IV—AMENDMENTS TO AND REPEAL OF PRIOR ACTS

##### "INTANGIBLE PERSONAL PROPERTY

"SEC. 1. The tax on intangible personal property imposed by any law relating to the District shall not apply with respect to any year subsequent to the fiscal year ending June 30, 1939.

##### "TAX ON CERTAIN UTILITIES

"SEC. 2. (a) Paragraph 5 of section 6 of the Act entitled 'An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes,' approved July 1, 1902, is hereby amended to read as follows:

"PAR. 5. Each national bank as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, and telephone companies, through their proper officers, shall make affidavit to the board of personal-tax appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings or gross receipts, as the case may be, for the preceding year ending the 30th day of June, and each national bank and all other incorporated banks and trust companies respectively shall pay to the collector of taxes of the District of Columbia per annum 6 per centum on such gross earnings and each gas company, electric lighting company, and telephone company shall pay to the collector of taxes of the District of Columbia per annum 4 per centum on such gross receipts, from the sale of public utility commodities and services within the



District of Columbia. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street-railroad companies shall pay 3 per centum per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 2 per centum on premium receipts as provided by existing law. Each gas, electric-lighting, telephone and street railroad company shall pay, in addition to the tax herein mentioned, the corporate income tax imposed by title II of the District of Columbia Revenue Act of 1939, and the personal property tax on merchandise stock in trade. So much of the Act approved October 1, 1890, entitled "An Act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia" as is inconsistent with the provisions of this section is hereby repealed."

"(b) This section shall not apply to gross earnings or gross receipts for any fiscal year ending the 30th day of June prior to the fiscal year ending June 30, 1940. Taxes shall be levied and collected for the fiscal years preceding the fiscal year ending June 30, 1940, under said paragraph 5 of section 6 of said Act of July 1, 1902, as if this title had not been enacted."

"(c) Section 6 of the Act of July 1, 1902, (c. 1352, 32 Stat. 619), is amended by striking out paragraph 8, so that the corporate excess tax therein provided shall become inoperative."

#### "TAX ON REAL PROPERTY"

"SEC. 3. Title VII of the District of Columbia Revenue Act of 1937, as amended, is amended to read as follows: 'For the fiscal year ending June 30, 1940, the rate of taxation imposed on real and tangible personal property in the District of Columbia shall be 1.75 per centum of the assessed value of such property.'

#### "TAXABLE STATUS OF MOTOR VEHICLES AS TANGIBLE PERSONAL PROPERTY"

"SEC. 4. Notwithstanding any other provision of law, the tangible personal-property tax on motor vehicles, except when consisting of stock in trade of merchants, shall be prorated according to the number of months such property has a situs within the District; and all such motor vehicles shall be assessed at their value as of April 1 each year: *Provided, however*, That where a motor vehicle shall be registered in the District of Columbia for the first time on a date between April 1 of one year and April 1 of the succeeding year, such motor vehicle shall be assessed, for taxation for the period ending with the succeeding April 1, at its value as of date of application for such first registration."

#### "TAX APPEALS"

"SEC. 5. (a) The first sentence of the second paragraph of section 2 of title IX of the District of Columbia Revenue Act of 1937, as amended by the Act approved May 16, 1938, is amended to read as follows: 'The salary of such person so appointed shall be \$8,000 per annum.' This amendment shall be effective on and after July 1, 1939."

"(b) Section 3 of title IX of the District of Columbia Revenue Act of 1937, as amended, is amended as follows:

"Sec. 3. Any person aggrieved by any assessment by the District against him of any personal-property, inheritance, estate, business-privilege, gross-receipts, gross-earnings, insurance-premiums, or motor-vehicle-fuel tax or taxes, or penalties thereon, may, within ninety days after notice of such assessment, appeal from such assessment to the Board, provided such person shall first pay such tax, together with penalties and interest due thereon, to the collector of taxes of the District of Columbia under protest in writing. The mailing to the taxpayer of a statement of taxes due shall be considered notice of assessment with respect of such taxes. The Board shall hear and determine all questions arising on said appeal and shall make separate findings of fact and conclusions of law, and shall render its decision thereon in writing. The Board may affirm, cancel, reduce, or increase such assessment."

"(b) Subsections (a), (b), and (c) of section 5 of title IX of the District of Columbia Revenue Act of 1937, as amended, are amended to read as follows:

"(a) The assessor and deputy assessor of the District and the board of all the assistant assessors, with the assessor as chairman, shall compose a Board of Equalization and Review, and as such Board of Equalization and Review they shall convene in a room to be provided for them by the Commissioners, on the first Monday of January of each year, and shall remain in session until the first Monday in April of each year, after which date no complaint as to valuation as herein provided shall be received or considered by such Board of Equalization and Review. Public notice of the time and place of such session shall be given by publication for two successive days in two daily newspapers in the District not more than two weeks or less than ten days before the beginning of said session. It shall be the duty of said Board of Equalization and Review to fairly and impartially equalize the value of real property made by the board of assistant assessors as the basis for assessment. Any five of said Board of Equalization and Review shall constitute a quorum for business, and, in the absence of the Assessor, a temporary chairman may be selected. They shall immediately proceed to equalize the valuations made by the board of assistant assessors so that each lot and tract and improvements thereon shall be entered upon the tax list at their value in money; and for this purpose they shall hear such complaints as may be made in respect of said assessments, and in determining them they may raise the valuation of such tracts or lots as in their opinion may have been returned below their value and reduce the valuation of such as they may believe to have been returned above their value to such

sum as in their opinion may be the value thereof. The valuation of the real property made and equalized as aforesaid shall be completed not later than the first Monday of May annually. The valuation of said real property made and equalized as aforesaid shall be approved by the Commissioners not later than July 1 annually, and when approved by the Commissioners shall constitute the basis of taxation for the next succeeding year and until another valuation is made according to law, except as hereinafter provided. Any person aggrieved by any assessment, equalization, or valuation made, may, within ninety days after October 1 of the year in which such assessment, equalization, or valuation is made, appeal from such assessment, equalization, or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however*, That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided."

"(b) Annually, on or prior to July 1 of each year, the board of assistant assessors shall make a list of all real estate which shall have become subject to taxation and which is not then on the tax list, and affix a value thereon, according to the rules prescribed by law for assessing real estate; shall make return of all new structures erected or roofed, and additions to or improvements of old structures which shall not have been theretofore assessed, specifying the tract or lot of land on which each of such structures has been erected, and the value of such structure, and they shall add such valuation to the assessment made on such tract or lot. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause, the said board of assistant assessors shall reduce the assessment on said property to the extent of such damage: *Provided*, That the Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments between September 1 and September 30 and determine the same not later than October 15 of the same year. Any person aggrieved by any assessment or valuation made in pursuance of this paragraph may, within ninety days after October 15 of the year in which said valuation or assessment is made, appeal from such assessment or valuation in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however*, That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided."

"(c) In addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to January 1 of each year, in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessment for the second half of the then current year payable in the month of March. When the improvements on any lot or tract of land shall become damaged or be destroyed from any cause prior to January 1 of each year the said board of assistant assessors shall reduce the assessment on said property to the extent of said damage for the second half of the then current year payable in the month of March. The Board of Equalization and Review shall hear such complaints as may be made in respect of said assessments for the second half of said year between March 1 and March 31 and determine said complaints not later than April 15 of the same year. Any person aggrieved by any assessment made in pursuance of this paragraph may, within ninety days after April 15 of the year in which such assessment is made, appeal from such assessment in the same manner and to the same extent as provided in sections 3 and 4 of this title: *Provided, however*, That such person shall have first made his complaint to the Board of Equalization and Review respecting such assessment as herein provided."

"(c) Title IX of the District of Columbia Revenue Act of 1937, as amended, is amended by adding thereto a new section reading as follows:

"Sec. 13. In any matter affecting taxation, the determination of which is by law left to the discretion of the Commissioners, the Commissioners may, if they so elect, refer such matter to the Board to make findings of fact and submit recommendations, such findings of fact and recommendations, if any, to be advisory only and not binding on the Commissioners, and shall be without prejudice to the Commissioners to make such further and other inquiry and investigation concerning such matter as they in their discretion shall consider necessary or advisable."

#### "TANGIBLE PERSONAL PROPERTY STORED IN TRANSIT"

"SEC. 6. Nothing in this Act contained, nor shall any prior Act of Congress relating to the District of Columbia be deemed to impose upon any person, firm, association, company, or corporation a tax based upon tangible personal property owned and stored by such person in a public warehouse in the District of Columbia for a period of time no longer than is necessary for the convenience or exigencies of reshipment and transportation to its destination without the District of Columbia."

#### "TITLE V—INHERITANCE AND ESTATE TAXES"

"Title V of the District of Columbia Revenue Act of 1937, as amended by an Act entitled 'An Act to amend the District of Columbia Revenue Act of 1937, and for other purposes,' approved May 16, 1938, is amended to read as follows:

"Taxes shall be imposed in relation to estates of decedents, the shares of beneficiaries of such estates, and gifts as hereinafter provided:

#### "ARTICLE I—INHERITANCE TAX"

"SEC. 1. (a) All real property and tangible and intangible personal property, or any interest therein, having its taxable situs in

the District of Columbia, transferred from any person who may die seized or possessed thereof, either by will or by law, or by right of survivorship, and all such property, or interest therein, transferred by deed, grant, bargain, gift, or sale (except in cases of a bona fide purchase for full consideration in money or money's worth), made or intended to take effect in possession or enjoyment after the death of the decedent, or made in contemplation of death, to or for the use of, in trust or otherwise (including property of which the decedent has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from such property or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom), to the father, mother, husband, wife, children by blood or legally adopted children, or any other lineal descendants or lineal ancestors of the decedent, shall be subject to a tax as follows: 1 per centum of so much of said property as is in excess of \$5,000 and not in excess of \$50,000; 2 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 3 per centum of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 4 per centum of so much of said property as is in excess of \$500,000 and not in excess of \$1,000,000; 5 per centum of so much of said property as is in excess of \$1,000,000.

"(b) So much of said property so transferred to each of the brothers and sisters of the whole or half blood of the decedent shall be subject to a tax as follows: 3 per centum of so much of said property as is in excess of \$2,000 and not in excess of \$25,000; 4 per centum of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 6 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 8 per centum of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 10 per centum of so much of said property as is in excess of \$500,000.

"(c) So much of said property so transferred to any person other than those included in paragraphs (a) and (b) of this section and all firms, institutions, associations, and corporations shall be subject to a tax as follows: 5 per centum of so much of said property as is in excess of \$1,000 and not in excess of \$25,000; 7 per centum of so much of said property as is in excess of \$25,000 and not in excess of \$50,000; 9 per centum of so much of said property as is in excess of \$50,000 and not in excess of \$100,000; 12 per centum of so much of said property as is in excess of \$100,000 and not in excess of \$500,000; 15 per centum of so much of said property as is in excess of \$500,000.

"(d) Executors, administrators, trustees, and other persons making distribution shall only be discharged from liability for the amount of such tax, with the payment of which they are charged, by paying the same as hereinafter described.

"(e) Property transferred exclusively for public or municipal purposes, to the United States or the District of Columbia, or exclusively for charitable, educational, or religious purposes within the District of Columbia, shall be exempt from any and all taxation under the provisions of this section.

"(f) Where any beneficiary has died or may hereafter die within six months after the death of the decedent and before coming into the possession and enjoyment of any property passing to him, and before selling, assigning, transferring, or in any manner contracting with respect to his interest in such property, such property shall be taxed only once, and if the tax on the property so passing to said beneficiary has not been paid, then the tax shall be assessed on the property received from such share by each beneficiary thereof, finally entitled to the possession and enjoyment thereof, as if he had been the original beneficiary, and the exemptions and rates of taxation shall be governed by the respective relationship of each of the ultimate beneficiaries to the first decedent.

"(g) The provisions of article I of this title shall apply to property in the estate of every person who shall die after this title becomes effective.

"(h) The transfer of any property, or interest therein, within 2 years prior to death, shall, unless shown to the contrary, be deemed to have been made in contemplation of death.

"(i) All property and interest therein which shall pass from a decedent to the same beneficiary by one or more of the methods specified in this section, and all beneficial interests which shall accrue in the manner herein provided to such beneficiary on account of the death of such decedent, shall be united and treated as a single interest for the purpose of determining the tax hereunder.

"(j) Whenever any person shall exercise a general power of appointment derived from any disposition of property, made either before or after the passage of this title, such appointment, when made, shall be deemed a transfer taxable, under the provisions of this title, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power; and whenever any person possessing such power of appointment so derived shall omit or fail to exercise the same, within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this title shall be deemed to take place to the extent of such omissions or failure in the same manner as though the person or persons thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by the will of the donee of the power failing to

exercise such power, taking effect at the time of such omission or failure.

"(k) The doctrine of equitable conversion shall not be invoked in the assessment of taxes under this article.

"Sec. 2. The tax provided in section 1 shall be paid on the market value of the property or interest therein at the time of the death of the decedent as appraised by the assessor, or, in the discretion of the assessor, upon the value as appraised by the probate court of the District. The taxable portion of real or personal property held jointly or by the entireties shall be determined by dividing the value of the entire property by the number of persons in whose joint names it was held.

"Sec. 3. The appraisal thus made shall be deemed and taken to be the true value of the said property or interest therein upon which the said tax shall be paid, and the amount of said tax and the tax imposed by article II of this title shall be a lien on said property or interest therein for the period of ten years from the date of death of the decedent: *Provided, however*, That such lien shall not attach to any personal property sold or disposed of for value by an administrator, executor, or collector, of the estate of such decedent appointed by the District Court of the United States for the District of Columbia or by a trustee appointed under a will filed with the register of wills for the District or by order of said court, or his successor approved by said court, but a lien for said taxes shall attach on all property acquired in substitution therefor for a period of ten years after the acquisition of such substituted property: *And provided further*, That such lien upon such substituted property shall, upon sale by such personal representatives, be extinguished and shall reattach in the manner as provided with respect of such original property.

"Sec. 4. The personal representative of every decedent, the gross value of whose estate is in excess of \$1,000, shall, within fifteen months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose an itemized schedule of all the property (real, personal, and mixed) of the decedent, the market value thereof at the time of the death of the decedent, the name or names of the persons to receive the same and the actual value of the property that each will receive, the relationship of such persons to the decedent, and the age of any persons who receive a life interest in the property, and any other information which the assessor may require. Said personal representative shall, within eighteen months of the date of the death of the decedent and before distribution of the estate, pay to the collector of taxes the taxes imposed by section 1 upon the distributive shares and legacies in his hands and the tax imposed by section 1 hereof against each distributive share or legacy shall be charged against such distributive share or legacy unless the will shall otherwise direct.

"Sec. 5. The personal representative of the decedent shall collect from each beneficiary entitled to a distributive share or legacy the tax imposed upon such distributive share or legacy in section 1 hereof, and if the said beneficiary shall neglect or fail to pay the same within fifteen months after the date of the death of the decedent such personal representative shall, upon the order of the District Court of the United States for the District of Columbia, sell for cash so much of said distributive share or legacy as may be necessary to pay said tax and all the expenses of said sale.

"Sec. 6. Every person entitled to receive property taxable under section 1 hereof, which property is not under the control of a personal representative, and is over \$1,000 in value, shall, within six months after the death of the decedent, report under oath to the assessor, on forms provided for that purpose, an itemized schedule of all property (real, personal, and mixed) received or to be received by such person; the market value of the same at the time of the death of the decedent and the relationship of such person to the decedent; and any other information which the assessor may require. The tax on the transfer of any such property shall be paid by such person to the collector of taxes within nine months after the date of the death of the decedent: *Provided, however*, That with respect to real estate passing by will or inheritance such report shall be made within fifteen months after the death of the decedent, and the tax on the transfer thereof shall be paid within eighteen months after the date of the death of the decedent.

"Sec. 7. In the case of any grant, deed, devise, descent, or bequest of a life interest or term of years, the donee for life or years shall pay a tax only on the value of his interest, determined in a manner as the Commissioners by regulation may prescribe, and the donee of the future interest shall pay a tax only on his interest as based upon the value thereof at the time of the death of the decedent creating such interest. The value of any future interest shall be determined by deducting from the market value of such property at the time of the death of such decedent the value of the precedent life interest or term of years. Where the future interest is vested the donee thereof shall pay the tax within the time in which the tax upon the precedent life interest or term of years is required to be paid under the provisions of sections 4 and 6 of this article, as the case may be. Where the future interest is contingent the personal representative of such decedent or the persons interested in such contingent future estate shall have the option of (1) paying, within the time herein provided for the payment of taxes due upon vested future interests, a tax equal to the mean between the highest possible tax and the lowest possible tax which could be imposed under any contingency or condition whereby such contingent future interest might be wholly or in part created, defeated, extended, or abridged; or (2) paying the tax upon such transfer at the time when such future interest shall become vested at rates and with exemptions in force at the time



of the death of the decedent: *Provided*, That the personal representative or trustee of the estate of the decedent or the persons interested in the future contingent interest shall deposit with the assessor a bond in the penal sum of an amount equal to twice the tax payable under option (1) hereof. Such bonds shall be payable to the District and shall be conditioned for the payment of such tax when and as the same shall become due and payable. The tax upon the transfer of future interests or remainders shall be a lien upon the property or interest transferred from the date of the death of the decedent creating the interests and shall remain in force and effect until ten years after the date when such remainder or future interest shall become vested in the donee thereof. If the tax upon the transfer of a contingent future interest is paid before the same shall become vested, such tax shall be paid by the personal representative out of the corpus of the estate of the decedent, otherwise by the person or persons entitled to receive the same.

#### "ARTICLE II—ESTATE TAXES

"SEC. 1. In addition to the taxes imposed by article I, there is hereby imposed upon the transfer of the estate of every decedent who, after this title becomes effective, shall die a resident of the District, a tax equal to 80 per centum of the Federal estate tax imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted.

"SEC. 2. There shall be credited against and applied in reduction of the tax imposed by section 1 of this article the amount of any estate, inheritance, legacy, or succession tax lawfully imposed by any State or Territory of the United States, in respect of any property included in the gross estate for Federal estate-tax purposes as prescribed in title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted: *Provided, however*, That only such taxes as are actually paid and credit therefor claimed and allowed against the Federal estate tax may be applied as a credit against and in reduction of the tax imposed by section 1.

"SEC. 3. In no event shall the tax imposed by section 1 of this article exceed the difference between the maximum credit which might be allowed against the Federal estate tax imposed by title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, and the aggregate amount of the taxes described in section 2 of this article (but not including the tax imposed by section 1) allowable as a credit against the Federal estate tax.

"SEC. 4. The purpose of section 1 of this article is to secure for the District the benefit of the credit allowed under the provisions of section 301 (c) of title III of the Revenue Act of 1926, as amended, or as hereafter amended or reenacted, to the extent that the District may be entitled by the provisions of said Revenue Act, by imposing additional taxes, and the same shall be liberally construed to effect such purpose: *Provided*, That the amount of the tax imposed by section 1 of this article shall not be decreased by any failure to secure the allowance of credit against the Federal estate tax.

"SEC. 5. A tax is hereby imposed upon the transfer of real property or tangible personal property in the District of every person who at the time of death was a resident of the United States but not a resident of the District, and upon the transfer of all property, both real and personal, within the District of every person who at the time of death was not a resident of the United States, the amount of which shall be a sum equal to such proportion of the amount by which the credit allowable under the applicable Federal revenue Act for estate, inheritance, legacy, and succession taxes actually paid to the several States exceeds the amount actually so paid for such taxes, exclusive of estate taxes based upon the difference between such credit and other estate taxes and inheritance, legacy, and succession taxes, as the value of the property in the District bears to the value of the entire estate, subject to estate tax under the applicable Federal revenue Act.

"SEC. 6. Every executor or administrator of the estate of a decedent dying a resident of the District or of a nonresident decedent owning real estate or tangible personal property situated in the District, or of an alien decedent owning any real estate, tangible or intangible personal property situated in the District, or, if there is no executor or administrator appointed, qualified, and acting, then any person in actual or constructive possession of any property forming a part of an estate subject to estate tax under this title shall, within sixteen months after the death of the decedent file with the assessor a copy of the return required by section 304 of the Revenue Act of 1926, verified by the affidavit of the person filing said return with the assessor, and shall, within thirty days after the date of any communication from the Commissioner of Internal Revenue, confirming, increasing, or diminishing the tax shown to be due, file a copy of such communication with the assessor. With the copy of the Federal estate-tax return there shall be filed an affidavit as to the several amounts paid or expected to be paid as taxes within the purview of section 2 of this article: *Provided, however*, That in any case where the time for the filing of such return as required by section 304 of the Revenue Act of 1926 is extended without penalty by the Bureau of Internal Revenue, then the copy thereof verified as aforesaid may be filed with the assessor within thirty days after the expiration of said extended period.

"SEC. 7. The assessor shall, upon receipt of the return and accompanying affidavit, assess such amount as he may determine, from the basis of the return, to be due the District. Upon receipt of a copy of any communication from the Commissioner of Internal Revenue, herein required to be filed, the assessor shall make

such additional assessment or shall make such abatement of the assessment as may appear proper.

"SEC. 8. The estate taxes imposed by this article shall be paid to the collector of taxes within seventeen months after the death of the decedent: *Provided, however*, That in any case where the time for the payment of taxes imposed by subdivision (a) of section 301, title III, of the Revenue Act of 1926, is extended by the Bureau of Internal Revenue, then the tax imposed by this article shall be paid within sixty days after the expiration of such extended period, together with interest as provided in section 4 of article IV of this title: *Provided further*, That any additional assessment found to be due under section 7 of this article shall be paid to the collector of taxes within thirty days after the determination of such additional assessment by the assessor.

#### "ARTICLE III—GENERAL

"SEC. 1. The bond of the personal representative of the decedent shall be liable for all taxes and penalties assessed under this title, except inheritance taxes and penalties imposed in relation to the transfer of property not under the control of such personal representative: *Provided*, That in no case shall the bond of the personal representative be liable for a greater sum than is actually received by him.

"SEC. 2. The register of wills of the District shall report to the assessor on forms provided for the purpose every qualification in the District upon the estate of a decedent. Such report shall be filed with the assessor at least once every month, and shall contain the name of the decedent, the date of his death, the name and address of the personal representative, and the value of the estate, as shown by the petition for administration or probate.

"SEC. 3. The Commissioners shall have supervision of the enforcement of this title and shall have the power to make such rules and regulations, consistent with its provisions, as may be necessary for its enforcement and efficient administration and to provide for the granting of extension of time within which to perform the duties imposed by this title. The assessor shall determine all taxes assessable under this title and immediately upon the determination of same, shall forward a statement of the taxes determined to the person or persons chargeable with the payment thereof and shall give advice thereof to the collector of taxes. The assessor is hereby authorized and empowered to summon any person before him to give testimony on oath or affirmation or to produce all books, records, papers, documents, or other legal evidence as to any matter relating to this title, and the assessor is authorized to administer oaths and to take testimony for the purposes of the administration of this title. Such summons may be served by any member of the Metropolitan Police Department. If any person having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then and in that event the assessor may report that fact to the District Court of the United States for the District of Columbia or one of the justices thereof, and said court or any justice thereof hereby is empowered to compel obedience to said summons to the same extent as witnesses may be compelled to obey the subpoenas of that court.

"SEC. 4. If the taxes imposed by this title are not paid when due, 1 per centum interest for each month or portion of a month from the date when the same were due until paid shall be added to the amount of said taxes and collected as a part of the same, and said taxes shall be collected by the collector of taxes in the manner provided by the law for the collection of taxes due the District on personal property in force at the time of such collection: *Provided, however*, That where the time for payment of the tax imposed by this title is extended by the assessor or where the payment of the tax is lawfully suspended under the regulations for the administration of this title, interest shall be paid at the rate of 6 per centum per annum from the date on which the tax would otherwise be payable.

"SEC. 5. If any person shall fail to perform any duty imposed upon him by the provisions of this title or the regulations made hereunder the Commissioners may proceed by petition for mandamus to compel performance and upon the granting of such writ the court shall adjudge all costs of such proceeding against the delinquent.

"SEC. 6. Any person required by this title to file a return who fails to file such return within the time prescribed by this title, or within such additional time as may be granted under regulations promulgated by the Commissioners, shall become liable in his own person and estate to the District in an amount equal to 10 per centum of the tax found to be due. In case any person required by this title to file a return knowingly files a false or fraudulent return, he shall become liable in his own person and estate to the said District in an amount equal to 50 per centum of the tax found to be due. Such amounts shall be collected in the same manner as is herein provided for the collection of the taxes levied under this title.

"SEC. 7. Any person required by this title to pay a tax or required by law or regulation made under authority thereof to make a return or keep any records or supply any information for the purposes of computation, assessment, or collection of any tax imposed by this title, who willfully fails to pay such tax, make any such return, or supply any such information at the time or times required by law or regulation shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"SEC. 8. When the assessor is satisfied that the tax liability imposed by this title has been fully discharged or provided for, he may, under regulations prescribed by the Commissioners, issue his certificate, releasing any or all property from the lien herein imposed.

"Sec. 9. No person holding, within the District, tangible or intangible assets of any resident or nonresident decedent, of the value of \$300 or more, shall deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, unless notice of the date and place of such intended transfer be served upon the assessor of the District of Columbia at least ten days prior to such delivery or transfer, nor shall any person holding, within the District of Columbia, any assets of a resident or nonresident decedent, of the value of \$300 or more, deliver or transfer the same or any part thereof to any person other than an executor, administrator, or collector of the estate of such decedent appointed by said District Court without retaining a sufficient portion or amount thereof to pay any tax which may be assessed on account of the transfer of such assets under the provisions of articles I and II without an order from the assessor of the District of Columbia authorizing such transfer. It shall be lawful for the assessor of the District, personally, or by his representatives, to examine said assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain as herein required a sufficient portion or amount to pay the taxes imposed by this title shall render such person liable to the payment of such taxes. The assessor of the District may issue a certificate authorizing the transfer of any such assets whenever it appears to the satisfaction of said assessor that no tax is due thereon: *Provided, however,* That any corporation, foreign or domestic to the District having outstanding stock or other securities registered in the sole name of a decedent whose estate or any part thereof is taxable under this title, may transfer the same, without notice to the assessor and without liability for any tax imposed thereon under this title, upon the order of an administrator, executor, or collector of the estate of such decedent appointed by the District Court of the United States for the District of Columbia, or by a trustee appointed under a will filed with the register of wills of the District, or appointed by said court, or his successor approved by said court: *Provided further,* That the lessor of a safe-deposit box standing in the joint names of a decedent and a survivor or survivors may deliver the entire contents of such safe-deposit box to the survivor or survivors, after examination of such contents by the assessor or his representative, without any liability on the part of the said lessor for the payment of such tax.

"Sec. 10. The Bureau of Internal Revenue of the Treasury Department of the United States is authorized and required to supply such information as may be requested by the Commissioners relative to any person subject to the taxes imposed under this title or relative to any person whose estate is subject to the provisions of this title.

"Sec. 11. If any return required by this title is not filed with the assessor when due, the assessor shall have the right to determine and assess the tax or taxes from such information as he may possess or obtain.

"Sec. 12. The assessor is authorized to enter into an agreement with any person liable for a tax on a transfer under article I of this title, in which remainders or expectant estates are of such nature or so disposed and circumstanced that the value of the interest is not ascertainable under the provisions of this title, and to compound and settle such tax upon such terms as the assessor may deem equitable and expedient.

"Sec. 13. In the interpretation of this title unless the context indicates a different meaning the term "tax" means the tax or taxes mentioned in this title.

"(a) The term "District" means the District of Columbia.

"(b) The term "Commissioners" means the Commissioners of the District of Columbia, or their duly authorized representative or representatives.

"(c) The term "assessor" means the assessor of the District of Columbia or his duly authorized representative or representatives.

"(d) The term "collector of taxes" means the collector of taxes for the District of Columbia, or his duly authorized representative or representatives.

"(e) The term "Metropolitan Police Department" means the Metropolitan Police Department of the District of Columbia.

"(f) The term "include" when used in a definition contained in this title, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

"(g) The term "resident" means domiciled and the term "residence" means domicile.

"Sec. 14. The provisions of this title shall become effective at 12:01 antemeridian, the day immediately following its approval."

#### "TITLE VI—ADVANCEMENT OF MONEY BY TREASURY

"The Secretary of the Treasury, notwithstanding the provisions of the District of Columbia Appropriation Act, approved June 29, 1922, is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District as authorized by Congress, and such amounts so advanced shall be reimbursed by the said Commissioners to the Treasury out of taxes and revenue collected for the support of the government of the said District of Columbia.

#### "TITLE VII—JOINT SELECT COMMITTEE

"A joint select committee, composed of three Senators to be appointed by the President of the Senate, and three Representatives

to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to make a further study of the tax structure of the District of Columbia with the purpose in view of providing a permanent tax structure for said District, and to make a report of such study with recommendations to Congress.

#### "TITLE VIII—GENERAL PROVISIONS

##### "SEPARABILITY CLAUSE

"Sec. 1. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

##### "RULES AND REGULATIONS

"Sec. 2. The Commissioners shall prescribe and publish all needed rules and regulations for the enforcement of this Act."

And the Senate agree to the same.

JENNINGS RANDOLPH,  
AMBROSE J. KENNEDY,  
EVERETT M. DIRKSEN,  
GEORGE J. BATES,

*Managers on the part of the House.*

JOHN H. OVERTON,  
WILLIAM H. KING,  
M. E. TYDINGS,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Title I of the House bill provided for an income tax with the following principal features: (a) 1938 to be the first taxable year, with returns to be filed on October 15, following the end of the taxable year, and payment of the tax in two installments, namely, on October 15 following the end of the taxable year and on the following April 15; (b) the tax to be imposed on all residents of the District of Columbia, regardless of source of income, and on nonresident individuals and corporations on income from sources within the District, with provisions for tax paid in other jurisdictions to avoid double taxation; (c) the rate of taxation on individuals to be 2 percent on the first \$1,000 of taxable income, 3 percent on the next \$2,000, 4 percent on the next \$2,000, 5 percent on the next \$2,000, 6 percent on the next \$2,000, and 7 percent on all taxable income in excess of \$9,000, and the rate on corporations to be 5 percent of their taxable income; and (d) individuals to be allowed an exemption of \$2,000 on earned income and \$500 on unearned income, regardless of the marital status of the taxpayer. The Senate amendment contained no provision for an income tax. The conference agreement provides for an income tax with the following principal features: (a) 1939 is the first taxable year, with returns to be filed and the entire tax to be paid on March 15 following the close of the taxable year; (b) the tax is imposed on persons domiciled in the District on the last day of the taxable year, regardless of the source of income, and upon corporations on income from sources within the District, no tax is imposed on individuals domiciled without the District on income from sources within the District, and no provision is made for credit allowance to persons domiciled in the District for tax paid to other jurisdictions on income from sources therein; (c) the rate of taxation on individuals is 1 percent on the first \$5,000 of taxable income, 1½ percent on the next \$5,000, 2 percent on the next \$5,000, 2½ percent on the next \$5,000, and 3 percent on all taxable income in excess of \$20,000, and the rate on corporations is 5 percent of their taxable income; (d) there is allowed the same personal exemptions and credit for dependents as is provided in the Federal income-tax law.

Title II of the House bill provided for the advancement during the fiscal year ending June 30, 1940, of money by the Secretary of the Treasury to the District, for general expenses of the District for the fiscal year ending June 30, 1940, to be repaid out of taxes and revenue collected for the support of the District. The Senate amendment provided likewise. The conference agreement removes the time restriction.

The House bill provided that after June 30, 1939, the contribution by the United States toward expenses of the District shall in no event be more than \$5,000,000 for any one fiscal year. The Senate amendment provided for a formula based upon the land area in the District owned by the United States, the application of which under present conditions would result in the payment by the United States to the District of approximately \$8,000,000, being an amount equal to approximately 20 percent of the general expenses of the District. The conference agreement provides that for the fiscal year ending June 30, 1940, and for each fiscal year thereafter, there shall be appropriated for the payment by the United States toward defraying the expenses of the District the sum of \$6,500,000.

Title III of the House bill provided for a parking-lot tax imposed on the operators of all parking lots in the District amounting to 2 percent of the gross receipts derived therefrom. No comparable provision is found in the Senate amendment or in the conference



report. Such tax would produce only a small amount of revenue, but result in an increased burden to users of parking lots.

Title IV of the House bill provided for the amendment and repeal of certain revenue acts relating to the District, for the most part administrative. The Senate amendment in title VI provided for the amendment and repeal of the same acts, except in the following respects: The House bill provided for the repeal of the law imposing an intangible personal-property tax. The Senate amendment had no comparable provision. The House bill provided for collection of taxes by the District in jurisdictions without the District. The Senate amendment had no comparable provision. The Senate amendment provided that no tangible personal-property tax shall be imposed on personal property stored in transit in the District. The House bill had no comparable provision. The conference agreement provides for the repeal of the law imposing a tax on intangible personal property, and specifically provides that the tax on real estate and tangible personal property for the fiscal year ending June 30, 1940, shall be 1.75 percent of the assessed value of such property. In other matters relating to the repeal and amendment of prior acts the conference agreement conforms to the Senate amendment.

Title V of the House bill provided for the amendment of title V of the District of Columbia Revenue Act of 1937, as amended, and provided for a new tax, namely, a gift tax. The Senate amendment provided for the amendment to the District of Columbia Revenue Act of 1937, as amended, but did not provide for the gift tax. The conference agreement adopts such provisions of the Senate amendment.

The Senate amendment provided that there shall be credited to the District that proportion of the fines and fees collected by the District Court of the United States for the District of Columbia and by the United States Court of Appeals for the District of Columbia as the amount paid by the District toward the salaries and expenses of such court bears to the total amount of such salaries and expenses. The conference agreement adopts such provision.

The conference agreement provides for the creation of a joint select committee, consisting of three Members of the Senate and three Members of the House, to study the tax structure of the District and to make a report of such study, with recommendations, to Congress.

JENNINGS RANDOLPH,  
AMBROSE J. KENNEDY,  
EVERETT M. DIRKSEN,  
GEORGE J. BATES,

*Managers on the part of the House.*

Mr. NICHOLS. Mr. Speaker, before I yield any time I wish to state to the House that I find myself in a rather peculiar position here, since I was chairman of the House conferees. This conference report comes back as the result of a conference between the House and Senate conferees, a conference at which I was not present by reason of my being in Oklahoma at the time. Although I am bringing this conference report to the floor for consideration, I find it necessary that I oppose the approval of the conference report by the House, and in the end I shall ask that the bill be sent back to conference for further consideration by the conferees.

Mr. Speaker, I now yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, conferences can be such very singular things, particularly so if there is divergent disagreement with the conferees at the other end of the Capitol, and also when they tenaciously cherish a position and will not relent. It is the purpose of a conference, of course, to harmonize the differences between the two bodies, to reflect no particular obstinacy, but to get what one can for his own body.

As I evaluate the conference report on the revenue bill for the District of Columbia, I may say that we came away with the lion's share and found it necessary to make at least some concession to the Senate of the United States in order to meet the objection made by one distinguished Member of that body that he cherished some doubt as to whether the Senate was still a part of the legislative branch of the Government.

As you recall, we brought the revenue bill here. It went to the Senate, and the Senate struck out all the provisions after the enacting clause and substituted virtually a new bill. Then, of course, began the real work of the conference committee. In brief compass, I can tell you what we brought back in the way of legislative bacon for the House of Representatives.

We brought back almost every position that the House took in the original bill and made a concession only with respect to the lump sum. In the House bill was an income tax. That has been retained. In the House bill was a provision for advances from the Treasury in order to tide over an emergent situation. That has been retained. In the House bill was a

provision for a parking-lot tax. That has been retained. In the House bill was a provision to make the real-estate tax \$1.75 per \$100, in contradistinction to the position taken by the Senate that the tax ought to be \$1.50.

Mr. NICHOLS. Is not my friend wrong? When the bill left the House it provided for a \$1.50 minimum and a \$1.75 maximum.

Mr. DIRKSEN. That is right.

Mr. NICHOLS. And the reduction was made to \$1.50.

Mr. DIRKSEN. We are sustaining the position of the House there with a rate of \$1.75.

We inserted a repealer to repeal the very obnoxious intangibles tax, and that appears in the conference report. There are provisions relating to the inheritance tax, the estate taxes, gift taxes, and general administrative provisions, all of which have been retained. When the bill went over on the Senate side they struck out the income tax and substituted that abomination—I call it an abomination—known as the business privilege tax. In the conference the Senate finally relented on its position. Therefore, you can see that the Senate yielded on the income tax, they yielded on the Federal-contribution formula, they yielded on repeal of the intangibles tax, they yielded on the real-estate tax, and they yielded on the business privilege tax. Two items were identical in both bills, one dealing with utilities and the other dealing with inheritances, gifts, and estates. The House yielded partly on the lump sum and on a provision for allocation and apportionment of fines and fees.

Let me say, with respect to the income tax, it has been changed and made, in my judgment, so palatable that there can be no objection. We had considerable discussion here at the time the bill was pending before this body relative to exemptions, exclusions, deductions, and so forth. We finally followed the pattern laid down in the Federal Act of 1913, making an exemption of \$1,000 for single persons, \$2,500 for married persons, and \$400 for children. Other deductions and exemptions that are found in the Federal act are also incorporated in this bill.

The very explosive and controversial item relative to the applicability of the tax was finally resolved when we wrote a provision in the conference bill to the effect that it applies only to those who are legally domiciled in the District of Columbia on the last day of the taxable year. This takes out Members of Congress, it takes out Senators, and it takes out the employees who come and go from Washington, making the tax applicable only to those who are domiciled in the District of Columbia on the last day of the taxable year. I believe this meets the great objection that was made to this bill in the first instance.

We are ready now, in my judgment, to adopt the most palatable thing we could work out under the circumstances as a tax pattern for the District of Columbia, and it can be improved and amended and ironed out as the years go on. The Federal act has been on the books for 25 years. Almost every year there comes a revenue bill that changes and alters the pattern in some respect to meet emergent situations. We cannot hope to give you a perfect bill at the first writing. However, I am satisfied that as time goes on we shall find that with this principle engrossed in the tax structure of the District of Columbia we have made a tremendous forward stride in developing a pattern of taxation that is durable and justifiable and progressive.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman states that it applies to the employees or those who are legally domiciled in the District the last day of the calendar year.

Mr. DIRKSEN. That is right.

Mr. McCORMACK. Take a person working for the Federal Government in any capacity, but not in the legislative branch, has he the right of electing his domicile either in the District of Columbia or in the State where he is a citizen?

Mr. DIRKSEN. The matter will have to be controlled entirely by the legal definition of domicile, which, of course, embraces the whole matter of intent.

Mr. McCORMACK. Nevertheless, that phrase is capable of more than one meaning.

Mr. DIRKSEN. So it is.

Mr. McCORMACK. And then, of course, the intent of the Congress would play an important part.

Mr. DIRKSEN. Yes.

Mr. McCORMACK. Will the gentleman state what his understanding or intent or what the intent of the conference committee or the Congress is in that respect, taking the case, for instance, of an employee of the Federal Government, a civil-service employee, in the Department of Agriculture or any other department, for instance, who is employed steadily year after year. Could he register as his legal place of residence Massachusetts or Illinois on the last day of the calendar year, exercising an election in the matter?

Mr. DIRKSEN. My interpretation of the matter is that their right to vote back home is preserved under this bill by complying with tax requirements, by way of poll tax and otherwise; but if they are actually domiciled here, which means that they have a legal domicile here, they will be taxable in the District of Columbia.

Mr. McCORMACK. Does the gentleman realize the situation in which that places such an employee unless he gives up his right of suffrage or the exercise of his right of suffrage? He would have to pay an income tax in his own State, he would have to pay an income tax here, and he would have to pay an income tax to the Federal Government.

Mr. DIRKSEN. I do not so understand it. I think one can have a taxable domicile in the District of Columbia and still preserve his voting rights back home.

Mr. McCORMACK. If you have a residence for voting purposes, you have a domicile in the State in which you are voting, have you not?

Mr. DIRKSEN. I do not believe so.

Mr. McCORMACK. The gentleman, I am sure, does not want to put any employee of the Federal Government in a different position from that in which he places a Member of Congress.

Mr. DIRKSEN. That is quite true.

Mr. McCORMACK. I agree that a Member of Congress should not pay an income tax to the State, to the District, and to the Federal Government. The newspapers, unfortunately, and I assume in many cases unintentionally, have misstated the situation. However, the same thing applies, in my opinion, to the employees of the Federal Government; and if their legal domicile is in the District of Columbia, they are subject to the income tax. If they register in their home State, then, in my opinion, they are also subject to the income tax of the State and they are also subject to the income tax of the Federal Government.

Mr. DIRKSEN. I may say that is not my interpretation of it and neither is that the interpretation of the tax experts who worked with the committee on this subject.

Mr. McCORMACK. I think this is a point that should be cleared up. Suppose a person comes from Boston, and the same thing applies to any other city in the country or any other State like Massachusetts, and his yearly employment is in the District of Columbia. He is living here all the year, but he registers for voting purposes in Massachusetts. He cannot vote here and we all know the reasons why, but he wants to exercise his right of suffrage and if he registers in Massachusetts, does he still have to pay the income tax here?

Mr. DIRKSEN. That precise question was raised in the course of the conference.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. DIRKSEN. I will say to the gentleman from Massachusetts that I raised that precise question in the course of the conference. We had it up at considerable length with all the tax advisers to this committee, as well as the conference committee, and we were of the opinion you could be taxed here, and yet you can vote back home because you have a taxable domicile in the District. It does not interfere

with your right, if you pay your poll tax in Massachusetts, to vote back there and still pay your income tax here. The situation the gentleman alludes to might very conceivably arise in connection with the case of a family that has lived here for 20 or 30 years. They continue to vote back there; but is there any reason why it should not be held that they have a taxable domicile in the District of Columbia since this is the place where they live?

Mr. McCORMACK. I understand that, and I do not want to prolong my inquiry, although I consider it very important.

Mr. DIRKSEN. It is important.

Mr. McCORMACK. I think the conference committee has decidedly improved the bill over its condition as it passed the House and the Senate, but does the gentleman not think that the District of Columbia is peculiar? It is entirely different from any other political subdivision; it is entirely different from any other city in the country. People come here from all over the country, most of them employed by the Federal Government, and most of them thinking of home. They may stay here 20 or 25 years, thinking of retirement, and thinking finally of getting back home to Michigan or California or Texas or whatever the State may be from which they came.

If they are going to be subject to the State income tax and the District income tax and the Federal income tax, then we are subjecting them to three income taxes, and in order to avoid that they have only one thing to do and that is not to register for the purpose of voting, and if we compel them to do that, then we are compelling them to involuntarily give up the exercise of their suffrage. Whether or not they are to be taxed in the States is something that we cannot determine. That will be determined in accordance with State law, not by anything that we pass, or anything that the Commissioners of the District of Columbia may say.

Mr. DIRKSEN. All we can determine is that in every State there is a credit device whereby the charge that there may be triple taxation is avoided.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. BATES of Massachusetts. That particular point that my colleague from Massachusetts raises was made very pointedly in the committee of conference by both the gentleman from Illinois and myself. We raised that particular point because we are much concerned about how those who come from our States would be affected by the income-tax provisions of the new law, and it was distinctly understood that in this bill there should be no triple taxation, and I well recall Senator Tydings raising the point also.

Mr. DIRKSEN. There are two other things to which I wish to allude. The first is that this conference report as it is presented today has already been approved by the Senate. The second is with respect to the lump-sum payment. The House has gone on record several times for a lump sum not in excess of \$5,000,000.

The Senate, on the other hand, followed out what is known as the so-called Overton formula, whereby the amount of the lump sum should be determined by the proportion which represented the ratio of land owned by the Federal Government in the District of Columbia, with some exceptions, to the whole amount of land area in the District of Columbia. That would have worked out to a sum of approximately \$8,000,000. The ratio was to be apportioned and was to be applied to the general revenues instead of only to those revenues derived from real-estate sources. As I say, it would be between seven and three-quarter million and eight million dollars, so that at the low end of the bracket you had the House position of \$5,000,000 and at the top end of the bracket you had the Senate position of seven and three-quarter million to eight million dollars. That is the only comfort that the Senate finally got out of this bill, and we were constrained, it seems to me, as a matter of courtesy, as a matter of seeking to develop harmony between the two sides of the conference, to give them something to take back to their own body.



The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. NICHOLS. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes. We therefore compromised on six and one-half million dollars.

Mr. BULWINKLE. Let me understand this, if I may. If a Member of Congress, we will say, of the Committee on Appropriations, comes to Washington and is here on the last day of December, he is domiciled in Washington for the purpose of taxation?

Mr. DIRKSEN. No; he is not, definitely not. It requires something more than merely coming here.

Mr. BULWINKLE. What does it require?

Mr. DIRKSEN. I am sure my colleague is familiar with the legal definition of the word domicile. It is a combination of the act and of the intent. Certainly when you come here on business that is in pursuit of your elective occupation on the last day of the taxable year, obviously there is no attempt on your part to establish a domicile here, and I think every decision—every precedent I know anything about—is fairly clear that that does not establish domicile.

Mr. NICHOLS. Mr. Speaker, will the gentleman permit me to read the legal definition of the word "domicile"?

Mr. DIRKSEN. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Since the question of the effect of the word "domicile" in this act has been raised, I think the House would probably like to have the legal definition read:

Domicile is the place where one has his true, fixed, permanent home and principal establishment and to which, whenever he is absent, he has the intention of returning, and where he exercises his political rights. \* \* \* There must exist in combination the fact of residence and animus manendi—

which means residence and his intention to return; so that under this definition he could certainly live in the District of Columbia and have his legal domicile in any other State in the United States.

Mr. DIRKSEN. He might have, but it is the true, fixed, permanent abode. Certainly when you come here on the last day of the taxable year, by no stretch of the imagination could one ever determine legally that it is his true, fixed, permanent place of abode.

Mr. REED of New York. And also the courts have held that it is a matter of intent.

Mr. DIRKSEN. Almost invariably the matter of intent governs when a question of that kind arises.

As I survey the labors of the conference committee, I may say with some pride that the House conferees not only maintained the position of the House with respect to most of the major items in the bill but asserted their position with respect to the lump sum until such time as it was manifest that the conferees could reach no agreement without some compromise on this item.

We insisted on the House position of \$5,000,000. The Senate insisted on \$8,000,000. As a last resort, both Senate and House conferees agreed to split that sum and make it \$6,500,000.

Let me emphasize the fact that the Senate has already adopted this report by a unanimous vote. Let me submit also that this is an emergent matter, since the business-privilege tax expired on June 30 and the new revenue measure contained in this report should have been in operation by the first day of July. Time is of the essence and the provisions of this measure should be made effective without delay.

We therefore submit what we deem to be an acceptable conference report for the disposition of this body.

The SPEAKER. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. H. CARL ANDERSEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-three Members are present, not a quorum.

Mr. NICHOLS. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 124]

Allen, Pa.	Duncan	Kennedy, Md.	Rockefeller
Anderson, Mo.	Eaton, Calif.	Kennedy, Michael	Sasser
Barry	Eaton, N. J.	Keogh	Schiffler
Bland	Edmiston	Kirwan	Schuetz
Bolton	Evans	Kleberg	Schulte
Buckler, Minn.	Fay	Lambertson	Shanley
Buckley, N. Y.	Fenton	Larrabee	Shannon
Burdick	Fernandez	Lea	Simpson
Cartwright	Fitzpatrick	McArdle	Smith, Conn.
Casey, Mass.	Flaherty	McKeough	Smith, Ill.
Ceiler	Flannery	McMillan, Thos. S.	Smith, Ohio
Chandler	Folger	Maciejewski	Somers, N. Y.
Ciuett	Grant, Ala.	Mapes	Stearns, N. H.
Connery	Grant, Ind.	Marshall	Sullivan
Corbett	Harrington	Merritt	Summers, Tex.
Crawford	Hart	Mitchell	Sweeney
Crowther	Hartley	Mouton	Thomas, N. J.
Culkin	Hawks	Murdock, Ariz.	Thomas, Tex.
Curley	Hendricks	Norton	Vinson, Ga.
Dempsey	Holmes	O'Neal	Wadsworth
DeRouen	Izac	Osmers	White, Idaho
Dies	Jacobsen	O'Toole	Winter
Dingell	Kee	Pfeifer	
Dittler	Kelly	Rabaut	

The SPEAKER. On this roll call 334 Members have answered to their names; a quorum is present.

Without objection, further proceedings under the call will be dispensed with.

There was no objection.

Mr. NICHOLS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I am disappointed that the conference committee has brought in this report increasing the amount of the Federal contribution to the District of Columbia to \$6,500,000. That amount has remained at \$5,000,000 and a little more, as I remember it, for a great many years. A review of the situation by an expert appointed by the President resulted in the determination that the Federal Government should only pay \$3,700,000. I for one do not propose to be guilty of a breach of faith to my people back home, who are burdened with taxes at least three times as much as the people of the District of Columbia pay, in order that the District of Columbia may get along without paying its fair share of the operating expenses of the District of Columbia. I hope that this House will take a positive and definite position in favor of keeping the amount of the Federal contribution at the place it is now. [Applause.] I do not see why we should quit. [Applause.]

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. TAYLOR of Colorado. Does the gentleman have any estimate as to the enormous amount of money that the Government pays out in this District every year?

Mr. TABER. Ninety percent of the inhabitants of the District are on the Federal pay roll and paid by the Government of the United States.

Mr. TAYLOR of Colorado. As a matter of fact, is it not true that hundreds of millions of dollars are paid out in this District which is expended here and which helps support this population?

Mr. TABER. That is true, and they have no relief problem of any kind whatever, only that which is imported, and it would not be imported if they operated the thing properly.

Mr. TAYLOR of Colorado. Does the gentleman have any estimate as to the amount of taxes that they do not pay, which are assessed throughout the States generally and in other cities?

Mr. TABER. They do not pay anything like what we pay at home. They get out of every bit of taxes they can get out of. I do not see why we should wilt at this time. I think the House should stick to its position and reject this conference report.

Mr. THOMAS F. FORD. I thoroughly agree with the gentleman from New York.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITTINGTON. With respect to the \$6,500,000, I invite the gentleman's attention to the fact that this is the most unusual provision that has ever been submitted to this body in a legislative bill. The bill provides "for the fiscal year ending June 30, 1940, and for each fiscal year thereafter there shall be appropriated." This is not an appropriation bill. This is an appropriation made in a legislative bill in violation of the rules of the House and should properly be voted down. I would have made the point of order against the appropriation, but I discovered the language too late, as the report is not printed.

Mr. TABER. It is absolutely in violation of the rules. We should stick to our position and stand by the people who sent us here. I do not see any possible reason for the adoption of this report. I am sure that intelligence will prevail at the other end of the Capitol if we reject this report on a roll call vote. I, for one, propose to ask for that roll call vote. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, the House has already gone on record on this matter. We did when the conference report on the District appropriation bill was brought in here just shortly before the close of the fiscal year. At that time by a vote of 216 to 12, a roll-call vote, this House went on record as asking the conferees to insist upon its position that the lump sum appropriation should not exceed \$5,000,000.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. Gladly.

Mr. DIRKSEN. The figures of the gentleman from South Dakota are exactly right. By a vote of 216 to 12 the House insisted on \$5,000,000. By a vote of 71 to 1 the Senate insisted on \$8,000,000. The conferees in good faith brought back to the House a provision calling for \$6,500,000, which, we felt, was a fair compromise with the Senate.

Mr. CASE of South Dakota. The gentleman is mixing the action of two different committees, District appropriations and the District legislative. No; I cannot yield further. The gentleman can get his own time in which to make a speech.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. WHITTINGTON. Is it not true that for years the figure has stood at \$5,000,000?

Mr. CASE of South Dakota. Yes; and that is more than double what the Jacobs report said was a fair share for services rendered.

Mr. DIRKSEN. But it must be remembered that there are times in a conference over differing viewpoints when the conferees must make some concession. That is the only concession the House conferees made.

Mr. CASE of South Dakota. The gentleman is speaking of the tax conferees, of course. The appropriation conferees did yield on a number of items but declined to yield on items that were inserted by the other body without Budget approval. And without them, there is no need to increase taxes on the country for the benefit of the District.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. ENGEL. Does not the conferees' report provide for a continuing appropriation of \$6,500,000 each year by this Congress?

Mr. CASE of South Dakota. It seeks to do just that. Moreover, if we accept this sum, it will be interpreted as a precedent and will be interpreted as acceptance in principle of the Overton formula by a compromise based on that formula. This House should know what it is doing if it proposes to accept the Overton formula.

The Overton formula, if accepted in principle, means that the Government is going to be called upon to pay a

proportionate rate of taxation in every State according to the ratio of public land therein. As far as I am concerned, if the Congress wants to take that position, it would benefit my State considerably, but I am opposed to doing it first for the spot in the country that needs it least. And before that is done, we should know what it will cost. We have no such information before us, and until we are ready to apply the principle throughout the country, it certainly is unfair to ask those other parts of the country, already much heavier taxed than the District of Columbia—it is unfair to tax them even more heavily to provide funds for District appropriation items that do not have Budget approval.

The only sensible thing for the House to do is to stand by its position which it took by the overwhelming vote of 216 to 12 on a roll-call vote. The amendments were added by the other body of Congress. In the face of a record vote, it is customary for the body that offers an amendment to recede. That tradition should certainly be followed in this instance when the only need for an increase in the Federal contribution is to make an appropriation for items that do not have Budget approval.

If this House believes in the integrity of its action, it will stand by its former position in this matter. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Speaker, there are several ways of considering fiscal relations between the District of Columbia and the Federal Government. The first way I shall present to you is the way the Jacobs report considered them—that was to estimate the value of the services each government rendered to the other. The Federal Government renders certain services to the District government, and the District government on the other hand renders certain services to the Federal Government. That plan would estimate the cost of each and strike a balance. According to the Jacobs report there was a \$1,848,014 balance in favor of the District of Columbia. Adding a capital-outlays balance of \$224,023 in favor of the District to that figure would give a balance to the District of \$2,072,037.

This House definitely discarded the Jacobs formula 3 years ago and provided a lump-sum appropriation of \$5,000,000, and based it upon this proposition: Take all of the federally owned property in the District of Columbia, less the types that you find in other comparable cities in the United States such as the Capitol, post-office buildings, customhouses, deduct excess park areas, and figure all real estate at the current rate here of \$1.75. According to this second method the Federal Government should pay approximately \$4,500,000 to \$5,000,000.

The third well-known way of figuring fiscal relations is to ascertain whether or not the taxes in the District of Columbia are higher or lower than elsewhere, and when rates of taxation are higher than in other comparable jurisdictions then the Federal Government must pay all over and above reasonable tax burdens. That was the principle largely followed in the Mapes report. That report recommended a sum not in excess of \$6,500,000. But that is not all. I read the following statement from the Mapes report:

The committee feels that for the present at least the Federal Government should continue to contribute something toward the expenses of the District, the Capital of the Nation; that to do so is perhaps wise public policy and in accordance with the public sentiment of the country, but with the constant increase in value of privately owned property within the District it becomes progressively more easy for the District to meet the expenses of the District government as the years go by without undue burdens or any increases in the general property tax. The time may come when the District should in all conscience meet the total normal budget of the district government.

That report was made in 1933. Six years have elapsed and privately owned property values are much larger now than then. I regret I cannot go longer into this discussion, but my time is up. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].



Mr. WHITTINGTON. Mr. Speaker, it strikes me this report should not be approved. In the first place the conference report has not been printed and is not now available to the membership of the House.

May I call attention to the fact that the very first section of this bill, which would be approved by the adoption of the conference report, appropriates \$6,500,000 as the Federal Government's share to the District expenses, as I previously stated. This is a legislative committee. This is legislation that has not been carefully drawn and should only authorize the amount that we are to contribute. It is unprecedented for a legislative committee to make an outright appropriation. This is evidence that the conference report was not carefully considered.

Mr. Speaker, when this bill left the House there were expressly exempted Senators, Representatives, and their employees. This language has been stricken from the bill and it is now asserted by those who favor the adoption of this conference report that the insertion of the following language at another point in the same section after the word "individual," to wit, "domiciled in the District of Columbia on the last day of the taxable year" covers Senators, Representatives, and civil-service employees. When this bill left the House no one would contend that civil-service employees were exempt from the payment of the tax. I assert that the language "domiciled in the District on the last day of the taxable year" cannot possibly cover Senators and Representatives, which was stricken from the bill, and at the same time cover employees who are working in the District of Columbia for a salary. It may be granted that the language quoted would exempt Senators and Representatives, but it by no means follows that it would exempt all civil-service employees unless they have a domicile in the State to which they could return, especially if they owned and lived in their homes in the District. I submit the mere citation of those provisions shows that the bill has not been properly considered, and it should be sent back to conference.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES of Massachusetts. Mr. Speaker, at the outset I want to call the attention of the Members of the House to the very critical situation in which the District of Columbia, as a governmental entity, finds itself at the present time. I do not know of any problems that have given me more concern and that have taken more of my time during the last 3 years than have the problems confronting the District of Columbia. For the past 4 months, on the question of the revision of the tax structure in the District of Columbia, a subcommittee of the District Committee has given unstintingly of its time and it has tried to come to a just conclusion with reference to a fair tax structure for the District. I am somewhat mindful of what the responsibilities of the Members of Congress are to the taxpayers and residents of the District of Columbia, and also the character of the services that the District government has to render under the law. To that end we have given a good deal of our time and effort to the solution of a very distressing problem in the District of Columbia, and relating to the tax situation.

The question was whether we would proceed with temporary stopgap tax measures or embark on a permanent tax structure for the District of Columbia. Your committee brought in a report, which was ultimately adopted by the House with some substitutions, providing for an income tax and also for the elimination of the intangible and business-privilege taxes. Those two taxes, that were eliminated on my recommendation and that of other Members of the House, have been a source of great annoyance to the taxpayers of the District of Columbia during the last 2 or 3 years particularly. The elimination of those two taxes were also recommended by the tax experts who studied the District tax structure. There was a crying demand for repeal of both of these taxes. The House adopted an income-tax provision also.

The bill went to the Senate and the Senate overturned practically the entire House bill. It reinserted in the measure the intangible and business-privilege taxes and inserted also the Overton formula, so-called, namely, a Federal contribution of \$8,000,000.

Mr. Speaker, it seems to me that we ought to be somewhat concerned about the situation today, because on Saturday of this week every individual working for the District of Columbia in all probability will go payless. Under the law, there is no provision for paying these salaries unless we pass some kind of an appropriation bill. The establishment of a tax structure, as I understand it, will have to be accomplished before anything of that sort will happen. This is necessary because the appropriation bill for the District is now in conference and the conferees, before agreement, should know the amount of the Federal contribution which the House finally approves.

A good deal has been said about the real-estate tax in the District. Let me call attention to a study and survey that was made by a special board of tax experts, pursuant to a resolution of the Congress a year or so ago. In their report they say that in 12 States that they examined the average property tax constituted 61.76 percent of the entire tax in those respective States, while in the District of Columbia it is 67.81 percent.

The Senate has adopted this conference report. They have yielded to us on practically every phase of the House bill with the exception of the allocation of Federal funds. The Senate bill called for \$3,000,000, the House bill \$5,000,000. In view of the Senate conferees agreeing to practically all the demands of the House committee, we finally agreed to compromise on the Federal grant, namely \$6,500,000. You Members who have read the reports in the papers of the Overton plan can well appreciate that the Overton plan called for a Federal contribution of \$8,000,000. The House conferees feel that under the circumstances it was better to accept a compromise on this matter of a Federal grant. Let me call attention especially of the new Members to the fact that from the very beginning of the organization of the Government in 1790 up to the present time, the Federal Government, in varying amounts, has contributed toward the cost and expenses of the District government.

From 1790 to 1879 the Federal contributions averaged annually 38 percent of the cost of the District government. In 1878 the Congress provided for contributions from Federal funds of 50 percent of the expenses of the District government. This 50-50 basis remained in effect for 42 years; that is, from 1879 to 1920. This latter year, 1920, the Federal contribution was \$9,559,000. In 1921 it went on a 60-40 basis. In that year the Federal Government contributed \$9,218,000. In 1923 it contributed \$8,910,000. In 1925 it abolished the plan providing for a fixed amount to be given and substituted instead what is now generally known as the lump-sum basis. Upon this basis the Federal contribution varied from year to year, reaching a high in 1931 when the contribution was \$9,500,000 and a low of \$5,000,000 in the fiscal years 1938 and 1939. In 1935 and 1936 the contribution was \$8,000,000.

The conference report is now before the House for consideration. As a result of several days' discussion with the Senate conference committee, we finally agreed that if they would incorporate the provisions of the House bill, we would go along and recommend to the House the adoption of the Federal contribution of \$6,500,000, which was a compromise on the basis of the Overton formula.

I plead with you because of the time we have given to this subject and the effort we have put into trying to create a scientific tax structure to adopt the conference report.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is it not true that we rejected the Overton formula entirely and struck a compromise figure between the \$5,000,000, provided by the House, and the \$8,000,000, provided by the Senate, namely, \$6,500,000, and that is the

only concession, virtually, that we made to the Senate in this whole bill?

Mr. BATES of Massachusetts. That is right. The House committee succeeded in having practically the entire House bill, with the exception of the Federal-contribution provision and some minor changes, accepted by the Senate conference committee.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from Michigan.

Mr. ENGEL. Does not this constitute a continuing appropriation year after year of \$6,500,000 a year, without further legislation?

Mr. BATES of Massachusetts. At any time the Congress wishes to repeal the law insofar as the \$6,500,000 is concerned the Congress has that right. What the committee is interested in is retaining a fair real-estate tax and establishing a scientific tax structure for the District of Columbia.

Mr. ENGEL. This would require payment without any action by the Committee on Appropriations, and takes the entire matter out of the hands of that committee.

Mr. BATES of Massachusetts. Under the provisions of this bill, the joint committee is to be continued, and at the next session of Congress they are to report to the Congress the results of their further study. In the meantime they will be able to determine the amount of income from income-tax sources.

Mr. ENGEL. It will require action of both Houses and the signature of the President of the United States to change it once it is passed and signed, will it not?

Mr. BATES of Massachusetts. That is true; but on the other hand, as I said before, according to the provisions of the bill at the present time, what we are interested in is getting the income tax enacted into law, because it is fundamentally a sound tax.

I wish to call the attention of the Members of the House to this situation existing in the District.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I do not have time to yield.

According to the returns of the Federal Income Tax Division, in 1937, on the basis of returns of 110,658 people in the District, a tax of \$11,629,939 was paid to the Federal Government on an income of \$329,915,913. It must be kept in mind that while we are providing for an income tax in this bill we are also wiping out two forms of very obnoxious taxes, namely, the tax on intangibles and the business-privilege tax.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from Illinois.

Mr. DIRKSEN. With respect to the observation made by the gentleman from Mississippi about striking the language referring to Senators and Representatives, is it not true that the conference committees were unanimous in the opinion that the word "domicile" would be ample, that this word was satisfactory to all the tax experts, and that the conference report has been approved unanimously by the Senate of the United States?

Mr. BATES of Massachusetts. That was one of the main points of discussion, because we were particularly interested in the effect it would have on the people, including the Members of the House and Senate, who work in the District of Columbia but whose homes were back in our own States. With that in mind, we discussed it at quite some length with the experts who sat in with the conference committee, and determined according to that most expert advice that the word "domicile" would cover the point in which all Members of this House and the Senate are particularly interested.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Of course, the gentleman is aware of the fact that appropriations are supposed, under the

Constitution, to originate in the House, and, further, that appropriations are primarily the concern of the Appropriations Committee, which conducts hearings on the needs of the District. The gentleman said he is interested in establishing a tax principle. The Appropriations Committee is not worried about that and are perfectly willing that the legislative committee shall establish a tax principle; but they do object to the legislative committee's attempting to write into a conference report a mandate on appropriations.

Mr. BATES of Massachusetts. This is not the first time that has happened. It has happened from the beginning of the Government.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I trust this conference report will be voted down. As soon as the conference report is voted down, if it is, I shall make a motion that the managers on the part of the House be instructed by the House to insist on two things, first, the \$5,000,000 Federal contribution instead of the \$6,500,000 contribution, and second, not to agree to the creation of a joint committee for further study of the tax problems of the District of Columbia. These two things I seriously object to.

I want to talk about this joint committee for a minute. If you will recall, last year we set up by a provision of the House bill a joint committee and appropriated either \$5,000 or \$10,000, I forget which, for that committee to make a study of the tax structure of the District of Columbia. That was a fine committee and they did a grand job. They employed as good experts, in my judgment, as it is possible to find. They wrote a very comprehensive report and made very definite recommendations for a tax structure for the District of Columbia. Their report was, by the Committee on the District of Columbia, kicked bodily out of the window.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield at that point?

Mr. NICHOLS. I have given the gentleman a lot of time, and I have saved only 5 minutes for myself.

Mr. BATES of Massachusetts. I believe the gentleman ought to correct himself on that point.

Mr. NICHOLS. Very well; then I yield to the gentleman.

Mr. BATES of Massachusetts. Is it not true that the House bill as we passed it, with the exception of the elimination of the sales tax and the lowering of the brackets on the income tax, is exactly the report of that committee making a study of the tax structure?

Mr. NICHOLS. Yes; but the report was so made that it was a comprehensive plan, and to take out any portion of it destroyed the whole plan.

There have been tax studies made for the District of Columbia time and time again. There has never yet been a single report adopted favorably by either the District of Columbia Committee or the House of Representatives.

There are only two things in this bill which can affect materially your constituents or my constituents back home: One of them is the Federal contribution and the other is the amount of money appropriated to carry on further investigations of a subject that has already been overinvestigated.

Now, as to the contribution, this \$5,000,000 is an arbitrary figure, the \$6,500,000 is an arbitrary figure, and I submit that every expert who has been requested to fix a formula or a yardstick, with the exception of the distinguished Senator from Louisiana, if he can be called an expert, has fixed a figure less than \$5,000,000 as the Federal contribution to the District of Columbia. In one report where it was proposed to pay the District of Columbia the difference between the value of services rendered by the Federal Government to the District government and by the District government to the Federal Government, that figure was less than 50 percent or about 50 percent of \$5,000,000, the amount being \$2,800,000, as I recall it. When it was proposed that a value be placed on federally owned tax-exempt property in the District of Columbia and that that property be assessed



as business property and that the Federal Government pay a sum to the District government equal to the amount of money that would have been paid on Federal property assessed as business property, you got a figure considerably less than \$5,000,000—\$3,000,000-plus is my recollection.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield myself 2 additional minutes.

Even with the Overton plan which raised \$8,000,000, it was necessary to compel the Federal Government to pay a percentage of every kind of tax paid in the District of Columbia, including dog tax, and including even the \$5,000,000 Federal contribution, and I know that the citizens of the District of Columbia do not want more than they are entitled to. I have been with this question for 5 years and nobody has ever been able to convince me that \$5,000,000 is not just a little bit more than the District of Columbia is entitled to by way of contribution from the Federal Government, and I believe there should be some rhyme or reason to this thing, but since there is not and if we are going to fix an arbitrary figure, the best I am willing to do is to give them a little more than I believe they are entitled to.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from New York.

Mr. SIROVICH. A great deal of our time with District matters is taken up that ought to be given to national legislation. Why could not the distinguished gentleman prepare a bill that would transfer the District of Columbia to Maryland; give it congressional representation, enfranchise a disfranchised group so that we could attend to national affairs alone? [Applause.]

Mr. NICHOLS. The gentleman might be surprised to know that I, 2 years ago, introduced such a bill in the House of Representatives. It provided for the ceding of the District of Columbia back to Maryland [applause], and leaving in the control of the Federal Government only the federally owned property in the District of Columbia.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. KITCHENS. I would like to submit to the gentleman the proposition that if you will move all this Government set-up down to Magnolia, Ark., we will be glad to pay all the taxes. [Laughter and applause.]

Mr. NICHOLS. Mr. Speaker, I hope the House will vote down this conference report.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. NICHOLS. Mr. Speaker, I yield 10 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker—

Mr. COCHRAN. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. RANDOLPH. Yes; I yield.

Mr. COCHRAN. Would the gentleman tell the House whether the obnoxious business-privilege tax is in this conference report, a tax which is nothing more than a tariff on American citizens doing business in the District of Columbia.

Mr. RANDOLPH. I may say in answer to the question of my friend from Missouri that the business-privilege tax is entirely stricken from the report brought in by the conferees for your consideration this afternoon. I agree with the gentleman that the tax was an obnoxious one and I believe that we have upheld the position of this House in striking it from this report.

Mr. COCHRAN. I am very pleased to hear that.

Mr. RANDOLPH. Mr. Speaker, I want to pay tribute in my introductory remarks to the conferees of the House who have worked honestly and industriously long hours to bring back to this body a conference report which we feel does not subtract from the action of the House on previous occasions, but actually adds to the House position when we consider all the factors that were necessary to be considered in the drafting of a final proposal for your approval. Mr. KENNEDY of Maryland, Mr. DIRKSEN, Mr. BATES of Massachusetts, and myself signed the report. Our chairman, Mr.

NICHOLS, has not joined us and yet I know his opposition is sincere.

I have a genuine regard for the distinguished chairman of the Subcommittee on Appropriations for the District of Columbia [Mr. COLLINS]. He has just spoken here this afternoon of a situation relative to the payment by the Federal Government toward the running expenses of the District of Columbia government. I feel it is appropriate to direct your attention to the fact that in the report of a select committee on fiscal relations between the United States and the District of Columbia submitted by its chairman, the distinguished gentleman from Michigan [Mr. MAPES], on December 15, 1933, this language was included in that report:

Taking all the circumstances and conditions as they exist into consideration, as long as the fundamental factors in the District remain as they are, the committee recommends that the United States contribute annually toward the development and maintenance of the municipality of the District of Columbia a lump sum not to exceed \$6,500,000.

That report was submitted by Representatives Carl E. Mapes, William P. Holaday, W. G. Sears, Erwin L. Davis, Ross A. Collins, and Wright Patman. I think it might be interesting in connection with that report of House Members, three of whom continue distinguished service in this House—Mr. MAPES, Mr. COLLINS, and Mr. PATMAN—that we recall that for the fiscal year ending June 30, 1933, the National Government, through the Congress, realizing the sum set by those gentlemen for \$6,500,000, appropriated as the annual payment to the District of Columbia from the Federal Government the sum of \$7,775,000, that amount being in excess of the report by \$1,275,000.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes; I yield to my friend from Massachusetts.

Mr. McCORMACK. Can the gentleman state what was the amount appropriated for the total expenses of the District that year as compared with the coming fiscal year?

Mr. RANDOLPH. I cannot give the gentleman the figures, but I can say that the appropriations for the general fund were much less than the appropriations for the general fund in 1939.

Mr. McCORMACK. In other words, the appropriations for the coming fiscal year are much higher than in 1933?

Mr. RANDOLPH. That is true. Let us go into this matter of the Federal payment. Originally 50 percent of the expenses of operating the District were borne by the Federal Government. That has been brought out by an earlier speaker [Mr. BATES of Massachusetts]. Later it was changed to 40 percent, and in recent years the percentage to the general fund has been about 18 to 20 percent. To be specific, the Federal payment in 1920 was \$9,953,000 when the total appropriations for the general fund in that year were \$19,000,000, as contrasted with \$5,000,000 against the general fund in 1939, of \$39,000,000.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. NICHOLS. I just want to read to the gentleman and the House the following paragraph from the Mapes report, to which the gentleman referred:

The committee feels that for the present, at least, the Federal Government should continue to contribute something toward the expenses of the District, the Capital City of the Nation; that to do so is perhaps wise public policy and in accordance with the public sentiment of the country, but with the constantly increasing values of privately owned property in the District, it becomes progressively more easy for the District to meet the expenses of the District government as the years go by, without undue burden or any increase in the general property tax. The time may come when the District should in all conscience meet the total normal budget of the District government.

Mr. RANDOLPH. I well know the words that the gentleman has quoted. I do call attention to this fact, however, that increasingly the Federal Government has expanded its holdings and its operations in the District of Columbia, taking out from taxable property in the District of Columbia large amounts each year.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. BATES of Massachusetts. In 1935 the total amount of tax-exempt property in the District was \$690,000,000. That was the total amount of tax-exempt property, and in 1938 that sum had reached \$812,000,000.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. DONDERO. Can the gentleman give the House comparable figures on the rate of taxation of cities around the same size as the city of Washington?

Mr. RANDOLPH. I would like to do that, but I do not have the time nor do I have the figures here; but in some instances Washington figures are higher and in other instances lower. I believe, although I do not say this as an absolute fact, that the study shows that the people are paying their fair share of the tax burden in the District of Columbia.

Mr. CASE of South Dakota. Could the gentleman state what has been the increase in the assessed valuation of the District in the same period of time?

Mr. RANDOLPH. I could not give the exact figures. I think the gentleman from Massachusetts has them there.

Mr. BATES of Massachusetts. About \$50,000,000.

Mr. RANDOLPH. I think that is about the figure.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. POAGE. I want to ask the gentleman two questions. First, does the Mapes report, which the gentleman quoted, recommend an appropriation of \$6,500,000 or not to exceed \$6,500,000?

Mr. RANDOLPH. Not to exceed \$6,500,000.

Mr. POAGE. Now, will the gentleman make this clear? Just what towns of comparable size to the city of Washington pay less taxes than the people in the city of Washington?

Mr. RANDOLPH. Studies show that such is the case.

Mr. POAGE. Just what towns?

Mr. RANDOLPH. I cannot recall the names just now, but studies show such to be true, and the hearings on the last year's tax bill list the communities in question.

Mr. POAGE. I ask just what cities show that. Are there any towns in the Southwest that do? Can the gentleman name any such town?

Mr. DIRKSEN. As I recall, there was a study made of some 30 cities of comparable size. About half of them were above Washington and about half below.

Mr. POAGE. What cities paid less?

Mr. DIRKSEN. You can find them in the hearings on the tax bill last year. I do not happen to have those figures here. I shall be happy to put them in the RECORD, however.

Mr. RANDOLPH. I have attempted to be very fair in yielding to Members, and I should like to continue, as my time is short. Your conferees have worked, as I said at the beginning, diligently to bring back to this body a bill that can be supported. We have compromised, to be sure, but any conference committee of this House has to go to the conference table with a desire to compromise, give and take, and iron out differences, realizing that we are not alone in the closing days, perhaps, of this session, but more literally we are in critical hours and pressing hours, from the standpoint of the operation of the District of Columbia and from the standpoint of funds that are badly needed. I believe this House should stand by the conferees of its body, who have labored hard and have brought back to you a proposal which is fair and proper and needed at this time. [Applause.]

The SPEAKER pro tempore (Mr. PATMAN). The time of the gentleman has expired. All time has expired.

The question is on the adoption of the conference report.

Mr. DIRKSEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DIRKSEN. A vote "aye" is a vote to adopt the conference report and "no" is to reject it?

The SPEAKER pro tempore. The gentleman is correct.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 36 and noes 131.

Mr. DIRKSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and sixty-seven Members are present, not a quorum.

The roll call is automatic. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 74, noes 238, not voting 116, as follows:

[Roll No. 125]

YEAS—74

Allen, La.	Cullen	Harter, Ohio	O'Day
Anderson, Calif.	D'Alesandro	Hawks	O'Leary
Andrews	Darden	Healey	Oliver
Angell	Delaney	Horton	Patrick
Arnold	Dempsey	Hunter	Pittenger
Barton	Dirksen	Jacobsen	Randolph
Bates, Ky.	Doughton	Jenks, N. H.	Rayburn
Bates, Mass.	Drewry	Johnson, W. Va.	Robinson, Utah
Boland	Dunn	Keller	Satterfield
Bradley, Pa.	Eberharter	Kerr	Shafer, Mich.
Brewster	Flannagan	Leavy	Sirovich
Brooks	Gamble	McAndrews	Smith, Maine
Brown, Ohio	Gerlach	McCormack	Smith, Va.
Bulwinkle	Griffith	McGranery	Smith, W. Va.
Byron	Guyer, Kans.	Maloney	Vorys, Ohio
Clevenger	Hall	Marcantonio	Vreeland
Cochran	Halleck	Martin, Colo.	Weaver
Cole, Md.	Hancock	Miller	
Cole, N. Y.	Hart	Mills, La.	

NAYS—238

Alexander	Ferguson	Lanham	Rodgers, Pa.
Allen, Ill.	Ford, Leland M.	LeCompte	Rogers, Mass.
Allen, Pa.	Ford, Miss.	Lemke	Rogers, Okla.
Andersen, H. Carl	Ford, Thomas F.	Lesinski	Romjue
Andersen, A. H.	Fries	Lewis, Colo.	Routzohn
Arends	Fulmer	Lewis, Ohio	Rutherford
Ashbrook	Garrett	Luce	Ryan
Austin	Gartner	Ludlow	Sacks
Ball	Gathings	McDowell	Schaefer, Ill.
Barden	Gavagan	McGehee	Schaefer, Wis.
Barnes	Gearhart	McLaughlin	Schwert
Beam	Gehrmann	McLean	Scrugham
Beckworth	Geyer, Calif.	McLeod	Seccombe
Bender	Gibbs	McMillan, John L.	Seeger
Blackney	Gifford	Mahon	Sheppard
Boren	Gilchrist	Mansfield	Short
Bradley, Mich.	Gillie	Mapes	Snyder
Brown, Ga.	Gossett	Martin, Ill.	South
Bryson	Graham	Martin, Iowa	Sparkman
Buck	Green	Martin, Mass.	Spence
Buckler, Minn.	Gregory	Mason	Springer
Burch	Gross	Massingale	Starnes, Ala.
Burgin	Gwynne	May	Stefan
Byrne, N. Y.	Hare	Michener	Sumner, Ill.
Cannon, Mo.	Harness	Mills, Ark.	Sutphin
Carlson	Harrington	Monkiewicz	Sweeney
Carter	Harter, N. Y.	Monroney	Taber
Case, S. Dak.	Havener	Moser	Talle
Chapman	Heinke	Mott	Tarver
Chiferfield	Hennings	Mundt	Taylor, Colo.
Church	Hess	Murdock, Utah	Tenerowicz
Clason	Hill	Murray	Terry
Coffee, Nebr.	Hinshaw	Myers	Thill
Coffee, Wash.	Hobbs	Nelson	Thomas, Tex.
Collins	Hoffman	Nichols	Thorkelson
Colmer	Hook	Norrell	Tibbott
Cooley	Houston	O'Brien	Tinkham
Corbett	Hull	O'Connor	Tolan
Costello	Jarrett	O'Neal	Treadway
Crawford	Jenkins, Ohio	Pace	Van Zandt
Creal	Jensen	Parsons	Vincent, Ky.
Crosser	Johns	Patman	Vinson, Ga.
Crowe	Johnson, Ill.	Patton	Wallgren
Culkin	Johnson, Ind.	Peterson, Fla.	Walter
Cummings	Johnson, Lyndon	Peterson, Ga.	Ward
Curtis	Johnson, Okla.	Pierce, N. Y.	Warren
Darrow	Jones, Ohio	Pierce, Oreg.	Welch
Dingell	Jones, Tex.	Plumley	Wheat
Disney	Kean	Poage	Whelchel
Dondero	Keefe	Polk	White, Idaho
Dowell	Kennedy, Martin	Powers	Whittington
Doxey	Kilday	Ramspeck	Wigglesworth
Duncan	Kinzer	Rankin	Williams, Del.
Durham	Kitchens	Reece, Tenn.	Williams, Mo.
Dworschak	Knutson	Reed, Ill.	Wolcott
Elliott	Kocialkowski	Rich	Wolfenden, Pa.
Ellis	Kramer	Risk	Wolverton, N. J.
Elston	Kunkel	Robertson	Youngdahl
Engel	Lambertson	Robison, Ky.	
Faddis	Landis	Rockefeller	

NOT VOTING—116

Anderson, Mo.	Boehne	Burdick	Casey, Mass.
Barry	Bolles	Byrns, Tenn.	Celler
Bell	Bolton	Caldwell	Chandler
Bland	Boykin	Cannon, Fla.	Clark
Bloom	Buckley, N. Y.	Cartwright	Claypool



Cluett	Folger	Maas	Shanley
Connery	Gore	MacIejewski	Shannon
Cooper	Grant, Ala.	Magnuson	Simpson
Courtney	Grant, Ind.	Marshall	Smith, Conn.
Cox	Hartley	Merritt	Smith, Ill.
Crowther	Hendricks	Mitchell	Smith, Ohio
Curley	Holmes	Mouton	Smith, Wash.
DeRouen	Hope	Murdock, Ariz.	Somers, N. Y.
Dickstein	Izac	Norton	Steagall
Dies	Jarman	Osmer	Stearns, N. H.
Ditter	Jeffries	O'Toole	Sullivan
Douglas	Johnson, Luther A.	Pearson	Summers, Tex.
Eaton, Calif.	Kee	Pfeifer	Taylor, Tenn.
Eaton, N. J.	Kelly	Rabaut	Thomas, N. J.
Edmiston	Kennedy, Md.	Reed, N. Y.	Thomason
Englebright	Kennedy, Michael	Rees, Kans.	Voorhis, Calif.
Evans	Keogh	Richards	Wadsworth
Fay	Kirwan	Sabath	West
Fenton	Kleberg	Sandager	White, Ohio
Fernandez	Larrabee	Sasscer	Winter
Fish	Lea	Schiffler	Wood
Fitzpatrick	McArdle	Schuetz	Woodruff, Mich.
Flaherty	McKeough	Schulte	Woodrum, Va.
Flannery	McMillan, Thos. S.	Secrest	Zimmerman

So the conference report was rejected.  
The Clerk announced the following pairs:  
General pairs:

Mr. Woodrum of Virginia with Mr. Wadsworth.  
Mr. Steagall with Mr. Ditter.  
Mr. West with Mr. Eaton of New Jersey.  
Mr. Thomas S. McMillan with Mr. Holmes.  
Mr. Cox with Mr. Reed of New York.  
Mr. Luther A. Johnson with Mr. Taylor of Tennessee.  
Mr. Kleberg with Mr. Thomas of New Jersey.  
Mr. Cooper with Mr. White of Ohio.  
Mr. Chandler with Mr. Crowther.  
Mr. Cartwright with Mr. Woodruff of Michigan.  
Mr. Bland with Mr. Fish.  
Mr. Rabaut with Mr. Hartley.  
Mr. Dies with Mr. Winter.  
Mr. Mouton with Mr. Bolton.  
Mr. Sullivan with Mr. Englebright.  
Mr. Pearson with Mr. Stearns of New Hampshire.  
Mr. Schuetz with Mr. Bolles.  
Mr. Fernandez with Mr. Cluett.  
Mr. Jarman with Mr. Eaton of California.  
Mr. DeRouen with Mr. Fenton.  
Mr. Schulte with Mr. Grant of Indiana.  
Mr. Caldwell with Mr. Hope.  
Mr. Courtney with Mr. Simpson.  
Mr. Byrns of Tennessee with Mr. Jeffries.  
Mr. Boykin with Mr. Smith of Ohio.  
Mr. Hendricks with Mr. Sandager.  
Mr. Richards with Mr. Rees of Kansas.  
Mr. Summers of Texas with Mr. Schiffler.  
Mr. Lea with Mr. Osmer.  
Mr. Kelly with Mr. Maas.  
Mr. Thomason with Mr. Burdick.  
Mr. Sasscer with Mr. Merritt.  
Mr. Wood with Mr. Edmiston.  
Mr. O'Toole with Mr. Folger.  
Mr. Keogh with Mr. Grant of Alabama.  
Mr. Boehne with Mr. Pfeifer.  
Mr. McArdle with Mr. Larrabee.  
Mr. Evans with Mr. Kennedy of Maryland.  
Mr. Magnuson with Mr. Fay.  
Mr. Fitzpatrick with Mr. Cannon of Florida.  
Mr. Barry with Mr. Izac.  
Mr. Gore with Mr. Secrest.  
Mr. Smith of Connecticut with Mr. Buckley of New York.  
Mr. Claypool with Mr. Flaherty.  
Mr. Bloom with Mr. Zimmerman.  
Mr. Clark with Mrs. Norton.  
Mr. Celler with Mr. Smith of Illinois.  
Mr. Shanley with Mr. Michael J. Kennedy.  
Mr. Somers of New York with Mr. Casey of Massachusetts.  
Mr. Bell with Mr. Flannery.  
Mr. Anderson of Missouri with Mr. Connery.  
Mr. McKeough with Mr. Kee.  
Mr. Shannon with Mr. Voorhis of California.

The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.  
The doors were opened.

Mr. NICHOLS. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendments and return the bill to conference.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oklahoma.

The motion was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer a motion which is at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from Oklahoma.

The Clerk read as follows:

Mr. NICHOLS moves that the managers on the part of the House on the disagreeing votes of the two Houses on H. R. 6537 be

instructed to insist on the House provision of \$5,000,000 as the Federal contribution and that they shall not agree to any provision for a joint committee to study tax problems for the District of Columbia.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 168 and noes 5.

So the motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. NICHOLS, Mr. RANDOLPH, Mr. KENNEDY of Maryland, Mr. DIRKSEN, and Mr. BATES of Massachusetts.

There was no objection.

#### RATIFICATION OF COMPACT TO CONSERVE OIL AND GAS

Mr. COLE of Maryland. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 329) consenting to an interstate oil compact to conserve oil and gas.

The Clerk read the title of the House joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. MAPES. Mr. Speaker, I reserve the right to object.

Mr. SHEPPARD. Reserving the right to object, what is this compact about?

Mr. COLE of Maryland. The resolution is merely a renewal of a similar resolution passed in 1935, in 1937, and now, at the request of the President in a message which came to the Congress about 2 weeks ago, this resolution asks for a 2-year extension of the last compact. There is no opposition to it that I know of. The committee has unanimously reported it.

Mr. SHEPPARD. How much relation does this have to California's interests in tideland oil?

Mr. COLE of Maryland. Not a thing at all. This is a request from six of the major States producing oil.

Mr. SHEPPARD. Mr. Speaker, I withdraw my reservation of objection.

Mr. MAPES. Mr. Speaker, reserving the right to object, I could not hear the colloquy on the other side of the aisle.

Mr. COLE of Maryland. The gentleman from California wanted to know, I may say to the gentleman from Michigan, what the resolution was about.

Mr. MAPES. It is simply the reenactment of an existing interstate compact with the exception of the addition of one or two States.

Mr. COLE of Maryland. That is right. The State of Michigan is embraced in the compact for the first time.

Mr. MAPES. The State of Michigan is embraced in the compact by the present resolution, but was not in the previous oil compacts.

Mr. COLE of Maryland. The gentleman is right. The gentleman is a distinguished member of the subcommittee, of which I am chairman, which considered the resolution and recommended it.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc., That the consent of Congress is hereby given to an extension and renewal for a period of 2 years from September 1, 1939, of the interstate compact to conserve oil and gas, executed in the city of Dallas, Tex., the 16th day of February 1935 by the representatives of the States of Oklahoma, Texas, California, and New Mexico, and thereafter recommended for ratification by the representatives of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and subsequently ratified by the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, which said compact was deposited in the Department of State of the United States, and thereafter such compact was, by the President, presented to the Congress and the Congress gave consent to such compact by House Joint Resolution 407, approved August 27, 1935 (Public Res. No. 64, 74th Cong.), and which said compact was thereafter extended and renewed for a period of 2 years from September 1, 1937, by an agreement executed in New Orleans, La., the 10th day of May 1937, by the representatives of the States of Oklahoma, Texas, Kansas, and New Mexico, and was duly ratified by the States of Oklahoma, Texas, Kansas, New Mexico, Illinois, and Colorado, and was deposited in the Department of State of the*

United States, and thereafter such extended and renewed compact was, by the President, presented to the Congress and the Congress gave consent to such extended and renewed compact by Senate Joint Resolution 183, approved August 10, 1937 (Public Res. No. 57, 75th Cong.).

The extended and renewed compact, dated the 5th day of April 1939, duly executed by the representatives of the States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and duly authorized and ratified by the said States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and which extended and renewed compact has been deposited in the Department of State of the United States, reads as follows:

**"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS"**

"Whereas, on the 16th day of February 1935, in the city of Dallas, Tex., there was executed 'An interstate compact to conserve oil and gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

**"AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS"**

**"Article I"**

"This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

**"Article II"**

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

**"Article III"**

"Each State bound hereby agree that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"(a) The operation of any oil well with an inefficient gas-oil ratio.

"(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural-gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive, or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

**"Article IV"**

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas-conservation statutes or any valid rule, order, or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

**"Article V"**

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

**"Article VI"**

"Each State joining herein shall appoint one representative to a commission hereby constituted and designated as 'The Interstate Oil Compact Commission,' the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

**"Article VII"**

"No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

**"Article VIII"**

"This compact shall expire September 1, 1937. But any State joining herein may, upon 60 days' notice, withdraw herefrom.

"The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in article 1. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"Done in the city of Dallas, Tex., this 16th day of February 1935.

"Whereas said Interstate Compact was heretofore duly renewed and extended for 2 years from September 1, 1937, its original expiration date, to September 1, 1939; and,

"Whereas it is desired to again extend and renew said Interstate Compact to Conserve Oil and Gas for another period of 2 years from September 1, 1939, its present expiration date, to September 1, 1941: Now, therefore, this writing witnesseth:

"It is hereby agreed that the said Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed in the city of Dallas, Tex., on the 16th day of February 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of 2 years from September 1, 1939, its present date of expiration, this agreement to become effective within those States joining herein when executed by any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico, and consent thereto is given by Congress.

"The signatory States executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the governor of each of the signatory States.

"Executed as of this the 5th day of April 1939, by the several undersigned States, at their several capitols, through their proper officials thereunto duly authorized by statutes, resolutions, or proclamations of the several States."

SEC. 2. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

The joint resolution was ordered to be engrossed and read a third time, was read the time, and passed, and a motion to reconsider was laid on the table.

**EXTENSION OF REMARKS**

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein an address delivered this afternoon by an outstanding civic leader of this city on Washington; Its Problems, Its Future, and Its History.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain newspaper and magazine items.

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, I did not hear the gentleman's request.

The SPEAKER pro tempore. The gentleman from Michigan will restate his request.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain clippings from newspapers and magazines.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I made on the Fourth of July at Springdale, Ark.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to renew an extension of remarks granted me on May 18.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.



Mr. ALLEN of Louisiana. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a portion of an address recently made by the national commander of the American Legion.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GREEN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HARRINGTON] may extend his remarks in the RECORD and include therein a statement on waterways development.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a digest of an article which appeared in Collier's Weekly.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN, Mr. COLLINS, Mr. BENDER, Mr. ALEXANDER, and Mr. JONES of Ohio asked and were given permission to revise and extend their own remarks.

#### RADIO CENSORSHIP

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, on June 2 last I had occasion to call to the attention of the House the adoption of certain regulations by the Federal Communications Commission relating to the broadcasting of international programs by radio. These regulations enjoin any international program from this country not deemed to reflect American culture or to promote international good will, understanding, and cooperation. They go further and say that on a commercially sponsored program, only the name of the sponsor shall be permitted.

Since that time, spokesmen in both Houses of Congress, several organizations, including the National Association of Broadcasters and the American Civil Liberties Union, and scores of daily newspapers in editorials have condemned this un-American censorship of radio by a Government agency which has moved heaven and earth to prevent the Congress from exposing its ruthlessness.

These regulations were adopted without the knowledge of the interested parties, without holding hearings to determine their views, and when an angry public reaction set in, the Commission back-tracked and granted a 1-day hearing and tearfully bemoaned the misunderstanding public. We had not thought of censorship, it cried. Now, gentlemen, it is futile to talk about motives when the thing already exists in fact. However, no one can make me believe that the Commission did not know that it was imposing censorship of the rankest kind and that it fully intended to impose such censorship.

This group down on Pennsylvania Avenue has long sought control of the air lanes, but each time its fingers tightened about the throat of the radio industry, an enlightened public defeated its purpose.

Encroachment of bureaucracy, however, is very persistent. Power grows by what it feeds upon. It is tormented by a chronic itch to extend and exercise itself.

So now we are faced with the fact that in flagrant violation of the Federal Communications Act and in spite of an aroused public opinion which it completely ignores, this thoroughly discredited Federal body imposes drastic censorship, which will, if allowed to stand, destroy the American system of broadcasting and substitute therefor the Hitler system, the Mussolini system, the Stalin system.

I say to you, gentlemen, that the Congress of the United States in face of the present situation must not be fooled by the bland assertion of the Federal Communications Commission that it intends no censorship. This is censorship,

and we must face the challenge as our people expect us to face it—squarely and in the real American way. We know too much of the way of the totalitarian countries to imitate their methods or permit a branch of the Government to imitate them. We know that before dictatorships can survive, control of radio and the press must be achieved. And we know that dictatorships are repugnant to every American man, woman, and child.

There are resolutions pending in both Houses of Congress which call for a full investigation of the undemocratic Federal Communications Commission. Before we finish this session, I sincerely trust that one of these resolutions will be reported out under a special rule and that a committee of this body will be authorized during the recess to probe into the unhealthy conditions existing at the F. C. C. And I hope further that if this body does not immediately rescind these Nazi international broadcast regulations that its members be removed from office at once.

Under the circumstances the members of the Federal Communications Commission do not deserve any consideration. We must indict them for what they are—usurpers, law violators, and, worst of all, violators of their solemn oath to uphold the Constitution of the United States. [Applause.]

#### EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Carl H. Wilken, of Sioux City, Iowa, entitled "The Key to the Economic Riddle."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from California, Mr. LELAND M. FORD, is recognized for 30 minutes.

Mr. LELAND M. FORD. Mr. Speaker, I wish to make a few remarks in connection with the item of \$3,860,000,000 in spending for self-liquidating lending program, urged by the President.

Had we not better stop, get our feet on the ground, and do some real thinking about items such as these, particularly with their relation to the ability of the taxpayer to pay? Also, had we not better stop and do some real thinking about that day of reckoning which is bound to come, before it is too late?

So far as I am concerned, I do certainly believe there is going to be a day of reckoning, just as sure as there is a God in heaven, and I therefore think that we certainly should pause and ask ourselves a few questions, as follows:

Where are we going?

What are we doing?

What effect is this kind of spending going to have on our country, and what is it now doing to our country?

Do we want this country to remain an American democracy, or do we want to exchange our Constitution, with our Bill of Rights giving us our individual liberty, our other American institutions and ideals, for socialism, fascism, nazi-ism, or communism? I, for one, believe that we do not.

I believe if every Member of this House will properly weigh this question he will certainly find that there is no room for partisanship, and I believe he will agree that we must bury any considerations of party for that big consideration, namely, the welfare, safety, and preservation of this country above all else.

Every Member of this House knows that the total debt limit, at any one time, cannot now exceed \$45,000,000,000, and that we now owe some \$40,000,000,000.

Every Member of this House knows that so-called feelers have recently been put out to see whether this Congress would or would not acquiesce in the increase of that debt limit. Every Member of this Congress knows that the answer given to these feelers was a definite and positive "no."

Inasmuch as the answer was "no" when the matter was put up to Congress very plainly, it appears to me that the matter of raising this debt limit is now put up to us in a

back-door method, and I think the answer should again be "no." I think that it is high time every Member of this Congress used his good, common, horse sense and that he not be carried away or misled by honeyed words, sugar-coated pills, or high-sounding phrases that are not what they appear to be.

So far as I am concerned I resent this new angle of approach, which, if its objects are acquired, will finally result in the spending of more billions of dollars. So far as I am again concerned, I think this is the time for us to call our debts in plain English by the name of debts and quit referring to them as investments. There is a vast difference between a debt, which is a liability, and an investment, which should be a resource, and it is high time that the highest governmental body in the United States recognized this and acted accordingly.

We are now approached with a high-sounding term called self-liquidating debts. To those who have been reading the world's news the word "liquidation" has now taken unto itself a very sinister meaning, and in certain European countries certain groups of people have been liquidated, the democratic form of government has been liquidated, all unions have been liquidated, religion has been liquidated, and business as we in America have come to know it has also been liquidated. Therefore I do not like this term "self-liquidating," for it is my opinion that if this tremendous program of spending is carried out it will be self-liquidating, and that same program will liquidate yourself, will liquidate myself, and will liquidate this Government, together with all the other things it has liquidated in Europe above mentioned.

In order to put into effect this vast \$4,000,000,000 spending program, every one of you know, and I know, that money must be raised. This money does not grow on trees, and money cannot be had for the asking or without some form of effort or work. If it is not raised directly from the Treasury Department and the various other governmental departments do raise this money, as suggested by the President, we know that someone must put it up, and even if bonds are issued by departments or other agencies, and these same bonds are guaranteed by the United States Government, this then becomes a liability of the United States Government. This is, therefore, the indirect method used to automatically increase the total debt limit that may be in effect at any one time in this country. In other words, that is your back-door entrance and indirect method of doing that which Congress has refused knowingly and directly to do.

Let us recognize what is actually happening, and let us let it be known that the back door has the same kind of a lock on it that the front door has, and that so far as this Congress is concerned, from now on there will be no back-door entrance; that no more honeyed words or sugar-coated pills or high-sounding phrases to cover up objectives will be accepted. Let us begin to recognize these things for what they are, and call a spade a spade.

We have had much use of the words "social security." In my opinion, it is such expenditures as that above named that are undermining not only social security in this country but all other security. May I ask a question of those who expect social security? What is their position going to be on that day of reckoning when this Government has spent more money than it can pay back and finds itself in a bankrupt condition? How much security are these hundreds of thousands of people going to have under those conditions? How much in payments will they get? The answer is, "Nothing." How much security is there going to be for the remainder of the people in this country under such a program? How much security is there going to be for investment of any kind? How secure will any individual in this country be under a program that is now being carried on wherein the country is consistently, each year, not only spending more than it takes in but wherein each year's deficit is greater than that of the preceding year? These are questions that the people in this country must meet and that the Congress of the United States has eventually to answer and which cannot be sidestepped. I am going to say to you that we are no more secure than any person or any business who con-

stantly extends credit to customers or clients who he knows cannot pay, or who spend more than they get in. We must not forget that the taxpayers and the citizens of this country are customers of this Government; that they are now approaching the limit of their ability to pay; and it must be recognized that the financial strength of this country is no greater than the financial ability of its citizens to pay taxes.

It is my opinion that the vast majority of our people are beginning to recognize that this country can no longer continue the spendthrift program that has been in effect.

We have come to a fork in the road and we must now take the road which will take us back to safety, solvency, and prosperity. This in turn will protect our democratic form of government, together with all of its American institutions, and not destroy them. This road is not the one of spending more billions. In this connection I might suggest that every Congressman read two articles in the last Reader's Digest, under date of July 1939, titled as follows: "Debt Threatens Democracy," and "You Can Make Your Government Save." In my opinion there is a great deal of vital information contained within these articles.

The mounting cost of government may be seen as follows:

1927.....	\$3,000,000,000
1932.....	4,500,000,000
1934.....	6,000,000,000
1936.....	8,500,000,000
1939.....	9,500,000,000

This last figure of \$9,500,000,000 will probably go over \$10,000,000,000 by the time the unbudgeted items are taken into consideration.

Here is another table showing Federal receipts and disbursements, in millions of dollars, for recent years.

	Receipts	Expenditures	National debt end of year
Fiscal year—			
1930.....	4,178	3,994	16,185
1931.....	3,190	4,092	16,801
1932.....	2,006	5,154	19,487
1933.....	2,080	5,143	22,539
1934.....	3,116	7,105	27,053
1935.....	3,800	7,376	28,701
1936.....	4,116	8,880	33,545
1937.....	5,294	8,105	36,427
1938.....	6,242	7,626	37,165
1939 <sup>1</sup> .....	5,520	9,492	41,132

<sup>1</sup> Estimated.

It was said during these years that this spending program would end the depression and that it would end unemployment, but, as a matter of fact, for those who are willing and able to recognize the truth, the depression is still with us in a worse form than it ever was, and there are more people unemployed. I use the term, "the depression is worse than it ever was," purposely, believing the difference between now and those earlier years is: That the Government itself has been weakened by reason of the fact that the national debt is now some \$40,000,000,000 instead of approximately some twenty billions, and we are worse off than when we started. Therefore, I consider the security of our people, the security of investment, the security of business, the security of industry, and the individual security of every person in the United States is not nearly so good as it was in those same earlier years. Cure-alls have been tried, quicker methods out of depression have been advocated and tried, business has been taxed, regulated, and chilled, Government is competing with business, Government is performing the functions that business should itself perform. Socialism is rapidly taking the place of our former American business. Confidence has gone out of business. Taxation is tremendously increased. The Government has gone into business and has spent billions; this, of course, increased the cost of government, which in turn brought this tremendous increase in taxes. Therefore, I can say that we are far worse off than we were in those preceding years.

No wonder that business and individuals no longer have confidence nor the incentive to go ahead and expand with this terrible load of taxation upon their shoulders.



Any businessman or thinking individual would hesitate, and would devote himself to serious thought when he finds that the total assessed valuation in this country is one hundred and thirty-nine billions, and that the Federal Government, by itself, owes some forty billions, with a prospect of owing more. These forty-odd billions do not take into consideration the debt owed by States, counties, cities, assessment districts, and so forth.

Further thought should be given to the fact that in 1928 new capital was going into private enterprise at a monthly average rate of \$446,000,000, and that last year this amount had dropped to \$70,000,000. In other words, in 1928, 75 percent of our new capital went into private enterprise and 25 percent went into Government. Last year 80 percent went into Government expenses and only 20 percent into private business. This will give the serious thinker a shock when he realizes that instead of 80 percent of our capital now going into private enterprise, which paid taxes, produced employment and prosperity, approximately the same 80 percent is now going into cost of government, which is constantly calling for more taxes, and is not a producing agency but a consuming one.

There never was a truer statement made than that in the Readers Digest, as follows: "Debt cannot be used as a substitute for growth or progress."

As long as we are lulled to sleep by honeyed words, sugar-coated pills, and high-sounding phrases, such as those referring to our investments instead of our debts, democracy is in a very dangerous position.

What is it that put Italy into the hands of an absolute ruler?

What is it that put Germany into the hands of an absolute ruler?

What is it that put Russia into the hands of an absolute ruler?

The answer is the same in all three instances, and can be answered in one word—debt. Therefore I ask the thinking men in this Congress the questions:

What are we doing?

Where are we going?

What effect is this kind of spending going to have on our country, and what is it doing to our country?

Bankruptcy for a nation is a terrible thing, and when a country begins to reach the point where they wonder whether or not they can pay their debts it is certainly time to think.

We of this generation have seen the debts in the various countries of Europe defaulted. It will be noted that some men are constantly reminding us and suggesting to us the things that are done in Europe, but upon careful perusal it will be found that they never mention what debt and inflation have done to Europe. Neither do they mention the conditions nor living standards under which the Europeans are now existing, and neither would they dare to make a true comparison of the condition of the average man in this country with the condition of that same average man in foreign countries.

The credit of this country has been good, but the reason it has been good is that it has kept itself solvent through its ability to pay its debts, and if this credit is going to be maintained the time has now come when this country not only has to start paying the debts it already owes, but it should be able to carry itself on current debts as well.

What is the reason that the Government is engaging in all of this business that should be carried on by private business? Is Government going to take the position that it is going to crowd private business out of the picture? If this is so, is not socialism being forced upon us? Is this the result of foreign propaganda which has been fed to us or the effect of the "boring from within" program? If socialism is being forced upon us and is, therefore, replacing our democratic form of government, is it not high time that we frankly recognize it and that those of us who do not want it put up a proper and real fight for democratic government?

This appears to me to be state socialism, for the Federal Government is stepping in and usurping the functions of what we have always known in America as the functions of private business. It is my further opinion that the

Constitution of the United States never contemplated a socialistic form of government, wherein the Federal Government would go into competition with private business. This statement either is or is not true. Each Congressman in this House is going to have to answer that question for himself. Meantime, while these functions are being taken over by the Government, business is being chilled, confidence is being taken out of it, and unemployment is increasing. I think that if business were told that the Federal Government would not compete with it, would allow it to make a decent, honest profit, and would not enforce upon it many of the deterrent regulations, it could again be inspired with confidence to go ahead. That at least would be part of the cure of our unemployment situation. Then the unemployed could again have jobs back on the pay rolls of industry and could get off of what might be called a dole. I think, too, that if the Government would take this position labor would be one of the greatest beneficiaries by reason of the fact that if business again became prosperous they would participate in this prosperity that would be had under this proper expanding program.

I do not see how reasonable people can expect business to improve, unemployment to be helped, or labor to prosper under this terrible load of taxation, and the autocratic, socialistic, and bureaucratic regulations that are being placed upon it by a centralized and partly socialized government.

It is these things that have caused business and industry to slow up, and they would like the question answered, Just what is the intention of the Government? Is it the intention to drive industry and business out of existence and take over these functions itself and force upon us socialism? How can any sane person expect business to perform under these conditions of uncertainty? How can they expect capital to seek those avenues of investment when it is harried, harassed, overregulated, and threatened by the bureaucracy of a centralized set-up such as it now appears is being put upon them?

Inasmuch as I have asked some of these questions, and after all, they must be answered, I am going to ask one other very pertinent question. Does the Federal Government, or does it not, expect to pay its debts? That question must be answered in one way or the other. It either does or it does not.

Let us assume that it does expect to pay its debts, and in assuming this we must take a fair, square look at the situation. Owing some forty-and-odd billions of dollars, we have to assume that this is to be paid back. If this is paid back over a period of 33½ years, which is over three generations, it will be found that the amortization alone on this debt would amount to one billion two hundred and forty million per year if we do not increase it any, and I believe it will be found that the total charge for interest, including book-keeping, clerical work, and all connected with it, will certainly amount to 3 percent per year. This in itself creates another billion two hundred and forty million, so that these two items of overhead alone amount to \$2,400,000,000, without taking into consideration whatsoever any of the normal costs of government, which certainly must include all the ordinary functions, and particularly those of defense.

It will be seen from this tremendous load that it is going to be a long, hard pull to carry our current expenses and pay that which we already owe without going any further into debt.

The question must be asked, and the answer is there, Where is the money coming from? The answer is, There is only one place where it can come from, and that is, every penny of it must come from the taxpayer. Following up every penny involved in Government expenditure, it will be found in the last analysis that although we get the money direct from the taxpayer, every penny of this money comes out of business in some of its ramifications. It does not make any difference whether you are a Federal employee on any governmental pay roll, whether you are retired, whether you are on aged aid or a pension, every dollar of this money must eventually come from some ramification of business. No one receives a penny of any kind that is not earned

somewhere along the line that is not earned by himself or someone else in business, and it is high time that this Congress and all other governmental units recognize this, and also recognize the limit of the ability of the taxpayer to pay.

It is also high time that this Congress and all other governmental bodies recognize that industry and business cannot use the money for more than one purpose; that is, it cannot pay it out in the form of taxes and again pay it out in pay rolls. And I again state that if the unemployment problem is going to be permanently and properly solved, and if prosperity is going to return to this country, we must cease this tremendous program of expenditure, which in turn would permit the lowering of taxes on business.

It is my opinion that, if properly interpreted, some of the answers to our troubles may be had by a perusal of typical financial statements and financial reports wherein we will find items showing businesses which earned \$2.10 per share that could be applied as dividends; and in the same statement we find that that same company will have paid as high as \$7.90 per share in taxes. In other words, the Government, which has no actual capital invested in the business, has become a silent partner where a profit is earned and is taking out of the business approximately four times as much as those who have their money invested in it. It must not be forgotten that there are millions of people in this country who have saved their money in their early working days and have invested it in these companies. And, further, when they can no longer receive the earnings from these sources and become destitute, they then must also join that great army of destitute and unemployed and go upon the pay rolls of Government in the form of some kind of charitable aid.

In considering the things that the Government must do, if it is going to pay, I believe that all thinking people will come to the same conclusion—that they must quit spending these billions, such as this \$3,860,000,000.

On the other hand, we ask the question, Is the Government not going to pay its bills? Let us consider this angle: If the Government is not going to pay its bill in full to the people to whom it owes this money, how will the matter be taken care of? So far as I can see, it might be taken care of through inflation, deflation, or actual repudiation. I think that the powers that be who have control of the policies of this Government should make a clear, concise, and definite statement with reference to what they propose to do in this connection. This statement should be made, because the Government itself, through the S. E. C. and other agencies, is demanding, and enforcing its demand, that not only securities and investments but thousands of commodities cannot be offered to the public under any form of misrepresentation of facts. If the Government is going to exemplify the laws that it is enforcing and not misrepresent the facts to our people in connection with the debt which it now owes, or proposes to owe them in the future, should not our people to whom this money is owed or may be owed in the future be given a clear, factual statement in connection with the payment of these debts and how and when the Government expects to pay them back?

If there is any secret policy of inflation, deflation, or repudiation, the country certainly should be told; and if that is the policy, how, then, does this Government expect to continue to sell bonds when the country knows that they never expect to pay them? Is it not honorable to tell people of that which they are buying? Is it not right that people should know that which they are buying in the same way that they should know it when they purchase a house, a piece of clothing, food, or any other commodity that they may purchase? Is it not proper that, if the Government is not going to pay these bonds, or if it is going to inflate or repudiate, the people of this country should buy them or not buy them knowing the truth? I think it would be highly dishonorable, and certainly highly unethical, for the Government to induce people to buy Government bonds or any other Government security when that Government knew that the people would not get full value back for that which they bought. How many bonds do you think the people of this country would buy if they thought they were going to

lose their money? That answer is simple. They would quit buying bonds immediately.

Any decision not to pay full value on these debts, I think, would be unthinkable and abhorrent to the great majority of the American people; and I think that any policy that would incorporate the thought of inflation or deflation, thereby taking the people's money, would be equally unthinkable and abhorrent. Therefore, I say that a definite and positive statement should be made.

I am going to say to every Member of this Congress that if we are to continue as a democracy and to maintain the credit of this Government, that if we are going to bring back prosperity, that if we are going to decrease unemployment and maintain American institutions at all, we are going to have to say "no" to any such program as the spending of this \$4,000,000,000 at this time. Most of this program should be taken up by private business under our form of government, where it properly belongs. And I am going to ask you to vote "no" when this matter comes up for decision. Further than that, I am going to ask every Congressman, both Democratic and Republican, to vote "no," not only on this item but on any other like item presented to us.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SANDAGER (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of illness.

To Mr. GRANT of Indiana (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of illness.

To Mrs. NORTON (at the request of Mr. HART), indefinitely, on account of illness.

To Mr. FLANNERY, for 5 days, on account of important business.

#### EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD upon the subject of acquisition of land for a military post.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 955. An act creating the City of Dubuque Bridge Commission and authorizing said Commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Tuesday, July 11, 1939, present to the President, for his approval, bills of the House of the following titles:

H. R. 733. An act for the relief of S. A. Rourke;

H. R. 2296. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes;

H. R. 3537. An act to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States;

H. R. 3541. An act for the relief of John Chastain and Mollie Chastain, his wife;

H. R. 3576. An act to make effective the provisions of the Officers' Competency Certificates Convention, 1936;

H. R. 4370. An act authorizing the city of Chester, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Chester, Ill.;

H. R. 4497. An act to prescribe rules for the enrollment of Menominee Indian children born to enrolled parents, and for other purposes;



H. R. 4499. An act authorizing the county of Gallatin, State of Illinois, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the city of Shawneetown, Gallatin County, Ill., to a point opposite thereto in the county of Union, State of Kentucky;

H. R. 4511. An act to extend to Sgt. Maj. Edwin O. Swift, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men;

H. R. 5288. An act to amend section 691-a of the Code of Law of the District of Columbia, approved March 3, 1901, and of any act or acts amendatory thereof relating to foreign building and loan associations doing business in the District of Columbia;

H. R. 5346. An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles;

H. R. 5452. An act to provide certain benefits for World War veterans and their dependents, and for other purposes;

H. R. 5479. An act granting annual and sick leave with pay to substitutes in the Postal Service; and

H. R. 6836. An act to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until tomorrow, Thursday, July 13, 1939, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON THE JUDICIARY

On Saturday, July 15, 1939, Dr. C. E. R. Sherrington, British railroad expert, will testify before the Committee on the Judiciary with respect to the bills H. R. 6369 and S. 1869 to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a railroad reorganization court, and for other purposes. The hearing will be public, and will begin at 10 a. m. in the Judiciary Committee room, 346 House Office Building.

#### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

On Tuesday, July 18, 1939, at 10 a. m., hearings will be held on H. R. 7090, to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481), and H. R. 7091, to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, 464).

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the bridge subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m. Thursday, July 13, 1939. Business to be considered: Hearing on H. R. 5382, entitled "A bill authorizing the city of Keokuk, Iowa, to purchase, construct, maintain, and operate a toll bridge across the Mississippi River at or near Keokuk, Iowa."

#### COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs at 10 a. m., Thursday, July 13, 1939, for the consideration of general legislation and for the consideration of H. R. 6799, to regulate the assignments of naval officers to duty, and for other purposes.

#### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds, Thursday, July 13, 1939, at 10:30 a. m., for the consideration of H. R. 965.

#### COMMITTEE ON IRRIGATION AND RECLAMATION

The Committee on Irrigation and Reclamation will meet at 10 a. m., Thursday, July 13, 1939, in room 128, House Office Building, for further consideration of H. R. 6629 and to consider H. R. 6379 and H. R. 3391.

#### COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs on Monday, July 17, 1939, at 10:30 a. m., on House Joint Resolution 207, to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

The Foreign Affairs Committee will start hearings on Tuesday, July 18, 1939, at 10 a. m., on proposed legislation dealing with treaty violations, with special reference to the Orient: H. R. 4232 (Mr. VOORHIS of California), H. R. 5432 (Mr. COFFEE of Washington), H. R. 6837 (Mr. EATON of New Jersey), House Joint Resolution 42 (Mr. CRAWFORD), House Joint Resolution 113 (Mr. FISH), House Joint Resolution 254 (Mr. FISH), House Joint Resolution 318 (Mr. WALLGREN).

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

974. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination of, and review of reports on, Lake Pontchartrain, La., between the New Basin Canal and the Industrial Canal, for a harbor of refuge, authorized by the River and Harbor Act approved August 26, 1937, and requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 2, 1937; to the Committee on Rivers and Harbors.

975. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on reexamination of Northeast River, Md., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted August 16, 1938; to the Committee on Rivers and Harbors.

976. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination of west bank of Delaware River between New Castle and Delaware City, Del., with a view to protection from damage by overflows, authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

977. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination of Allegheny River, Pa., authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

978. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination of Cattaraugus Creek, N. Y., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

979. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination and survey of Cattaraugus Creek, N. Y., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

980. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated May 25, 1939, submitting a report, together with accompanying papers, on a preliminary examination of

South Fabius River, Mo., authorized by the Flood Control Act approved August 28, 1937; to the Committee on Flood Control.

981. A letter from the Acting Secretary of the Treasury, transmitting the draft of a proposed bill to require owners or operators of international toll bridges and tunnels to provide and maintain free and adequate inspectional facilities for Federal agencies stationed at such bridges and tunnels; to the Committee on Interstate and Foreign Commerce.

982. A letter from the Administrator, United States Veterans' Administration, transmitting the draft of a proposed bill to authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Co. for right-of-way purposes a small strip of land at Veterans' Administration Facility, Coatesville, Pa.; to the Committee on World War Veterans' Legislation.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. Minority report, part II. H. R. 4723. A bill to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid (Rept. No. 1045). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 6577. A bill to provide revenue for the District of Columbia, and for other purposes (Rept. No. 1093). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAY: Committee of Conference. S. 1796. An act to amend the Tennessee Valley Authority Act of 1933 (Rept. No. 1094). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BATES of Kentucky: Committee on the District of Columbia. A report on the committee's investigation of the milk industry in the District of Columbia made pursuant to House Resolution 113 (Rept. No. 1095). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAY: Committee on Military Affairs. H. R. 7093. A bill to provide for the rank and title of lieutenant general of the Regular Army; without amendment (Rept. No. 1097). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 118. Joint resolution to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes; without amendment (Rept. No. 1098). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. S. 2150. An act to amend section 8 of the act entitled "An act to supplement laws against unlawful restraints and monopolies, and for other purposes", particularly with reference to interlocking bank directorates, known as the Clayton Act; with amendment (Rept. No. 1101). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 5377. A bill to provide for the distribution of the judgment fund of the Shoshone Tribe of the Wind River Reservation in Wyoming, and for other purposes; with amendment (Rept. No. 1112). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 5906. A bill to repeal the prohibition against the filling of a vacancy in the office of district judge for the southern district of New York; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HARNES: Committee on Military Affairs. S. 1723. An act to correct the military record of George M. Ruby; with amendment (Rept. No. 1096). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. S. 1269. An act for the relief of Emil Friedrich Dischleit; without amendment (Rept. No. 1099). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Immigration and Naturalization. S. 1224. An act for the relief of Eugene Kramer; without amendment (Rept. No. 1100). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. S. 1394. An act for the relief of Johannes or John, Julia, Michael, William, and Anna Kostjuk; without amendment (Rept. No. 1102). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. S. 1911. An act for the relief of Daumit Tannaus Saleah (Dave Thomas); with amendment (Rept. No. 1103). Referred to the Committee of the Whole House.

Mr. JOHN L. McMILLAN: Committee on Immigration and Naturalization. S. 139. An act for the relief of Maria Bartolo; with amendment (Rept. No. 1104). Referred to the Committee of the Whole House.

Mr. JOHN L. McMILLAN: Committee on Immigration and Naturalization. S. 808. An act for the relief of Calliope Minaca Pilavakis; without amendment (Rept. No. 1105). Referred to the Committee of the Whole House.

Mr. JOHN L. McMILLAN: Committee on Immigration and Naturalization. S. 1538. An act for the relief of Konstantinos Dionysiou Antiochos (or Gus Pappas); without amendment (Rept. No. 1106). Referred to the Committee of the Whole House.

Mr. JOHN L. McMILLAN: Committee on Immigration and Naturalization. S. 1654. An act for the relief of Mrs. Pacios Pijuan; with amendment (Rept. No. 1107). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 595. A bill for the relief of Hyman Lederman; without amendment (Rept. No. 1108). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. S. 1954. An act for the relief of Joannes Josephus Citron; without amendment (Rept. No. 1109). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. S. 1815. An act for the relief of Evelyn Mary Locke; without amendment (Rept. No. 1110). Referred to the Committee of the Whole House.

Mr. ALLEN of Louisiana: Committee on Immigration and Naturalization. S. 796. An act for the relief of Mato, Miljenko, Bozo, and Augustin Cibilic, or Zibilich; without amendment (Rept. No. 1111). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5390) granting a pension to Maude Moody, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Washington:

H. R. 7147. A bill to amend the service pension acts pertaining to the War with Spain, Philippine Insurrection,



and the China Relief Expedition to include certain continuous service; to the Committee on Pensions.

By Mr. YOUNGDAHL:

H. R. 7148. A bill giving preference in the appointment of employees in the taking of the Sixteenth Decennial Census to persons on relief and work relief of the Works Projects Administration; to the Committee on the Census.

By Mr. BLOOM:

H. R. 7149. A bill to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931, as amended; to the Committee on Foreign Affairs.

By Mr. DIRKSEN:

H. R. 7150. A bill to designate the lock and dam at Peoria, Ill., as the William E. Hull Lock and Dam; to the Committee on Rivers and Harbors.

By Mr. DOXEY:

H. R. 7151. A bill to provide for improved agricultural land utilization by assisting in the rehabilitation of drainage works in the humid areas of the United States; to the Committee on Agriculture.

By Mr. FLANNAGAN:

H. R. 7152. A bill to provide for the establishment of the Cumberland Gap National Historical Park and the Cumberland National Recreational Area in Tennessee, Kentucky, and Virginia; to the Committee on the Public Lands.

By Mr. LELAND M. FORD:

H. R. 7153. A bill to authorize the transfer of lands between the city of Los Angeles, Calif., and the United States; to the Committee on Public Buildings and Grounds.

By Mr. MAY:

H. R. 7154 (by request). A bill to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps; to the Committee on Military Affairs.

By Mr. RANDOLPH:

H. R. 7155. A bill to amend an act entitled "An act to provide for insanity proceedings in the District of Columbia," approved June 8, 1938; to the Committee on the District of Columbia.

By Mr. SCRUGHAM:

H. R. 7156. A bill to establish a Fallon Indian Reservation in Nevada; to the Committee on Indian Affairs.

By Mr. VOORHIS of California:

H. R. 7157. A bill to provide necessary funds for the Works Projects Administration; to the Committee on Appropriations.

By Mr. VREELAND:

H. R. 7158. A bill to incorporate the Junior Cavalry of America; to the Committee on the Judiciary.

By Mr. IZAC:

H. R. 7159. A bill to prohibit exportation of articles in violation of existing treaties to which the United States is signatory; to the Committee on Foreign Affairs.

H. R. 7160. A bill to amend the Emergency Relief Act of 1939; to the Committee on Appropriations.

H. R. 7161. A bill to provide for the installation in the White House of an air-conditioning system; to the Committee on Public Buildings and Grounds.

By Mr. KRAMER:

H. R. 7162. A bill to prohibit the maintenance of gambling establishments within the admiralty and maritime jurisdiction of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND:

H. R. 7163. A bill authorizing an investigation and survey of a canal and highway across the Republic of Nicaragua; to the Committee on Merchant Marine and Fisheries.

By Mr. BUCKLEY of New York:

H. R. 7164. A bill to amend the Emergency Relief Appropriation Act of 1939 to provide for the reestablishment of the prevailing rates of pay for persons employed upon work projects; to the Committee on Appropriations.

By Mr. LEA:

H. R. 7165. A bill to authorize the erection of a United States Veterans' Administration general medical surgical hospital facility in northwestern California; to the Committee on World War Veterans' Legislation.

By Mrs. NORTON:

H. R. 7166. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Labor.

By Mr. LUDLOW:

H. R. 7167. A bill authorizing an appropriation for the construction and equipment at Indianapolis, Ind., of research facilities for aeronautical research; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Virginia:

H. R. 7168. A bill authorizing the conveyance to the Commonwealth of Virginia of a parcel of property in Prince William County to be used for highway purposes; to the Committee on the Public Lands.

By Mr. CANNON of Florida:

H. R. 7169. A bill authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation; to the Committee on Merchant Marine and Fisheries.

H. R. 7170. A bill to require certain common carriers to inspect property accepted by them for shipment; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Texas:

H. R. 7171. A bill to amend section 22 of the Agricultural Adjustment Act; to the Committee on Agriculture.

By Mr. ANDERSON of California:

H. J. Res. 354. Joint resolution to provide for an investigation by the Secretary of the Treasury of the feasibility and desirability of the acquisition by the United States of certain property in Burlingame, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. D'ALESSANDRO:

H. J. Res. 355. Joint resolution to direct the Public Utilities Commission to make an investigation and survey to determine the feasibility of the construction of subways in the District of Columbia for both streetcars and vehicular traffic; to the Committee on the District of Columbia.

By Mr. COFFEE of Washington:

H. J. Res. 356 (by request). Joint resolution to restore to Congress its constitutional power to issue money and regulate the value thereof; to provide a method for balancing the volume of money in the hands of the consuming public against the volume of goods and services as they are produced; to provide an economic security for persons above the age of 60 years and for the indigent; to create increased opportunity for the youth of the Nation; to provide a condition insuring a progressively rising standard of living up to the maximum producing capacity of the Nation; to provide for the payment of the national debt and to keep the Government free from debt; to provide a fund of gold and silver with which to settle international trade balances; to abolish the practice of creating bank credits by private groups upon fractional reserves; and for other purposes; to the Committee on Banking and Currency.

By Mr. FISH:

H. Res. 256. Resolution requesting information from the Secretary of the Navy; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Florida:

H. R. 7172. A bill for the relief of the heirs of Lewis G. Norton; to the Committee on the Public Lands.

By Mr. CULKIN:

H. R. 7173. A bill for the relief of Walter Chwalek; to the Committee on Claims.

By Mr. GRANT of Indiana:

H. R. 7174. A bill for the relief of George H. Hines, Jr.; to the Committee on Military Affairs.

H. R. 7175. A bill for the relief of George H. Hines, Jr.; to the Committee on World War Veterans' Legislation.

By Mr. HENDRICKS:

H. R. 7176. A bill granting a pension to Etta M. Perkins; to the Committee on Invalid Pensions.

By Mr. JOHNS:

H. R. 7177. A bill for the relief of Ebenezer L. Haley; to the Committee on Military Affairs.

By Mr. LESINSKI:

H. R. 7178. A bill for the relief of Ludwig Baur; to the Committee on Immigration and Naturalization.

H. R. 7179. A bill authorizing the naturalization of Louis D. Friedman; to the Committee on Immigration and Naturalization.

By Mr. McLEOD:

H. R. 7180 (by request). A bill for the relief of John A. Falvey; to the Committee on Claims.

H. R. 7181. A bill granting a pension to Catherine Binder; to the Committee on Pensions.

By Mr. MILLER:

H. R. 7182. A bill to correct the record of the late Robert James Elliott; to the Committee on War Claims.

By Mr. RANDOLPH:

H. R. 7183. A bill for the relief of Harold W. Kinderman; to the Committee on Military Affairs.

By Mr. ROBINSON of Utah:

H. R. 7184. A bill for the relief of Leda Nelson Jones; to the Committee on Claims.

By Mr. SABATH:

H. R. 7185. A bill for the relief of Rozalja Golba (nee Piotrowska), alias Joanna Piotrowska; to the Committee on Immigration and Naturalization.

By Mr. WEAVER:

H. R. 7186. A bill to provide for placing Jacob Schneider, Jr., on the retired list of the United States Army as a staff sergeant, United States Army; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4617. By Mr. CARTER: Senate Joint Resolution No. 28 of the California Legislature, relative to the deepening and channel straightening of the Eel River, Humboldt County, Calif.; to the Committee on Rivers and Harbors.

4618. Also, Senate Joint Resolution No. 29 of the California Legislature, protesting against any further expansion of the national-park system in the proposed enlargement of the Lava Beds National Monument; to the Committee on the Public Lands.

4619. By Mr. GEYER of California: Resolution of Labor's Non Partisan League, Jules L. Klievits, assistant executive secretary, Los Angeles, Calif., opposing antialien legislation, such as House bills 4860, 5526, 273, and Senate bills 407 to 411, and some 70 other similar bills, also commending those California Congressmen who voted against the Hobbs bill; to the Committee on Immigration and Naturalization.

4620. Also, resolution of the Auxiliary of the International Longshoremen's and Warehousemen's Union, No. 8, Mrs. R. M. Brown, secretary, San Pedro, Calif., opposing antialien legislation, such as House bills 4860, 5526, 273, and Senate bills 407 to 411, and some 70 other similar bills, also commending those California Congressmen who voted against the Hobbs bill; to the Committee on Immigration and Naturalization.

4621. Also, resolution of the Auxiliary of International Longshoremen's and Warehousemen's Union, No. 8, Mrs. R. M. Brown, secretary, San Pedro, Calif., protesting against the interpretation of the Sherman Act in the Apex hosiery case and urging that it be amended in order that it may not be applied to trade-unions; to the Committee on Labor.

4622. By Mr. HART: Memorial of the Conference of Independent Bakery Owners and Managers in convention at Chicago, Ill., requesting amendment to the National Labor Relations Act; to the Committee on Labor.

4623. Also, petition of the Atlantic County Bankers' Association of New Jersey, setting forth a proposal to reduce the interest on postal savings; to the Committee on Banking and Currency.

4624. By Mr. HARTER of New York: Petition of 24 citizens of Erie County, N. Y., opposing the Wagner-Rogers bills which seek to bring 20,000 German refugee children to the United States; to the Committee on Immigration and Naturalization.

4625. By Mr. LUTHER A. JOHNSON: Petition of R. L. Farris and J. M. Moore, of Hubbard; H. C. Barlow, of Kerens; S. C. Tirey and E. L. Shippey, of Maypearl; E. L. Webb, W. K. Lokey, W. E. Kidd, and H. S. Brindley, of Waxahachie; and L. F. Huffman, of Bryan, all of the State of Texas, favoring House bill 6749; to the Committee on Agriculture.

4626. By Mr. LUCE: Petition of Massachusetts Women's Political Club, regarding neutrality legislation, condemning the Bloom neutrality bill; to the Committee on Foreign Affairs.

4627. By Mrs. NORTON: Petition of the Reim Ahuvim, K. U. V., of Newark, N. J., opposing proposed immigration restriction for the next 5 years; to the Committee on Immigration and Naturalization.

4628. By Mr. O'BRIEN: Resolution of members of Garrison, No. 10, of the Army and Navy Union of U. S. A., Department of New York, Rochester, N. Y., regarding employment of ex-service men; to the Committee on Labor.

4629. By Mr. SCHIFFLER: Petition of Works Progress Administration workers of Hancock County, W. Va., protesting against the recent Works Progress Administration bill passed by Congress; to the Committee on Appropriations.

4630. By the SPEAKER: Petition of the city of Cincinnati, Ohio, petitioning consideration of their resolution with reference to Barkley bill, S. 685; to the Committee on Rivers and Harbors.

4631. Also, petition of the Western Association of State Game and Fish Commissioners, San Francisco, Calif., petitioning consideration of their resolution with reference to the Taylor Grazing Act (Public, No. 827, 74th Cong.); to the Committee on the Public Lands.

4632. Also, petition of the United Federal Workers of America, Works Progress Administration, Local No. 1, Washington, D. C., petitioning consideration of their resolution with reference to Public Resolution No. 24, Seventy-sixth Congress, first session; to the Committee on Appropriations.

4633. Also, petition of the American Osteopathic Association, Chicago, Ill., petitioning consideration of their resolution with reference to the national health bill, S. 1620; to the Committee on Ways and Means.

4634. Also, petition of the Washington Youth Council, Washington, D. C., petitioning consideration of their resolution with reference to Works Progress Administration and the Federal theater in the Works Program; to the Committee on Appropriations.

## SENATE

THURSDAY, JULY 13, 1939

(Legislative day of Monday, July 10, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O loving Father, who alone canst lead us in the way everlasting and dost quicken us with a hope that maketh not ashamed: Draw our hearts unto Thee at this altar of prayer, that, with true penitence, we may reveal our steadfast purpose of a new obedience.

In these testing times, when men's hearts are heated hot with burning fears, and they are afraid of the results of yesterday, the cares of today, and the problems of tomorrow, give us the fortitude to bear the name of Christian, for He who gave us His name summons us to sacrifice, calls us to



comradeship, and beckons us to service in the fulfillment of our duties as leaders of the Nation.

In our prosperity may we always be thankful; in our adversity may we ever be patient, rejoicing only in that which brings us from Thee, and sorry for nothing save that which draws us from Thee. Keep us this day and in the days that lie ahead steadfast in Thy love. Through Jesus Christ our Lord. Amen.

#### THE JOURNAL

On request of Mr. HARRISON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 12, 1939, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2336) to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 839. An act to amend the Retirement Act of April 23, 1904;

S. 1155. An act to provide for probationary appointments of officers in the Regular Army; and

S. 2163. An act to authorize an appropriation to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in completing the construction of a national highway between Chorrera and Rio Hato, Republic of Panama, for defense purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1882) for the relief of Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 985. An act to authorize the Secretary of War to furnish certain markers for certain graves;

H. R. 3321. An act to provide allowances for uniforms and equipment to certain officers of the Officers' Reserve Corps;

H. R. 3795. An act to provide a right-of-way through the Chilkoot Barracks Military Reservation, Alaska;

H. R. 4008. An act to authorize an exchange of lands between the War Department and the Department of Labor;

H. R. 4783. An act to provide a right-of-way;

H. R. 4784. An act to provide a right-of-way;

H. R. 5735. An act to authorize the acquisition of additional land for military purposes;

H. R. 5912. An act authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation;

H. R. 6925. An act to waive the age limit for appointment as second lieutenant, Regular Army, of certain persons now on active duty with the Air Corps;

H. R. 7093. An act to provide for the rank and title of lieutenant general of the Regular Army;

H. J. Res. 329. Joint resolution consenting to an interstate oil compact to conserve oil and gas; and

H. J. Res. 341. Joint resolution to dissolve the United States Supreme Court Building Commission.

#### CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bone	Clark, Idaho	Frazier
Andrews	Borah	Clark, Mo.	George
Ashurst	Bridges	Danaher	Gerry
Austin	Bulow	Davis	Gibson
Barbour	Byrd	Donahay	Gillette
Barkley	Capper	Downey	Glass
Bilbo	Chavez	Ellender	Green

Guffey	La Follette	Overton	Thomas, Utah
Gurney	Lee	Pittman	Tobey
Hale	Lodge	Radcliffe	Townsend
Harrison	Lucas	Reed	Tydings
Hatch	Lundeen	Reynolds	Vandenberg
Hayden	McNary	Russell	Van Nuys
Herring	Maloney	Schwartz	Wagner
Hill	Mead	Schwellenbach	Walsh
Holman	Minton	Sheppard	Wheeler
Holt	Murray	Shipstead	White
Hughes	Neely	Slattery	Wiley
Johnson, Calif.	Norris	Smith	
Johnson, Colo.	Nye	Taft	
King	O'Mahoney	Thomas, Okla.	

Mr. HILL. The Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. McCARRAN], and the Senator from Florida [Mr. PEPPER] are absent on important public business.

The senior Senator from Tennessee [Mr. McKELLAR], the junior Senator from Tennessee [Mr. STEWART], the Senator from Texas [Mr. CONNALLY], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Arkansas [Mr. MILLER] are absent attending the funeral of the late Representative McReynolds, of Tennessee.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

#### THE SILK INDUSTRY

Mr. DAVIS. Mr. President, I present a letter from Representative GERLACH, of Pennsylvania, relative to the silk industry in the United States, and also copy of a proposed joint resolution by Mr. GERLACH. I ask that the letter and accompanying resolution may be printed in the body of the RECORD and appropriately referred.

There being no objection, the letter and accompanying draft of a joint resolution were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 13, 1939.

HON. JAMES J. DAVIS,  
United States Senate.

DEAR SENATOR: The slowly dying silk industry in the United States has become a matter of great concern to me, because it directly affects a large group of workers in my district, and I think the monopolistic practices of the group controlling the industry should have the attention of Congress.

The manufacturers in my district inform me that in New York City there is a group of from eight to a dozen men who control the raw silk from the time it is imported until it is manufactured into the finished product. Their group shop around among the processing manufacturers, playing one against the other, until they beat down the price to the lowest figure possible, with the result that the silk worker who formerly received from \$20 to \$60 a week now is paid from \$8 to \$18, and more often \$8 than \$18. The manufacturers of silk who used to buy their raw material, process it, and sell the finished product to the retail trade are now known as commission weavers and throwsters, and the silk from the start to finish belongs to the small group who originally bought the raw product.

My home city of Allentown was the second largest silk center in the country when the manufacturer could go into the market and purchase his own raw material, manufacture it, and sell directly to the trade. They employed between fifteen and twenty thousand people. Today they employ less than 3,000 and not on full time. In this connection, I believe that half of the employees in the entire industry are employed in Pennsylvania.

As an illustration of what the manufacturer is up against: One mill in Allentown, the Maxwell Silk Co., after a number of telephone calls from this group in New York, was awarded a contract for one million and a half yards of silk to process at 40½ cents per yard. They started work and 5 days later they were advised by the New York group to stop operations on the contract immediately, that the contract was being given to a firm in Italy at 15 cents per yard plus 14 cents tax, making a total of 29 cents per yard against the 40½ cents which it would have cost to manufacture in this country. And let me stress this point that, based on the 40½ cents a yard, the wages paid the worker would have been only \$18 per week. Since the contract was only a verbal one, the company was compelled to comply, and Italy got the work, and the plant is closed up tight today.

While I know the foregoing is more a tariff than a monopolistic matter, it helps to show just what the control of the raw silk

by a small group can do to injure our own manufacturers and workers.

I am going to Allentown over the week end and have arranged for a meeting with our local manufacturers and hope to have more information when I return next week, which I shall forward to you promptly.

However, I think the situation I have described clearly indicates monopolistic practices and should come within the purview either of the Senate Monopoly Committee or the Federal Trade Commission.

Very sincerely yours,

CHARLES L. GERLACH.

Joint resolution directing the Federal Trade Commission to investigate the policies employed by importers and manufacturers in distributing imports of raw silk and manufactures thereof, and of the domestic silk industry, as these policies affect the public interest

*Resolved, etc.,* That the Federal Trade Commission be, and is hereby, directed and authorized under the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, to investigate the policies as these policies affect the public interest.

The purpose of this investigation shall be to determine—

1. The extent of concentration of control and of monopoly in the manufacturing, warehousing, distribution, and sale of imports of raw silk and manufactures thereof, and of the domestic silk industry, including methods and devices used by importers and manufacturers for obtaining and maintaining their control or monopoly of such manufacturing, warehousing, distribution, and sale of such commodities, and the extent, if any, to which fraudulent combinations, monopolies, price fixing, or unfair trade practices exist;

2. The extent to which any of the antitrust laws of the United States are being violated; and

3. For the purpose of the investigation hereby directed and authorized, the Federal Trade Commission is given all the powers conferred upon it by the Federal Trade Commission Act.

Sec. 2. The Federal Trade Commission shall report its findings to the Congress of the United States within 1 year from date of enactment of this resolution, recommending whatever remedial legislation it deems necessary and proper.

Sec. 3. The sum of \$50,000 is hereby authorized to be appropriated to the Federal Trade Commission for the purpose of making this investigation.

#### REPORTS OF COMMITTEES

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 2252) for the relief of Louis Simons, reported it without amendment and submitted a report (No. 768) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1211. A bill for the relief of Jesse Claud Branson (Rept. No. 769); and

S. 2289. A bill for the relief of the Leesburg Welding & Garage Co. (Rept. No. 770).

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3614. An act for the relief of Frank M. Croman (Rept. No. 771);

H. R. 3623. An act for the relief of Capt. Clyde E. Steele, United States Army (Rept. No. 772); and

H. R. 3730. An act for the relief of John G. Wynn (Rept. No. 773).

Mr. BURKE, from the Committee on Claims, to which was referred the bill (H. R. 1883) for the relief of Marguerite Kuenzi, reported it without amendment and submitted a report (No. 774) thereon.

Mr. HUGHES, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 542. An act for the relief of Anna Elizabeth Watrous (Rept. No. 775); and

H. R. 2234. An act for the relief of W. E. R. Covell (Rept. No. 776).

Mr. HUGHES also, from the same committee, to which was referred the bill (H. R. 2452) for the relief of George Slade, reported it with an amendment and submitted a report (No. 777) thereon.

He also, from the Committee on Immigration, to which was referred the bill (S. 2027) for the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and

Michael Votsitsanos, reported it without amendment and submitted a report (No. 789) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1239) for the relief of Priscilla M. Noland, reported it with amendments and submitted a report (No. 778) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2234. A bill for the relief of Walter R. Maguire (Rept. No. 779);

H. R. 3081. A bill for the relief of Margaret B. Nonnenberg (Rept. No. 780);

H. R. 4155. A bill for the relief of Mary A. Brummal (Rept. No. 781);

H. R. 4391. A bill for the relief of H. W. Hamlin (Rept. No. 782);

H. R. 4440. A bill for the relief of Mr. and Mrs. John Shebestok, parents of Constance and Louis Shebestok (Rept. No. 783); and

H. R. 4762. A bill for the relief of William S. Huntley (Rept. No. 784).

Mr. CAPPER also, from the Committee on the District of Columbia, to which was referred the bill (S. 2139) to exempt from taxation certain property of the American Friends Service Committee, a nonprofit corporation organized under the laws of Pennsylvania for religious, educational, and social-service purposes, reported it without amendment and submitted a report (No. 790) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 2250) for the relief of Joseph F. Tondre, reported it without amendment and submitted a report (No. 785) thereon.

He also, from the same committee, to which was referred the bill (S. 1649) for the relief of Alan C. Winter, Jr., and Elizabeth Winter, reported it with an amendment and submitted a report (No. 786) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2480. An act for the relief of the estate of John B. Brack (Rept. No. 787); and

H. R. 2687. An act for the relief of Elbert R. Miller (Rept. No. 788).

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

S. 2789. A bill granting a pension to Josephine W. Reach; to the Committee on Pensions.

By Mr. MINTON:

S. 2790. A bill conferring jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon certain claims against the United States arising out of the construction of Ohio River Dam No. 41 at Louisville, Ky.; to the Committee on Claims.

S. 2791. A bill for the relief of William L. Christy; to the Committee on Military Affairs.

By Mr. SHEPPARD:

S. 2792. A bill to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd; to the Committee on Claims.

By Mr. BONE:

S. 2793. A bill for the relief of Joseph Daniel Elmore Hulse; to the Committee on Commerce.

By Mr. JOHNSON of Colorado:

S. 2794. A bill to amend the act entitled "An act to increase the efficiency of the Air Corps," approved June 16, 1936; to the Committee on Military Affairs.

By Mr. REYNOLDS:

S. 2795. A bill to authorize the fiscal agent of the Director of the Civilian Conservation Corps to permit certain persons



compensated from Civilian Conservation Corps funds to make pay allotments; to the Committee on Education and Labor.

S. 2796. A bill authorizing Maj. Caleb V. Haynes, United States Army, to accept and wear the decoration tendered him by the Government of Chile; to the Committee on Military Affairs.

By Mr. NYE:

S. 2797. A bill to amend the Merchant Marine Act, 1936, as amended, to provide for subsidies to aid in the construction and operation of floating landing fields and other seadrome structures; to the Committee on Commerce.

By Mr. DONAHEY:

S. 2798. A bill for the relief of Charles H. Parr; to the Committee on Claims.

By Mr. LUCAS:

S. 2799. A bill for the relief of James George Mayfield; to the Committee on Claims.

By Mr. SMITH:

S. J. Res. 169. Joint resolution relating to Federal grants to certain nonprofit community hospitals in connection with self-liquidating projects; to the Committee on Appropriations.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as follows:

H. R. 985. An act to authorize the Secretary of War to furnish certain markers for certain graves;

H. R. 3321. An act to provide allowances for uniforms and equipment to certain officers of the Officers' Reserve Corps;

H. R. 3795. An act to provide a right-of-way through the Chilkoot Barracks Military Reservation, Alaska;

H. R. 4008. An act to authorize an exchange of lands between the War Department and the Department of Labor;

H. R. 4783. An act to provide a right-of-way;

H. R. 4784. An act to provide a right-of-way;

H. R. 5735. An act to authorize the acquisition of additional land for military purposes;

H. R. 5912. An act authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation; and

H. R. 6925. An act to waive the age limit for appointment as second lieutenant, Regular Army, of certain persons now on active duty with the Air Corps; to the Committee on Military Affairs.

H. R. 7093. An act to provide for the rank and title of lieutenant general of the Regular Army; to the Calendar.

H. J. Res. 341. Joint resolution to dissolve the United States Supreme Court Building Commission; to the Committee on Public Buildings and Grounds.

#### ADDITIONAL COPIES OF RULES AND NOTES OF CIVIL PROCEDURE FOR DISTRICT COURTS

Mr. ASHURST submitted the following resolution (S. Res. 162), which was referred to the Committee on Printing:

*Resolved*, That House Document No. 460, Seventy-fifth Congress, third session, entitled "Rules of Civil Procedure for the District Courts of the United States," and House Document No. 588, Seventy-fifth Congress, third session, entitled "Notes to the Rules of the Civil Procedure for the District Courts of the United States," be printed in one volume with an index and bound, as may be directed by the Joint Committee on Printing; and that 550 additional copies shall be printed, of which 100 copies shall be for the use of the Senate and 450 copies for the use of the House of Representatives.

#### PRINTING OF PRAYERS OF CHAPLAIN OF THE SENATE

Mr. NEELY submitted the following resolution (S. Res. 163), which was referred to the Committee on Printing:

*Resolved*, That 2,500 copies of the prayers offered by the Reverend Z. Barney T. Phillips, D. D., Chaplain of the Senate, at the opening of the daily sessions of the Senate during the first session of the Seventy-sixth Congress be printed and bound for the use of the Senate.

#### CAPACITY, ETC., OF WATER-POWER PLANTS

Mr. LA FOLLETTE. I ask unanimous consent to submit a Senate resolution and I also ask unanimous consent for its immediate consideration. I have consulted with the majority leader and the minority leader and several other Sen-

ators and I think the resolution will not lead to debate, or that there will be any objection to it.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 164) was read, as follows:

*Resolved*, That the Federal Power Commission be, and it is hereby, directed to transmit to the Senate a report showing the installed capacity, ownership, and kilowatt-hour output for the calendar year of 1938, where available, for all water-power plants in the United States having an installed capacity of 100 horsepower or more.

Sec. 2. That the report when received be printed as a Senate document.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

#### ADMINISTRATION OF W. P. A. IN WEST VIRGINIA—LETTER BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter written by himself with reference to the administration of W. P. A. in West Virginia, which appears in the Appendix.]

#### NEUTRALITY—ADDRESS BY WILLIAM J. GOODWIN

[Mr. REYNOLDS asked and obtained leave to have published in the RECORD extracts from a radio address upon the subject The Menace of the Bloom Neutrality Bill delivered by Hon. William J. Goodwin, of New York, at Woodside, Long Island, N. Y., June 29, 1939, which appear in the Appendix.]

#### CONGRESS AND NEUTRALITY—ADDRESSES BY MARK SULLIVAN AND JAY FRANKLIN

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD radio addresses by Mark Sullivan and Jay Franklin delivered on July 12, 1939, on the subject of Congress and Neutrality, which appear in the Appendix.]

#### THE PHILIPPINES

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an article in Collier's for July 1, 1939, entitled "Can We Hold the Richest Land on Earth?"]

#### THE DECLARATION OF INDEPENDENCE—ARTICLE BY FRAZIER HUNT

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article by Frazier Hunt, published in the magazine section of the Pittsburgh Press for July 2, 1939, entitled "Words That Will Never Die," which appears in the Appendix.]

#### PRESIDENT ANASTASIO SOMOSA—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. BILBO asked and obtained leave to have printed in the RECORD an editorial from the Washington, D. C., Times-Herald, entitled "President Anastasio Somosa," which appears in the Appendix.]

#### FRUITS OF SILVER—EDITORIAL FROM WASHINGTON, D. C., EVENING STAR

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an editorial from the Washington, D. C., Evening Star of July 10, 1939, entitled "Fruits of Silver," which appears in the Appendix.]

#### NEUTRALITY—EDITORIAL FROM BALTIMORE SUN

[Mr. HUGHES asked and obtained unanimous consent to have printed in the RECORD an editorial from the Baltimore Sun of July 13, 1939, entitled "Neutrality Fiasco," which appears in the Appendix.]

#### THE WAR DEBTS—EDITORIAL FROM SATURDAY EVENING POST

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an editorial from the current issue of the Saturday Evening Post on the subject of the War Debts, which appears in the Appendix.]

#### WEST VIRGINIA CO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 289) for the relief of the West Virginia Co., which were on page 1, line 4, to strike out all after "Treasury" down to and including "Administration" in line 5 and insert "not otherwise appropriated"; on page 1, line 7, to strike out "\$2,156.43"

and insert "\$1,876.43"; and on page 1, line 12, to strike out all after "Provided," down to and including "\$1,000", in line 12 of page 2 and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. NEELY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### INTERSTATE OIL COMPACT TO CONSERVE OIL AND GAS

The VICE PRESIDENT laid before the Senate a joint resolution from the House of Representatives (H. J. Res. 329), consenting to an interstate oil compact to conserve oil and gas, which was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That the consent of Congress is hereby given to an extension and renewal for a period of 2 years, from September 1, 1939, of the interstate compact to conserve oil and gas, executed in the city of Dallas, Tex., the 16th day of February 1935 by the representatives of the States of Oklahoma, Texas, California, and New Mexico, and thereafter recommended for ratification by the representatives of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and subsequently ratified by the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, which said compact was deposited in the Department of State of the United States, and thereafter such compact was, by the President, presented to the Congress and the Congress gave consent to such compact by House Joint Resolution 407, approved August 27, 1935 (Public Res. No. 64, 74th Cong.), and which said compact was thereafter extended and renewed for a period of 2 years from September 1, 1937, by an agreement executed in New Orleans, La., the 10th day of May 1937, by the representatives of the States of Oklahoma, Texas, Kansas, and New Mexico, and was duly ratified by the States of Oklahoma, Texas, Kansas, New Mexico, Illinois, and Colorado, and was deposited in the Department of State of the United States, and thereafter such extended and renewed compact was, by the President, presented to the Congress and the Congress gave consent to such extended and renewed compact by Senate Joint Resolution 183, approved August 10, 1937 (Public Res. No. 57, 75th Cong.).

The extended and renewed compact, dated the 5th day of April 1939, duly executed by the representatives of the States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and duly authorized and ratified by the said States of Oklahoma, Texas, Kansas, New Mexico, Colorado, and Michigan, and which extended and renewed compact has been deposited in the Department of State of the United States, reads as follows:

#### "AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS"

"Whereas on the 16th day of February 1935, in the city of Dallas, Tex., there was executed 'An interstate compact to conserve oil and gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

#### "AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS"

##### "ARTICLE I"

"This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

##### "ARTICLE II"

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

##### "ARTICLE III"

"Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"(a) The operation of any oil well with an inefficient gas-oil ratio.

"(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural-gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive, or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

##### "ARTICLE IV"

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas-conservation statutes or any valid rule, order, or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

##### "ARTICLE V"

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

##### "ARTICLE VI"

"Each State joining herein shall appoint one representative to a commission hereby constituted and designated as 'The Interstate Oil Compact Commission,' the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"The Commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

##### "ARTICLE VII"

"No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

##### "ARTICLE VIII"

"This compact shall expire September 1, 1937. But any State joining herein may, upon 60 days' notice, withdraw herefrom.

"The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in article 1. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"Done in the city of Dallas, Tex., this 16th day of February 1935.

"Whereas said interstate compact was heretofore duly renewed and extended for 2 years from September 1, 1937, its original expiration date, to September 1, 1939; and

"Whereas it is desired, to again extend and renew said interstate compact to conserve oil and gas for another period of 2 years from September 1, 1939, its present expiration date, to September 1, 1941: Now, therefore, this writing witnesseth:

"It is hereby agreed that the said compact entitled 'An interstate compact to conserve oil and gas' executed in the city of Dallas, Tex., on the 16th day of February 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of 2 years from September 1, 1939, its present date of expiration, this agreement to become effective within those States joining herein when executed by any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico, and consent thereto is given by Congress.

"The signatory States executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States.

"Executed as of this the 5th day of April 1939 by the several undersigned States, at their several capitals, through their proper officials thereunto duly authorized by statutes, resolutions, or proclamations of the several States."

Sec. 2. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

Mr. THOMAS of Oklahoma. Mr. President, late last night the Senate passed an identical joint resolution, known as Senate Joint Resolution 155. It seems that at the same



time the House was considering this joint resolution, and it has now been messaged to the Senate.

I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 329. I shall follow that with a motion to reconsider the vote by which the Senate joint resolution passed, and then ask that the House return the Senate joint resolution.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the present consideration of House Joint Resolution 329. Is there objection?

Mr. AUSTIN. Mr. President, reserving the right to object, I should like to interrogate the Senator regarding the joint resolution.

Mr. THOMAS of Oklahoma. It is identical with the joint resolution which the Senate passed late yesterday afternoon.

Mr. AUSTIN. Does it deal with the approval of compacts between States?

Mr. THOMAS of Oklahoma. It does. It grants the consent of Congress to the making of this particular compact among, I think, seven States.

Mr. AUSTIN. I have no objection.

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 329) consenting to an interstate oil compact to conserve oil and gas, which was ordered to a third reading, read the third time, and passed.

Mr. THOMAS of Oklahoma. Mr. President, I enter a motion to reconsider the vote by which Senate Joint Resolution 155 was passed on yesterday; and I ask unanimous consent that the House be requested to return the joint resolution to this body.

The VICE PRESIDENT. The motion will be entered; and, without objection, the House will be requested to return the Senate joint resolution.

#### NOMINATION OF ELMER D. DAVIES

Several Senators addressed the Chair.

The VICE PRESIDENT. The Chair desires to make a statement. Yesterday the Senate gave unanimous consent that upon the meeting of the Senate today the Senator from Mississippi [Mr. BILBO] should be recognized. The Chair feels that he should recognize the Senator from Mississippi, who may yield to any Senator he desires.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. BILBO. I shall be glad to yield to the Senator.

Mr. ASHURST. On yesterday, when I was unfortunately absent by reason of illness in my family, a judicial nomination was brought up and confirmed, and the President was notified.

I attach no blame to any person. It is one of those unfortunate mistakes that occur in life. No bad faith was exhibited. All parties were under a misapprehension. There is tremendous opposition to that nomination. The committee had not concluded its investigation. In fact, witnesses sent a telegram this morning asking to be heard.

I understand—I wish to be corrected if I am in error—that a motion was made yesterday to request the Executive to return the nomination.

Mr. AUSTIN. Mr. President, a motion requesting the President to return the nomination unanimously prevailed. At the time of making the motion the Senator from New Jersey [Mr. BARBOUR] stated that he would prefer not to proceed with the motion to reconsider the vote by which the nomination was confirmed until the two Senators from Tennessee could be present. That was for the reason that the nomination was confirmed out of order at their request and on the representation that it was necessary to consider it at that time if the Senators from Tennessee were to be consulted, because they were about to take a train to attend the funeral of a late colleague.

Mr. ASHURST. Mr. President, again I say that I attach no blame to any person. An honest misapprehension existed, and I am able to understand how such an irregular procedure should take place as the confirmation of a nomination in the middle of a legislative session. I have no disposition to make

criticism. Therefore, if and when the Executive returns the nomination, it will be in order to move—and if the Senator from New Jersey does not do so, I shall move—that the vote by which the nomination was confirmed be reconsidered and the nomination returned to the Judiciary Committee, so that they may continue their examination of the question.

The nomination to which I refer is that of Elmer D. Davies to be United States district judge for the middle district of Tennessee.

I conclude by saying that I attach no blame whatever and no criticism to the Senator from Tennessee or to any other person. It is one of those misadventures that take place in the rushing, roaring mill of a Congress which is anxious to adjourn.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. BILBO. I am glad to yield.

Mr. BORAH. I desire to ask the chairman of the Judiciary Committee a question. Did I correctly understand the chairman to say that there is tremendous opposition to this nomination?

Mr. ASHURST. There is.

Mr. BORAH. Was there tremendous opposition before the subcommittee?

Mr. ASHURST. Yes, sir. I have laid the telegrams before the subcommittee.

Mr. BORAH. There is something peculiar about that; because, so far as I know, the subcommittee considered everything that was brought before it.

Mr. ASHURST. Possibly I should withdraw the statement that there is "tremendous" opposition. I will speak for myself. I am opposed to the nomination, and other Senators are opposed to the nomination. I think rather I should not have used the word "tremendous."

I do not wish to detain the Senate. All I ask is that a roll call be had when the nomination is before the Senate. The last attitude I want to adopt—it does not become me—is that of a censor. I do not like a censorious attitude.

As to the rules of the Senate, in the first place, there is a rule which makes it the duty of the Presiding Officer, when a Senator is speaking, to refuse to entertain a motion to consider a nomination. Secondly, it is not good practice to bring up nominations when the Senate is not in executive session. It should not be done. It is not fair to the Senate; it is not fair to the country; it is not fair to the minority; it is not fair to ourselves; and let this be a lesson that hereafter nominations should go to the Executive Calendar and be printed.

Mr. BORAH. Mr. President, I am not asking that the nomination not be returned and reconsidered, but I was on the subcommittee, and I cannot understand how it happened that we were not informed that there was further testimony to be heard.

Mr. ASHURST. I have been absent 3 days by reason of illness in my family, and as the telegrams and protests came in, I forwarded them to the clerk of the committee, Mr. Don J. Morgan. Mr. Morgan is a very competent and reliable young gentleman whom I have known since his birth time; he is from my home town of Prescott, Ariz., and I am sure he would lay any protest of any kind before the appropriate subcommittee. We all know the diligence of the able Senator from Idaho [Mr. BORAH], and we know the diligence of the chairman of the subcommittee, the Senator from Texas [Mr. CONNALLY].

I hope that this will be a warning, that we shall not take nominations up out of their regular order. The nomination of a marshal in the State of Arizona came in, and I insisted that it go through the regular order and be placed on the Executive Calendar.

Mr. BORAH. Was not this nomination considered by the committee as a whole after it was reported by the subcommittee?

Mr. ASHURST. I was not able to be present at the meeting of the committee on Monday morning.

Mr. BORAH. I understood that the subcommittee reported the nomination and that it was then reported by the committee as a whole.

Mr. ASHURST. That may be; I was not present at the meeting of my own committee Monday morning because of illness in my family. So long as we have assurance that the Senate will have an opportunity to vote on the nomination, that is all I ask.

The VICE PRESIDENT. The Senator from Mississippi yielded to the Senator from Arizona, and the Senator from Arizona spoke about the Chair's lack of observance of the rule. The Senator states the rule correctly, but when the Senate gives unanimous consent for the confirmation of a nomination and notification to the President of the confirmation, as in executive session, the present occupant of the chair, although he was not in the chair at the time of the concurrence in question, would feel that he must abide by the direction of the Senate. It was by unanimous consent of the Senate that the confirmation of the nomination was had as in executive session, and the order to notify the President was by unanimous consent. So the Chair doubts whether the Presiding Officer at the time was to blame, the Senate by unanimous consent having taken the action referred to.

Mr. HILL. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. BILBO. I yield.

Mr. HILL. I think the Senate ought to know that this nomination was on the Executive Calendar in regular form, having been duly reported from the Judiciary Committee. It was on the printed calendar for action yesterday, and before the Senate.

Mr. O'MAHONEY. Mr. President, I had desired to ask the Senator from Mississippi to yield to me, but in view of the fact that there is to be a vote on his amendment at a certain time and he desires to speak on the amendment, I shall make my request after the vote upon his amendment.

#### AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. BILBO].

Mr. BILBO's amendment proposes to insert at the proper place the following:

That, effective January 1, 1940, clause (7) of section 2 (a) of the Social Security Act is amended to read as follows:

"(7) provide that, if the State or any of its political subdivisions collects from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, the net amount so collected shall be prorated between the United States and the State in the proportion that the amount the United States contributed to such old-age assistance during the year next preceding the year such net amount was collected bears to the amount the State contributed during such year and the amount due the United States shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this title."

Sec. 2. Effective January 1, 1940, section 3 (a) of such act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing January 1, 1940, (1) an amount, which shall be used exclusively as old-age assistance, of \$30 per month, with respect to each aged needy individual who, at the time of such expenditure, is 65 years of age or older, and is not an inmate of a public institution, and (2), 5 percent of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose: *Provided*, That no amount for old-age assistance shall be paid by the Secretary of the Treasury to any State which shall contribute for old-age assistance during any quarter an amount smaller than the amount contributed by the State during the quarter beginning January 1, 1939. Any individual entitled to Federal old-age benefits under title II of this act may elect to receive in lieu thereof old-age assistance under the State plan for old-age assistance as provided in title I of this act."

Mr. NORRIS and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Mississippi yield; and if so, to whom?

Mr. BILBO. Before yielding I should like to state that yesterday, while discussing the amendment now pending, I acquiesced in a request for unanimous consent to vote on the amendment at 1 o'clock and 5 minutes today on condition that I be permitted to begin speaking at 12 o'clock. I desire to be courteous and kind to my colleagues, but there seems to be a disposition to consume all the time, and it is my fault, because I have yielded. So I now ask Senators to postpone whatever matters they desire to have put into the Record until I have occupied the few minutes left me before the vote on the amendment.

Mr. President, my amendment is an attempt to meet the demand of the American people as it has been evidenced by various polls taken by Mr. Gallup, as well as the sentiment expressed through the press of the country and by various and sundry organizations. It is an attempt to meet the recent demand that the Government of the United States assume its responsibility in making adequate provision for the needy aged who are 65 years of age or older.

I was present yesterday while the Senator from Oklahoma [Mr. LEE] was discussing his amendment, and I heard a very interesting colloquy between the Senator from Oklahoma and the senior Senator from Michigan [Mr. VANDENBERG]. They were both in full sympathy with the sentiment that the American Congress should do something about the old-age pension problem, something substantial, something more than they have done, and make decent and adequate provision. But the trouble with my friend on the opposite side of the Chamber, the Senator from Michigan, was that the Finance Committee was having difficulty in finding new sources of revenue to supply the funds to take care of this pressing obligation.

It is passing strange that no anxiety has been expressed, nothing has been said since January, about the sources of the funds to be gathered in, the golden shekels to be placed in the coffers of the Government, while we have been appropriating almost \$10,000,000,000 for the purpose of building ships and airplanes, and making needed improvements in our national defense, along with a great many other appropriations, totaling in the neighborhood of \$10,000,000,000.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BILBO. I am delighted to yield.

Mr. VANDENBERG. I am sure the Senator wants the Record to be correct. He says nothing has been said from January to July upon this subject with respect to any of these other appropriations. I think he will find that I have spoken upon almost every one, and I call his attention particularly to the fact that I voted against the largest armament bill for the very reason indicated. So I am not guilty of the entire crime which the Senator assigns to me. I think I have been about as consistent in the matter as a man could be.

Mr. BILBO. The distinguished Senator from Michigan is an exception to the rule.

In this case I am asking for an additional appropriation of only \$400,000,000 to take care of the old-age problem which confronts the American people. If this money is appropriated and spent for this purpose, it will be the best expenditure we can make to help the public welfare, because the money will be uniformly distributed to every nook and corner of this great Republic. It will increase purchasing power; it will give us that free distribution of wealth about which we have been hearing for so many years. It will put the money into the hands of people who will be forced to spend it, because their days on earth are few, and they lack the necessities of life. It will help everyone all along the line. It will help the merchant, the lawyer, the doctor, the teacher, and the preacher. It will help the bankers, it will help the community in general, because it will be uniformly distributed. It is not like spending a hundred million or two hundred million dollars on some dam in the West, when all the money is poured out at one spot. It is not like spending several hundred million dollars in the city of New York on municipal improvements, when the money is all poured out in one spot. But this additional \$400,000,000 will go into



every nook and corner of this great Republic, increasing the purchasing power in every community in America.

Furthermore, Mr. President, the amendment will do away with that unfair, unjust, and unrighteous provision of the present security law which requires the States to match Federal funds, which is so unrighteous that it is downright criminal. We have been told that the South is the country's economic problem No. 1. This matching provision is the reason why the South has been suffering.

From an examination of the statistics I have found that from 1862 to 1936 over \$8,000,000,000 has been paid by the Federal Government in pensions, and of the \$8,000,000,000 only \$1,000,000,000 went to that great section known as the South. Seven billion dollars have been used to enrich the other sections of the country, so that today they are in a position to take advantage of the 50-percent matching scheme of the present social-security law; whereas the South and the West, which have not had an opportunity to share in the bounties of the billions taken from the Government in the way of pensions, are thus impoverished and are unable to meet the requirements of the 50-50 scheme of the present social-security law.

My amendment would correct the injustice under which the West and the South especially are suffering today, because the States in the West and the South are not able, as are the rich States of the North and East, where the wealth has been concentrated, to take advantage of the present arrangement.

Mr. President, I cannot understand why any Senator with a sense of fairness would want to impose upon the sections of the country which, through no fault of theirs, are unable to get their share of the money for the old men and women who are needy. An old man in New Mexico, an old man in Mississippi, or an old man in Alabama who has been a faithful citizen and contributed his bit to the success of our great Republic is just as much entitled to his \$15, or his \$20, as the bill is now amended, as is the man who lives in California, or in Massachusetts, or in New York, or in Illinois, where the wealth of the Nation has been concentrated during the last 75 years.

Mr. President, we in the States of the South and the West are not to blame for that condition. In other words, if this damnable scheme of the social-security set-up shall be continued as it is now it will do the same thing that has been done in the past with the pensions of the country; it will draw them all into one section of the country, a condition which has resulted in bringing prosperity to that section to the detriment of other sections.

Before a vote is taken on the amendment, perchance someone may say that my proposition was before the Finance Committee and was rejected, notwithstanding that some of the best authorities of the Republic have pronounced it to be the best solution of the old-age question. It may be argued that we must have the approval of the Finance Committee; we must follow the advice of Mr. Altmeyer; we must have a favorable recommendation from the Bureau of the Budget. That argument, however, cannot be used today, because yesterday, in the face of the action of the Finance Committee, of the ruling of the Bureau of the Budget and the recommendations of Mr. Altmeyer, the Senate adopted the amendment proposed by the Senator from Texas [Mr. CONNALLY], which contained only a slight suggestion of improvement of the present situation.

It is needless to pay attention to what the Finance Committee has decided, or what Mr. Altmeyer has recommended, or what the Bureau of the Budget has ruled; the Senate has already acted in the face of those recommendations and rulings. The Senate has violated the rule in that respect. Now the Senate has a chance to do the right thing, the righteous thing, the just thing.

I wish to call attention to another matter. By the payment of the proposed \$30 a month, reaching every section of our great country, social conditions will be improved and the W. P. A. will be released from a portion of its burden, because when \$30 comes into the homes of the aged needy

people of the country the result will be to lift the burden from the shoulders of the struggling sons and daughters of the old people, so that they may give better attention to the education and the welfare of their own children and families. It will result in a decrease in the burden placed on the W. P. A., because \$30 a month going into every little community of the United States will improve conditions, so there will not be so much need for the aid rendered by the W. P. A. and the relief which is now being furnished.

I wish to say a word now to my Republican friends across the aisle. Next spring they will hold a Republican National Convention, and they will write a platform of promises, and in that platform they will want to implant a promise to the Townsends, to the old people of the United States, that if the Republicans are placed in power they will be faithful to the aged and the needy of the country and will do something in a substantial way for their relief in the way of pensions. I wish to say to my Republican colleagues on the other side of the Chamber that now they have a chance to show what they will do if they are placed in power, because I have a suspicion that, with their votes, there may be sufficient votes on this side of the Chamber possibly to adopt the amendment. But if the Republicans continue to vote against measures which mean so much to the old people of the country—and they have a chance to vote favorably for such an amendment now with the help of some humanitarians on this side of the Chamber, some who are not afraid of, and have not been influenced by, the economy cry and the economy campaign—if when they have a chance to render this service in 1939 and they decline or refuse to do it, they will be on the spot in 1940, because how can the people believe them when they realize they had a chance to do it and would not do it?

Mr. GEORGE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. BILBO. I shall be glad to yield.

Mr. GEORGE. I wish to understand the amendment. Does the Senator from Mississippi propose to pay \$30 per month from the Federal Treasury to each needy person on the rolls of the States? Or does the Senator propose to take the \$30 per person and carry it into a general fund, to be redistributed by the State to the pensioners?

Mr. BILBO. My proposition is to give \$30 straight out to every person on the eligible roll of the Republic.

Mr. GEORGE. To each person who is on the roll?

Mr. BILBO. Yes. And if there are any degrees of need which require that there be an adjustment, that is a matter which the State can attend to.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. O'MAHONEY. As I read the amendment, the payment is to be made by the Secretary of the Treasury without any intermediary action on the part of anyone in the State.

Mr. BILBO. Certainly; it goes direct.

Mr. O'MAHONEY. From the Treasury to the individual?

Mr. BILBO. No; it is handled by the Social Security Board through the regular channels. That is the purpose of the amendment.

Mr. O'MAHONEY. Then the payment is to be made to the State and not to the individual?

Mr. BILBO. Yes; but each individual is to be given \$30, and if there are any grades of relief, or different types of need shown in various cases, adjustment can be made in the use of the funds appropriated as the cases are thoroughly investigated by the State. But each person shall receive \$30. My proposition is to treat every son and daughter of the Republic fairly and squarely at the hands of the Government, because all pay taxes alike. If the State wants to make differentials as the result of its investigation, that is a matter which lies in the hands of the State.

Mr. GEORGE. Then, Mr. President, the Senator means, as I understand his amendment, and I so interpreted it but

I was not clear in my understanding of it, that the Federal Government will pay \$30 to each person on the roll.

Mr. BILBO. Yes.

Mr. GEORGE. So each pensioner on the State roll will receive \$30 plus whatever amount the State itself may pay to the pensioner?

Mr. BILBO. That is correct. I will say that is a correct interpretation of the amendment. The amendment has been thoroughly analyzed, scrutinized, and criticized by some of the social-security experts and by the usual counsel who attempt to serve the Senate in carrying out such matters.

Mr. President, I have prepared an amendment which I propose to introduce before the bill is finally acted upon to do away with the custom or, rather, the rule in force in some of the States requiring old people to take a pauper's oath. In view of the great official family which has been brought together by the social-security organization, not only in Washington but throughout the country, to investigate the needs of aged persons, I wish to save the old people the embarrassment and the odium of having to take a pauper's oath before the Government decides to do its duty. With all the organization under the Social Security Board I believe they can ascertain the true status of the old and needy persons of the country.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. THOMAS of Oklahoma. Does the Senator's amendment make it incumbent upon any State to contribute any sum whatever as a prerequisite to receiving \$30 for its old people?

Mr. BILBO. The amendment provides that before any State can receive the \$30 per capita from the Federal Government it must make the appropriation which is now in force and never reduce it. It can go up as high as it wants to, but it must continue to make the appropriation it has previously made.

Mr. THOMAS of Oklahoma. Then if the amendment should be adopted, each elderly person in each State would receive what each State is paying him or her plus \$30 from the Treasury?

Mr. BILBO. Plus \$30 from the Treasury.

Mr. THOMAS of Oklahoma. As I understand the amendment further provides that the age limit shall be 65 years?

Mr. BILBO. Yes; 65 years.

Mr. THOMAS of Oklahoma. In that particular it is different from the amendment suggested by my colleague [Mr. LEE] yesterday?

Mr. BILBO. Yes.

Mr. THOMAS of Oklahoma. The age limit proposed by him was 60 years. The age limit proposed by the Senator from Mississippi is 65 years.

Mr. BILBO. Yes.

Mr. THOMAS of Oklahoma. My colleague's proposal was for an appropriation of \$40 for each person. The amendment of the Senator from Mississippi proposes \$30.

Mr. BILBO. Yes.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. SCHWARTZ. I think there is quite a distinction between the two amendments, in that the amendment proposed yesterday applied to all persons over 60 years, regardless of their financial situation, while under the amendment proposed by the Senator from Mississippi the payments are to be made only to those who are classified as being needy.

Mr. BILBO. Those who are classified as being needy.

Mr. SCHWARTZ. Those who are classified as needy are those who are required to take the pauper's oath at the present time.

Mr. BILBO. Yes; those who are registered as eligible.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LEE. There is one other difference. Those who are gainfully employed would have the choice of keeping their jobs or giving them up and accepting the pension.

Mr. BILBO. Yes.

Mr. LEE. While I am on my feet I should like to ask the Senator a question: Does the Senator's amendment provide that every person on the rolls shall receive \$30, regardless of the degree of dependence?

Mr. BILBO. That is my understanding of my amendment. He shall receive \$30 first from the Federal Government, and if it is desired to make any differential on account of varying degrees of need that can be done by the local social-security board from the funds appropriated by the State legislature.

Mr. LEE. It seems to me it would be fairer to provide for payment to the old people according to the degree of dependence. For example, I can understand that a person declared to be 10 percent dependent would receive \$30, while some other person who was not declared to be dependent would not receive anything, either from the State or from the Federal Government. Therefore, it seems to me it would be more consistent to pay every aged person the pension. How many persons 60 years of age can the Senator think of who have today an income, aside from their jobs, sufficient to sustain them? Therefore, I believe the Senator would do well to modify his amendment so as to make the payment in proportion to the degree of dependence.

Mr. BILBO. No. The theory of my amendment is that every citizen who is declared to be eligible for an old-age pension because of needy condition shall receive \$30 from the Federal Government. The amounts now contributed by the various States are sufficiently large to permit any necessary adjustment because of varying degrees of need. I do not think there would be sufficient difference in the degrees of need to require anything other than a flat \$30 payment. There is ample margin to make the necessary adjustments, if, in the judgment of the Social Security Board, there should be adjustments. The theory of my amendment is that the Federal Government shall treat all alike, and that every citizen under the flag shall receive the same amount, \$30. So far as the State is concerned, the sky is the limit.

Mr. LEE. Except for those who are not on the rolls, those who have not been able to prove their poverty.

Mr. BILBO. They are not eligible.

Mr. LEE. They should be.

Mr. BILBO. That is the theory of the Senator's amendment. I took pleasure in voting for it.

Mr. LEE. I intend to support the Senator's amendment, and, as I announced, support amendments to help increase the pension to the old people, but I should like to see them all put on the same basis.

Mr. BILBO. I share the Senator's sentiments to the extent that I voted for his amendment; but, since we cannot get what we want, we will take what we can get. I should like to see the Senate do its duty to the needy old people and grant \$30 per capita to those who have been declared needy and eligible under the social security rules and regulations.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. O'MAHONEY. A few moments ago the Senator called attention to the fact that some States in the Union are more wealthy than others, and therefore more capable of paying pensions of this kind.

Mr. BILBO. Yes.

Mr. O'MAHONEY. He also called attention to the fact that the conditions under which we are living have brought about a concentration of economic power and wealth in some States. As I understood him, he expressed the desire that his amendment would have the effect of equalizing the payments among the States. As I read the amendment, I wonder if it would have that result.

Mr. BILBO. I would equalize the payment of pensions to the needy old people, regardless of the State in which they live.

Mr. O'MAHONEY. Under the provisions of the Senator's amendment a pensioner in California, which is at the top of the list so far as State payments are concerned, would receive an average of approximately \$62, while a pensioner in the State of Arkansas, which is at the bottom of the list, would receive an average of about \$36 or \$37; so the inequality would not be done away with.



Mr. BILBO. That is a matter with which the Federal Government cannot concern itself, because that difference is brought about by the generosity, liberality, and humanitarianism of the States themselves. I still believe in States' rights.

Mr. O'MAHONEY. Perhaps not their humanitarianism or their desire to serve so much as their ability to pay. I think the people of Arkansas would be thoroughly pleased to be able to pay what the State of California pays, or what the State of Massachusetts pays, or what the State of New York pays.

Mr. BILBO. I appreciate the correction. I should have included the ability to pay.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. BILBO. I am delighted to yield.

Mr. THOMAS of Oklahoma. What would be the attitude of the Senator from Mississippi toward a proposal to have the Federal Government make all the collections and all the payments? The people have to pay the tax anyway. They have to pay it all. They pay the State tax to make up the State contribution, and they pay the Federal tax to make up the Federal contribution. If the National Government should make all the collections, then the National Government could make uniform payments. What would be the attitude of the Senator toward such a proposal?

Mr. BILBO. I announced on yesterday that I considered the obligation of a pension to the aged and needy of the country strictly a Federal obligation. I should be glad if it were possible to enact such legislation and have the Federal Government pay the entire bill. However, I am not now dealing with a theory. I am dealing with a condition. We have the social-security law, which imposes a dual obligation or responsibility; and, since that is true, I could not give my consent to the Federal Government taking over the funds appropriated by the States. So long as the States put up a part of the money I think they should have something to do with the qualification or eligibility of those to whom the payments are made.

Mr. THOMAS of Oklahoma. Will the Senator yield further?

Mr. BILBO. I yield.

Mr. THOMAS of Oklahoma. My inquiry did not contemplate that the Federal Government should take over the money collected by the States, but it contemplated an amendment to the Social Security Act providing that the Federal Government should make the entire collection and relieve the States from the collection and disbursement of any funds, making the obligation a Federal obligation, under the Federal law and a Federal system.

Mr. BILBO. I agree 100 percent with the Senator that that is the correct theory of how the pension should be handled and who should pay it. The Federal Government should pay it, instead of the States. However, since there is now a dual responsibility, we have to deal with the law. I am merely trying to come as near perfection as possible and eliminate the inequalities.

Mr. GEORGE. Mr. President, will the Senator yield for another question?

Mr. BILBO. I yield.

Mr. GEORGE. Yesterday we adopted the so-called Connally amendment.

Mr. BILBO. Yes; I voted for it and was glad to do so.

Mr. GEORGE. The Senator will recall that the Connally amendment requires contributions on the basis of 2 to 1 up to an average of \$15. If the Senator's amendment were adopted, would it be in lieu of the Connally amendment, or would it be in addition?

Mr. BILBO. My amendment would take the place of the Connally amendment.

Mr. GEORGE. Then it would be in lieu of the Connally amendment.

Mr. BILBO. Yes; though I am glad to have the Connally amendment in the bill.

Mr. GEORGE. Mr. President, we are in a state of parliamentary confusion if the pending amendment is in lieu of an amendment adopted yesterday, without any motion to reconsider the amendment adopted yesterday. It was for that reason that I propounded the question to the Senator. If his amendment is in addition to the Connally amendment, and simply an additional provision, then, of course, it would not be affected by the Connally amendment.

Mr. BILBO. If the Senate will adopt my amendment, the conferees can work out the legal details. As I understand, it would take the place of the Connally amendment.

Mr. President, my time has just about expired. In conclusion I wish to say that we now have an opportunity to correct a great injustice which the present social-security law imposes upon the poorer and weaker States of the Republic. We have an opportunity to do the right thing, the just thing, the square thing, the righteous thing, for the citizens of the Republic, without any partiality. The present law is a rich State's pension law. It seems to me it was written for the benefit of the rich States, because they are able to take advantage of it. Senators know that the poorer States cannot take advantage of it. We are discriminating against the old people in the poorer States. If I cannot obtain a correction in any other way, I am almost persuaded to go back to Mississippi, organize the old people of my State, and move them to California, Massachusetts, or some State which is able to take advantage of the social-security law. That would be one way to solve the problem. Mississippi is unable to match the Federal Government and pay the pension. That circumstance is an injustice to the old people living in Mississippi, something for which they are not responsible.

When Senators go back to their constituents they will have to answer the question: "You had an opportunity to give us \$30 from the Federal Government. Why did you not give us the \$30 when you had an opportunity to do so?" We now have an opportunity to let our people know that we really mean to take the action which is necessary for the relief of the old people. Remember they can all vote, because they are beyond the poll-tax age.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, under the unanimous-consent agreement, the time of the Senator from Mississippi has expired.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes, under the unanimous-consent agreement.

Mr. GEORGE. Mr. President, I desire to say a few words regarding the pending amendment. While I am loath to make a point of order against the amendment, it seems to me that it is clearly not in order; because if it is in lieu of the Connally amendment, obviously, it would follow that a motion to reconsider the vote by which the Connally amendment was adopted should be made.

But with respect to the merits of the amendment offered by the Senator from Mississippi, permit me to say that the provision amending clause (7) of section 2 of the Social Security Act is cared for in the bill. Clause (7) of section 2 simply relates to repayment out of funds collected by the State from a pensioner's estate of the pro rata part going to the Federal Government. That is cared for in the pending bill, and cared for effectively.

It should be said that when the Senator from Mississippi prepared his amendment the House had not reported the social security bill, and he, therefore, did not know that the first portion of his amendment would be covered by the bill as actually reported. So much for the first section.

The second section of the amendment, Mr. President, raises the important question of whether we are in a position to increase out of the Federal Treasury old-age benefits by \$30 per month to each pensioner upon the rolls of a State. We have made great progress; we are doing something toward an increase; the Connally amendment provides for a more equitable distribution up to an average of \$15 of the portion of the fund paid by the Federal Government to aged persons in the several States.

The Senator from Mississippi [Mr. BILBO] yesterday said that the added cost of his amendment would be approximately \$300,000,000. At another point he made the statement that it would be something like \$400,000,000.

Mr. BILBO. About \$400,000,000 is the correct amount.

Mr. GEORGE. Now I desire to call attention to the fact that the Treasury has estimated and reported that the cost of the old-age assistance to the Federal Government under the present law would be \$225,000,000 on January 1 next. It has also estimated that the pending amendment would add \$450,000,000 to the cost of carrying the old-age assistance provisions of the Social Security Act. That is true, Mr. President; but I now direct the attention of the Senate to the fact that under this amendment, if adopted, the Federal Government would be required to contribute \$30 a month to each person on the pension roll.

I call attention to the further fact that each State receiving this additional benefit must not reduce its contribution made during the first quarter of 1939. So, without increasing the payment from the State by a single dollar, every needy person could be put on the rolls of the State merely by reducing the amount it pays to each person.

We have in this country now 8,370,000 people 65 years of age and over. The Social Security Board has advised us that there are, at least, 4,000,000 needy aged persons 65 years of age and over; that is at least 4,000,000 who could qualify now. The Social Security Board, therefore, has estimated that the adoption of this amendment, if only 50 percent of those 65 years of age and over should qualify and go on the rolls, would increase the amount of the Federal contribution to \$1,440,000,000, or an increase of \$1,215,000,000 over the present law.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. GEORGE. I have only about a minute remaining, but I yield to the Senator.

Mr. BILBO. In view of the figures the Senator has cited, he ought to be willing to yield.

Mr. GEORGE. I am willing to yield.

Mr. BILBO. Does the Senator mean to tell the Senate that some statistician in the Social Security Board, who is not in sympathy with taking care of the obligation of the Government to the old people and who does not know anything about conditions, says, under the rules and regulations that are now placed in the hands of the Social Security Board in Washington, that 4,000,000 people can qualify at this time?

Mr. GEORGE. There are now 4,000,000 needy people on the waiting list and on the rolls who are 65 years of age and over.

Mr. BILBO. Does the Senator from Georgia object to these needy people being on the rolls?

Mr. GEORGE. No; I do not; but I am simply calling attention to the cost of the Senator's proposal.

Mr. BILBO. Why are they not on the rolls?

Mr. GEORGE. Because the States have not put them on the rolls.

Mr. BILBO. Why the discrimination?

The PRESIDENT pro tempore. The hour of 1 o'clock and 5 minutes p. m. having arrived, under the unanimous-consent agreement, the Senate will now vote on the pending amendment. The question is on the amendment offered by the Senator from Mississippi [Mr. BILBO].

Mr. BILBO. Mr. President, I ask for the yeas and nays. I desire to see how Senators stand on the question.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The amendment of Mr. BILBO was rejected.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WARREN, Mr. COCHRAN,

and Mr. WOLFENDEN of Pennsylvania were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 6942) to authorize the attendance of the Marine Band at a memorial concert for the benefit of the families of the victims of the U. S. submarine *Squalus* disaster at Rye, N. H., July 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 1882) for the relief of Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger, and it was signed by the President pro tempore.

#### HOUSE BILL REFERRED

The bill (H. R. 6942) to authorize the attendance of the Marine Band at a memorial concert for the benefit of the families of the victims of the U. S. submarine *Squalus* disaster at Rye, N. H., July 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

#### DISTRIBUTION OF JUDGMENT FUND OF SHOSHONE TRIBE

Mr. O'MAHONEY. Mr. President, a year ago this month the Supreme Court of the United States confirmed an award which had been made by the Court of Claims to the Shoshone Indians of Wyoming. The award was of a sum in excess of \$4,000,000. To distribute that award among the members of the tribe it is necessary for the Congress to pass a distribution act. Ever since the decision of the Supreme Court confirming the award negotiations have been in progress between the Indians, on the one hand, and the Indian Office on the other. The Members of the Wyoming delegation in the Senate and the House of Representatives have participated in the conferences. Out of those negotiations came a bill which was introduced in the Senate by the junior Senator from Wyoming [Mr. SCHWARTZ] and myself. The bill has been carefully considered by the Committee on Indian Affairs. It is unanimously agreed to; the report has been made, and it is now on the calendar. I am most anxious to have the bill passed by the Senate, in order that it may be considered by the other House before adjournment, so that the distribution may take place without delay. I, therefore, ask unanimous consent that the Senate now consider calendar No. 806, Senate bill 1878.

Mr. KING. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Utah.

Mr. KING. I desire to ask the Senator from Wyoming whether or not any part of the \$4,000,000 consists of interest?

Mr. O'MAHONEY. Yes.

Mr. KING. Is not the greater part of it interest?

Mr. O'MAHONEY. Oh, no. The award was made in the sum, as I recall, of \$4,400,000. It has been drawing interest for a year, and the interest amounts to about \$130,000.

Mr. KING. I understand that in some of these claims cases when, for illustration, the principal of the claim amounted to a million dollars, the interest item has amounted to eight or ten or fifteen million dollars. There is a measure now pending which, I think, seeks to rectify such injustice. I have, however, no objection to the bill.

Mr. McNARY. Mr. President, may I make an inquiry in order to confirm my own view?

Mr. O'MAHONEY. I yield.

Mr. McNARY. A bill passed the Congress authorizing the submission of the claim to the Court of Claims, did it not?

Mr. O'MAHONEY. That is correct.

Mr. McNARY. And the court found a verdict for the Indians, which verdict was confirmed by the Supreme Court of the United States?

Mr. O'MAHONEY. The Senator is correct.

Mr. McNARY. And this bill represents an effort to disburse the amount to the tribe of Indians?

Mr. O'MAHONEY. The Senator is quite correct.



Mr. McNARY. The bill came before the Indian Affairs Committee during my absence, but, I understand, is reported unanimously?

Mr. O'MAHONEY. Yes; and the Senator from North Dakota [Mr. FRAZIER], the ranking minority member of the committee, was present.

Mr. McNARY. It is really a routine measure designed to carry out the award of the Supreme Court?

Mr. O'MAHONEY. That is exactly correct.

Mr. McNARY. I have no objection to the bill.

The PRESIDENT pro tempore. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 1878) to provide for the distribution of the judgment fund of the Shoshone Tribe of the Wind River Reservation in Wyoming, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, on page 2, line 2, after the words "sum of", to strike out "\$2,350" and insert "\$2,450"; at the beginning of line 7, to insert "the sum of \$100; and", so as to make the section read:

SEC. 2. That there shall be credited on the books of the Office of Indian Affairs the sum of \$2,450 to each member of said tribe whose name appears on the roll provided for in section 1 hereof; and out of such sum so credited the Secretary of the Interior is hereby authorized to make available immediately to each individual member of the tribe the sum of \$100; and, under such rules and regulations as he may prescribe, the sum of \$1,350 to each adult and the sum of \$500 to each minor for the following purposes: Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: *Provided, however,* That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The remainder of the share of each adult individual Indian, including accrued interest, shall be made available under such rules and regulations as the Secretary of the Interior may prescribe, and the remainder of the share of each minor Indian shall, with accrued interest, be held intact until such Indian reaches the age of 18 years, when it shall be available under the same conditions as herein provided for adults. As herein used the term "adult" shall include the members of the tribe 18 years of age or over, and the term "minor" shall include all members less than 18 years of age. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be available for expenditure for the benefit of his heirs for the purposes herein authorized.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out section 3, as follows:

SEC. 3. That after the segregation provided for in section 2 shall have been made, the remainder of said judgment fund, including interest, shall be available for expenditure on request of said tribe, and by and with the consent of the Secretary of the Interior, subject, however, to the following limitations and conditions: Not to exceed \$500,000 of said fund shall be available, with the consent of said tribe, for the purchase of lands in the manner provided in section 6 hereof; \$125,000 shall be available, with the consent of said tribe, for loans to individual members or groups of members of said tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior; such money as shall remain in the fund in excess of \$625,000 shall be available for expenditure, with the consent of said Shoshone Tribe, for supervising such enterprises as may be set up through the use of the fund and for otherwise administering the use of money in and withdrawn from the said fund; and for such productive enterprises for the benefit of said tribe as shall first be approved by said tribe and by the Secretary of the Interior. An income resulting from such productive enterprises shall be repaid into the Shoshone tribal judgment fund.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

SEC. 3. (a) Not to exceed \$1,000,000 of said judgment fund, or interest thereon, shall be available for expenditure upon the request of the tribe and with the approval of the Secretary of the Interior, for the purchase of lands in the manner prescribed in section 6 of this act.

(b) The sum of \$125,000 of said judgment fund, or interest thereon, shall, at the request of the tribe and with the approval of the Secretary of the Interior, be set aside as a loan fund for making loans to individual members, or groups of members, of said tribe under such rules and regulations as may be prescribed by the Secretary of the Interior.

(c) The remainder of said judgment fund, including interest thereon, after making the segregation provided for in section 2, and after setting aside the respective amounts authorized by this section, shall be available for appropriation, upon the recommendation of the Secretary of the Interior, and with the consent of the tribe, for purposes of benefit to the tribe, including the establishment and administration of productive enterprises for the benefit of said tribe, and any income derived from such enterprises shall be credited to the Shoshone tribal judgment fund.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 10, after the word "authorized", to insert "and directed", so as to read:

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to establish land-use districts within the diminished and ceded portions of the Wind River Indian Reservation, Wyo., and, under such rules and regulations as he may prescribe, to effect the consolidation of Indian and privately owned lands within said districts through exchange, relinquishment, donation, assignment, or purchase of lands or interests therein, including water rights or surface rights to lands, improvements thereon and improvements on undisposed-of ceded lands, to the end that the respective Indian and non-Indian land holdings may be consolidated for more beneficial use.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 22, after the word "district", to strike out "is" and insert "are", so as to make the section read:

SEC. 5. That the Secretary of the Interior is hereby directed to restore to tribal ownership all undisposed-of surplus or ceded lands within the land-use districts which are not at present under lease or permit to non-Indians; and, further, to restore to tribal ownership the balance of said lands progressively as and when the non-Indian owned lands within a given land-use district are acquired by the Government for Indian use pursuant to the provisions of this act. All such restorations shall be subject to valid existing rights and claims: *Provided,* That no restoration to tribal ownership shall be made of any lands within any reclamation project heretofore authorized within the diminished or ceded portions of the reservation.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 4, after the words "sum of", to strike out "\$500,000" and insert "\$1,000,000"; in line 12, after the word "accrue", to strike out "*Provided,* That in addition to the amount of tribal funds above authorized for land purchases, there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of \$500,000 for the purchase of privately owned lands in accordance with the provisions of this section, which sum is to be used only in the event the Indians consent to the use of a like amount of tribal funds as hereinabove provided"; and in line 22, after the word "Arapaho", to strike out "Tribe" and insert "Tribes", so as to make the section read:

SEC. 6. That the sum of \$1,000,000 authorized in section 3 for use in carrying out the land-purchase and consolidation program hereinbefore authorized shall remain available until expended and any amount expended shall be reimbursed with interest at 4 percent per annum to the Shoshone Tribe of Indians of the Wind River Reservation from joint funds to the credit of the Shoshone and Arapaho Tribes of the Wind River Reservation or from future accruals to said joint fund, as and when said funds accrue. Title to all land purchases made hereunder shall be taken in the name of the United States in trust for the Shoshone and Arapaho Tribes of Indians of the Wind River Reservation, Wyo. All purchases of lands or interests therein made pursuant to this section shall receive the approval of the Shoshone and Arapaho Tribal Councils or of the business committees thereof.

The amendment was agreed to.

The next amendment was, in section 7, on page 8, line 10, after the word "authorized", to strike out "or for per capita payments to the members of the Shoshone Tribe", so as to make the section read:

SEC. 7. That in no event shall any portion of the Shoshone judgment fund become liable, payable, or subject to any debt or debts contracted prior to the passage of this act by any Indian of the Shoshone Tribe except debts to the United States or to the tribe, and in no event shall any portion of the Shoshone judgment fund be expended to defray the cost of Federal administration over the Shoshone Tribe, except as herein authorized.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BLACK BOOKING AND BLIND SELLING OF MOTION-PICTURE FILMS

Mr. NEELY. Still cherishing an imperishable and increasingly confident hope that in some sweet by and by the Senate will seriously consider and eventually pass Senate bill 280, the motion-picture anti-block-booking bill, I ask unanimous consent to have printed in the body of the RECORD this measure, as modified by the proposed amendments, for the purpose of supplying desirable information to the Members of this honorable body.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

\* The modified bill is as follows:

*Be it enacted, etc.,* That the methods of distribution of motion-picture films in commerce whereby (a) exhibitors are required to lease all or a specified number of an offered group of films in order to obtain any individual desired film or films in the group, a trade practice sometimes known as "compulsory block booking"; and (b) films are leased before they are produced and without opportunity for the exhibitor to ascertain the content of such films, a trade practice sometimes known as "blind selling," are hereby declared to be contrary to public policy in that such practices interfere with the free and informed selection of films on the part of exhibitors and prevent the people of the several States and the local communities thereof from influencing such selection in the best interests of the public, and tend to create a monopoly in the production, distribution, and exhibition of films. The Congress finds and declares that such methods and practices adversely affect and constitute a burden upon commerce, and it is the purpose of this act to prohibit and to prevent such methods and practices in commerce.

Sec. 2. For the purposes of this act, unless the context otherwise requires—

(1) The term "motion-picture film" or "film" means all motion-picture films (whether copyrighted or uncopyrighted), including positive and negative prints, and copies of reproductions of such prints, which films contain photoplays or other subjects and are produced for public exhibition: *Provided*, That the term shall not include films commonly known as "news reels" or other films containing picturizations of news events, or short subjects of 2,000 feet or less in length.

(2) The term "to lease" includes the making of a license agreement, contract, or any type of agreement whereby a film, the distribution of which is controlled by one of the parties, is to be supplied to and exhibited in a theater owned, controlled, or operated by the other party.

(3) The term "person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(4) The term "distributor" includes any person who engages or contracts to engage in the distribution of motion-picture films.

(5) The term "exhibitor" includes any person who engages or contracts to engage in the exhibition of motion-picture films.

(6) The term "commerce" means commerce between any State, Territory, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or the District of Columbia, but through any place outside thereof; or within any Territory or the District of Columbia.

For the purposes of this act (but in no wise limiting the definition of commerce) a transaction in respect of any film shall be considered to be in commerce if the film is part of that current of commerce usual in the motion-picture industry whereby films are produced in one State, leased for exhibition in other States, and distributed to them through local exchanges in the several States, the films circulating from the exchanges and between the various exhibitors. Films normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph, the word "State" includes Territory, the District of Columbia, and foreign country.

(7) The terms "aggregate price" and "price" as used in section 3 (1) shall mean the aggregate of all flat rentals, and of all rentals based upon a percentage of prospective receipts together with any other consideration named in the lease or offer to lease.

Sec. 3. (1) It shall be unlawful for any distributor of motion-picture films in commerce to lease or offer to lease for public exhibition films in a block or group of two or more films (at a designated lump-sum price for the entire block or group only) and to require the exhibitor to lease all such films or permit him to lease none; or to lease or offer to lease for public exhibition films in a block or group of two or more at (a) a designated lump sum an aggregate price for the entire block or group and at separate and several prices for separate and several films, or for a number or numbers thereof less than the total number, which (total or lump sum) aggregate price and separate and several prices shall bear to each other such relation (a) as to operate as an unreasonable restraint upon the freedom of an exhibitor to select and lease for use and exhibition only such film or films of such block or group as he may desire and prefer to procure for exhibition, or (b) as tends to require an exhibitor to lease such entire block or group or forego the lease of any number or numbers thereof, or (c) that the effect of the lease or offer to

lease of such films may be substantially to lessen competition or tend to create a monopoly in the production, distribution, and exhibition of films; or to lease or offer to lease for public exhibition films in any other manner or by any other means the effect of which would be to defeat the purpose of this act.

(2) It shall be unlawful for any person knowingly to transport or cause to be transported in commerce any motion-picture film which is leased, or intended to be leased, in violation of subdivision (1) of this section.

Sec. 4. It shall be unlawful for any distributor of motion-picture films in commerce to lease or offer to lease for public exhibition any motion-picture film over 2,000 feet in length unless such distributor shall furnish the exhibitor at or before the time of making such lease or offer to lease (a complete and true) an accurate synopsis of the contents of such film. Such synopsis shall be made a part of the lease and shall include (a) (an) a general outline of the story, incidents, and scenes depicted or to be depicted and descriptions of the principal characters, and (b) a statement describing the manner of treatment of dialogs concerning (any) and scenes depicting vice, crime, or (suggestion) suggestive of sexual passion. It is the purpose of this section to make available to the exhibitor sufficient information concerning the type and contents of the film and the manner of treatment of questionable subject matter to enable him to determine whether he wishes to select the film for exhibition and later to determine whether the film is fairly described by the synopsis.

Sec. 5. (1) Every person who violates section 3, or who fails to furnish the synopsis required by section 4, or knowingly makes any false statement in such synopsis, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not exceeding \$5,000 or by imprisonment for not exceeding 1 year, or by both such fine and imprisonment, in the discretion of the court.

(2) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

Sec. 6. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Sec. 7. This act shall become effective 12 months after its enactment.

#### AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

Mr. KING. Mr. President, we are advised by the press of the results of an election which occurred yesterday in North Dakota. It indicates the views of the people of that State with respect to some of the aspects of the social-security policy.

It appears that an active campaign has been conducted by former Gov. William Langer in favor of a plan to pay \$40 per month minimum old-age pensions. It appears from the Associated Press dispatch that the plan called for a gross income or transactions tax to raise funds for the payment of pensions, the votes in 588 precincts being 9,481 for the income or transactions tax and 66,886 in opposition.

It appears from the action of the electorate of North Dakota that when they are required to meet pensions by taxation they are not so enthusiastic for the same. There is evidence, however, that propositions are not looked upon with so much disfavor which call for the Federal Government to make appropriations to meet pension plans. Perhaps that accounts for the demands that Congress shall make large appropriations to meet pensions of various kinds and bounties and gratuities.

The press dispatch relating to this matter is as follows:

#### MEASURES TO PAY FOR NORTH DAKOTA PENSIONS LOSING ELECTION

FARGO, N. DAK., July 11.—Early returns from today's special election indicated a strong vote against passage of the four measures sponsored by former Gov. William Langer in a move to pay



for the \$40 minimum old-age pension plan he helped push through the recent legislature.

On an act abolishing the office of grain storage commission, 576 of 2,260 precincts gave 11,146 for the act, 64,455 against.

On a proposed system of municipal liquor control, 576 precincts gave 11,030 yes, 65,980 no.

On a 2-year moratorium on highway construction, 572 precincts gave 10,271 yes, 65,913 no.

On a gross income or transactions tax, 588 precincts gave 9,481 yes and 66,886 no.

The three latter measures were intended to help pay for the \$40 minimum monthly pensions.

Mr. DAVIS. Mr. President, I wish to speak briefly on the bill. The distinguished Senator from Mississippi [Mr. HARRISON], as chairman of the Finance Committee, is to be congratulated on the committee report and on the masterful way in which he has conducted hearings on the pending legislation. He has combined practical wisdom with genuine human sympathy and understanding.

Two years ago this spring I had the honor of serving on the Nonpartisan Social Security Commission, sponsored by the Hearst newspapers. My colleagues on this commission included Merryle S. Rukeyser, chairman; Henry I. Harriman; Samuel W. Reyburn; William J. Graham; Herman Feldman; and Dr. Richard A. Lester. The function of this commission represented a new technique in American journalism. It gave the sponsoring newspapers and the press generally the benefit of the considered judgment of a balanced group after it had carried on research, consulted outside authorities, and debated the issues at stake. On four separate occasions—March 11, April 22, May 6, and June 1, 1937—I presented to the Senate the findings of the Commission. More than 18 months later the major portion of these findings, in broad essentials, were validated by the similar recommendations of the advisory council set up jointly by the Social Security Board and the Senate Finance Committee.

These two bodies agreed on the following seven significant points:

First. In suggesting that old-age benefits start in 1940, instead of 1942;

Second. In proposing the increase of benefits to the aged in the early years of operation;

Third. In recommending the sharing of benefits with widows;

Fourth. In urging a moderate contingency reserve instead of a colossal mythical reserve approaching \$47,000,000,000;

Fifth. In urging that benefits be extended to exempt groups, such as maritime workers, and national bank clerks;

Sixth. In warning against excessive pay-roll rates; and

Seventh. In insisting on the earmarking of Federal receipts to support social security.

Mr. President, in this time of subnormal economic activity I think it is of paramount importance to encourage business and to facilitate the exchange of goods by lightening rather than increasing the tax burden. The mandatory and automatic increase in old-age benefit taxes will be obviated when Congress is relieved of the scheme to set up a huge actuarial reserve—the so-called \$47,000,000,000 reserve fund by 1980. If the analogy of private insurance were forgotten, and the country turned to the sound pay-as-you-go principle, with a moderate contingency reserve, it would be practicable to operate for some time longer on the present tax scale. A reserve of from ten to fifteen billion dollars would seem to be ample.

With business still subnormal and with unemployment still large, no heavier drain than is necessary should be made for social security on current production. In the circumstances, it would be a national blunder to continue the effort to build up a colossal actuarial reserve at the expense of dissipating the purchasing power of men and women now at work. It is currently believed that about 90 cents of every dollar collected under the plan to lay by a reserve of \$47,000,000,000 would go to reserves, and only about 10 percent into benefits. I understand the experience of the Board has shown that the 10-percent estimate was somewhat low. If the tax excess is kept down, it will automatically keep the reserve down to a reasonable figure.

I am opposed for a number of reasons to the accumulation of the contemplated huge reserve fund, which is estimated to run as high as \$47,000,000,000 in 1980. It would make mandatory an increase in the Federal debt. It would be a constant temptation to reckless spenders and might be used for political purposes. It would fail to perform an economic function unless it should be spent in a way to increase our productive power and the national income. It would make the entire old-age-benefit program rigid and inflexible to changes in the price level or in the rate of industrial progress. Such procedure is contrary to practice and experience abroad. I am informed that in Sweden, after a comprehensive study of this subject by a commission of experts over a 6-year period, the full reserve principle was abandoned at the beginning of this year, after 24 years of experience.

Mr. President, I have already referred to the patriotic and analytical work of the Nonpartisan Social Security Commission, sponsored by the Hearst newspapers. I wish to add that as a young man representing iron and steel workers, desiring to keep informed on labor conditions, I found the Hearst newspapers out front, among only a few others, advancing the cause of collective bargaining editorially and showing the mutual responsibilities of labor and management.

The activities of the Hearst Nonpartisan Social Security Commission that have played such a significant part in advancing the revisions of the Social Security Act recommended by the Ways and Means Committee of the House and the Finance Committee of the Senate are but one example of the long-continued service rendered by William Randolph Hearst to this Nation. Frequently involved in fierce controversy, this veteran publisher has stuck to his guns and fought his way through. Every manner of complaint has been brought against him, with one exception. No one has ever said that he was a coward. His papers have campaigned vigorously for higher wages and better working conditions. Long after the hue and cry of present-day controversies are over, Mr. Hearst will be remembered for the substantial contributions he has made to the preservation of the democratic system of free enterprise and the protection of the aged, the unemployed, and the helpless.

Mr. President, in conclusion I wish to call attention to a paragraph of the report of the Social Security Board to the President and the Congress of January 1939 relative to the disclosure of confidential information obtained under the Social Security Act:

The Board recommends that State public assistance plans be required, as one of the conditions for the receipt of Federal grants, to include reasonable regulations governing the custody and use of its records, designed to protect their confidential character. The Board believes that such a provision is necessary for efficient administration, and that it is also essential in order to protect beneficiaries against humiliation and exploitation such as resulted in some States where the public has had unrestricted access to official records. Efficient administration depends to a great extent upon enlisting the full cooperation of both applicants and other persons who are interviewed in relation to the establishment of eligibility; this cooperation can only be assured where there is complete confidence that the information obtained will not be used in any way to embarrass the individual or jeopardize his interests. Similar considerations are involved in safeguarding the names and addresses of recipients and the amount of assistance they receive. Experience has proved that publication of this information does not serve the avowed purpose of deterring ineligible persons from applying for assistance. The public interest is amply safeguarded if this information is available to official bodies.

Mr. President, failure to observe these principles resulted in conditions nothing short of a public scandal in the State of Pennsylvania during last year. Surely there is no place for political partisanship in the administration of social-security legislation. It should not be tolerated.

While the bill is not just exactly as I should prefer to have it, I shall nevertheless vote for its passage.

Mr. SCHWELLENBACH. Mr. President, day before yesterday, when committee amendments were being discussed and acted upon, I raised an objection to an amendment on page 42, after line 6, which refers to the fishing industry and eliminates from the provisions of the act those em-

ployees engaged in the catching, taking, harvesting, cultivating, or farming of fish, shellfish, and so on, and fixes a limitation of 400 tons for ships excluded by the amendment.

The Senator from Mississippi [Mr. HARRISON] agreed that the amendment might go over to the next day, and then, through a misunderstanding on his part because of a conversation I had had with representatives of a department, he thought I was satisfied with the amendment, and it was agreed to. Then another amendment, on page 71, line 13, which covers the same subject, was also adopted.

Mr. President, I have not agreed to the amendment, but I shall not now, because of a conversation which the Senator and I had yesterday, ask for a reconsideration of the vote by which the amendment was agreed to.

My understanding with the Senator from Mississippi is as follows—and if I am incorrect, I am sure he will correct me: That he will present the facts concerning the fishing industry so far as I have been able to ascertain them, and since this is a Senate amendment and will be subject in its entirety to negotiations between the Senate conferees and the House conferees, the Senate conferees will attempt to work out such modifications of the amendment as will meet the situation which I present, and will also take care of the situation which was intended to be taken care of by the Finance Committee when the amendment was included in the Finance Committee's report of the bill to the Senate.

On that basis I am willing at this time to have the clerk read the amendment which I would propose if it were not for the agreement with the Senator from Mississippi. My present idea is to have the matter worked out. It may be that the conferees will find that my amendment is not practicable, and under the assurance of the Senator from Mississippi I am certain that if that is so, the conferees will work out something which will meet the other situation and will not meet the situation with which the committee was confronted when the amendment was included.

The PRESIDENT pro tempore. The clerk will state the amendment suggested by the Senator from Washington.

The CHIEF CLERK. On page 42, it is proposed to strike out the committee amendment in lines 7 to 17, and in lieu thereof insert the following:

(14) Service performed by an individual in connection with the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, in the employ of a person who does not on any one day during the pay period in which such service is performed have in his employ five or more persons engaged in rendering such service; or.

On page 71, to strike out the committee amendment in lines 13 to 23 and insert in lieu thereof the following:

(14) Service performed by an individual in connection with the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, in the employ of a person who does not on any one day during the pay period in which such service is performed have in his employ five or more persons engaged in rendering such service; or.

Mr. SCHWELLENBACH. Mr. President, the situation with which the committee was confronted was that there are in certain parts of the country fishermen employed in very small operations. A father will own a little fishing boat, and he will work on it, and perhaps have his son or two of his sons working with him. The nature of the operation is such that the committee did not feel that it would be possible to practically administer the act in reference to those people, and the committee felt it probably would work a great hardship in reference to that type of operators to have them come under the act.

I have no quarrel with that position. However, the amendment submitted by the committee would go much further than that. According to the figures taken from the 1930 census there were at that time approximately 129,207 people employed in the fishing industry in the United States. The estimate of the Social Security Board as to the effect of the committee amendment is that it would eliminate from the operation of the act at least a hundred thousand of these

129,000 people. Clearly the committee did not intend that sort of an amendment.

The committee included the 400-ton standard because they thought that would take care of the situation, and the Board has furnished me figures to the effect that upon the basis of the elimination of vessels of less than 400 tons, of the 80,500 fishermen whose employment is directly upon ships which are under registry, there would be only 530 of the fishermen who would come under the act, and the remainder would all be eliminated from the operation of the act. I think, clearly the committee did not have any intention of creating that sort of a situation.

I then tried to figure out whether or not the 400 tons was too high, and whether it would be possible to get it down to a 50-ton basis, and I asked for the figures upon that basis. I found that that would bring about this result—that out of 28,000 involved 22,000 would be excluded, and only 6,000 included.

Upon the basis of the ships themselves, the Bureau of Fisheries, in the Department of Commerce, estimates that there is a total of only seven ships operating in the fishing industry which would be under the operation of the act if the Senate amendment were enacted in its present form. There are two whaling vessels, one cod vessel, four sardine or pilchard reduction plants. Clearly there is no intention upon the part of the committee, and there would be no intention upon the part of the Senate to have that situation result from the final acceptance of the Senate amendment.

Looking at the figures of the merchant-marine statistics for the year 1938, the total number engaged as seamen on these ships operating in the fishing industry is 24,437. I do not know what percentage of the 24,437 are employed upon the 7 ships to which I have referred, but clearly the number who are employed on the 7 ships is a very small and infinitesimal percentage of the total number of 24,437.

I place these facts in the RECORD so that my position may be made clear. We have no objection to the committee taking care of the situation which was contemplated by the Senator from Mississippi and by the Finance Committee, but I feel sure that they do not want to have all of these people—if 100,000 out of 129,000 is the correct number—eliminated from the operation of the act merely for the purpose of taking care of a comparatively small group of people throughout the country who operate their fishing industry upon the basis which the Senator from Mississippi contemplates.

I should like to have the Senator from Mississippi state the position he, at least, would take on this question in the conference.

Mr. HARRISON. Mr. President, the Senator from Washington and I are in thorough accord as to what has happened with reference to this amendment, and I am delighted that he has given these facts for the RECORD, and has presented this amendment, which he is not going to press, I understand, but which will receive the consideration of the conference committee because the matter will be in conference. We want to be helpful in the matter that is presented by the Senator from Washington, and there is no conflict in our views with reference to it. I give the Senator every assurance that the amendment which he has offered will be given consideration when the bill goes to conference.

Mr. SCHWELLENBACH. Mr. President, if I may I should like to ask for a little stronger statement than as to consideration. I think the Senator will recognize that in face of the facts, if I merely presented an amendment or opposed the Senate committee amendment, the Senate itself would not accept the Senate committee amendment as it has been adopted.

Mr. HARRISON. I am in thorough accord and sympathy with the Senator's position, and, as I understand, he is in further conference with various individuals interested in the subject of this amendment and, so far as I am concerned, I shall make an effort to have the amendment, which I understand will be further clarified, included in the conference report.



Mr. SCHWELLENBACH. I thank the Senator. I send to the desk an amendment on another phase of the bill, which I have had printed, and which I ask to have reported.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 2, to strike out beginning with line 19 down to and including the word "assistance" in line 20, and in lieu thereof to insert the words "take into consideration the income of an individual claiming old-age assistance, but shall not deny old-age assistance to any individual because he owns real property having a value not in excess of \$2,500 or because he owns personal property having a value not in excess of \$500 or because other persons are under a duty to furnish support to such individual"; on page 2, line 24, before the period, insert a semicolon and the words "and (9) effective July 1, 1941, provide for a determination upon each claim for old-age assistance within thirty days from the time of filing application; and (10) effective July 1, 1941, provide that no individual shall be required, in order to receive old-age assistance, to convey or give any lien upon any property owned by such individual, and provide that in the absence of fraud and deception there shall be no recovery from the estate of any deceased individual with respect to old-age assistance received by such individual"; and on page 3, line 12, strike out "sixty-five" and insert in lieu thereof "sixty."

Mr. SCHWELLENBACH. Mr. President, during the last few days the Senate has had under consideration three different amendments involving the question of amount. The statement has been made by many Senators that it was of extreme importance that the bill be amended so as to change the amount. The argument has been used that it is necessary and desirable to do this because of the fact that if it were not done dissatisfaction with the act would be such as to result in an entirely different system, which is held by some who have discussed it to be more or less of a threat.

I recognize that the question of amount is of importance, and I believe that, insofar as we possibly can make them, increases in amount should and must be made. But if we are interested in the question of dissatisfaction, the possibility of the perpetuation of a social-security problem in the country, it is of equal if not greater importance to see that what may seem to be minor matters are adjusted so as to be satisfactory to those with whom the Social Security Board is working, either directly or through the State agencies.

The question of satisfaction with a piece of legislation usually depends first upon what it contains. But of equal, if not greater, importance, it depends upon the way in which it is administered; and if there are in the act possibilities for administration which will result in dissatisfaction, it seems to me of supreme importance that they should be eliminated. While my amendments do not involve the question of amount, they do involve questions which my experience has shown will probably result, as they have resulted in the past, in more dissatisfaction with the old-age pension system, the social-security system, than any question of amount.

Take the first part of the amendment, which refers to the question of need. The administration of the act, so far as the possible recipient is concerned, in most of the States of the Union, at least, has been through the medium of trained social-service workers. There are a good many people who take one side and a good many people who take the other side of the argument as to the fitness of trained social-service workers in handling this kind of an activity.

We must admit that the trained social-service worker does have a background which enables him or her more carefully and probably more scientifically to examine the cases. At the same time we must admit that the trained social-service worker looks upon the problem with which he or she is confronted in a different and I think in a slightly less humanitarian way than does the average citizen. It may be it is simply because such workers have had so much experience along that line that they do not impress those with whom they deal as having that humane sympathy which other people might have toward the problem.

But we have a general definition of need. We say that these people must be in need in order to participate in the program, and the social-service worker goes to the house and she makes an examination of the family. She asks innumerable questions. Many of the questions are viewed by the person in the family who is interviewed as being impertinent, as being none of the business of the social-service examiner.

Then the social-service worker finds, perhaps, that an individual over the age of 65 has, as a result of saving through the years, acquired a piece of real estate or acquired a home. The chief criticism that is made generally of the establishment of old-age pensions is that it will remove from those who are thinking that possibly they will be participants in the social-security program when they reach old age the incentive to save their money; that it will take away from them the incentive to thrift, and bring about on the part of our people in the future such a frame of mind that they will never want to save any money, for they may say the Government will take care of them when they are old, and therefore it is needless and not desirable to save any money.

That is the stock argument which we hear against the establishment of old-age pensions. Yet, in the measures which we have enacted in the past, by leaving leeway to those who administer the acts, we have done the most important thing to bring about that situation by giving to the administrators the right to say to the old person who has saved a little money and has been able to get for himself and his wife a home worth \$3,000, \$4,000, or \$5,000, that because he has a certain amount of money or of property, therefore he cannot get the pension unless he conveys the title to the Government and gives the property to the Government.

That strikes directly at incentive toward thrift. If, in addition to providing an old-age pension when people get old, we say that he or she must be a pauper in order to get it, then certainly there is no incentive toward saving a little money in order to obtain a home in which to live. Certainly an old man or woman should not be penalized because he or she has been sufficiently thrifty possibly to save sufficient money with which to buy a home for \$2,500, or which at the time it was acquired had a value of \$2,500. So one part of the first amendment provides that an exemption of \$2,500 in real estate shall be allowed, and that that shall not be taken away from the possessor.

The second part of the amendment provides that old people shall be allowed to have \$500 worth of personal property. Here again, while a saving of \$500 may not seem so much to the Members of this body, the saving of \$500 and its possession at the age of 60 or 65 years does seem of importance to a great many people. If we are going to tell these people that they cannot even have \$500 if they are to be eligible to receive the old-age pension, then certainly we are playing right into the hands of those who say that we should not provide any pensions at all because they take away all incentive toward thrift.

I present the proposal not merely upon the basis of humanity. Certainly there is not anything humane in saying to these people, "If you desire to participate you cannot participate if you have \$2,500 worth of real estate or \$500 in cash or personal property of any kind." There is nothing humane about that kind of a provision.

The fact is that those who have administered this act in the past on the basis that it was necessary to show need have assumed that they had a right to say if aged people had anything at all they were not entitled to participate under the act.

The purpose of the first amendment is simply to provide that in determining need the board shall—

Take into consideration the income of an individual claiming old-age assistance, but shall not deny old-age assistance to any individual because he owns real property having a value not in excess of \$2,500 or because he owns personal property having a value not in excess of \$500 or because other persons are under a duty to furnish support to such individual.

Referring to the last part of the amendment, it does not say arbitrarily that the son or the daughter who is in a position to assist the father or the mother may completely evade all

responsibility. It does not completely destroy any responsibility upon the part of the family. But it does say to the social-service worker, "You are not in a position to say to the father or mother, 'You have a son or a daughter who can support you, or could support you, and therefore you must be supported by them.'"

I do not know of anything more cruel than, for example, placing a mother-in-law or a father-in-law on the support of a married son or daughter where there is, as many times happens, severe friction between the daughter-in-law or the son-in-law and the father-in-law or mother-in-law. I know in my State it is the position of the State department which administers the law that if there is any possibility that the son or the daughter or other relative is in a position to take care of the parents, then they are to be arbitrarily cut off.

My amendment takes care of the general situation by permitting and compelling the Administrator to take into consideration the other possible sources of income of the person who is eligible for old-age benefits, but it does not place upon the person administering the law the right to say arbitrarily, "You cannot get any money because of the fact that you have a relative who can and who possibly should take care of you."

Mr. President, I think it is true of perhaps 90 percent of our people that they would not under any circumstances permit their fathers or mothers to secure an old-age pension while they are able to take care of them. However, there is a percentage of people who do not have that attitude of mind, and it is a condition which we all recognize, a condition which we must recognize.

It seems to me that if we are to have a social-security program as a permanent policy in the United States, now is the time to protect against such situations, which result in more dissatisfaction with the measure than any provisions in it relating to money.

The next amendment is, on page 2, line 3, which provides for a determination upon the claim within 30 days of filing application. I do not know how the situation is generally throughout the country. I have mentioned this matter to a number of the Members of the Senate, and those with whom I have discussed it have said that the same situation exists in their States as exists in my own State.

The period of time between the filing of the application and action upon the application extends month after month, and even into a year, and sometimes up to 18 months or 2 years. How very much better it would be for a person who has an application on file which is to be rejected to have it rejected within a reasonable period of time, rather than to have it delayed month after month. I will admit that during the first year of operation there probably was very great justification for delay; but the law has now been in operation sufficiently long so that there is no justification for the administrators of the act to say that an applicant for old-age assistance or an old-age pension cannot have a determination of his application within a period of 30 days after the application is filed. If we make the process speedy, we shall eliminate one of the greatest causes of dissatisfaction. While I am in Washington I receive two or three letters a week from applicants, and when I am at home I have conversations every day with persons who have filed applications for old-age pensions. I am told, "I filed my application last January and nothing has been done about it. Why do you not do something about it?" I explain that the State has control of the operation so far as that question is concerned. The applicant says, "Very well; that may be true, but the Federal Government furnishes half the money, and you represent the Federal Government. Why can you not insist that something be done?"

There is only one way that the Federal Government can insist upon action, and that is to say to the States that if they are to receive money from the Federal Government they must use reasonable speed in the consideration of the applications. I think that question has much to do with the dissatisfaction with the present law.

Mr. LEE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. LEE. I intend to support the amendments proposed by the Senator. With respect to the situation just referred to in the Senator's own State, the same situation is true in Oklahoma. However, in justification of those who administer the law it may be said that the case load is so heavy and there are so many more applicants than can be taken care of that the social workers cannot get around to all of them in a short time. As I pointed out yesterday, for every social worker there are perhaps a thousand clients who must be interviewed to find out their economic status. With a thousand clients to each social worker, if the worker gets around even once a year to check the rolls, more than three clients a day must be interviewed. The problem is very difficult. I believe the solution lies in a complete repeal of the State administration, with an outright old-age pension which puts everyone of a certain age on the rolls. After we have sifted them we find many who are not on the rolls, but they are not self-supporting, as the Senator from Washington has just pointed out. They live with relatives. That is not an ideal condition. In other cases they hold jobs which they are unable to perform, and which should be left for younger people to do. The percentage of those who have attained the age of 60 and are able to sustain themselves without jobs is so small that in my opinion an outright pension which would pay everybody 60 years of age a pension would effect a great saving in the machinery of administration, and the universality of the application of the law would result in greater satisfaction.

I appreciate the fact that the Senator voted for the amendment which I proposed yesterday, which would have accomplished the object I have in mind. I presume the Senator is doing as I am doing. If you cannot get a whole loaf, take a half. If you cannot get a red bird, a blue one will do. We should get the best we can out of the law, and improve it all we can. I feel that we have made some advance. We are providing a pension for those who have never had one before, and we are considering a great problem. I wish to say to the Senator that I shall support his amendments, and that I favor the efforts of all Senators who are undertaking to improve the law, which is a complicated statute because we are trying to solve a complicated problem.

Mr. SCHWELLENBACH. I thank the Senator from Oklahoma for the statement he has just made. So far as delay being justified because of the number of applications, I will say that for the first year or year and a half I accepted that argument by the various State agencies and apologized for them. I thought they were doing the best they could. However, I do not think that situation any longer exists. I believe the time has now come, the law having been in operation for a considerable length of time, when it should be possible, and it must be made possible, for those who have applications before the administering agencies to be given a decision upon their applications within a period of 30 days after the application is filed.

The second part of the second amendment refers to claims against the estates of individuals who have been recipients of old-age pensions. It provides that only in cases of fraud may a claim be laid against the estate of an individual. As I pointed out in reference to the first amendment, we are not helping the general cause of social security or the cause of old-age pensions by permitting those who administer the law to take away from those who have a little property the property which they have. If the administrators do not succeed in obtaining the property while the individual is alive, they succeed after he is dead by laying a claim against his estate. Certainly if there is any fraud or deception of the Government on the part of these individuals, the Government is entitled to obtain the property; but, in the absence of fraud, there should not be the constant threat of filing liens against property and laying claims against the estates of individuals.

The third amendment is with reference to the question of age, and reduces the age limit from 65 to 60. Those who are familiar with the long movement in this country in behalf of old-age pensions know that in the beginning it was



anticipated that the age of 65 was probably the proper age at which the payment of old-age pensions should commence. I think undoubtedly 20 or 25 years ago that was the proper age. However, anyone familiar with economic and industrial conditions in the country and the changes which have taken place in the past 20 years must recognize that there has been a direct relationship between the general changes and the age at which people are no longer able to work. There is, and has been, a terrific movement in the country toward the substitution of machinery for the labor of individuals. I remember reading a survey of the automobile industry, made in 1934. It was made as a result of the National Industrial Recovery Act. The findings of the committee showed that in the production of automobiles the average age of those employed was 31 years, and that young men coming into the automobile industry at an early age were unable to carry on their work after they had reached the age of about 35.

There has been a very definite and very certain reduction in the age at which people are eligible for employment. I do not think that the reduction in age from 65 to 60 would mean any material loss to the Treasury of the United States. I do not think it would materially increase the expenditures which the Federal Government and the local governments must make, because I think the facts conclusively show that those who would be eligible under the reduction in the age limit and who would participate in an old-age pension between the ages of 60 and 65 are those who are already securing assistance from some form of relief or work relief, in many instances in a larger amount than the amount which they would receive under an old-age pension. We shall very shortly reach the time when we must recognize such a change in our industrial and economic forces as to require that those above the age of 60 be recognized as eligible for old-age pensions, old-age benefits, and old-age assistance.

It seems to me that all three of the amendments which I have introduced, and which I am now asking the Senate to adopt, go to a point which has created more friction, more dissatisfaction, and resulted in more aggravated cases of complaint than any of the other questions involved in the policy of social security. In my opinion, the adoption of these amendments is absolutely essential, not merely to prevent what was described yesterday as a threat of something which would involve much more money than the Social Security Act. I think that unless we take care of the situations involved in my amendments we shall see a breakdown of the social-security system in this country.

I urge that the Senate adopt the three amendments, which may seem to be minor in importance, but which, nevertheless, reach points which are more likely to cause trouble than any other points in the whole system.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator desire to have the amendments voted upon en bloc?

Mr. SCHWELLENBACH. Yes; Mr. President.

Mr. HARRISON. Mr. President, the amendments of the Senator from Washington were considered by the Finance Committee, but did not receive the approval of the committee. We felt that eligibility for assistance to needy aged people was a question for determination by the States. That was the theory upon which the legislation was first passed; and if we now start to make a change, the problem will be constantly before us.

I hope the amendments will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Washington [Mr. SCHWELLENBACH].

The amendments were rejected.

Mr. WAGNER. Mr. President, there is an amendment at the desk which I now offer for the consideration of the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 119, at the end of the bill, it is proposed to insert the following:

Sec. 908. (a) There is hereby authorized to be established by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, in cooperation

with the Social Security Board, an Advisory Council on Unemployment Insurance, representing employers, employees, and the general public, to study and report to said committee on the following matters concerning unemployment insurance:

1. Scope and coverage.
2. Amount, character, duration, and qualification for benefits.
3. Advisability and nature of individual employer and State unemployment experience ratings for tax purposes.
4. Size, character, adequacy, and disposition of reserves.
5. Source, character, and method of financing.
6. Coordination of unemployment insurance with relief, work relief, and other programs for alleviating economic distress among the unemployed.
7. Pertinent experience in the operation and administration of existing unemployment-insurance laws.
8. Any other matters which either of the above-mentioned committees or the Social Security Board may deem relevant to the inquiry.

(b) The Social Security Board shall furnish all necessary technical assistance in connection with such study.

Mr. WAGNER. Mr. President, the amendment I have just offered establishes an Advisory Council to study and report on the problem of unemployment insurance in the United States, with a view to improving and perfecting the provisions of the Social Security Act in that regard. The amendment was submitted to the Committee on Finance. Although it was too late to be included in the committee report, the amendment has received the unanimous approval of the committee.

Mr. HARRISON. Mr. President, the Senator is correct. The Finance Committee authorized me to accept the amendment when the Senator from New York offered it. So it has the approval of the Finance Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER].

The amendment was agreed to.

Mr. WAGNER. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill, following the amendment last agreed to, it is proposed to insert the following:

Sec. 909. (a) There is hereby authorized to be established by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, in cooperation with the Social Security Board, an Advisory Council on Disability Benefits, representing employers, employees, and the general public, to study and report to said committees on the establishment of disability benefits under the Social Security Act as amended, with particular reference to the following:

1. Relationship of disability insurance to other forms of social insurance.
2. Scope and coverage.
3. Amount, character, duration, and qualification for benefits.
4. Source, character, and method of financing.
5. Pertinent experience in the operation and administration of existing disability-insurance systems, public and private.
6. Coordination of disability insurance with relief and other programs for alleviating economic distress among the disabled.
7. Rehabilitation services.
8. Any other matters which either of the above-mentioned committees or the Social Security Board may deem relevant to the inquiry.

(b) The Social Security Board shall furnish all necessary technical assistance in connection with such study.

Mr. HARRISON. Mr. President, the purpose of this amendment is similar to the purpose of the amendment just offered by the Senator from New York and approved by the Senate, except that it relates to disability benefits.

Mr. WAGNER. The amendment authorizes a similar Advisory Council to study and report on the establishment of disability benefits under the Social Security Act as amended. Payment of such benefits in connection with the old-age-insurance system has already been approved in principle by the Advisory Council which reported last December.

Mr. HARRISON. There is no objection on the part of the committee to the acceptance of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WAGNER].

The amendment was agreed to.

## CONVEYANCE OF CERTAIN EASEMENTS TO NEW YORK CITY

Mr. WAGNER. Mr. President, I have conferred with the leaders in regard to the matter which I am about to bring to the attention of the Senate. There is upon the calendar a bill for the consideration of which I ask unanimous consent. It is Calendar No. 825, Senate bill 2662. If it is to be of any use at all, the bill must be passed now.

There is in contemplation the construction of a bridge in New York City from the lower side of Manhattan to the Borough of Brooklyn. There are certain easements necessary in order to permit the construction work to proceed. The bill authorizes the Secretary of the Treasury to convey an easement over certain properties which are now occupied by the Federal Government. The city of New York has agreed, in consideration of the granting of the easements, to convey to the Federal Government certain properties which may be utilized in lieu of certain Federal properties the use of which will be interfered with by the construction of the bridge.

Mr. AUSTIN rose.

Mr. WAGNER. I have submitted the bill to the Senator from Oregon, I may say to the Senator from Vermont, who carefully went over it with me and expressed approval of it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NEELY. Mr. President, I inquire of the Senator from New York whether he thinks there is any probability of the consideration of the bill leading to any debate?

Mr. WAGNER. Not at all. I cannot imagine any objection at all to the bill.

Mr. AUSTIN. Mr. President, I inquire of the Senator from New York if hearings were held on the bill?

Mr. WAGNER. There were no hearings held, but there is at hand a letter from the Secretary of the Treasury, in which he explains the provisions of the bill, and expresses his approval. The reason there is need for haste, I may say to the Senator, is that until this measure shall have been passed and approved nothing further can be done by the city of New York toward prosecuting the construction of the bridge.

Mr. AUSTIN. Did the Committee on Public Buildings and Grounds consider the bill?

Mr. WAGNER. They have considered it; yes.

Mr. AUSTIN. In a meeting?

Mr. WAGNER. I am not a member of the committee and cannot therefore state as to that, but it was unanimously reported by the committee, I understand. A similar bill has been reported by the committee having jurisdiction in the other House, and I understand it is about to be passed by that body.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2662) authorizing the Secretary of the Treasury to convey an easement in certain lands to the city of New York, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to convey to the city of New York upon such terms and conditions and for such consideration as, in his absolute discretion, he may deem to be to the best interests of the United States, an easement to construct and maintain a bridge for highway purposes over and across the land comprising the Barge Office site at or near Battery Park, Borough of Manhattan, New York City, being the same premises conveyed to the United States by letters patent from the State of New York, February 5, 1867, recorded April 13, 1867, in the office of the register of the county of New York, in Liber 1007 of Conveyances at page 157; deed from the mayor, aldermen, and commonalty of the city of New York to the United States, dated March 30, 1867, recorded April 13, 1867, in the office of the register of the county of New York, in Liber 1007 of Conveyances at page 158; and deed from the mayor, aldermen, and commonalty of the city of New York to the United States, dated June 7, 1879, recorded June 9, 1879, in the office of the register of the county of New York, in Liber 1498 of Conveyances at page 82.

## AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

Mr. DOWNEY obtained the floor.

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Mr. GEORGE. Mr. President, will the Senator from California be good enough to yield to me to offer two amendments, which I think will occasion no debate? If they should, I will withdraw them, so that the Senator from California may proceed.

Mr. DOWNEY. I yield.

Mr. GEORGE. I offer an amendment that has been approved by the committee. It relates to the revenue act, but the amendment is very brief and self-explanatory.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill following the amendment last agreed to it is proposed to insert the following new section:

SEC. —. Subsection (d) of section 602 of the Revenue Act of 1936, as amended (relating to floor stocks adjustment), is amended by striking out "January 1, 1937" and inserting in lieu thereof "January 1, 1940."

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. Obviously this is a matter dealing with the revenue, and I was wondering whether it is appropriate to be attached to the pending bill and whether or not it will provoke a controversy with the other House?

Mr. GEORGE. I do not think so, I will say to the Senator, because it was intended by an amendment which was adopted to the Revenue Act to cover this particular matter. It was more by inadvertence than otherwise that it was omitted. The matter was submitted to the Committee on Finance, and the committee in considering the Social Security Act authorized the amendment to be offered from the floor.

Mr. KING. What is the purpose of the amendment? I was not in the committee when the matter was under consideration.

Mr. GEORGE. I will explain it in a word. The amendment is to give merchants holding floor stocks the same period within which to file claims for refunds as was given to processors by the amendment to the recent Revenue Act. This group was overlooked when the tax bill was under consideration.

Mr. KING. Would this meet with the approval of the Treasury Department?

Mr. GEORGE. I do not know. The Finance Committee adopted an amendment to the revenue act extending the time within which those who had paid the tax might file claims for refunds. This amendment simply permits a merchant who has the goods on hand to have the same period within which to file his claim for refund.

Mr. KING. Is there any considerable number of those who would avail themselves of the benefits of this provision?

Mr. GEORGE. Yes; there are a considerable number, but their claims are very small as a rule, and, under the rigid requirements of the law, very few of them can prove that they have not passed on the tax.

Mr. KING. I shall not object, but I regret that it has not been considered more carefully.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. GEORGE. Mr. President, there is another revenue matter embodied in the amendment which I am offering on behalf of the Senator from Maryland [Mr. TYDINGS], who is not present in the Chamber. While some technical language is used in the amendment, I should be very glad in one or two sentences to explain what its purpose is.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill following the amendment last agreed to it is proposed to insert a new section, as follows:

SEC. —. (a) The provisions of section 213 (f) of the Revenue Act of 1939 shall apply without regard to the exception therein provided, if (1) the taxpayer in the determination referred to in such exception is a corporation; (2) such determination is by a decision of the Board of Tax Appeals or of a court; (3) under the law applicable to the taxable year in which the exchange occurred, the basis of the property, acquired upon the exchange from the



taxpayer by the party assuming a liability of the taxpayer or acquiring the property subject to a liability, is the cost to such party of the property acquired upon the exchange; and (4) the taxpayer in pursuance of the plan of reorganization effected a complete liquidation immediately subsequent to the exchange.

(b) No overpayment determined to have been made for any taxable year by reason of the provisions of paragraph (a) of this section shall be refunded or credited unless a claim for refund is filed within the period of limitations otherwise provided by law for filing a claim for refund for such taxable year, or within 1 year from the date of enactment of the Revenue Act of 1939, whichever of such periods expires the later.

Mr. GEORGE. Mr. President, considerable technical language is used in the amendment, it being necessary to use it in order effectively to amend the revenue act so as to meet the situation in contemplation. The amendment applies only to one single instance, and is intended to apply to only one case that was discussed at very great length by the Finance Committee at the time the revenue act was under consideration. It simply permits one taxpayer the privilege of filing a claim for refund, although there had been a final court decision in his case. Inasmuch, however, as the Government itself asked that the rule which had resulted from the decision favorable to the Treasury should be abrogated for all other taxpayers by an amendment to the revenue act, it was deemed just and equitable that it be abrogated in the case which actually went to final adjudication. That is, the decision being favorable to the Treasury, and the Treasury asking that the decision be upset, it was felt that this condition presented a strong equitable reason for offering this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. HARRISON. Mr. President, will the Senator from California yield to me to offer some clarifying amendments?

Mr. DOWNEY. I yield for that purpose.

Mr. HARRISON. I wish to offer certain amendments which are clarifications of certain language which appear in the bill. One is on page 47, line 2. I send the first amendment to the desk and ask to have it read by the clerk.

The PRESIDING OFFICER. The amendment offered by the Senator from Mississippi will be stated.

The CHIEF CLERK. On page 47, line 2, it is proposed to insert the following new sentence:

In any case where an individual has been paid in a calendar year \$3,000 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter in such year in which such individual dies or becomes entitled to a primary insurance benefit and any quarters succeeding such quarter in which he died or became so entitled.

Mr. HARRISON. Mr. President, the change from an annual to a quarterly basis for eligibility requires that an individual be paid \$50 in wages in a quarter for the quarter to be counted toward eligibility. Wages is a defined term and does not include salary in a year after the first \$3,000 is paid. Accordingly an individual receiving \$12,000 a year might, under the definition, have only one quarter of coverage in the year because all the part of his salary which could be counted as wages was paid in the first quarter. Under the amendment he would also have the succeeding three quarters in the year counted as quarters of coverage. This is merely a clarifying amendment to remove any possible ambiguity in this type of situation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. HARRISON. I offer another amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 111, line 15, it is proposed to strike out the word "No" and insert "Except as provided in section 906, no."

Mr. HARRISON. This technical amendment is necessary because the new section 906 inserted by the Finance Committee affects the Railroad Unemployment Insurance Act, and would therefore be in conflict with the language con-

tained in this section unless the exception clause were inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. HARRISON. I offer another amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 116, line 14, it is proposed to strike out the words "effective January 1, 1939," and insert in lieu thereof the following: "as of the effective date thereof, and paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939."

Mr. HARRISON. Mr. President, the repeal of paragraph (4) of section 1426 (b) of the Internal Revenue Code as of January 1, 1939, failed to take into account the fact that the Internal Revenue Code became effective subsequent to that date, with the result that the corresponding provision of the Social Security Act which was operative until the code became effective technically may remain in force. The amendment makes clear that paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939, and that the corresponding but subsequent provision of the Internal Revenue Code is repealed as of its effective date.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. HARRISON. I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 119, after line 23, it is proposed to insert the following:

Sec. 909. Subsection (h) of section 5 of the Home Owners' Loan Act of 1933, as amended, is amended by inserting after the words "United States", where they first appear in such subsection, the following: "except the taxes imposed by sections 1410 and 1600 of the Internal Revenue Code with respect to wages paid after December 31, 1939, for employment after such date."

Mr. HARRISON. Mr. President, this amendment would include under the Social Security Act certain Federal savings-and-loan associations affiliated with the Federal home-loan banks, which would otherwise be excluded from the old-age insurance, the Federal insurance contributions act and the Federal unemployment tax act provisions of the bill as passed by the House, since under the Home Owners' Loan Act they are exempt from all taxes imposed by the United States.

Many savings and building-and-loan associations and their employees are covered under the Social Security Act at present. It is only those which have become affiliated with the home-loan bank which are exempt, it having been determined that they are instrumentalities of the United States. The bill as passed by the House narrowed this exclusion to such instrumentalities as are wholly owned by the United States or are exempt from taxes by other provision of law and accordingly failed to include these Federal savings-and-loan associations.

There seems to be no sound reason for excluding from the benefits of the Social Security Act employees of a building or savings-and-loan association merely because the association has organized itself as a Federal savings and loan association. Moreover, the present provision of the bill would permit those associations otherwise included to avoid coverage by becoming affiliated with the Home Loan Bank Board.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. HARRISON. Mr. President, those are all the clarifying amendments that I have to offer. The Senator from Vermont [Mr. Austin] has an amendment dealing with a subject which, I am informed, is already covered; but if he feels that there is any doubt about it, I am perfectly willing, so far as I am personally concerned, to accept his amend-

ment and let it go to conference. I think the farmers referred to by him already come in the excluded class in the bill.

Mr. AUSTIN. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 48, line 14, after the comma, it is proposed to insert the following:

Or in salvaging timber or clearing land of brush and other debris left by a hurricane.

On page 74, line 12, after the comma, it is proposed to insert the following:

Or in salvaging timber or clearing land of brush and other debris left by a hurricane.

On page 103, line 16, after the comma, it is proposed to insert the following:

Or in salvaging timber or clearing land of brush and other debris left by a hurricane.

Mr. AUSTIN. Mr. President, in a word, all three of these amendments affect the definition of agricultural labor.

I ask unanimous consent to have inserted in the RECORD at this point, for the use of the Senate and of the conferees, some correspondence which shows the background and the need for these amendments:

First, a letter from me to E. W. Tinker, Acting Chief of Forest Service, dated January 5, 1939.

Second, a letter from Payson Irwin, special assistant to acting administrator, Northeastern Timber Salvage Administration, to me, dated January 7, 1939.

Third, a letter from Guy T. Helvering, Commissioner, to me, dated January 26, 1939.

This correspondence shows the necessity for these amendments and the policy of the amendments.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

JANUARY 5, 1939.

E. W. TINKER, Esq.,

*Acting Chief of Forest Service, Washington, D. C.*

DEAR MR. TINKER: Referring again to the question whether the work of salvaging the wind-thrown timber and clearing of land of debris caused by the hurricane in New England properly falls within the exemptions from taxation of employers and employees:

The presentation of the claim of the farmers of New England, made on behalf of Vermont and New Hampshire this morning, that all of this work which is necessary and incidental to restoration of the land to agricultural use constitutes agricultural labor, resulted in a request for further evidence to be furnished to the Social Security Unit of the Internal Revenue Bureau.

Therefore, will you please furnish me with such facts as you can regarding the following points:

(1) Whether individuals cutting and clearing are in the employ of a farmer or of a contractor;

(2) Whether the services are performed on or around the land of the employer, or whether they are performed for an employer who clears the land for others.

(3) Whether any of the employees are in the employ of the Government agency, Northeastern Timber Salvage Corporation, which is a subsidiary of the Surplus Commodities Corporation that will issue the invoices for logs and lumber on which farmers can obtain an advancement of 80 percent of the value of the salvaged logs. (The Surplus Commodities Corporation is financed for this purpose with money borrowed from the Reconstruction Finance Corporation.)

(4) Another question asked is: Are the millers who do the sawing, contractors, or do they serve only as a link in the operation of clearing the land?

(5) If it is proper that we be furnished with a copy of the type of contract used in both the delivery of logs and the sawing of logs, we should like to have it.

Our attention was called to a ruling, S. S. T. 289:

"Services performed by an employee on land owned or tenanted by his employer in the removal of stumps, brush, etc., for the purpose of preparing the land for use as an orchard constitute 'agricultural labor' within the meaning of titles VIII and IX of the Social Security Act. However, services performed on such land in cutting, sawing, and preparing timber for market do not constitute 'agricultural labor' and are not excepted from 'employment' under the act."

This syllabus is prefixed to a report of a case which clearly differs from the salvaging project we have under consideration.

I believe that we can get a prompt decision by the unit after furnishing the required details regarding the mechanics of both timber removal and fire prevention.

Thanking you for your courteous assistance, I am,

Sincerely yours,

WARREN R. AUSTIN.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, January 7, 1939.

HON. WARREN R. AUSTIN,  
*United States Senate.*

DEAR MR. AUSTIN: Reference is made to your letter of January 5. The question of the payment of the social-security tax on labor employed in salvage work in New England was brought to my attention about 10 days ago, and after a discussion over the telephone with Mr. Paul, of the Social Security Unit of the Internal Revenue Bureau, I arranged with our Boston office to have two test cases put before the collector of internal revenue in Vermont and rushed to the Washington office for a ruling.

It seems obvious that logging contractors are under the social-security law, but the case of the farmer who may employ one or two men to aid him in salvaging the hurricane-felled timber should not be subject to the social-security tax. Agricultural labor is not so taxed. A farmer might presumably employ a laborer on his farm, but a part of the farm work would be work in the woodlot, which, under modern practices of forestry, would require that a certain amount of thinning of the stand would be done each year. If the trees cut were merchantable, such cuttings would constitute produce from the farm, and the laborer's wages should not be taxed. Under the present hurricane disaster conditions in certain areas in New England, this farmer might need to employ several men to aid him in reducing fire-hazard conditions in his woodlot, but in that process he would find many logs which the Government stands ready to purchase. Under the present ruling by the Social Security Unit, this farmer would be subject to tax.

The first two questions in your letter, I believe, are answered by the above statement.

Your third question asks whether any employees of the Northeastern Timber Salvage Administration are engaged in logging operations. The Salvage Administration stands in the relation of a purchaser of logs delivered to certain storage points. The logging operations are carried on either directly by the timber owner or by a contractor employed by the owner or contracted for by the owner.

In answer to question 4, the Salvage Administration, after the logs are purchased, is making contracts with sawmill operators to process the logs. Consequently the milling operation lies completely outside of the logging operations.

Our sawmill contract is undergoing a complete revision. As soon as it has been completed I shall be very glad to send you a copy. The agreement entered into by the Salvage Administration with the timber owner will be sent you as soon as I can secure copies from the Boston office.

I trust this gives you the information you wish, but I shall be glad to have you call on me at any time for anything further you may wish.

Very sincerely yours,

PAYSON IRWIN,  
*Special Assistant to Acting Administrator,  
Northeastern Timber Salvage Administration.*

TREASURY DEPARTMENT,  
Washington, January 26, 1939.

HON. WARREN R. AUSTIN,  
*United States Senate.*

MY DEAR SENATOR: Receipt is acknowledged of your letter dated January 10, 1939, addressed to Assistant Deputy Commissioner Self, in which the views of the Bureau are requested as to the status under the taxing provisions of the Social Security Act of services performed in connection with the salvaging of timber and clearance of land of brush and other debris left by a recent hurricane. There was transmitted with your letter a communication dated January 7, 1939, from Mr. Payson Irwin, special assistant to Acting Administrator, Northeastern Timber Salvage Administration, containing certain information relating to the manner in which the aforementioned activities are conducted. It is contended that all services performed by employees of farmers in connection with such activities are excepted from "employment" as "agricultural labor" within the meaning of those terms as used in titles VIII and IX of the act. This matter was also the subject of a conference held in the office of Assistant Deputy Commissioner Self on January 5, 1939, at which you and Senator Bridges, of New Hampshire, were in attendance.

You are advised that article 6 of Regulations 91, issued pursuant to title VIII of the act, reads as follows:

"The term 'agricultural labor' includes all services performed—

"(a) By an employee, on a farm, in connection with the cultivation of the soil, the raising and harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry; or

"(b) By an employee in connection with the processing of articles from materials which were produced on a farm; also the packing, packaging, transportation, or marketing of those materials or articles. Such services do not constitute agricultural labor, however, unless they are performed by an employee of the owner



or tenant of the farm on which the materials in their raw or natural state were produced, and unless such processing, packing, packaging, transportation, or marketing is carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

"As used herein, the term 'farm' embraces the farm in the ordinarily accepted sense and includes stock, dairy, poultry, fruit, and truck farms, plantations, ranches, ranges, and orchards.

"Forestry and lumbering are not included within the exception granted by section 811 (b)."

The provisions of article 206 (1) of Regulations 90, issued pursuant to title IX of the act, are substantially similar to the above-quoted provisions of article 6 of Regulations 91.

In view of the foregoing, the Bureau has no alternative but to hold that services performed in connection with the cutting of timber and its preparation for market do not constitute "agricultural labor" for purposes of the taxing provisions of the Social Security Act, irrespective of the fact that such services may be rendered in the employ of farmers or that they may be performed, in part, for the purpose of reducing fire hazards.

The conclusion reached with respect to the services rendered in connection with the cutting of timber and its preparation for market is, for the same reasons, applicable to services performed in connection with the removal of brush and other debris from timberlands since, under the circumstances, such activity would appear to be carried on as a part of the lumbering operations. While the facts submitted are not sufficiently complete to enable this office to rule definitely upon the status of services performed in connection with the removal of brush and other debris from lands that are used for ordinary farming operations, it would appear that such services are excepted from "employment" as "agricultural labor" since they are incidental to ordinary farming operations, provided, of course, that such services are rendered in the employ of the owner or tenant of the farm upon which they are performed.

The letter dated January 7, 1939, from Mr. Irwin is returned, a copy having been made for the files of this office.

In the event further correspondence relative to this matter is necessary, please refer to the symbols A&C: RR: 3.

Very truly yours,

GUY T. HELVERING, *Commissioner*.

**The PRESIDING OFFICER.** The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN].

The amendment was agreed to.

**Mr. DOWNEY.** Mr. President—

**Mr. LUCAS.** Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Frazier	La Follette	Schwellenbach
Andrews	George	Lee	Sheppard
Ashurst	Gerry	Lodge	Shipstead
Austin	Gibson	Lucas	Slattery
Barbour	Gillette	Lundeen	Smith
Barkley	Glass	McNary	Taft
Bilbo	Green	Maloney	Thomas, Okla.
Bone	Guffey	Mead	Thomas, Utah
Borah	Gurney	Minton	Tobey
Bridges	Hale	Murray	Townsend
Bulow	Harrison	Neely	Tydings
Byrd	Hatch	Norris	Vandenberg
Capper	Hayden	Nye	Van Nuys
Chavez	Herring	O'Mahoney	Wagner
Clark, Idaho	Hill	Overton	Walsh
Clark, Mo.	Holman	Pittman	Wheeler
Danaher	Holt	Radcliffe	White
Davis	Hughes	Reed	Wiley
Donahay	Johnson, Calif.	Reynolds	
Downey	Johnson, Colo.	Russell	
Ellender	King	Schwartz	

**The PRESIDING OFFICER.** Eighty-one Senators have answered to their names. A quorum is present.

**Mr. DOWNEY.** Mr. President, I wish now to move to recommit the social-security amendments to the Finance Committee for further study of the whole pension and savings field, with the objective of enacting a proper national pension law for the senior citizens of America. In support of the motion I desire to discuss the issues here involved under three divisions.

I first want to convince the Senate of the United States that the present Social Security Act, with the amendments proposed, is so unworkable and so unjust and so unfair that it should fall by its own weight, and should not receive the support of any Senator.

**Mr. LUNDEEN.** Mr. President, will the Senator yield?

**Mr. DOWNEY.** I yield.

**Mr. LUNDEEN.** I should like to recall that the day after the Social Security Act was passed in the House of Representatives I delivered a speech on the subject, Social Insecurity. That is all we have had out of the law, social insecurity.

**Mr. DOWNEY.** I appreciate the contribution of the Senator, and I agree with him that the law should rather be entitled "Unsocial Insecurity" than "Social Security Act."

In the second place, Mr. President, I desire to attempt to show to this body that a State-Federal matching system is wholly futile compared with a wholly national plan, and under that heading I shall discuss the features of the so-called Townsend plan, which would bring relief to millions upon millions of despairing citizens between 60 and 65 years of age who are now unemployed, humiliated, and degraded, facing insecurity and poverty. I shall attempt to show that an act should be passed paying social dividends as a matter of right, not as a matter of cheap charity, to everyone past 60 years of age not gainfully employed, and that the money therefor should not come from an expanding public debt, which we all know will soon crash our credit, and with it our economy, but from a proper consumptive tax, equivalent at least to about 2 percent of the bulk of our business transactions.

Mr. President, as a third point I shall attempt to show that not only is the Townsend plan justified as strictly a relief measure, but that our economy is collapsing because of lack of consuming power; that it is collapsing because of an excess of savings; that at least 90 percent of the economists in Washington today agree that our economy crashed in 1929 because of stagnant savings, that our economy crashed in 1937 because of excessive savings, and that it will crash within the immediate future whenever we balance the Public Budget, or, at the best, even though we do not do so, within a very few years, and that we must move forward to provide a system of savings or pensions for our senior citizens which will provide the purchasing power so that our young people may work, and so that, in lieu of savings, our senior citizens may have purchasing power upon which to live in dignity and security.

Let us first consider the Social Security Act as it now stands, with the amendments proposed and accepted by this body. I say that it is a law which should not receive the vote of a single Senator, and I do not believe it would if the Senators fully realized its futility and injustice. I am speaking now only upon two phases of the Social Security Act: First, that designed to pay pensions to workers past 65 years of age. That branch of the law falls into two divisions: First, payments to workers in covered occupations after they are 65, flowing from contributions made upon the basis of the pay rolls—2 percent for the present; 6 percent within a few years. The other section of the bill is the old-age assistance division, which we have discussed so much here within the last 2 or 3 days, which now, as the bill stands, provides for a maximum contribution by the Federal Government up to \$20, to be matched by the States with an equal amount.

Mr. President, I venture to say that never before has so illogical and absurd a law been proposed in this body. How does it operate? It operates in such a way that the workers in the covered occupations, who will have 6 percent of their salaries taken away from them in the immediate future, and in the far-distant future will receive about one-half the payments we will make to other pensioners as a matter of charity or governmental subsidy.

There may be some Senator who can justify that. If there is, I wish he would make a statement to the workers of the Nation; I wish he would here and now declare the justice of a law which penalizes men who contribute compared with those who receive governmental subsidies. If there is any Senator who is willing to face the workers of America in the covered occupations, who are to pay 6 percent of their salaries for old-age insurance, and then in the immediate present receive about one-half what is now paid as

a matter of charity and one-half of what he can look forward to in 40 years, I think the defense of the law should be made by some leader in this body who believes in it.

Mr. President, let me show what we, the Senators from California, must explain to our citizens when we return to report on this law. The Social Security Board estimates that in 1942 the workers in the covered occupations will receive an average of \$26.85. It is my firm opinion that that is much too optimistic. I have had independent investigation made, and I do not believe the workers in the covered occupations will receive more than \$22 or \$23 in 1942 as an average. But, in order to avoid argument on that point, I am going to take the average contributions which will be received by the more poorly paid 80 percent of the workers in the covered occupations, which, upon the most optimistic basis, would be between \$19 and \$20. Those figures apply to the 80 percent of the more poorly paid workers in the covered occupations.

Consequently, we from California must return to the State of California and report to organized labor and to the workers in the covered occupations of California that, commencing in 1942, if they are 65 years of age and otherwise qualified, they will receive an average of \$20 under the proposal here pending; yet we automatically in California, under the amendment lifting the Federal contribution to \$20, will be paying \$40 to each and every individual past 65 years who qualifies. In other words, the leaders of the majority party are asking this body to ratify a measure which will give one-half as much to the workers in the covered occupations in 1942, if they are single, as we will now give as a matter of governmental subsidy.

But that is not the worst of it. The measure is even more grotesque and absurd. Let us consider it further. If under the contributory act the worker is 65 years of age, and is married to a wife who is past 65 years, his allotment under the proposed amendments would be 50 percent greater, or \$30. But in the State of California, as in every other State in the Union, and under the rules of the Federal Government, in making contributions for charity we give the full amount to both husband and wife, so the measure would automatically give to those in California receiving what may be called charity pensions who are both married and past 65, the sum of \$80, while we give to the workers of the Nation who are contributing, oh, so generously, the sum of \$30. Could anything—I appeal to Senators—be more unfair and grotesque to the workers of the Nation?

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. VANDENBERG. In other words—and I am now agreeing completely with the Senator's challenge—the only way you can approach equity between these two things is by State penury in respect to old-age assistance?

Mr. DOWNEY. The Senator is absolutely correct. We could only bring about any equality between the two different groups under this law by the State of California—and I might say almost every other State in the Union—reducing its contributions to its aged citizens.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. The reference by the distinguished Senator from Michigan [Mr. VANDENBERG] to the word "penury" recalls that the able Senator from California is the author of a book entitled "Pensions or Penury"?

Mr. DOWNEY. Yes, sir.

Mr. LUNDEEN. I should like to call Senators' attention to that book. Some Senators no doubt have read it. In my opinion it is one of the most able statements on the present day old-age problem. It is one of the most able expositions of social security that has come to my attention. The title of the book is "Pensions or Penury," and I sincerely hope that Senators and citizens generally will read and follow the conclusions of the junior Senator from the great State of California.

Mr. DOWNEY. I am very appreciative of the very courteous words used by the Senator in calling attention to my book. I may say that I have sent a complimentary copy to all Senators and many of the Representatives, and I am glad to report that most of them have done me the honor to read it.

Mr. President, the measure before us has been held up by some as providing a liberalization of the present Social Security Act, and I think a majority of Senators believe they are at least making some small step forward by the enactment of the measure.

Mr. President, nothing could be more false than such a belief. When I was engaged in the practice of law there was an aphorism I used to employ that "figures do not lie but liars figure." What is the justification for a rather harsh remark of that kind? It has been stated—and I am not criticizing the press for it—that this measure will provide a liberalization, and particularly in relation to a married man, who will receive 50 percent more than the single man. I may say that that statement is true, but let us test it and see how fallacious is the statement as a whole. Under the existing law, Mr. President, if a worker in a covered occupation for 40 years without missing 1 day earned \$100 on an average every month, and paid the 6 percent designed by the law, when he was 65 years of age he would, under the present law, regardless of his marital status, receive \$52.50. We, representing the Townsend groups, thought \$52.50 was too low for a man who had given up 6 percent of his salary for 40 years, and never missed a single month's work. But this measure reduces that payment 50 percent, or down to \$35. And there is a corresponding reduction in the payments to be made to every worker in the covered occupations after the lapse of 10 years. In other words, this is not a liberalization. It is a long step backward, further into the land of poverty and degradation and degeneracy.

Mr. President, under the proposed law, the single man receives \$35 and the married man 65 years of age, whose wife is also 65, receives 50 percent more, or \$52.75, or 25 cents more if married to a woman past 65 years than he would get under the present law. That is liberalization!

A man who is married, under the proper conditions, will get 25 cents more than under the present law, and a single man will get 50 percent less; and if I am wrong, there are able gentlemen here who can challenge my statements.

That is not the worst of it. The gentlemen who drafted and presented this measure, Mr. President, know that there will not be 1 citizen out of 100 who will ever get the benefit of that 50-percent increase. I do not think one Senator within the sound of my voice realizes that, and yet it is true. Why is it true? The law says that not only must the man be 65 years of age but he is entitled to the increase only if his wife is 65. That is a joker that would have done credit to an insurance-company actuary, because most men who are still married, many of them having remarried, at 65 have wives who are 5 or 10 years younger; consequently, only a limited proportion will get the benefit of it.

Not only that, but when men reach 65 years of age Heaven has taken from almost half of them their helpmates, their wives, and they are not married at all.

That is not the only joker.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. SCHWELLENBACH. Would the Senator mind at that point saying whether or not there is a distinction between an unmarried man of 65 and a married man whose wife is, say, 60 or 64 years—under 65 years of age?

Mr. DOWNEY. I am not aware of any distinction. Is the Senator?

Mr. SCHWELLENBACH. No. I was simply inquiring.

Mr. DOWNEY. No; I know of no distinction. If the wife was 60 years of age and the husband 65, they would get the \$35 in one of the most favorable cases. Mr. President, I want it understood that hardly any of them will ever get



\$35 or \$52.50; that is, presuming that a man has been in a covered occupation, and never missed one pay roll, at an average pay of \$100 per month, he probably will not receive enough to live on. I am merely using the figures given by the Social Security Board—the most favorable figures.

In Mr. Doughton's report is a statement which I presume comes from the Social Security Board, and I submit that it ought to be embalmed as one of the most extraordinary platitudes of asininity that has ever been published in the CONGRESSIONAL RECORD or in our public files, because these gentlemen know that that 50-percent increase for married workers whose wives are past 65 means practically nothing, and they finally admitted that it will not cost any more. Why? Because there may not be one citizen out of 100 who will get the advantage of it.

They suggest another reason why this particular benefit is still more vital in its application, and I want to quote to the Senate from the Doughton report. I am now quoting:

The supplementary benefit payable an aged wife is one-half the primary insurance benefit of the annuitant.

Now listen—

Because most wives in the long run will build up wage credits on their own account as a result of their own employment these supplementary allowances will add but little to the ultimate cost of the system.

I said I was going to read the most extraordinary platitudinous language that has, I think, ever been uttered by a responsible social body, and here it is. These gentlemen are speaking—and I am still quoting—about the benefits that will flow from this great liberalization by which the married worker will receive 50 percent more than the single worker, and they finally admit that it will mean nothing in dollars and cents, but they say nevertheless it is of great importance. Let us read their own language:

These supplementary allowances will add but little to the ultimate cost of the system. They will, on the other hand, greatly increase the adequacy and equity of the system—

How?—

by recognizing that the probable need of a married couple is greater than that of a single individual.

In other words, this law adds to the adequacy and equity of the system, because it recognizes that it costs more for two to live than for one. As a matter of fact, assuming that that is a benefit, and is not known to every man, woman, and child in the United States today, it is the only benefit which will accrue from the great liberalization for not more than 1 percent of our citizens past 65 years of age.

Mr. President, the law has other features which are so unfair and unjust to the workers of the Nation—who some day, I feel sure, will learn about them—that it should be rejected.

Again quoting the figures concerning a man who has an average monthly payment of \$100 for 40 years in a covered occupation, if a man earns \$100 monthly for 5 years, he receives \$26.25. If he works double that time, or for 10 years, does he receive double the amount? He does not. He receives \$1.25 more, or \$27.50. If he works for 20 years he receives \$30. If he works for 40 years he receives \$35. The man who works for 40 years receives \$35 and the man who works for 20 years receives \$30, or \$5 less. In other words, one of our citizens who is to be inspired and protected by this great law has built up a payment of \$30 by 20 years of contribution, and he will be encouraged to work for 20 years more by being given an additional \$5 for the second 20 years' contribution. If that worker were not entitled to one cent of interest, if he lived until he was 65 and commenced to receive his benefits, as between the 20-year payments and the 40-year payments he would have to live until he was 90 years of age to receive back even the additional amount he paid in during the last 20 years. If we allowed 3-percent interest, he would then have to live to be about 125 years of age, after he had reached the age of 60, to receive back what he had paid in.

Mr. President, if I make any error in my figures I hope some Senator will challenge my conclusions.

Mr. LUNDEEN. Mr. President, will the Senator yield.

Mr. DOWNEY. I gladly yield.

Mr. LUNDEEN. Does the Senator mean to say that that is the best the "brain trust" could do?

Mr. DOWNEY. I should not want to place the responsibility or blame for this law upon any one person. I think probably its authors sincerely and honestly believed in it. Later, I wish to discuss the state of mind which could believe that in a land of imperial wealth, with factories running at half capacity and food destroyed so as to become a stench in the land, we have to cause our senior citizens to live in poverty and degradation. Later, I wish to speak upon that feature of the minds which drafted the act.

Mr. President, the question which immediately arises is, How could men who evidently know the actuarial business have been so prejudiced against the older workers as to deny them any justice or decency? Why is it that after a man has worked from 10 to 20 years he receives almost nothing for the great bulk of the contributions he makes? I will tell the Senate why.

The Social Security Board found that this unhappy and miserable plan would result in the literal starvation of millions of persons past 65 years of age, who would not be able to obtain any relief except by further governmental subsidies and borrowed money. So what did the Board do? It used the contributions of the younger workers in order to work out some liberalization for the older workers. This is exactly what was done, and I challenge anybody to oppose it. Under the law, the older workers will receive their pensions as a result of the contributions of the younger workers; and the gentlemen who have challenged the Townsend plan because we believe in a consumption tax which would bear upon the rich man in proportion to his spending capacity as well as upon the poorer man in lesser degree have finally come down to a system under which, because of its contradictions and futility, hundreds of thousands or millions of pensioners who will receive payments in the next 5 years will be paid by virtue of the pay-roll tax upon other workers.

There is no possible contradiction of that statement. Under the Social Security Act we have not only clamped down the one kind of tax which whips most strongly against the worker, but we have put that tax upon all persons younger than 40 or 45 in order to provide benefits for persons now past 65, because we were unwilling honestly and frankly to face the problem.

Mr. President, the book which I wrote has been referred to. Otherwise, I should make no reference to it. In that book I referred to this law as pure chicanery and fraud. I wish to give one other example. I could give many others, but my time is too limited to do so.

Under the provisions of the bill as it came from the House, any person who did not receive more than \$200 in a given year would receive no credit for the tax upon his pay roll. That provision has been changed so that unless his earnings exceed \$50 in a quarter he receives no credit. We have millions of unfortunate persons in this land—God help them—who earn \$400 or \$500 a year, working perhaps a month now and a month again, in and out of covered occupations. The provisions of the bill virtually mean that we are to tax the most miserable, unfortunate people in America on \$100, \$150, or \$199 of their earnings; and if their earnings do not happen to exceed \$200 we are going to take their money away from them. That is all it amounts to. Millions of dollars will be drained into the Federal Treasury out of the most miserable unfortunates in America.

Mr. President, I know scrubwomen in California who get down upon their knees and earn perhaps \$20 or \$30 a month, and who perhaps do not earn more than \$100, \$150, or \$199 a year; and yet we are going to clamp this 6-percent tax down upon them—which is bad enough—and then we are not going to give them \$1 of credit or \$1 of benefit!

The representatives of the Social Security Board say, "Let that washerwoman or scrubwoman live from the time she is 30 until she is 65, and then we shall take care of her as a charity patient, and we shall make up to her what we took away from her small earnings in order to help finance the

workers of the Nation who are now unable to obtain through governmental subsidy the necessary amount upon which to live."

Mr. President, while I am opposed upon economic grounds to any contributory system at all, I can understand the logic of a man who says that the benefits a man receives should be in proportion to his contributions; and that is what this law pretends to provide. But it is absolutely false and misleading. For the next 5 years the older workers will receive several times the proportionate amount over the younger workers who, as a result of the whole scheme, will gain practically nothing through the last 15 or 20 years of their savings.

Mr. President, I have stated the unhappy position of the Senators from California who will have to go back and tell the workers of California in covered occupations, that is the 80 percent of the more poorly paid ones, that they will receive about \$20 a month as a result of these liberalizing amendments, while in California a husband will be receiving \$40 and a wife \$40, or a total of \$80.

Do not let any gentleman say, "Well, we do not care what happens in California; it is not our fault if California is too generous." Do you know, Mr. President, that under this proposition we are agreeing to a subsidy from the Federal Treasury for husband and wife of \$20 a month each or a total of \$40 a month to a husband and wife who have passed 65 years of age. That is more than the great bulk of the workers under the contributory system will receive from their contributions.

Mr. President, let us forget about the contributions of the States. We are proposing under the State-aid plan to give a Federal subsidy which will be greater than what will be received by the workers under the contributory system. Then, when we add the maximum amount paid by the States the contributory worker is going to be so anguished and heart-sick that I am glad that I am not committed to this measure, for, doubt not the day will come, Mr. President, when the workers of America will realize its iniquity.

The present law gives to old-age assistance recipients an average of a little over \$19 a month. The Connally amendment, which the Senate has adopted, plus the \$20 amendment we have adopted, will raise that average to about \$25 a month. Let me say that, with the exception of Senators from two or three States, every other Senator must go back to his State and say to the workers in the covered occupations, if this bill shall be enacted, "We have provided for you, the workers of America under a contributory system, an average of less than is provided as a matter of governmental subsidy."

It is true that many of the Senators will not be in the same extremely embarrassing situation that the distinguished senior Senator from California and I will be in, but the distinguished senior Senator from Massachusetts and the junior Senator from Massachusetts, the Senators from Colorado, those from New York, and those from Ohio—indeed, as a matter of fact, those from every State in the Union—under this new amendment will be in the same position to a greater or lesser degree.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WALSH. What is the maximum payment for old-age assistance in California?

Mr. DOWNEY. The legal maximum is about \$35, but we are only paying an average of about \$32.50.

Mr. WALSH. In Massachusetts the average is \$28; but the determination of the amount to be paid to a needy individual who has reached the age of 65 is left to the local authorities, as the Senator knows. The result is that the amount paid varies in different communities; and, I am happy to say, in my opinion, the amount paid in Massachusetts ranges as high as \$50 in some cases, and \$40 and \$35 in a large number of cases.

There are other instances in some communities of the contribution being very small. The system under which we are operating—and I am not now speaking in opposition to the system advocated by the Senator from California—leaves to the local communities the determination of the question of need and the amount that should be paid in a particular case to an aged individual. It may be \$35 or \$45 in one

community and in another seven or eight dollars; but if an old person is bedridden and in extremely destitute circumstances and requires more money, provision is made by Massachusetts law for the local authorities to provide for such cases.

As the Senator knows, there is a further provision that one-half the amount is contributed by the Federal Government up to \$15. In Massachusetts two-thirds of the remaining amount is provided by the State and one-third by the local communities. So, in the case of an individual in a particular community receiving \$30, \$15 would come from the Public Treasury, \$10 from the State of Massachusetts, and \$5 from the local community.

It seems to me that these elastic provisions, under which the determination is left to officials of the local community, who know the needy circumstances of the individual citizen, have operated to better advantage than the general State-wide plan, such as that in California of paying a fixed sum to every individual, no matter what the degree of need may be.

Mr. DOWNEY. I thank the Senator for his very illuminating and interesting statement, and, as a representative of California, I congratulate the State of Massachusetts that in certain payments, at least, it exceeds the payments in California. I had believed we provided the highest payments, and we do have the highest average payments, but in individual cases, as the Senator has pointed out, Massachusetts has the highest. I wish, however, that the senior Senator from Massachusetts had brought his sound judgment and intellect to the question I am propounding. The Senator from Massachusetts must go back and say to the workers in the covered occupations, "Eighty percent of you will get only \$20 a month under the law, and, looking ahead 40 years, as the law is now framed, you can hardly hope to get as much as Massachusetts now pays as a matter of subsidy." I take it, that the distinguished Senator from Massachusetts sees the point involved in that, and he may want to respond to me and say, "Well, if the workers in the covered occupations receive so little, we will have to take care of them as a matter of additional charity," which, of course, is what ultimately will happen under this law.

Mr. LUCAS. Mr. President, will the Senator from California yield at that point?

Mr. DOWNEY. I yield.

Mr. LUCAS. Do I understand the Senator to say that ultimately it will be necessary, in his opinion, for the Federal Government to provide subsidies which will make up the difference between what the workers in the covered occupations will receive and what a person who receives an old-age pension now obtains?

Mr. DOWNEY. I will respond to the distinguished Senator from Illinois in this way: If the Congress does not enact legislation embodying the Townsend plan before the workers of America become aroused to what this law is, I venture to say that this Government will be paying subsidies to bring up the payments of the workers who are paying a contribution to what is being paid in the States as a matter of charity.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. DOWNEY. Certainly.

Mr. LUCAS. The Senator has made a very interesting statement and argument concerning this important piece of legislation. I am merely wondering whether or not the Senator has offered any amendment which would place in the law what he has in mind in connection with the Social Security Act?

Mr. DOWNEY. No; I may say to the Senator from Illinois that I have not. I have appeared before the Finance Committee in an open and in a closed hearing; I explained my ideas to the Finance Committee; and, of course, they were totally disregarded, as I expected them to be. I knew that I would have no opportunity to reach the ears of the Senate except in some such manner as this, but I may say I did the best that I could.

I may further say to the distinguished Senator from Illinois that since 1925, I venture to say, my mind has been occupied



8 or 10 hours a day on this question of excess savings and pensions, and I declare to the Senate that no logical and sound law can be worked out by a combined State and Federal plan embodying a contributory system on the one side and a governmental subsidy on the other. I am anticipating myself in some of these arguments.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WALSH. I think it only fair to say that the Senator made it very clear to the Committee on Finance that he was opposed to the whole theory of the present social-security law; indeed, he used very strong language in condemning it, and stated that he thought, in time, it would be considered to be almost a fraud—I think that is the very word he used—

Mr. DOWNEY. I think so.

Mr. WALSH. A fraud on the people of this country. For the reason that he was opposed to the whole theory of the law, he did not choose to make any suggestions or offer any amendment, but he is now proposing an entirely different theory be substituted. Am I correct?

Mr. DOWNEY. I thank the Senator. He is entirely correct.

Mr. President, I desire to say that there is one very material respect in which this social-security law violates every acknowledged rule of taxation and social decency. The condition I am now about to describe has been partially, but only to a degree, rectified by the Connally amendment. This law under which the Federal Government gives a larger subsidy to the wealthier State, or to the State that believes more in pensions than does the poorer State, or the State that, being rich, does not give them, does what? Its tendency is, and only is, and must be, to suck money out of the poorer States for the benefit of the richer States. In other words, beyond any doubt, taken as a general rule, the higher pensions are paid in the wealthier States; not in every case, but as a general rule. The money is collected by the Federal Government from all over the United States. The poorer States get the smaller amounts and the richer States get the larger amounts.

Mr. LEE. Mr. President, will the Senator yield at that point?

Mr. DOWNEY. Yes; I yield.

Mr. LEE. Then the situation operates further to aggravate the maldistribution of national income rather than to alleviate it. Is that correct?

Mr. DOWNEY. I absolutely agree with the Senator.

Mr. LEE. It carries out the idea that—

Unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.

Mr. WALSH. Mr. President, will the Senator permit an interruption?

Mr. DOWNEY. I yield.

Mr. WALSH. I feel very strongly that the present system, as set forth in the Connally amendment, is unsound and will ultimately lead to the Federal Government assuming the most sacred local right that the people of the country have—namely, the right of taxation.

I cannot understand how it can be said that a State is a poor State or a rich State simply upon the basis of per capita income. Whether or not a State is a poor State in comparison with other States for the purpose of governmental expenditures and income depends also upon its system of taxation. In this country the variation of the ratio of existing true value of general property for taxation purposes extends in the different States from 20 percent to 125 percent, and the same situation exists in the tax rate levied on general property between the States.

If the day comes—and God forbid that it shall come—when we have a Federal uniform system of taxation, when \$100,000 of property in California will be valued and taxed exactly as \$100,000 worth of property is taxed in Massachusetts or in Alabama or in Mississippi, we can then justify taking out of the Public Treasury the total sum of money which may be required for these social-welfare contributions and activities, and especially for old-age assistance. To my mind, however,

it is inequitable and unfair, and that is why I voted against the Connally amendment and other proposals to classify States as rich and poor States simply and solely on the ground of per capita income.

In my own State of Massachusetts, as shown by the figures here, the old-age contribution made in some communities is very small. In others it is large. Does that mean that those are poor communities? No. Does that mean that these are rich communities? No. It means that the people in certain communities have voluntarily levied heavy taxes upon themselves to meet higher standards of health, educational, and social-security legislation, and other obligations.

So I am one of those who feel that I must protest against any attempt to describe States as rich States or poor States upon the basis of per capita income. They can be so described solely and alone on the basis of every man, woman, and child in every State having the same ratio of valuation placed on his or her property, and the same tax rate on his or her property. Then we shall distribute the revenues collected from taxation equitably between the States and the people of the several States.

This, however, is entering into the domain of robbing the local communities of their dearest and most precious right, which I hope may never come; but we are coming to it. We are coming to it; and the Connally amendment is a move in that direction, and every other amendment is a move in that direction, because the people of California who pay, upon \$100,000 full value, taxes of \$40 to \$50 per thousand have a right to demand that in the District of Columbia, instead of paying \$17.50 per thousand, the people shall pay taxes of from \$40 to \$50 on \$100,000 worth of property.

The Senator will pardon me; but I wanted to emphasize, in considering what the Senator terms an inequality under the present system, a matter that we shall have to meet and solve in the future.

I hope what I have said indicates that we have not yet found an equitable solution of the problem about which the Senator is talking.

Mr. DOWNEY. Mr. President, I am deeply grateful for the very illuminating and thought-provoking statement made by the Senator from Massachusetts. If I correctly interpret his remarks, as I believe I do, I am wholly in accord with him; and I believe that a national pension system would at least be a step in the right direction to produce uniformity.

Mr. President, I am now going to do something which perhaps some few of the citizens of the State of California may criticize me for, but not the great bulk of them. I am going to say that while the amendments proposed here will automatically bring California up to a payment of \$40 per month to a single man and \$80 per month to a husband and wife, which is a consummation devoutly to be desired, yet nevertheless I think it is grossly unfair to the poorer States, like Oklahoma and the others, that California will still be receiving several times as much from the Federal Treasury as is the State of Arkansas. And though I am speaking against the selfish interest of my State, I here and now declare that to the extent that our wealth in California exceeds the wealth in any other State, a uniform tax levied over the United States, returnable to the citizens of the United States in equal amounts, is the only decent, fair kind of a tax. It is elementary in tax law that the burden of taxation should fall upon the shoulders of those best able to bear it; and this inequitable, this strange act reverses that principle and takes away from the poorer State and gives to the richer State.

Mr. President, I have not yet reached the point which is the most shocking to me in this law, but I now approach it. Let me first call to the attention of this body the fact that over a period of 150 years the workers of America have builded by their energy, talent, and toll the richest empire of all times and places; rich almost beyond human conception; rich enough to deluge not only every senior citizen but every man, woman, and child in America with all the good and needed things of life. We need not destroy our chickens because we cannot sell the eggs. We need not

destroy our dairy cattle because children cannot buy milk. We do not have to plow under fruits and vegetables, and let factories run at 50 or 60 percent of capacity. We have the power in the great business leaders of America and in the workers and technicians of America to produce \$100 or \$200 per month for the senior citizens of America, plus high and decent profits and salaries and wages to the workers. When I hear men solemnly discuss a plat of poverty extending a half century in advance, when right today, as I talk, we are surfeited in our own wealth, do not the men who conceived this plan of giving \$20 or \$30 a month to retired citizens know that our factories can never run again to employ our workers, that our farmers can never be prosperous, that our businessmen never can be secure unless we, the representatives of the people, work out methods of distributing the wealth which will be produced by general employment?

What are the figures now accepted by everyone? Today, this month, our national income does not exceed the rate of \$65,000,000,000 per annum. The most conservative figures now show that with a slight amount of building in the bottleneck industries in a year or two or three years we could produce, in physical goods and services, at least \$110,000,000,000, certainly forty or fifty billion dollars of wealth more than we are now producing.

Mr. President, if there is any Senator here, our majority leader or anyone else, who can tell this body how he will end unemployment, except by providing for the Nation sufficient income to buy back what will be produced if we have general employment, I should like to hear him speak. With a productive capacity of \$100,000,000,000 or \$125,000,000,000, so long as we disburse in this Nation sixty or seventy-five or eighty billion dollars of purchasing power, we are going to have an ever-growing army of the unemployed.

Let us frankly and honestly tell the truth about the United States of America. I love my country and I love democracy. I shall stand as firmly as I can for constitutional principles and for the American people. But, oh, why, instead of criticizing and belittling foreign nations do we not inquire about our own shortcomings and remedy them?

Mr. President, it is a simple fact that today there is more unemployment in the United States than in all Europe combined. We are building poorhouses, penitentiaries, and asylums faster than all the other nations of the world combined. Someone may say to me, "Yes; but in Europe they are employing men in the armament industry." That is true. We have the benefit of two great oceans; we are at peace with each other, and with the world; we do not yet have to spend very much upon our Army and Navy, and it might be argued that that is one of the reasons for unemployment in this country, and that the employment of people abroad is a result of their armament programs. But let me point out to my colleagues in humility and sorrow a thing I regret to say, that the countries in Europe in the last 5 years have steadily increased, and are today increasing, their capital goods, and Germany and Japan and Italy—yes; and Great Britain and France—are steadily today and every year becoming richer in capital goods, while we today are just standing still. In other words, Mr. President, in spite of the fact that they are involved in a great armament race they are doing better than we are doing. Let us admit it with humility and regret.

Let us face the facts. We say there are eleven, twelve, or thirteen million unemployed in this country. Oh, yes; there are that many men in the United States totally unemployed. There are ten or fifteen million more working on part time, precariously holding their jobs, working a day this week and a week next month. There are in the United States today the equivalent of at least sixteen or seventeen million idle men.

Mr. President, that is not the worst part of the story. We now have an unbalanced Budget to the extent of about \$4,000,000,000. That \$4,000,000,000 not only furnishes assistance for the hopeless, hungry people on our relief rolls—God protect them—but it does something else; it employs at least 5,000,000 more men who are engaged in producing the goods and services for the relief workers. If we at-

tempted today to balance our Budget, and if we withdrew that support from private industry, we would see the army of the idle augmented so rapidly that our entire economy would be placed in jeopardy. As a matter of fact, by September 1937 we had about balanced the Budget; \$4,000,000,000 of inventory accumulated in 8 months; then men stopped producing, and by the following July four or five million more men were out of work, and we were compelled to take up the burden of disbursements from an ever-expanding public debt.

Mr. LUNDEEN. Mr. President, will the Senator yield?  
Mr. DOWNEY. I yield.

Mr. LUNDEEN. In other words, I take it the Senator would say that we might well turn from the idea of saving the world and turn to the great American scene, and try to save our own country.

Mr. DOWNEY. Yes; I can agree with the Senator at least this far, that our own internal problems are more vital to me than are any external problems, and what I see 2 or 3 years ahead, and not longer than that, in the internal breakdown of our economy, is more terrifying than the possibility of any Asiatic or European nation ever undertaking to invade our shores.

I have said, Mr. President, that it is only by virtue of an unbalanced Budget of three or four or five billion dollars that we can keep going. Let me say that that does not mean that I condone the increase of the public debt. Let the public debt increase a very few years longer at the rate it has during the last few years, and we are going to see the collapse of every bank and building and loan association and insurance company in the United States. Government bonds would have to fall only 10 percent now to wipe out the surplus and reserves of almost every bank and insurance company in the United States, because at present they are investing almost exclusively in Government bonds.

Mr. President, no one need suggest to me that we can support our own bonds. Of course we can, and we would, and in a few months we would be in the midst of issuing printing-press money, and inflation, and then it would not make very much difference what happened to the banks and insurance companies, because savings and property rights would be destroyed, as they were in Russia and in Germany.

Mr. President, this is what is extraordinary to me about the social-security law. Here we are, lacking thirty or forty or fifty billion dollars of consuming power to get our people back to work, and with that condition existing, we have here a law which is a plat of poverty for 40 years ahead of time. Forty years in advance these gentlemen have calculated their figures, 40 years in advance the actuaries have projected this realm of poverty.

Why do I say that? It is suggested to me that increasing wages might increase what the workers would receive. Oh, no; because these gentlemen have designed this plan, and cleverly, I admit, so that the workers in the contributory system can never hope, as a result of the most prosperous years, to get a decent annuity. Why is that? We are now calculating their annuities upon this basis: For the first \$50 in a covered occupation we will give 40 percent, or \$20, but after that we give only 10 percent of anything over \$50. So, however much a man conceivably might earn, he could never hope to get a pension which would support him with any degree of decency, even though he faithfully worked for 40 years.

As a matter of fact, I may say to the distinguished Senator from Kentucky, that the utmost that could ever be reached by a worker out of this contributory system would be the sum of \$56. I do not suppose there will ever be one who will get anywhere near that amount, because it would mean that for 40 years he would have to work every month in a covered occupation and receive the maximum salary of \$250. So, while it sounds well to say that a worker might get \$56, the likelihood that he will ever get more than \$20 or \$30 at the end of 40 years is very slight indeed.

So I say, Mr. President, that this plan is a plat of poverty projected by actuaries for a half century ahead.



Today we are surfeited with wealth we cannot use. Machinery, inventions, and business efficiency are continually developing, and yet, while only utilizing 60 percent of our business capacity, we are now going to project a system 40 years ahead when the present payments will not even provide sufficient to take care of the wealth we are now producing.

Mr. LUNDEEN. Mr. President—

The PRESIDING OFFICER (Mr. MEAD in the chair). Does the Senator from California yield to the Senator from Minnesota?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. Do I understand the Senator to say that we will have to wander through the desert for 40 years toward the promised land of social justice if this administration's social-security plan is projected into the future; and if so, is that the best the Solomons of this administration can do?

Mr. DOWNEY. I may say to the distinguished Senator that I do not believe we will wander for 40 years in the desert, because within 3 or 4 years, as I shall attempt later to show the Senate, the collapse of this economy, in my opinion, is inevitable, and I do not make that statement lightly, and when I come to it I shall challenge any debate or argument thereon.

Mr. President, I now want to pass to the proposed system in which some of us believe. In the first place, we believe there should be a national plan because it has got to become the major instrument of relief. We do not want to continue to have C. C. C. camps, and P. W. A. and W. P. A. projects, and N. Y. A. projects. Whatever subsidy is to be provided should be given to men who have done their life's work and are no longer needed by society, who, in my opinion, are those past 60 years of age. Consequently, since it has to be and should be the major instrument of relief, it ought to be administered nationally.

Assuming we would place in operation a pension system which would provide for people past 60 years of age, retired from gainful employment, that probably would cause our senior citizens to yield up about two and one-half million jobs, as I calculate—almost exactly the same number as now work under our relief agencies. I believe that with an adequate national pension system we could return relief burden to the States, which could easily handle it with the amount they are now disbursing in pensions under the present system, and Congress could be relieved of this unhappy, this unwholesome problem of work relief, where, it seems, this body has consumed a great part of its time in argument upon how much should be given, and how much money is to be raised, and how long we can continue to borrow.

We believe that instead of setting the age of 65 for the pension recipient it ought to be reduced to 60 years of age. I cannot say anything to strengthen that contention, Mr. President, except that admittedly we have millions upon millions of people between 60 and 65 years of age, jobless, moneyless, friendless. Many of them are dying of malnutrition and neglect. Not one month passes in the United States but that thousands of these senior citizens from 55 years of age and up are taken out of hovels, and county poorhouses, and fourth-rate hotels, and along the roads, the victims of malnutrition and lack of medical care.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. If I am correct, out of a million men and women who have reached the age of 60 years, 600,000 plus will be dead before they reach the age of 65. It might be well to pay a little pension to these people before they pass out of existence. Many of them will be gone from the American scene before they reach 65.

Mr. DOWNEY. I can totally agree with what the Senator has just said. When the depression came upon us I was practicing law in the valley of the Sacramento, and I venture to say that 90 percent of my clients of the middle class and business class were stripped of everything they had. I have seen them in the intervening years broken down mentally and physically by insecurity, their morale lost, their hope

lost, dying prematurely and unhappily between 60 and 65 years of age.

I tell the story of one man out of tens of thousands in California who tried to get work. He was past 60 years, and he tried to get a pension. However, he was under 65. Finally after being twice treated for malnutrition in the hospital he penned a note saying, "Too old to work, too young for the pension. I had better take this dose of poison." And he took it and died.

Two- or three-line notices of happenings of that sort appear every day, buried in the back columns of the newspapers. Such things occur in this wealthy, affluent land of which we love to boast, this land of imperial wealth, which, if we could restore our workers to full employment, would afford to each retired worker everything they could need.

Mr. President, some Senators will be interested, I hope, in specific figures upon the proposed Townsend plan. The best estimates now place the number of citizens past 60 years of age at about 13,000,000. Of those 13,000,000 people past 60 years of age, 4,150,000 are still considered employable. Of the 4,150,000, 150,000 are working on W. P. A. projects, and 1,000,000 are idle. Three million, or about 20 percent of the total number, are employed; and those who are employed are making somewhere around four or five hundred dollars a year, precariously clinging to their duties, precariously, with their failing strength, trying to hold on, and keeping out of work some son, or grandson, or young man, when they themselves should have been retired to that serenity and that dignity which should be every man's right after he has retired, but which is the privilege of so few of us.

It is my estimate—and that is all it is—that if we should place in effect the Townsend plan on the basis of a 2-percent transactions tax, of the 3,000,000 workers who are now working, two and one-half million would yield their jobs to younger men. Furthermore, they would yield up their W. P. A. jobs. We would still have working about 500,000 men and women past 60 years of age. That would leave about 12,000,000 men and women to account for. It is my opinion that about one and one-half million of them would never claim the pension, because they may be aliens, or they may be well to do and not want it, or for some other reason. I think the pension would be claimed by about 10,000,000 or 11,000,000 of our senior citizens.

Our proposal is a 2-percent-transactions tax to provide the funds. Let me say this particularly to the distinguished Senator from Michigan [Mr. VANDENBERG]. I am not now speaking dogmatically. When I discuss a transactions tax I want Senators to understand that my mind, of course, realizes it would take months of careful investigation to find the best tax. I am satisfied it must be a tax upon consumption. It must be about the equivalent of a 2-percent tax on transactions.

It might be easier and better to put on a 3-percent wholesalers' tax, and a 4-percent manufacturers' tax, and a 2- or 3-percent retailers' tax. That might produce the needed amount of money at a great deal less cost and complication. Consequently, when I am citing a transaction tax of 2 percent, it is merely in the argument for a general principle of that kind.

Mr. President, I realize that I am about to say something which at first will shock the ears of my auditors, but I think that upon listening and considering, Senators will be much more receptive in their consideration of the Townsend plan. We would urge that out of this transaction tax wages and salaries should be exempted. Instead of clamping down with a 9-percent pay-roll tax, we would exempt the wages and salaries of the workers of America, so that at least any burden they bore would be indirect and not direct.

We would necessarily, to protect our banks and insurance companies and investors, exempt the sale of securities, stocks and bonds, and financial transactions of that character. Exempting those transactions, we find that in the United States at the present time we have gross-income transactions of about \$360,000,000,000. A tax of 2 percent upon that amount would yield \$7,200,000,000, which is exactly 10 percent

of the income it is now agreed we produced in 1937. In other words, we are advocating a tax which would effect a profound redistribution of wealth, and would set over to the senior citizens of America, probably by way of increased prices of goods, 10 percent of the national income, or \$7,200,000,000. With the present national income, that plan would yield to each person past 60 years of age retired from gainful employment somewhere around \$50 or \$60 a month. As the national income increased up to one hundred, one hundred and twenty-five, or one hundred and fifty billion dollars, which is well within our capacity within a few years, the annuities paid to the retired workers would correspondingly increase up to \$75, \$100, \$150, and ultimately probably to \$200 a month.

If I had finished my story there, and if I were proposing the imposition of a 10-percent tax upon every American, depending upon the amount he spent, not one man of decency or Christianity or generosity should object. Mr. President, if it were necessary, I would cheerfully yield 10 percent of my income to know that this problem was worked out, and that hungry men and women past 60 years of age who have built this Nation for us were being taken care of with some degree of decency in a Christian civilization. I cannot understand how any man living in a Christian republic would be unwilling, if he thought such a plan would be successful, to consent to a tax of 10 percent upon the amount he consumed.

The Townsend plan has been condemned by some of the leaders of the liberal movement because it is a tax upon consumption—upon the masses. Let me repeat, we exempt pay rolls, and the tax would be indirect, in place of the 9-percent tax which is now contemplated under the Social Security Act. However, we would do more than that. If Mr. Ford had \$1,000,000 income a year, I believe he would have to pay about 6 percent of that amount net, above present taxes, or about \$60,000 a year. A Senator of the United States, in my opinion, would have to pay about \$600 more than he is paying under present taxes, which would be done away with. A worker making \$100 a month would have to pay only \$60 a year. I appeal to the liberals in the Senate. If this method would give to the workers of America making \$100 or \$150 a month far more than they could hope to obtain from an insurance company or under the present law in return for the tax upon them, bringing to them the benefit of taxes upon greater incomes, why should the liberals of America castigate and condemn the Townsend plan and then seek to place in effect this pay-roll tax?

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. I have in my possession an editorial published some time ago in a well-known magazine, in which the editor maintained that the soldiers' bonus should be paid by a revolving 2-percent-stamp tax. Of course, the editorial was published some time ago, and the soldiers' bonus has since been paid; but I thought it might be of interest to the Senator to know that a great magazine had published such an editorial some time ago. With the Senator's permission I should like to have the editorial placed in the *Record* as soon as I can refer to my office files.

Mr. DOWNEY. I am very happy to have that done.

Mr. LUNDEEN. Mr. President, I ask unanimous consent that the editorial referred to be printed in the *Record* tomorrow or at some future time during this session.

The PRESIDING OFFICER. There being no objection, the editorial will be printed in the *Record*.

Mr. DOWNEY. While I have said that the 2-percent transactions tax, or an equivalent tax, would, in my opinion, yield about \$7,200,000,000, I do not want this body to understand that it would be that much of a burden upon our economy in addition to the present burdens. I believe that under this plan we could and should do away with the \$1,000,000,000, \$2,000,000,000, or \$3,000,000,000 that we are annually spending, by way of an expanding debt, upon the W. P. A. We could do away with an immense amount of relief, poorhouses, and insane asylums. We could do away with the billion or billion and a half dollars that the pres-

ent law is going to raise; and I feel confident that the net amount which would be raised by the proposed tax would not be in excess of two or three or four billion dollars more than we are now raising.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. VANDENBERG. Let me give the Senator the figure for 1949. In that single year we shall raise \$2,550,000,000 in pay-roll taxes.

Mr. DOWNEY. Does the Senator from Michigan say that is the amount which would be raised from the pay-roll tax alone?

Mr. VANDENBERG. The whole two and a half billion dollars represents pay-roll taxes.

Mr. DOWNEY. That has nothing to do with old-age assistance.

Mr. VANDENBERG. No.

Mr. DOWNEY. It can thus be seen that while the tax which we are advocating would be uniform and would do the work, it would not burden the national economy to the extent the opponents of the Townsend plan have led the public to believe.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LUCAS. I understood the Senator to say that he thought the transactions tax would yield approximately \$7,000,000,000.

Mr. DOWNEY. \$7,200,000,000.

Mr. LUCAS. Will the Senator state upon what that figure is based?

Mr. DOWNEY. That figure is based upon \$360,000,000,000 of transactions.

Mr. LUCAS. Where does the Senator obtain the figure of \$360,000,000,000 of transactions?

Mr. DOWNEY. That figure was testified to before the House committee, I believe, by representatives of the Department of Commerce. I will say to the distinguished Senator from Illinois that I will not argue or quarrel with him. I am advocating the imposition of a consumptive tax which would raise about that amount of money. If it should raise more, we should not need so much. If it should not raise that much, we should have to change the tax.

Mr. LUCAS. I should like to have the Senator explain just what he means by a transactions tax.

Mr. DOWNEY. Of course, if it included every transaction, it would include every transfer of money from one individual to another in a commercial transaction.

Mr. LUCAS. Do I understand that that provision is embodied in the bill?

Mr. DOWNEY. There is no such bill now pending.

Mr. LUCAS. I apologize to the Senator. Of course, there is no such bill pending; but am I to understand that that type of transactions tax is embodied in the Townsend plan?

Mr. DOWNEY. Yes; that type of tax, exempting wages, salaries, and financial transactions, is embodied in the Townsend plan.

Mr. LUCAS. So, if the Townsend plan were in effect every type of transaction that is made would be taxed at the rate of 2 percent?

Mr. DOWNEY. I do not want the Senator to misunderstand what I have already said. We are advocating the transactions tax, or a consumptive tax equivalent to it; and if the Senator could convince the Finance Committee that a tax upon manufacturing, wholesale, and retail transactions producing the same gross amount would be more convenient, we should have no hesitancy in adopting that system.

Mr. LUCAS. I am discussing now, or attempting to discuss in my limited way, what I have always understood the Townsend plan to include, which is a transactions tax.

Mr. DOWNEY. That is correct.

Mr. LUCAS. I am not talking about a manufacturers' tax. I am not talking about a consumptive tax. I am directing my line of questions to the transactions tax, which,



in my humble opinion, is the meat of the entire Townsend plan.

Mr. DOWNEY. The distinguished Senator from Illinois is mistaken. He sees the tree instead of the forest. We believe in a consumptive tax. We know, in the first place, that incomes are now taxed to about the full amount they can be taxed. The tax must fall on consumption; and it ought to be a consumptive tax equivalent to about 2 percent on transactions. However, if the Senator thinks that is too complicated or too expensive, I will not argue with him. Other consumptive taxes might be more feasible and economical.

Mr. LUCAS. Mr. President, will the Senator yield for a further question?

Mr. DOWNEY. Surely.

Mr. LUCAS. Am I to understand that the Senator from California is now abandoning the transactions tax, and is now seeking to collect the \$7,200,000,000 through a consumptive tax, a manufacturers' tax, or some other tax?

Mr. DOWNEY. I will say to the distinguished Senator that a transactions tax is a consumptive tax, because it falls upon the consumer.

Mr. LUCAS. I appreciate that fact.

Mr. DOWNEY. It is added to prices. I have not abandoned anything. We are advocating a 2-percent-transactions tax; but if tax experts say that would be too expensive or too burdensome to work out, and if some other kind of consumptive tax would yield the same amount more cheaply and more efficiently, I, for one—and I am speaking for no one except myself—would be for it.

Mr. LUCAS. I think the Senator understands my position with respect to the transactions tax. I have always taken the position, from the very beginning of the discussion of the Townsend plan, that it would ultimately break down of its own weight, because of its impossible administrative features. That has been one of my primary reasons for being against the Townsend transactions tax from the very beginning, because I think the Senator will agree with me that under the transactions tax there would be a tax upon every transaction made.

In other words, every time one wrote a bank check in a business transaction there would be a tax upon it. The testimony in the House hearings, I think, shows that there are millions upon millions of checks written annually which would be taxed. I think the Senator will agree with me, for instance, that every servant, every hairdresser, every barber, every merchant, every oil-station man, every taxi driver, in fact, everyone rendering any personal service of any kind, would be subject to this tax.

I mention this primarily for the purpose of trying to demonstrate to the Senate how impossible it would be to administer the transaction tax. I should like to have the Senator comment upon that phase of the subject, because in my mind that is the most important feature of the Townsend plan. Without the transaction tax there can be no Townsend plan and every Townsend follower believes in this type of legislation to create revenue. If we are going to have a policeman at every farmer's door when he trades a horse for a hog and gets \$10 to boot, which would be a transaction, if we are going to have a policeman at every grocery store and barber shop and beauty parlor in order to collect the tax the country should know about it in advance. The Senator should thoroughly explain the mechanics of this tax. Let it be understood that I have no quarrel with the objective in adequately providing for the aged people of the Nation but I submit with sincerity that the transactions tax is absolutely impossible. Again I request the Senator to tell the Senate how he expects to collect the tax.

Mr. ASHURST. Mr. President, will the Senator from California yield to me for the purpose of calling for a quorum? The Senator will not thereby lose the floor.

Mr. DOWNEY. I yield.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Adams	Frazier	La Follette	Schwellenb
Andrews	George	Lee	Sheppard
Ashurst	Gerry	Lodge	Shipstead
Austin	Gibson	Lucas	Slattery
Barbour	Gillette	Lundeen	Smith
Barkley	Glass	McNary	Taft
Bilbo	Green	Maloney	Thomas, Okla.
Bone	Guffey	Mead	Thomas, Utah
Borah	Gurney	Minton	Tobey
Bridges	Hale	Murray	Townsend
Bulow	Harrison	Neely	Tydings
Byrd	Hatch	Norris	Vandenberg
Capper	Hayden	Nye	Van Nuys
Chavez	Herring	O'Mahoney	Wagner
Clark, Idaho	Hill	Overton	Walsh
Clark, Mo.	Holman	Pittman	Wheeler
Danaher	Holt	Radcliffe	White
Davis	Hughes	Reed	Wiley
Donahay	Johnson, Calif.	Reynolds	
Downey	Johnson, Colo.	Russell	
Ellender	King	Schwartz	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. DOWNEY. Mr. President, I am very grateful to the Senator from Illinois [Mr. Lucas] for the question he has propounded to me. First, let me say I think that he is concerned about the immaterial rather than the material. When I state that we would undertake to raise \$7,200,000,000, that is the final and the crucial fact. When I state that in our opinion the amount must be raised by a consumptive tax, that is the next most important thing.

If for any reason a transaction tax, such as I may have in mind, or such as the distinguished Senator from Illinois may have in mind, should prove too burdensome, the tax could very easily and without any difficulty be imposed upon the wealth of the country to extract \$7,200,000,000 or \$4,000,000,000 or \$5,000,000,000 or \$8,000,000,000, or whatever might be needed.

I do not want to argue this particular point, because I do not think a particular kind of a sales transaction or gross-income or manufacturers' or retailers' tax is important. The important declaration from us is that it must fall, not upon incomes but upon consumption, and that it must be equivalent to a 2-percent tax.

I wish to say to the distinguished Senator, however, I think he vastly overrates the difficulty. If the Senator can consider himself engaged in labor, his own salary and my salary as a worker and the salary of every other worker would be exempt so far as concerns the payment of the salaries and their receipt or their disbursement. None of the workers of America would ever have to make any returns at all. I venture to say that with the exemptions I have indicated 95 percent of the returns upon this tax would be paid by businessmen, including, of course, farmers. If it should seem too great a burden upon the small farmer, I would have no objection to exempting the first \$1,000 or \$2,000 of farm income and merely impose the tax upon the receipts of the remaining more prosperous and larger farms.

So I cannot agree with the distinguished Senator from Illinois that a transactions tax, with the exemption of the pay rolls and financial transactions, would be burdensome.

Mr. LUCAS. Mr. President, will the Senator yield further?

Mr. DOWNEY. I yield.

Mr. LUCAS. Of course, I have no bill in front of me, and I am not sure what the Townsend plan is insofar as the transaction tax is concerned. When the Senator talks about a consumers' tax and when he talks about a manufacturers' tax and when he discusses certain exemptions that may go into a bill or may not go into a bill, of course, that is all problematical and it is based upon some contingency which may or may not happen. The only thing that I have mentally in front of me, and what I have always understood about the Townsend plan, and what the country understands, is that it involves a 2-percent transaction tax upon all business transactions.

I should like to call the Senator's attention to his book he wrote back in 1936, entitled "Why I Believe in the Townsend Plan." I respectfully refer to page 106 as to what the

Senator says about the transaction tax, which those sponsoring the Townsend plan have advocated for many years.

The Senator says:

Let me suggest one further aspect of the transaction tax. It would bear more heavily on the small and independent merchant than on the chain store and monopoly. The chain store may make its own flour, bake its bread, and act as jobber, wholesaler, and retailer. The bread sold by the smaller merchant would have to bear three or four accumulating taxes, while the chain stores would sell subject to but one or two. I doubt if the independents could survive under this extra burden. In any event, the effect of a transaction tax upon monopolies must be considered.

In other words, the Senator said that if a transactions tax should become the law of the land along with the Townsend plan, it would practically destroy every independent merchant in the country, because they could not survive and compete with the chain-store corporations of the country; and then it would be necessary, I presume, if we followed that theory to a logical conclusion, to do something to the chain stores in order to save the independents.

I presume the Senator has not changed his mind upon that important point.

Mr. NEELY. Mr. President, will the Senator yield for a moment?

Mr. DOWNEY. Surely.

Mr. NEELY. I hope that no one will consider it an undonable asperity for me to give notice that I purpose to object to any further yielding by the Senator from California excepting for questions. Otherwise the debate on this bill may continue indefinitely.

Ten days ago it was understood that the Senate would begin the consideration of Senate bill 280, the anti-block-booking bill, last Thursday. I have been vainly waiting a week for the fulfillment of this understanding.

I am tired of being behind the "eight ball." In the hope of escaping from my uncomfortable situation, and in the belief that the Senate should make some progress toward the consideration of the order of business which has been laid aside again and again, I shall object to further yielding by the Senator from California. But let me assure my fellow Members of the Senate that my objections will be made in a spirit of genuine friendship for everyone with whom the objections may interfere, including always the distinguished, eloquent Senator from California [Mr. Downey].

The PRESIDING OFFICER (Mr. RUSSELL in the chair). The Senator has that right.

Mr. CLARK of Idaho. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. CLARK of Idaho. Would not a heavy retail sales tax cover all the substantial features of the so-called transactions tax?

Mr. DOWNEY. Before I answer that question, if the Senator from Idaho will pardon me, I desire to say to the Senator from West Virginia that I realize the position he has been put in, and I am thoroughly sympathetic with him. I should like to ask the Senator from West Virginia at what time he would like to have me conclude my speech tonight, and I will abide by his desire regardless of interruptions.

I may say that in a large portion of my speech I intended to deal with the problem of savings and investment. That part of the speech could just as appropriately be made when the Barkley bill for additional loans and further expanding the public debt is before us; and I could reserve that part of my argument for that later date.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. BARKLEY. If the Senator is going to make that part of his speech against my bill, I would rather he would make it now. [Laughter.]

Mr. NEELY. Mr. President, will the Senator yield?

Mr. DOWNEY. Yes; I yield.

Mr. NEELY. Let me assure the able Senator from California that I am not only interested in his speech, but that I hope to hear him deliver it in its entirety on some other occasion. If he would complete his address in time for the Senate to pass the pending bill before adjournment this

evening, it would thereby become possible for Senate bill 280, the anti-block-booking bill, to be considered tomorrow.

Mr. DOWNEY. Mr. President, would it be appropriate for me to inquire if any other Senators desire to be heard upon this bill or upon my motion?

Mr. LUCAS and Mr. HOLMAN addressed the Chair.

The PRESIDING OFFICER. The Chair is advised that there are other Senators who wish to address the Senate on the bill.

Does the Senator from California yield; and, if so, to whom?

Mr. DOWNEY. I would rather not yield until I have answered the questions which Senators have already propounded to me.

Mr. LUCAS. Mr. President, I merely want to assure the Senator from West Virginia that I shall not again violate the rule of the Senate. I appreciate the fact that he has been very diligent in trying to get his bill before the Senate. I am probably just as anxious to vote on that bill as anyone in the Senate. I apologize to the Senator for violating the rule; but it has been done here so frequently, and no one has ever objected, that I did not think I was guilty of any breach of propriety in not only asking the question but in also making what seems to me some pertinent observations.

I thank the Senator for yielding to me.

Mr. DOWNEY. I shall endeavor to govern myself in accordance with some reasonable principle.

Mr. President, I of course still stand by and recognize the logic of what the Senator from Illinois read from my book. I recall the words of Job:

Would \* \* \* that mine adversary had written a book.

But I am not embarrassed by what has been read; and I have pointed out to Dr. Townsend and to his organization that if we should merely levy a transactions or a gross-income tax, a tremendous burden would be placed upon the independents in contrast to the chain stores and the great organizations; and our last bill which was presented in the House of Representatives provides for what is termed a processing tax. Under that measure, if the Standard Oil Co. should take its own oil out of the ground, refine it, sell it as a wholesaler, and retail it, it would have to pay four taxes in lieu of one; so that it would be placed upon an equality with four independent businessmen, each operating in a separate field.

I must say that I feel very, very greatly encouraged by the remarks of the Senator from Illinois. There is no one whose character, ability, or intellect I admire more than his. If all that stands in the way of his becoming an advocate of the Townsend plan is the difficulty about collecting a transactions tax, and if he will use his great ability to suggest the proper kind of a consumptive tax, I shall be very grateful. I was very happy yesterday when I heard the very distinguished Senator from Mississippi [Mr. Bilbo] speak. I thought for a few moments that he was going to make a Townsend oration, and I think the day will come when he will do so.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. DOWNEY. Yes; I yield.

Mr. TOBEY. May I remind the Senator from West Virginia, who put the prohibition on interruptions other than questions, that before he put the prohibition upon us I addressed myself to the Senator from California and asked him to yield not for a question, but for information. This is not a question, I will say to the Senator from West Virginia; but I am speaking to my fellow Republicans now, to stir up their pure minds by way of remembrance; and, referring to the Republican National Convention platform adopted at Cleveland in 1936, I read therefrom with reference to the party's plank on social security for the aged:

We propose a system of old-age security, based upon the following principles:

1. We approve a pay-as-you-go policy, which requires of each generation the support of the aged and the determination of what is just and adequate.

2. Every American citizen over 65 should receive the supplementary payment necessary to provide a minimum income sufficient to protect him or her from want.



3. Each State and Territory, upon complying with simple and general minimum standards, should receive from the Federal Government a graduated contribution in proportion to its own, up to a fixed maximum.

And I call attention particularly to paragraph 4:

4. To make this program consistent with sound fiscal policy the Federal revenues for this purpose must be provided from the proceeds of a direct tax widely distributed. All will be benefited and all should contribute.

I interrupt the Senator from California and read that extract into the RECORD solely for the purpose of buttressing the statement with this argument from the platform of the Republican Party, and saying that party platforms are made not only to get in on, but, in my opinion and my conviction, to stand on after parties get in.

Mr. DOWNEY. Mr. President, I am very, very deeply grateful for that contribution to this record, because it immediately brings to the support of this general principle all of the distinguished Senators on this side of the aisle except our Democratic friends; and we have several good Townsends among the Democrats. So I feel very much encouraged by that contribution.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

Mr. DOWNEY. I yield.

Mr. VANDENBERG. I desire to know the relationship between the \$7,000,000,000 proceeds of the Senator's transactions tax and his pension payments. What pension would \$7,000,000,000 yield to the group which the Senator estimates will be eligible?

Mr. DOWNEY. If the numbers claiming the pension were 10,000,000, which is possible, the pension would be \$720 a year or \$60 a month. If there were 11,000,000, as there might be, the pension would be slightly less. With a national income of \$110,000,000,000, which we have the capacity readily to produce, the senior citizen past 60 would then realize somewhere around \$100 per month; and as the national income ascended, of course the annuity would ascend with it.

The Senator from Idaho [Mr. CLARK] a moment ago suggested that in lieu of a transactions tax, if it proved too burdensome, we could impose a heavier retail tax; and that, of course, is very true. Under a 2-percent transactions tax, if the farmer were selling a dozen eggs for 25 cents, he would have to pay one-half-cent tax, the wholesaler would have to pay another half-cent tax, and the retailer another half-cent tax, or a cent and a half altogether, making the total cost of the eggs 26½ cents. As the Senator from Idaho has pointed out, if we wanted to levy the 1½-cent tax on the retailer it would, in my opinion, amount to exactly the same thing as collecting it in three different transactions.

Mr. NORRIS. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. Surely.

Mr. NORRIS. I wish the Senator would give us his idea as to how many employees it would take to carry this tax into execution, and what the expense would be.

Mr. DOWNEY. I regret that I cannot state that to the Senator from Nebraska. I might say to him that the object is to produce employment, and if we had to employ a hundred thousand or even a million people in the collection of the tax, we would just as soon have them get their wages out of that work as in any other way, because they have to be employed and have to do work anyway.

I have read statements to the effect that the transaction tax itself would be burdensome and expensive, and I say again to the distinguished Senator from Nebraska, for whom I have such high admiration, that if a particular kind of a transaction tax were too expensive and involved too many employees, then it could be simplified in the way the Senator from Idaho has already suggested.

There is another feature of the Townsend plan which I believe involves a new and a Christian conception, that is, that whatever is paid in this Nation should no longer be paid as a matter of humiliating charity but should go to every person past 60 years of age retired from gainful employment, regardless of any means test.

I realize that might give to 20 percent of our population past 65 money of which they were not vitally in need, but I think we should establish a new social concept. I would have attempted to prove here this afternoon, if my time had not been too much limited, that the day when the great masses of the people can save is past. In the data developed by the temporary national economic committee, so ably headed by the Senator from Wyoming [Mr. O'MAHONEY], the most distinguished men from every business and industry were called to testify. Mr. Sloan, of General Motors; Mr. Stettinius, of the United States Steel Corporation; Mr. Owen D. Young, of the General Electric; representatives of insurance companies and banks and economists testified, and embodied in the report of the committee are the statistical data perfected over a number of years by thousands of students of statistics and economics. When the bill of the Senator from Kentucky [Mr. BARKLEY] comes before this body, I shall present the findings of the committee at length.

Let me say to my colleagues very briefly that those data show that our economy is breaking down because of excesses of savings diverted from business income into stagnation. They show that businessmen, in the production of goods and services of the Nation, pay out the national income; that out of that national income about 20 percent is saved; that that saving passes into the banks, and to the extent it cannot come out in capital formation it must either be borrowed by the public or released in consumers' credit or in some other temporary way.

Mr. President, those figures indicate clearly that in 1929 we had seven or eight or nine billion dollars of excess savings beyond the needs of capital industry; but in 1937 the economy crashed at about the same point in wealth production as in 1929, and we had \$8,000,000,000 of savings diverted from the business stream that were not returned to consumption by way of capital formation, and inventory account increased by \$4,000,000,000 as a result of that in a period of 8 months.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WILEY. I merely want to interject a suggestion. I recall that a recent report made by some of the great—

Mr. NEELY. A point of order. I object if the Senator is not asking a question, and I will have to object to the Senator yielding for any purpose except for the asking of a question.

The PRESIDING OFFICER. The Senator has a right to yield or not, as he chooses; but under the rule he can yield only for a question.

Mr. WILEY. Mr. President, does the Senator know that a recent report by some of the leading economists of this country shows that in 1929 about \$17,000,000,000 went into new industry from the earnings of this country, and in 1937 only about \$6,000,000,000?

Mr. DOWNEY. I know that that is not accurate. I hold in my hand tables which are admitted by all the economists and statisticians to be approximately correct, and the figures in those tables indicate a condition totally different from that suggested by the Senator from Wisconsin. As a matter of fact, these figures show, as the distinguished Senator from Wyoming will bear me out, that in 1937 equipment and machinery investments by business enterprises had returned to 95 percent, in money value, of what they were in 1929, and since prices of those durable goods were lower by about 5 or 10 percent, there was actually more machinery and equipment purchased in 1937 by the great enterprises than in 1929.

As a matter of fact, there was only one capital formation field which in 1937 was not almost back to the average level of 1920 and 1929, and that field was the residential construction field. Residential construction is now far below what it was in the twenties, and some New Deal leaders are counting upon the day when we will spend as much money in residential construction as we did in the 1920's, entirely oblivious to the fact that from 1910 to 1920 our population increased 16,000,000; that from 1920 to 1930 our population increased 16,000,000; and that in this decade it has increased only 8,000,000. Moreover, the great building boom of 1923, 1924,

and 1925, when residential construction reached its maximum, had several years of the war upon which to feed. So that in the decade of 1920 we were virtually constructing for an increasing population of twenty-two or twenty-three million people. In the coming decade we will not have to construct houses for half that many.

Professor Hansen, who testified, stated that residential construction uniformly kept pace with the increase of population, and since our population was rapidly declining, we could never again hope to get back to the residential construction figures of the 1920's. If the distinguished Senator from Wisconsin will read the figures which I have handed to him, he will see that in capital formation in 1937 we had almost returned to the condition of the year 1929, and had returned to the condition of the year 1925 in everything except residential construction.

Mr. President, I am about to conclude for this evening—

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. ADAMS. The Senator used an expression, and I am not merely—

Mr. NEELY. I object to the Senator from California yielding except for a question.

The PRESIDING OFFICER. The Senator from California will yield at his own risk unless the Senator to whom he yields propounds a question.

Mr. ADAMS. I will say that it is also at the risk of the Senator's bill.

Mr. DOWNEY. I did not hear the Senator's statement.

Mr. ADAMS. I wanted to ask the Senator a question.

Mr. DOWNEY. Let me first say to the Senator from West Virginia that I am about to conclude. I yield to the Senator from Colorado.

Mr. ADAMS. The Senator used the expression "excess savings," and stated they amounted to \$8,000,000,000. I wonder whether he can explain just what he meant. I have heard the expression used before, and it was not clear to me. I have had the feeling that savings are a very desirable thing in the Nation.

Mr. DOWNEY. I am very happy, first, to state to the distinguished Senator that very possibly I used the expression a little inaccurately. When I used the expression "excess savings," I meant the amount of savings that could not be absorbed in capital formation.

I may state to the distinguished Senator that today we have about \$6,000,000,000 of excess savings. Four billion dollars of those excess savings are being taken up by Government borrowing. That may cause the Senator to say that they are not excess savings, but I wish to point out to him that public or private borrowings are merely ephemeral operations, and that in any long-time, prospective economy, unless our statesmen realize that we dare not accumulate more savings out of the industrial income than we can utilize in building hotels or apartment houses or farm buildings or machinery or factories, indubitably we will crash. I may further say to the distinguished Senator that we should recollect that the savings of past generations made our capital goods possible, but likewise our capital goods made our savings possible. In other words, when savings pass into a bank they stagnate there, and with them an equal amount of wealth, unless the Government borrows it, or some individual or consumer credit borrows it. I should be very happy indeed to discuss this question later with the Senator from Colorado.

Mr. President, a word or two more, and I shall have concluded.

Mr. O'MAHONEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Wyoming?

Mr. DOWNEY. I yield.

Mr. O'MAHONEY. Before the Senator leaves this phase of his discussion, perhaps it would be more illuminating to those of us who are listening if he were to develop a little more in detail the conclusion he has reached with respect to the character of future economy, inasmuch as he has

based his argument upon the premise it is now impossible to invest the savings in the capital-goods industry.

Mr. DOWNEY. I shall be very happy indeed to do so. I do not wish to intrude upon this body too long tonight, but I am very happy to answer.

At the present time, going into the banks and insurance companies, are about \$6,000,000,000 that come out in the form of credits to farms and factories. The Federal Government, as I have said, is borrowing \$4,000,000,000 of that, and restoring it to commerce through the relief workers, and if the Government were not doing it, a corresponding \$4,000,000,000 of inventories would undoubtedly accumulate, just as was the case in 1937.

I have already said to the distinguished Senator that \$8,000,000,000 of excess savings accumulated in 1936, and \$6,000,000,000 is now accumulated. Our income is lower now than it was in 1937. Consequently we are saving about \$2,000,000,000 less. We are taking away \$4,000,000,000 by public borrowing.

I should like to impress upon the Senate that \$2,000,000,000 of excess savings is being restored to the consumptive stream by the losses largely of our farmers. As a lawyer I have handled transactions by the hundreds, and what is happening in the Sacramento Valley and elsewhere in California is an index of what is happening throughout the Nation. In California farmers, after a tragic era of loss, are again faced with a similar situation; they are unable to sell their products at the cost of production. Oftentimes some farmer has come into my office to see me and has said, "Mr. Downey, I have lost \$5,000 on this year's operations. Can you help me mortgage my farm, or sell some stocks and bonds?" I might know some businessman who had \$5,000 in excess savings which he had not invested, and I could arrange for the borrower, who had suffered a loss on his crop, to take the \$5,000 of excess savings out of the hands of the businessman, and thus was it restored to the consumptive stream.

In the year 1938, the losses of our farmers and the classes largely dependent upon them in my opinion exceeded by \$2,000,000,000 the losses in 1937.

I realize that losses are a part of the profit-and-loss system we have, as are gains. But certainly when the farmers produce crops for which tens of millions hunger, and they cannot sell them, losses thus made must be ascribed to a faulty mechanism rather than to our type of economy.

Mr. O'MAHONEY. Mr. President, will the Senator again yield?

Mr. DOWNEY. I have not yet answered the Senator's question. I was just coming to it.

Mr. O'MAHONEY. I was wondering if the Senator was.

Mr. DOWNEY. In the United States at the present time we have about \$6,000,000,000 income from profits flowing into the hands of individuals in the form of incomes, rents, profits, and dividends. About \$6,000,000,000 is received from property incomes. Of that \$6,000,000,000 we estimate that \$4,000,000,000 is being saved. In other words, people who have already accumulated savings and property are not spending the incomes they received from their prior savings to the extent of about \$4,000,000,000. Those billions of dollars are flowing into the hands of the savings banks, the insurance companies, and the other great lending agencies, as was so graphically brought out before the committee presided over by the Senator from Wyoming.

The cash holdings of savings banks and commercial banks of this Nation are at an all-time high; the cash holdings of insurance companies in our commercial banks are at an all-time high; and the cash savings of all types of investors are at an all-time high. Their withdrawal undoubtedly would tend to break down the present faulty economy and to reduce the distress of our farmers and others who are in a system of unregulated competition compared to others.

Mr. President, if Senators desire to conserve a free country, there are only two things they can do, and they must be done, or, beyond doubt, we face regimentation and a dictatorship, with all that that means. I am talking now sheer mathematics and nothing else. There are two things we



must do. We must compel persons receiving incomes, to the extent they can no longer be utilized in building up this Nation, to spend them.

If Mr. Ford is allowed to make \$2,000,000 a year—and I do not want to deprive him of that right—and to keep \$500,000 or \$750,000, he must be compelled to spend it to the extent that it can no longer be used in building more automobile factories or more factories of some other kind. Consequently, I would propose a tax upon the unearned incomes of the Nation, upon incomes flowing from property, compelling the expenditure of such incomes for consumable goods, or their forfeiture to the public. In other words, I would say to the fortunate classes of America, "We want to protect your property; we want to protect your savings; but we say to you that when you withdraw from the business stream billions of dollars that can no longer be returned by capital formation, you are destroying your own right of saving and your own property." I say, Mr. President, that if that kind of a law were passed, within 6 months we would see released in the Nation \$4,000,000,000 of stagnant purchasing power, restoring our workers to employment, and allowing our industrial machines to operate at full capacity.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. The Senator then places human rights above property rights.

Mr. DOWNEY. I hope I do, but let me say that I am here merely talking sheer mathematics. As the honorable Senator from Wyoming will recall, Mr. Sloan, Mr. Young, Mr. Stettinius, every one who testified before the Monopoly Committee, including eminent economists, said that the great business enterprises of America are now developing out of their own earnings, by way of appreciation of funds and surpluses, all the capital that can be used in this Nation in the future.

Mr. Sloan said, "We do not want any more money from outside sources. If we want to promote the Diesel engine we are prepared to advance a hundred million dollars to promote it." A distinguished man from the aircraft industry said the same thing. That is undoubtedly true. Our great business enterprises have reached such a condition that out of their own earnings they produce all the capital that can from now on be utilized in the American Nation, and at a subsequent time I should like to discuss the figures so graphically developed in the report made by the committee headed by the distinguished Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator will recall—

Mr. NEELY. Mr. President, I unwillingly object.

Mr. O'MAHONEY. If the Senator will pardon me I shall ask a question. Does the Senator from West Virginia desire to object?

Mr. NEELY. I am unwillingly compelled to object to anything except a question.

Mr. O'MAHONEY. Mr. President, I shall propound a question, if the Senator from California will permit me to do so, and when the Senator from California has concluded his speech perhaps I myself may have something to say.

Mr. DOWNEY. Mr. President, I will say to the Senator from Wyoming that I am placed in a very unhappy and embarrassing position, and I wish he would assist me. I shall be only too delighted to engage in colloquy when the bill of the Senator from Kentucky [Mr. BARKLEY] is before the Senate for consideration. That bill apparently is an outcome of the hearings before the Economic Committee. I think I should now conclude very rapidly, in view of the long wait which the Senator from West Virginia [Mr. NEELY] has on the block-booking bill. I wish the Senator from Wyoming [Mr. O'MAHONEY] would cooperate with me, and not speak after I have concluded.

Mr. O'MAHONEY. I shall withdraw my request to the Senator to yield out of deference to his desire.

Mr. DOWNEY. I am deeply grateful for what the Senator from Wyoming has just said, but I must admit my sympathy

for the distinguished Senator from West Virginia. For months he has been endeavoring to obtain consideration of a bill in which he is greatly interested. That consideration is long overdue. I should have closed my speech an hour or so ago, and I regret having spoken for so long.

I shall conclude by saying that, in my opinion, the great masses of American people can never again save, and any attempt on their part to save will break down our economy. As a matter of practical fact, every Senator knows that four out of five men past 50 years of age are "broke" today, living in the chill shadow of poverty, which will close down upon them whenever they lose their jobs. I shall not enter into any discussion as to whether or not they should have saved or could have saved. It is a simple fact that millions of our fellow citizens past 60 years of age, the best men and women in the Nation, who have builded the farms and the factories by virtue of which we live, are in desperate want in an opulent nation which could lavishly provide for them.

A Senator must take one of two positions. Either we cannot distribute our wealth under a free economy and a capitalistic system, or we have not the will or the intelligence to do so. I am unwilling to take either of those positions, because I know the high honesty, ability, and devotion to society of the Members of this body.

So far as pensions are concerned, I think the American Nation has had a blind spot. That blind spot has existed because we came out of an agrarian civilization in which 90 percent of our people lived upon farms, a system under which the older members of the family could gracefully, honestly, and easily be absorbed into the farm economy with dignity and security as they grew older.

One of the Senators before the Finance Committee took the position that it was the duty of the children to support the parents. I would reply to him by saying that 50 percent of our younger married people themselves live in insecurity and despair, and cannot decently support their parents. We have passed into a highly mechanized urban civilization, with tremendous concentrations of wealth and population. God help four out of five of our retired workers in the next 10 or 15 years, as they lose their jobs, use up their scanty savings, and have to impose themselves upon children who cannot support their own families.

It has been said to me that I have too great a concern for the retired workers and the senior citizens. I have concern for the babies of this Nation, who, lacking milk and sustenance, are doomed to a life of disease which could be avoided. I have sympathy for the 5,000,000 youngsters between 16 and 24, hopelessly seeking jobs, first with hope in their hearts and then with despair. I have sympathy for the millions upon millions of unemployed, for the W. P. A. worker trying to live and support a family of four or five on \$50 or \$60 a month. I sympathize with those people. No one defends such conditions. There is no one who does not bewail those facts.

However, the Social Security Act is acclaimed as a great achievement, when in reality it is a plat of poverty projected 50 years ahead of time. What disturbs me is that the leaders of social security in Washington honestly believe they have done a great job in this plan, which would give \$20 or \$30 a month to our retired workers.

I wish some Senator would undertake with me to live for one month on \$20, and then come back and report to our colleagues the misery, horror, and degradation of it. I have not the courage or hardihood to undertake it alone. I cannot live on 5 or 10 cents a meal in some miserable, lousy hovel, as most of our elderly people have to do.

For some reason we have a blind spot in this opulent land. I say we must change our social conception. Let the children support their parents, but let it be done by law. Let the younger generation support the retired worker and regard him as a retired partner who has builded this Nation for the rest of us.

Mr. President, if we in the Senate wish to do one great act, we have the power to lift millions upon millions of despairing elderly people out of the depths of degradation,

humiliation, and poverty which most of us would rather die than descend to.

Mr. President, the Social Security Act is born of a lack of vision. It springs from poverty. It never strikes above the eaves of the poorhouse. It is unfair to the workers in the contributory system. It will produce from them a political repercussion which in my opinion will be unequaled when once they realize what it is. At its best, it gives to our older people only enough to exist in misery and degradation.

I realize the tremendous import of these questions. I am not urging upon any Senator that he should vote for any measure in which I believe. I am now asking Senators, in decency and fairness, to vote to recommit to the Finance Committee this inequitable, unsound measure. Let us see if we cannot do better. Certain features of it should immediately be passed, such as freezing the pay-roll tax, reducing the reserve, and increased payments to the people in the poorer States. However, the greater issue is building a great plan to act as a uniform instrument of relief over the Nation. Let us not, in mercy, commit our hands and our voices to the approval of this bill today.

Mr. President, I ask the Senate to agree to my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from California [Mr. DOWNEY] to recommit the bill to the Committee on Finance.

Mr. DOWNEY. Mr. President, I ask for the yeas and nays on this question.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HOLMAN (when his name was called). I have a general pair with the distinguished Senator from Tennessee [Mr. STEWART]. I do not know how he would vote, if present. If I were at liberty to vote, I should vote "yea." I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. McKELLAR]. Not knowing how he would vote, if present, I withhold my vote.

The roll call was concluded.

Mr. HALE (after having voted in the affirmative). I have a general pair with the junior Senator from South Carolina [Mr. BYRNES]. Not being able to transfer my pair with him, I withdraw my vote.

Mr. SHIPSTEAD. I have a general pair with the senior Senator from Virginia [Mr. GLASS]. Not being informed how he would vote, if present, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. HARRISON (after having voted in the negative). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I understand that if he were present he would vote "yea." I transfer my pair with him to the senior Senator from North Carolina [Mr. BAILEY] and will permit my vote to stand.

Mr. MINTON. I announce that the Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness in his family.

The Senators from Tennessee [Mr. McKELLAR and Mr. STEWART], the Senator from Texas [Mr. CONNALLY], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Arkansas [Mr. MILLER] are members of the committee appointed to attend the funeral of the late Representative McREYNOLDS, and are, therefore, necessarily absent.

The Senator from Florida [Mr. ANDREWS], the Senator from Missouri [Mr. CLARK], and the Senator from Ohio [Mr. DONAHAY] are detained in various Government Departments.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. TYDINGS], the Senator from Virginia [Mr. GLASS], the Senator from West Virginia

[Mr. HOLT], and the Senator from Idaho [Mr. CLARK] are absent on important public business.

The Senator from Florida [Mr. PEPPER] is paired with the Senator from Maryland [Mr. TYDINGS]. I am not advised how the Senator from Florida, if present and voting, would vote. It is my information that the Senator from Maryland would vote "nay."

The Senator from Montana [Mr. MURRAY] is absent on official business. I am advised that if present he would vote "yea."

Mr. AUSTIN. The Senator from Michigan [Mr. VANDENBERG] has a pair with the Senator from Alabama [Mr. BANKHEAD]. I am advised that if present the Senator from Michigan would vote "yea," and the Senator from Alabama would vote "nay."

The Senator from Pennsylvania [Mr. DAVIS] has a general pair with the Senator from Kentucky [Mr. LOGAN]. The Senator from Pennsylvania has been called away on important public business.

The result was announced—yeas 18, nays 47, as follows:

#### YEAS—18

Barbour  
Bridges  
Downey  
Frazier  
Gurney

Johnson, Calif.  
Lodge  
Lundeen  
Nye  
O'Mahoney

Reed  
Schwartz  
Taft  
Thomas, Okla.  
Tobey

Wheeler  
White  
Wiley

#### NAYS—47

Adams  
Ashurst  
Austin  
Barkley  
Bilbo  
Bone  
Bulow  
Byrd  
Capper  
Chavez  
Danaher  
Ellender

George  
Gerry  
Gibson  
Gillette  
Green  
Guffey  
Harrison  
Hatch  
Hayden  
Herring  
Hill  
Hughes

Johnson, Colo.  
King  
La Follette  
Lee  
Lucas  
Maloney  
Mead  
Minton  
Neely  
Norris  
Overton  
Pittman

Radcliffe  
Reynolds  
Russell  
Schwellenbach  
Sheppard  
Slattery  
Smith  
Thomas, Utah  
Van Nuys  
Wagner  
Walsh

#### NOT VOTING—31

Andrews  
Bailey  
Bankhead  
Borah  
Brown  
Burke  
Byrnes  
Caraway

Clark, Idaho  
Clark, Mo.  
Connally  
Davis  
Donahay  
Glass  
Hale  
Holman

Holt  
Logan  
McCarran  
McKellar  
McNary  
Miller  
Murray  
Pepper

Shipstead  
Smathers  
Stewart  
Townsend  
Truman  
Tydings  
Vandenberg

So Mr. DOWNEY's motion to recommit the bill was rejected.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 289. An act for the relief of the West Virginia Co.;

S. 1575. An act to provide that the annual registration of motor vehicles and the annual licensing of certain public vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year; and

S. 2336. An act to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.

#### AMENDMENT OF SOCIAL SECURITY ACT

The Senate resumed the consideration of the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

Mr. JOHNSON of Colorado. Mr. President, I send to the desk an amendment, which I ask to have printed and lie on the table.

Mr. HARRISON. Mr. President, I had hoped we might finish the bill tonight. Will not the Senator offer the amendment tonight?

Mr. JOHNSON of Colorado. Very well. I will offer it now if the Senator wishes to finish the bill tonight.



Mr. HARRISON. I hope we may finish the bill tonight.

Mr. JOHNSON of Colorado. I shall ask immediate consideration of the amendment if the Senator is going ahead with the bill.

Mr. HARRISON. Very well.

Mr. JOHNSON of Colorado. I offer the amendment, and ask to have it stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "State", it is proposed to insert:

and, effective January 1, 1941, such financial participation shall amount to not less than \$10 each month with respect to each needy individual receiving old-age assistance for the month.

Mr. JOHNSON of Colorado. Mr. President, the purpose of this amendment, which is quite obvious from reading it, is to require the States after January 1, 1941, to pay at least \$10 per month to the recipients of old-age pensions.

Yesterday we had before us an amendment requiring the Federal Government to put up \$10 to the State's first \$5. In the pending measure we place a ceiling of \$40 per month on pensions, and it seems to me it is perfectly reasonable and proper that we should put a bottom on the pensions.

I heard what the Senator from Kentucky [Mr. BARKLEY] said yesterday about his disappointment over the way the States have responded to the opportunity which the Congress gave them to provide pensions for their aged citizens. I heard what the other Senators have said. They have all testified that all of the States which pay low pensions could do much better than they are doing.

Mr. WALSH. Mr. President, does the Senator's amendment provide that the minimum contribution by any State to any individual over 65 years of age shall be \$10, in order to entitle him to receive \$15 from the Federal Government?

Mr. JOHNSON of Colorado. No; the average for the State must be at least \$10.

Mr. WALSH. So that in one community the amount might be smaller and in another larger, but the average for the State must be \$10 in order to entitle the State to \$15 of Federal money?

Mr. JOHNSON of Colorado. In order to bring the State into the approved plan.

Mr. WALSH. The only way in which they can be punished is by taking away the \$15.

Mr. JOHNSON of Colorado. Taking away everything from them unless they pay the \$10.

Mr. WALSH. So that the Senator's amendment provides that the average contribution to individuals over 65 years of age shall be \$10 per person?

Mr. JOHNSON of Colorado. That is correct. That is, beginning on January 1, 1941.

Mr. WALSH. Beginning January 1, 1941?

Mr. JOHNSON of Colorado. That is correct.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. We have already adopted an amendment offered by the Senator from Texas [Mr. CONNALLY] providing that of the first \$15 the Federal Government shall put up \$10 and the State \$5. That is the requirement.

Mr. JOHNSON of Colorado. Yes.

Mr. BARKLEY. I can understand how a State could be required to put up a minimum amount as its share of the contribution under the plan which has been adopted, but I am wondering how the Senator's amendment would fit in with the amendment already adopted, under which up to \$15 it is a 2-to-1 proposition, whereas the Senator's amendment provides for an average of \$10. How would that dovetail into the 2-for-1 up to \$15?

Mr. JOHNSON of Colorado. It would work in this way. The minimum pension would be \$25; the Federal portion of it would be \$15, and the State portion would be \$10. So the pension would be \$25.

Mr. BARKLEY. I understood that the Senator, in answer to another question, stated it was an average of \$10.

Mr. JOHNSON of Colorado. It is an average.

Mr. BARKLEY. It would have to be a minimum average of \$10.

Mr. JOHNSON of Colorado. Yes.

Mr. BARKLEY. Of course, if the State put up \$5 and the Federal Government \$10, as provided in the Connally amendment, the pension in that case would be \$15, and I do not see how it fits in with an average of \$10.

Mr. JOHNSON of Colorado. What is the average at the present time?

Mr. BARKLEY. It varies, of course.

Mr. JOHNSON of Colorado. How low is it?

Mr. BARKLEY. It is as low as \$6 in some States.

Mr. JOHNSON of Colorado. Yes; it is as low as \$6 in States putting up \$3 plus. Under the Connally amendment, that situation is not changed in the slightest degree, except that the Federal Government puts up two-thirds. In other words, the State of Arkansas is paying \$6 now, and under the Connally amendment the State of Arkansas would pay \$9. Under my arrangement the State of Arkansas would pay \$25; and there is a vast difference.

Mr. BARKLEY. That would make more than an average of \$10-a-month pension, would it not?

Mr. JOHNSON of Colorado. The State of Arkansas would pay an average of \$25.

Mr. HATCH and Mr. WAGNER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Colorado yield; and if so, to whom?

Mr. JOHNSON of Colorado. The Senator from New Mexico was on his feet first, and I yield to him first.

Mr. HATCH. I wish to be sure about one thing in the Senator's amendment. Suppose there should be a State, my State or any other State, which could not raise \$10 a month; what would happen in such a State?

Mr. JOHNSON of Colorado. It would lose its Federal contribution entirely. I heard what Senators from the so-called poorer States, the States which are not paying pensions, said on the floor yesterday. They said, "Better that we have no pensions than this dime-a-day pension." That is what they said, and I am taking them at their word.

Mr. HATCH. The Senator did not hear me make that statement.

Mr. JOHNSON of Colorado. No; I did not hear the Senator from New Mexico make the statement; but it was heard here, and it has been heard here frequently in the discussion of the pending bill.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. WHITE. Am I to understand that the Senator's proposal is that the average contribution shall be \$10, or not less than \$10?

Mr. JOHNSON of Colorado. Not less than \$10.

I now yield to the Senator from New York.

Mr. WAGNER. As I now understand the amendment, it means that in every case in which the Federal Government participates, or makes a contribution to a State, the minimum pension will be \$25.

Mr. JOHNSON of Colorado. That is correct.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BILBO. I desire to ask the Senator how he reconciles such a compulsory proposal with the inherent rights of a sovereign State. I can understand how the Government can make a tender on condition that a State will accept it and do certain things, but for Congress to say to a State that they must do this or forfeit their right—and a State might not be able to raise the money—I think is outrageous.

Mr. JOHNSON of Colorado. The States do not have to accept it at all; they do not have to accept the Federal money.

Mr. BILBO. But the Senator is going to rob the State of the chance to get even a small part of the contribution.

Mr. JOHNSON of Colorado. The purpose of the amendment is to get rid of disgracefully low pensions. I heard what the Senator from Kentucky said yesterday about his great disappointment. As I recall his remarks, he stated that when the pension program was first enacted by the Congress, it was the objective and the purpose and the hope

that the States would all enact pension legislation and that it was his hope that all pensioners would receive \$30; but that he had been disappointed in the result; that the matter had been going on and on, and we were continuing to give money to the States, continuing to pay disgracefully low pensions, and that his patience was about exhausted. My patience is exhausted, and I believe that the patience of the Congress is being exhausted at the response the States have made to the liberal proposals which have been made to them on the part of the Federal Government.

Mr. BARKLEY. Mr. President, will the Senator yield for another question?

Mr. JOHNSON of Colorado. I yield.

Mr. BARKLEY. I do not yet understand the Senator's amendment clearly.

Mr. JOHNSON of Colorado. I wish the clerk would read the amendment again.

Mr. BARKLEY. I think I am in sympathy with what the Senator is trying to accomplish, but I want to be sure I understand it, because he used the term, "average of \$10." Did the Senator mean that the average pension drawn by the pensioner would be \$10, or that the average contribution by each State must be \$10, or that the minimum of the contribution by the State should be \$10?

Mr. JOHNSON of Colorado. I regret that the amendment is not before Senators in printed form. I understood the bill was to go over. But I ask that the clerk read the amendment again, so that the Senator from Kentucky will have it in mind.

The VICE PRESIDENT. Does the Senator desire to have the amendment reread?

Mr. JOHNSON of Colorado. Yes; I should like to have the amendment read.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 2, after the word "State", it is proposed to insert "and, effective January 1, 1941, such financial participation shall amount to not less than \$10 each month with respect to each needy individual receiving old-age assistance for the month."

Mr. BARKLEY. Now let me ask the Senator how he arrives at his figure of \$25 a month pension. How does he assume that the Federal Government puts up \$15 in order to make the amount \$25?

Mr. JOHNSON of Colorado. Twenty-five dollars is the minimum. This is the way it would work. We will suppose, for instance, that the State of Kentucky pays pensions to 10,000 persons.

Mr. BARKLEY. The number is about 40,000.

Mr. JOHNSON of Colorado. I did not know what the number was, but I used 10,000 as an arbitrary number, because I wanted to make the multiplications easily. We will say the State is paying pensions to 10,000 people. Under the present plan the State of Kentucky would have to pay 10,000 people at least \$10 apiece.

Mr. BARKLEY. A month.

Mr. JOHNSON of Colorado. Each month, yes; in order to have an approved plan.

Mr. BARKLEY. I am afraid that interferes with the provisions of the Connally amendment, under which up to an average of \$15 a month the Federal Government puts up \$10 and the State \$5. If the State is required to contribute a minimum of \$10 in each case, and if the Federal Government contributes \$10, that will make an average of \$20, so that the two-to-one proposition as carried in the Connally amendment would not apply. Is that correct?

Mr. JOHNSON of Colorado. The Connally amendment would apply; yes.

Mr. BARKLEY. Does the amendment of the Senator from Colorado superimpose itself on the 2 to 1 figure of the Connally amendment?

Mr. JOHNSON of Colorado. The Connally amendment is a formula, and under the Connally amendment the Federal Government puts up \$10 for the first \$5 that the State puts up. Then for the next \$5 the Government puts up \$5.

Mr. BARKLEY. That makes a total of \$25?

Mr. JOHNSON of Colorado. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado [Mr. JOHNSON].

Mr. JOHNSON of Colorado. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. HARRISON. I merely wish to state before the vote is taken that if each State must put up \$10 each month for each individual on the State rolls, as is proposed in the amendment—it is not the average as anyone who hears it read may assume, but the minimum is \$10 for each individual which each State must put up in order to get this Federal assistance—none of the States would qualify for all their pensions. Thirty-one States would be excluded from getting the Federal assistance even on the basis of an average requirement. But this means more than an average of \$10 State money per case. It means \$10 State money as a minimum per beneficiary.

Mr. O'MAHONEY. I wish to remark that the table which was put into the RECORD by the Senator from South Carolina 2 or 3 days ago indicates that there are 28 States in the Union in which the total average receipts is less than \$20.

Mr. HARRISON. The figures show that 31 States would be excluded even on an average basis. No State at present pays a \$25 pension, but the minimum pension payment considers the other income of an individual.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado [Mr. JOHNSON].

Mr. LEE. Mr. President, I wish the Senator from Michigan [Mr. VANDENBERG] were here, because I intend to refer to the debate we had yesterday on the amendment which I offered to the bill. I shall read from the RECORD of yesterday:

Mr. VANDENBERG. I mean to say to the Senator that for 7 years we have failed by \$3,000,000,000 a year to find the money with which to pay our bills.

Mr. LEE. Because the Finance Committee has not brought in a tax bill to accomplish that, and every time we offer a tax bill the Senator is one of the first to say, "Let us not stifle business."

Mr. VANDENBERG. The Senator knows that is not accurate if he is familiar with the RECORD. I have voted for every increased tax amendment proposed by the distinguished Senator from Wisconsin [Mr. LA FOLLETTE]. I have voted for every increased tax that has been proposed in the Senate for the purpose of paying the Government's bills, and I cannot do any more than that.

Now, Mr. President, I wish to refer to the RECORD because on the vote on the revenue bill of 1935, which was taken on August 14, 1935, on H. R. 8974, Seventy-fourth Congress, the Senator from Michigan [Mr. VANDENBERG] made a long speech, several pages in length, against the bill and in support of his own motion which was to recommit that revenue bill. That tax bill, according to the Senator's own figures here, was estimated to raise \$270,000,000 additional revenue above that being received. Senator VANDENBERG's own words are:

Second, if—

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. AUSTIN. I should like to have the RECORD show that the distinguished Senator from Michigan [Mr. VANDENBERG] is necessarily temporarily absent from the Senate.

Mr. LEE. I am glad to have that shown.

Quoting from the Senator's speech of August 14, 1935, appearing on page 13044 of the CONGRESSIONAL RECORD:

Second, if we must have an ill-timed and ill-starred tax bill, should it be a tinfoil measure—and when I speak of it as a tinfoil measure I mean no disrespect to \$270,000,000 as such. That still is an enormous sum of money to take from the pockets of the American people, even in this New Deal day of astronomical calculations.

Then on page 13077 of the CONGRESSIONAL RECORD of August 14, 1935, there is a record vote giving the names of those voting "yea" or in support of the motion to recommit that tax bill of 1935. Remember that tax bill was estimated to increase the revenue \$270,000,000, according to Senator VANDENBERG's own statement. Now everyone knows a motion and a vote to recommit is a motion and a vote to kill.



Senator VANDENBERG's name appears with those who voted to recommit. In column 4 his was the second name.

I refer again to the RECORD, Mr. President, on the vote on the tax measure of 1936, which was H. R. 12395 of the Seventy-fourth Congress. On page 9110 of the CONGRESSIONAL RECORD of June 5, 1936, there is a record vote on the tax bill of 1936, which bill, so I am unofficially informed, it was estimated, would greatly increase the revenues. We see Senator VANDENBERG's name among those voting "no." His name is the fifth name from the top of that column.

Therefore it seems that the Senator from Michigan is the one who did not know the record, or was not familiar with the record, or had forgotten the record when he suggested that the junior Senator from Oklahoma was not familiar with the record when I intimated that the Senator from Michigan [Mr. VANDENBERG] opposed tax measures that would increase the revenues, help balance the Budget which he is so interested in balancing, and which I too would like to balance. But different from the Senator from Michigan, I vote for such measures.

Mr. President, I just wanted to keep the record straight.

Mr. WALSH. Mr. President, before the vote is taken I should like to ask a question of the Senator from Colorado [Mr. JOHNSON]. Regardless of where the money comes from, whether from a State, or nationally, the net result of the Senator's amendment would be that the average payment to a person 65 years of age would be \$25 in every part of the country?

Mr. JOHNSON of Colorado. That is correct; in every part of the country.

Mr. GEORGE. Under the Senator's amendment the minimum payment any person on the rolls would receive would be \$25.

Mr. BARKLEY. I may ask the Senator from Mississippi [Mr. HARRISON] a question in connection with his remarks made a moment ago, and referring to my remarks of yesterday in which I expressed my disappointment that not only in my own State but in other States, the States had not matched the \$15 of Federal money. It so happens that in my State there is a campaign on now for Governor and for members of the legislature, and in all probability the next legislature, which will meet in January, will match the \$15 that is now being contributed by the Federal Government. But in the event they should not change the maximum of \$7.50, which is provided under the present law, and raise it to \$10 in every case, then in that event Kentucky would not participate at all in this old-age pension? Is that correct?

Mr. HARRISON. That is the way I understand it. Without question, the amendment as it is written says: "shall amount to not less than \$10 each month with respect to each needy individual receiving old-age assistance." It is not the average in the State.

Mr. BARKLEY. I understand.

Mr. HARRISON. It is the minimum.

Mr. BARKLEY. Of course, that raises a question in any State. I think it is an important matter for us to consider, in voting on the amendment, whether or not we are willing to say by the amendment that if the State does not provide by law for a minimum of \$10 in each case there shall be no pension at all, and that the Government of the United States shall even withdraw its contribution. That is, no doubt, a form of coercion on the States; and I am wondering whether or not it is wise now to attempt to coerce them with the threat that if they do not do as we wish, they will not receive anything.

Mr. JOHNSON of Colorado. Mr. President, it seems to me rather strange to draw the line at this kind of coercion, because the whole bill is based on the principle of coercion of the States, not only in the pension part of it but in the unemployment part of it. There is coercion all through it.

Mr. BARKLEY. It was not exactly coercion. It was cooperation. It was offering an inducement to the States to enter this field, which most of them had not entered.

Mr. JOHNSON of Colorado. My amendment is along the line of cooperation. The Senator asks what would happen in Kentucky if the State did not raise the money, and

whether or not it would be shut off entirely. It would be shut off entirely except insofar as it paid pensions; and whenever it paid a pension it would have to pay \$25. The Senator says Kentucky pays pensions to 40,000 people. Kentucky could pay pensions to 20,000 people, bringing up its average, and cut off 20,000 who have been given this pitifully small amount.

Mr. BARKLEY. Kentucky could not do that unless it raised the maximum State contribution from \$7.50 to \$10 in cases where a pension was paid at all. The number might be reduced from 40,000 to 20,000. That would not necessarily compel the State to pay a maximum of \$10, with \$15 from the Government, unless by law the maximum were raised from \$7.50, where it is now, to \$10, under the provisions of the Senator's amendment.

Mr. JOHNSON of Colorado. If the State paid a pension to anyone, it would have to pay \$25.

Mr. BARKLEY. Yes; and if the State did not provide for such payment by State law, it would not participate in the pension fund.

Mr. JOHNSON of Colorado. It is up to a State to say to whom the pension shall be paid.

Mr. ANDREWS. Mr. President, no doubt the policy of the amendment is good in some States. However, many of us in the poorer States are faced with facts.

The Legislature of the State of Florida does not convene for 2 years. At present, I understand, there is not sufficient money appropriated to provide for an old-age pension of \$10 per month to be paid by the State. That means absolutely that under this amendment those who have been receiving a pension in Florida might not receive anything at all for the next 2 years.

I shall, therefore, have to oppose the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. JOHNSON]. On that amendment the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. BYRNES] who, I understand, would vote "nay", if present. I transfer that pair to the senior Senator from Michigan [Mr. VANDENBERG], and will vote. I vote "yea." I am advised that the Senator from Michigan would vote "yea" if present.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am not informed how he would vote. If permitted to vote, I would vote "yea." I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. McKELLAR], who is detained from the Senate attending a funeral. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). Making the same announcement as before with regard to my pair with the Senator from Oregon [Mr. McNARY] and its transfer, and I will permit my vote to stand.

Mr. MINTON. I announce that the Senator from New Jersey [Mr. SMATHERS] is detained from the Senate because of illness in his family.

The Senators from Tennessee [Mr. McKELLAR and Mr. STEWART], the Senator from Texas [Mr. CONNALLY], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Arkansas [Mr. MILLER] are members of the committee appointed to attend the funeral of the late Representative McReynolds and are therefore necessarily absent.

The Senator from Missouri [Mr. CLARK] and the Senator from Ohio [Mr. DONAHEY] are detained in various Government departments.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mr. CARAWAY],

the Senator from California [Mr. DOWNEY], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. TYDINGS], the Senator from Virginia [Mr. GLASS], and the Senator from Idaho [Mr. CLARK] are absent on important public business.

The Senator from Florida [Mr. PEPPER] is paired with the Senator from Maryland [Mr. TYDINGS].

Mr. AUSTIN. The Senator from Pennsylvania [Mr. DAVIS] is absent on important public business. He has a general pair with the Senator from Kentucky [Mr. LOGAN].

The Senator from Oregon [Mr. HOLMAN] would vote "yea" if present. He has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Oregon [Mr. McNARY] is necessarily absent. His pair and transfer have been stated by the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 37, nays 31, as follows:

## YEAS—37

Adams	Gibson	Maloney	Taft
Austin	Green	Mead	Thomas, Okla.
Barbour	Gurney	Murray	Tobey
Bridges	Hale	Neely	Walsh
Byrd	Holt	Norris	Wheeler
Capper	Johnson, Calif.	Nye	White
Chavez	Johnson, Colo.	O'Mahoney	Wiley
Danaher	La Follette	Reed	
Frazier	Lodge	Reynolds	
Gerry	Lundeen	Schwartz	

## NAYS—31

Andrews	Gillette	King	Schwellenbach
Ashurst	Guffey	Lee	Sheppard
Barkley	Harrison	Lucas	Slattery
Bilbo	Hatch	Minton	Smith
Bone	Hayden	Overton	Thomas, Utah
Bulow	Herring	Pittman	Van Nuys
Ellender	Hill	Radcliffe	Wagner
George	Hughes	Russell	

## NOT VOTING—28

Bailey	Clark, Idaho	Holman	Shipstead
Bankhead	Clark, Mo.	Logan	Smathers
Borah	Connally	McCarran	Stewart
Brown	Davis	McKellar	Townsend
Burke	Donahay	McNary	Truman
Byrnes	Downey	Miller	Tydings
Caraway	Glass	Pepper	Vandenberg

So the amendment of Mr. JOHNSON of Colorado was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate and open to further amendment.

Mr. HAYDEN. Mr. President, I ask the clerk to read the printed amendment which I have at the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Arizona will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert the following new title:

## TITLE X

The Social Security Act is amended by adding at the end thereof a new title as follows:

## "TITLE XII—AID TO INDIANS

"Sec. 1201. From the sums appropriated for titles I, IV, and X, respectively, the Secretary of the Treasury shall pay to each State which has, under any such title, an approved plan that includes Indians upon the same conditions as other persons covered by such plan, for each quarter, beginning with the quarter commencing July 1, 1939, an amount, which shall be used exclusively as aid to Indians, equal to the total of the sums expended during such quarter as aid to such Indians under such State plan, such amount to be in addition to the amount paid the State with respect to sums expended for other persons.

"Sec. 1202. For the purposes of this act the term 'Indian' shall include all persons of Indian blood who are members of a tribe, pueblo, band, community, or other group now or hereafter recognized by the Congress or the Secretary of the Interior, and who reside on a reservation or on other lands set aside or established for Indian use and occupancy: *Provided*, That the term 'Indian' shall also include all Indian and Eskimo natives of Alaska who are of one-half or more Indian or Eskimo blood, certified as such by the Secretary of the Interior or by any other officer duly designated by him. The records of the Department of the Interior and of the Indian Service shall be prima facie evidence of the facts shown thereon as to tribal membership, age, sex, and degree of Indian blood.

"Sec. 1203. The Commissioner of Indian Affairs of the Department of the Interior is hereby authorized to enter into arrangements with any State agency charged with the administration of a State plan approved by the Board under titles I, IV, or X to use

any agency or agencies of the Office of Indian Affairs in the administration of any such plan with respect to Indians."

Mr. HAYDEN. Mr. President, from the beginning of this Government Indians have been considered to be wards of the United States, and the aged dependent Indians of all kinds have been cared for by the United States.

Under the terms of this bill, Indians are to receive the same benefits as all other citizens, but half of the cost is to be charged to the States. It is to avoid that situation that I have offered this amendment. The amendment is quite similar to and in effect identical with one which I submitted to the committee—that is, that Indians shall receive the same benefits as white persons, but that the entire cost shall be paid by the United States.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WHEELER. I call the Senator's attention to the fact that throughout the West the States receive no taxes or other income from the various Indian reservations, but everything goes to the particular Indians concerned.

Mr. HAYDEN. My State is the extreme example of that case. Arizona has over 19,000,000 acres in Indian reservations. It is the extreme example with respect to the number of Indians in proportion to the white population.

I ask permission to insert in the RECORD a table showing that in the State of Arizona over 10 percent of the population are Indians.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

The table is as follows:

State	Total population of the State	Indian population of the State	Percentage Indian population to total population
United States.....	122,775,046	332,397	0.27
Arizona.....	435,573	43,726	10.04
New Mexico.....	423,317	28,941	6.84
Nevada.....	91,058	4,871	5.35
Oklahoma.....	2,396,040	92,725	3.87
South Dakota.....	692,849	21,833	3.15
Montana.....	537,606	14,798	2.75
North Dakota.....	680,485	8,387	1.23
Wyoming.....	225,565	1,845	.82
Idaho.....	445,032	3,638	.82
Washington.....	1,563,396	11,253	.72
Utah.....	507,847	2,899	.57
North Carolina.....	3,170,276	16,579	.52
Oregon.....	953,786	4,776	.50
Minnesota.....	2,563,953	11,077	.43
Wisconsin.....	2,939,006	11,548	.39
California.....	5,677,251	19,212	.34
Nebraska.....	1,377,963	3,256	.24
Michigan.....	4,842,325	7,080	.15
Kansas.....	1,880,999	2,454	.13
New York.....	12,588,066	6,973	.06
All others.....	78,782,293	14,556	.02

Mr. HAYDEN. We have 435,573 white people. We have 43,726 Indians. If the 43,726 Indians had been counted in the last census we should have two Representatives in the House of Representatives; but, under the Constitution, Indians not taxed are eliminated.

That is one way of meeting the situation. The other way is to allow Indians to be left out of the social-security scheme.

When I had this matter before the committee, it was suggested that the committee would look with favor upon the second alternative. I desire to present the two propositions, and see which one the committee now is willing to accept. I am unwilling to allow the matter to pass with no action at all; and I ask the clerk to read, for the information of the Senate, the typewritten amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The legislative clerk read as follows:

On page 111, line 13, strike out the quotation mark.

On page 111, after line 13, insert a new section as follows:

## "PROVISIONS RELATING TO INDIANS

"Sec. 1108. (a) Notwithstanding any other provisions of law, the Social Security Board shall not disapprove any State plan under



title I, IV, or X of this act because such plan does not apply to or include Indians.

"(b) For the purposes of this act the term 'Indian' shall include all persons of Indian blood who are members of a tribe, pueblo, band, community, or other group now or hereafter recognized by the Congress or the Secretary of the Interior and who reside on a reservation or on other lands set aside or established for Indian use and occupancy: *Provided*, That the term 'Indian' shall also include all Indian and Eskimo natives of Alaska who are of one-half or more Indian or Eskimo blood. The records of the Department of the Interior and of the Indian Service shall be prima facie evidence of the facts shown thereon as to tribal membership, age, sex, and degree of Indian blood."

Mr. HATCH. Mr. President, some of us are greatly interested in this amendment and in what the Senator from Arizona has to say about it. May we not have order in the Chamber?

The PRESIDENT pro tempore. Let there be order in the Chamber, please.

Mr. HAYDEN. Mr. President, in each case it was necessary to define what is an Indian. What we are talking about is an Indian who lives in a pueblo or on a reservation and is recognized by the Government or by the Indian Office. I am not referring to Indians who have departed from their tribal relations and have gone out into and become a part of our civilization. I am referring to Indians residing on nontaxed Indian lands.

I should like to inquire of the chairman of the committee what his view is with respect to the matter. Should we adopt the first proposition which I submitted to the committee and allow the Federal Government to bear the entire expense and give the Indians the same treatment as everybody else, or should we allow a State which cannot afford to pay this bill not to be penalized if it does not take care of the Indians?

Mr. HARRISON. Mr. President, I may say to the Senator that, of course, he is familiar with, because he has read, the letter of the Interior Department, which is very much opposed to the first proposal.

Mr. HAYDEN. I also have read, Mr. President, the report made to the Senator's committee by the Social Security Board recommending my proposal. It was transmitted to Congress by the President. It is as follows:

A number of States have a considerable Indian population, some of whom are still wards of the Federal Government. The Board believes that in cases where such individuals are in need of old-age assistance, aid to the blind, or aid to dependent children, the Federal Government should pay the entire cost. If this provision is made, the Board should be authorized to negotiate cooperative agreements with the proper State agencies so that aid to these Indians may be given in the same manner as to other persons in the State, the only difference being in the amount of the Federal contribution. The Board believes that it should also be given authority to grant funds to the Office of Indian Affairs for this purpose, if that appears more desirable in certain circumstances.

Mr. HARRISON. Mr. President, the committee gave consideration to this question. Personally, I have no objection to the last amendment. Let us vote on it and handle the matter in conference to the best of our ability.

Mr. HAYDEN. If that is the case, if the committee is willing to accept the second proposal, I offer it as a substitute for the first one, which I withdraw.

The PRESIDENT pro tempore. The Senator from Arizona withdraws the first amendment offered by him and offers in lieu thereof the second one, which has just been read for the information of the Senate.

The question is on agreeing to the second amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I send to the desk and offer an amendment which was suggested by the Treasury Department.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi on behalf of the committee will be stated.

The Chief Clerk read as follows:

Section 201 (f) is amended to read as follows:

"(f) The managing trustee is directed to pay from the trust fund into the Treasury the amount estimated by him and the Chairman of the Social Security Board which will be expended during a 3-month period by the Social Security Board and the Treasury Department for the administration of title II and title

VIII of this act and the Federal Insurance Contributions Act. Such payments shall be covered into the Treasury as repayments to the account for reimbursement of expenses incurred in connection with the administration of titles II and VIII of this act and the Federal Insurance Contributions Act. Such repayments shall not be available for expenditures but shall be carried to the surplus fund of the Treasury. If it subsequently appear that the estimates in any particular 3-month period were too high or too low, appropriate adjustments shall be made by the managing trustee in future payments."

Mr. HARRISON. The Treasury has requested the adoption of this amendment because of certain technical reasons. If the payments made by the trust fund to the Treasury for the cost incurred in administering title II and title VIII of the Social Security Act and the Federal Insurance Contributions Act were covered into the Treasury as provided in the reported bill, the receipts and expenditures would be overstated in the accounts of the Treasury by the amount so deposited.

Collections, when originally received, are classified in the Treasury accounts under "Social Security taxes"; and subsequently, under the existing provision, a portion would be deposited as "Miscellaneous receipts," thus overstating actual receipts. Also, when funds are expended from appropriations for administration of title II and title VIII of the Social Security Act and the Federal Insurance Contributions Act, such items would be shown as expenditures under "Social Security Board" and "Departmental," and the reimbursements for such expenses from the trust fund would also be shown as expenditures, unless such items are deposited as repayments instead of miscellaneous receipts.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi on behalf of the committee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I offer an amendment which is suggested by the Social Security Board to place the Federal share of administrative costs on the same basis as administrative costs for grants-in-aid to States for such costs in other allotments made by the Board.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi on behalf of the committee will be stated.

The CHIEF CLERK. In lieu of clause (2) of sections 3 (a) and 1003 (a), it is proposed to insert the following:

and (2) an amount equal to one-half of the total of the sums expended during such quarter as found necessary by the Board for the proper and efficient administration of the State plan, which amount shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose.

Mr. HARRISON. Mr. President, at present the Federal Government participates in State old-age assistance and blind-assistance administrative costs by adding 5 percent to the amount of the Federal share of the benefit payment.

In the case of dependent children there is a different rule. The Federal Government under the law pays the same proportion of administrative costs as of benefit payments. This has been found more equitable and satisfactory; and this proposal is that instead of 5 percent of the total grant, the State will get half the administrative expense as found necessary by the Board in the case of old-age assistance and blind assistance.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi on behalf of the committee.

The amendment was agreed to.

Mr. REYNOLDS. Mr. President, I send to the desk an amendment, which I offer and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 116, line 4, it is proposed to insert a new section, as follows:

SEC. 904. Beginning with January 1, 1941, no provisions of the Social Security Act shall be operative or effective for foreign-born aliens who have not taken out their full American citizenship papers by that date or who do not become American citizens within 6 years after their entrance into this country: *Provided, however*, That all aliens not qualified for social-security benefits shall have

refunded to them the full amount of any contribution they may have made to the social-security fund before they became disqualified from participation in the benefits of this act through failure to comply with the citizenship requirements of the act: *Provided further*, That in the case of alien employers or American employers using alien laborers a tax equivalent to that collected from like American citizens shall be levied and collected as a "special privilege tax" for operating as aliens in this country in direct competition with American citizens.

Mr. REYNOLDS. Mr. President, I may state by way of explanation that the amendment which I have offered merely prohibits noncitizens—that is to say, aliens in this country—from participating in the benefits of the proposed act. I think the time has arrived when we should pay more attention to our own people and quit worrying about the citizens of other countries of the world. I do not see why American taxpayers should support citizens of other countries. I am merely asking that noncitizens of the United States not be supported by citizens of the United States. I ask for the yeas and nays.

Mr. WALSH. Mr. President, if this amendment is to be contested we should have time to study it and consider it. I do not know whether or not I am in sympathy with it. My first impulse is to be for it, but it is far reaching and important, and I think we ought to adjourn and give consideration and attention to the amendment tomorrow. I personally do not feel like going on record without an opportunity to study it, though I am sympathetic with the Senator's idea.

Let me ask the chairman of the committee whether he intends to accept the amendment and have it go to conference.

Mr. HARRISON. Mr. President, I do not say that I approve the amendment, as I have not had time to study all its implications. I am informed by the Social Security Board that it would create administrative difficulties. If I should accept it, it will merely be to place the whole problem in conference.

Mr. WALSH. Then let us adjourn and have a chance to study it before we vote on an amendment of this importance and consequence.

Mr. HARRISON. I have suggested another amendment to the Senator from North Carolina, and if he will offer that, we will let the matter go to conference. It is an amendment which deals with the question of payments being made outside of the United States. I do not necessarily give my approval to either this amendment or to the amendment offered by the Senator from North Carolina, but am submitting additional language only because I feel that if there are any limitations to be placed on the payments, the matter should be considered from more than one angle.

Mr. WALSH. I took the Senator's amendment to be broader than that.

Mr. HARRISON. My amendment is based on administrative problems.

Mr. WALSH. I understood the amendment to forbid any alien any of the benefits of the social security provisions unless he has taken out his first papers, and within 6 years takes out his final papers. That is the gist of the amendment, as I caught it from a hurried reading.

The point I make is that I do not know how many people it would affect; I do not know what distress it might cause; I do not know how far reaching it would be, and I think we ought to have time, and not be obliged, at 6 o'clock, to go on record on a measure of this importance. I say that I do not know what my own convictions about it would be.

Mr. HARRISON. Mr. President, I have an amendment which I desire to offer as an addition to the amendment offered by the Senator from North Carolina, and I suggest that we let the whole matter go to conference.

Mr. WALSH. If there is not to be a roll call, I do not make any suggestion as to adjourning, but if there is to be a roll call on the amendment, I think the Senate should adjourn until tomorrow.

Mr. HARRISON. I think my proposal is agreeable to the Senator from North Carolina. I hope the Senator from North Carolina will modify his amendment to the extent suggested.

Mr. REYNOLDS. Mr. President, in order that there may be no misunderstanding about this matter insofar as the record vote is concerned, because it is an important amendment, it is my understanding that the Senator from Mississippi has accepted my amendment, and it is my further understanding that his amendment likewise has been accepted, and that they will both be considered in conference.

Mr. HARRISON. That is correct.

Mr. REYNOLDS. I want to keep the record clear to that extent.

The PRESIDENT pro tempore. The clerk will state the amendment offered by the Senator from Mississippi by way of modification of the amendment of the Senator from North Carolina.

The CHIEF CLERK. At the end of the amendment offered by the Senator from North Carolina it is proposed to insert:

(b) No payment of any benefit provided in section 202 of this title shall be payable to an individual while such individual is not a resident of the United States or its possessions unless such individual resides within 50 miles of the United States.

Mr. REYNOLDS. One question there, if the Senator from Mississippi will yield for a moment. What is the meaning of the words "resides within 50 miles of the United States"?

Mr. HARRISON. Mr. President, we have a special situation with certain nearby countries, especially those which are contiguous to us, such as Mexico and Canada. We do not want to change our friendly relations with those countries, and I am sure the Senator would not. The proposed arrangement will put the whole matter into conference, and we can consider it carefully.

Mr. TAFT. Am I to understand that an alien who has actually paid the tax on his salary is to be barred from getting back any of the money he has already paid in?

Mr. REYNOLDS. As a matter of fact, my amendment provides that anything he might have paid in shall be returned to him.

Mr. TAFT. As I heard the amendment of the Senator from Mississippi read, there was no such condition in it.

Mr. HARRISON. The suggested amendment I offered is merely to place the matter of payment outside the United States, as well as the question of payments to aliens, in conference. The question would frequently be raised in connection with survivor benefits.

Mr. TAFT. Although the deceased may have paid in his money for years, his beneficiaries could have no advantage of it merely because they do not live here. Is that the position of the Senator?

Mr. HARRISON. If they live in this country they get the money; whether we should risk policing payments in foreign countries, where our penalty provisions for fraud would be ineffective, where we will have to expend large sums for effectively safeguarding the funds, is a matter for study.

Mr. TAFT. It seems to me a very unreasonable provision.

Mr. REYNOLDS. It is my understanding that the Senator from Mississippi has in mind certain international treaties we have with other countries of the world. In that connection I might at this time bring to the attention of the Senator from New York, if he will pardon me, the fact that many of the countries with which we have some sort of treaty will not permit any money to be sent out of their borders. I think that if both of the amendments are to be considered, those countries which are not permitting money to leave their borders to come to the United States—except reciprocal payments, which have been referred to today—should not be considered in this.

Mr. ADAMS. Mr. President, I wish to make an inquiry. Does the Senator say to us that we have treaty arrangements



with other nations which compel us to make payments to our citizens who are abroad?

Mr. HARRISON. We have not been able to go carefully into this matter of the amendment offered by the Senator from North Carolina with the officials of the State Department. There exist certain arrangements, I understand, under which, when people die in certain foreign countries, settlement of estates may result to the benefit of citizens of this country if there are heirs here. The matter is one which manifestly requires careful consideration.

Mr. ADAMS. We are talking about future payments.

Mr. HARRISON. We do not want to violate any existing arrangements with foreign countries. The Finance Committee has not been able to go into this matter thoroughly, nor has the committee given any careful study to it.

Mr. ADAMS. The President pro tempore of the Senate, now presiding, who knows all about treaties with foreign countries, could, from the chair, inform us as to these arrangements with foreign nations.

The PRESIDENT pro tempore. Does the Senator from North Carolina accept the amendment of the Senator from Mississippi as a part of his amendment?

Mr. REYNOLDS. I will accept it, but I can enlighten the Senator from Colorado about one thing, that is, that more money from the United States of America goes into other nations of the world than comes from other countries to this Nation. We are sending out hundreds of thousands of dollars yearly from the United States by way of veterans' pensions to citizens who are now residing in other nations of the world, some of whom, as a matter of fact, have become affiliated in sympathy with other countries, according to the understanding I have.

Mr. SCHWELLENBACH. My understanding of the second part of the amendment of the Senator from North Carolina is that under it the employers of the 3,700,000 aliens in this country, or the percentage of them who might be employed, would have to pay the tax, despite the fact that the workers would not get the benefit of the money which was paid, unless the aliens should be naturalized, and this is either a method of tax against the employers which never goes on to the employees, or it would force naturalization of 3,700,000 aliens.

Mr. REYNOLDS. In reference to that, it would be in the form of a special privilege tax. Why should foreigners in this country be provided benefits by our Government and given work here when we have 12,000,000 people out of employment? I am thinking about the unfortunate unemployed American citizens in this country. There are between eleven and twelve million of them at this hour, men and women, looking for jobs, who have been looking for jobs for years, and cannot find them. Insofar as the junior Senator from North Carolina is concerned, I shall do my best to protect American jobs for American citizens. Then after we have provided those 11,000,000 or 12,000,000 men and women with jobs, and after we have provided with whole-time jobs the 26,000,000 men and women who are now working on part time, and after we have found jobs for the 3,000,000 men and women on the W. P. A. rolls, and after we have reduced the employees on the Government rolls who are now 4,000,000 in number, and after we have found jobs for 300,000 American boys in our C. C. C. camps, and after we have found jobs for the 700,000 young boys and girls who graduated from the high schools and colleges last month—after we have done all we can for the American citizen I am talking about here today, I want to help people in Europe and every other continent. But I do not want to help them until after I have done my part toward helping American citizens.

My amendment simply provides that aliens in our country shall not be permitted to participate in the benefits received by citizens of this country.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. SCHWELLENBACH. I asked the Senator a question which I think could be answered "yes" or "no." We all enjoyed the speech; but would the Senator kindly answer

the question whether or not the amendment, if adopted, would have the effect I suggested?

Mr. REYNOLDS. That would be the effect. In the case of alien employers or American employers using alien laborers, a tax equivalent to that collected from like American citizens shall be levied and collected as a special-privilege tax. In other words, my answer is that I am for the American citizens first, and then for the "furriner" second.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. REYNOLDS] as modified.

The amendment as modified was agreed to.

Mr. WALSH. Mr. President, I ask to have printed in the Record at this point a letter from the Acting Secretary of the Treasury to the chairman of the Committee on Finance of the United States Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

JULY 13, 1939.

HON. PAT HARRISON,

*Chairman, Committee on Finance,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Further reference is made to your letter dated June 23, 1939, transmitting a copy of S. 2680 (76th Cong., 1st sess.), entitled "A bill to provide for the clarification of certain provisions of the Social Security Act and of the Internal Revenue Code with respect to trustees of Massachusetts trusts and other fiduciaries, and for other purposes." A statement of this Department's views on this proposed legislation is requested.

S. 2680, if enacted, would amend section 1101 (a) (6) of the Social Security Act and section 1426 (c) of subchapter A and section 1607 (h) of subchapter C of chapter 9 of the Internal Revenue Code to provide that a trustee holding either alone or with no more than four other persons the legal title to trust property is not an employee of the trust, whether or not the trust is an association taxable as a corporation. The amendment of the Social Security Act would apply only with respect to the years 1936, 1937, and 1938. The amendments of the Internal Revenue Code would apply on and after January 1, 1939.

With respect to the status of trusts and trustees for the purposes of titles VIII and IX of the Social Security Act and subchapters A and C of chapter 9 of the Internal Revenue Code, it is the position of the Department that a trust estate, rather than the trustees thereof, should generally be treated as the employer of employees performing services on behalf of such estate. In determining whether trustees should be considered as employees of the trust estate, it has been concluded (1) that trustees of an ordinary trust, that is, one created by will or by declaration of the trustees or of the grantor, the trustees of which take title to the property for the purpose of protecting or conserving it as customarily required under the ordinary rules applied in chancery and probate courts, are not employees of the trust estate, and (2) that trustees of a "business" trust, that is, one created or availed of primarily for the conduct of a business venture, are employees of the trust estate.

The distinction between ordinary trusts and business trusts, for tax purposes generally, has long been recognized. A business trust, as distinguished from an ordinary trust of the traditional type, is one used as a medium whereby an income-producing or profit-seeking activity may be carried on through a substitute for an organization such as a corporation, thus obtaining the advantages of that form of organization without its disadvantages. The trustees of a business trust perform for the trust estate services similar to those performed for a corporation by the officers thereof. The term "corporation" is defined by the applicable provisions of law to include "associations, joint-stock companies, and insurance companies." The term "associations" as used in the definition has been held to include business trusts. Therefore, in view of the provisions of section 1101 (a) (6) of the Social Security Act and sections 1426 (c) and 1607 (h) of the Internal Revenue Code, which provide that the term "employee" includes an officer of a corporation, a trustee of a business trust is considered an employee of the trust estate.

The enactment of S. 2680 would exempt from the taxes imposed under titles VIII and IX of the Social Security Act and the corresponding provisions of the Internal Revenue Code the remuneration of trustees of business trusts. It would also exclude such trustees from the individuals who must be counted in order to determine whether the trust was or is an "employer" for the purposes of title IX of the Social Security Act, and subchapter C of chapter 9 of the Internal Revenue Code.

Whether legislation should be enacted to relieve business trusts and their trustees of the burden of the taxes imposed under the Social Security Act and subchapters A and C of chapter 9 of the Internal Revenue Code with respect to the remuneration of the trustees without granting similar relief to corporations or other business organizations and their officers with respect to the remuneration of the officers is, of course, a matter of policy for the determination of the Congress. It is pointed out, however, that exemption provisions complicate the administration of a tax law,

and the Department, for administrative reasons, would prefer that exemptions from social-security taxes be kept as few in number and as simple as other considerations may permit. The Department is also opposed, for administrative reasons, to the provisions of the bill making applicable retroactively the exceptions therein contained. Furthermore, since the bill provides that the amendment to the Social Security Act shall apply only with respect to the years 1936, 1937, and 1938, the remuneration of trustees with respect to 1939 and subsequent years will be included for purposes of the benefits provided by title II of the Social Security Act; but, by virtue of the proposed amendment of subchapter A of chapter 9 of the Internal Revenue Code, would not be subject to the taxes imposed with respect to such years by such subchapter. For fiscal reasons the Department is opposed to the enactment of any legislation which would operate to exempt a particular class of individuals from the taxes imposed by subchapter A of chapter 9 of the Internal Revenue Code if such individuals remain eligible for benefits under title II of the Social Security Act.

For the foregoing reasons the Department is not in favor of the enactment of S. 2680.

In view of the urgency of this matter advice has not been secured from the Bureau of the Budget as to its relationship to the program of the President.

In the event that further correspondence relative to this matter is necessary, please refer to IR:A & C:RR.

Very truly yours,

HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

The PRESIDENT pro tempore. The bill is still before the Senate and open to further amendment.

If there be no further amendments, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LODGE. I suggest the absence of a quorum.

Mr. HARRISON. Mr. President, what was the request of the Senator from Massachusetts?

The PRESIDENT pro tempore. The Senator from Massachusetts asked for the yeas and nays, but there was not a sufficient number.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. I withdraw my suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. BYRNES]. Being unable to secure a transfer of my pair, I must withhold my vote. If at liberty to vote, I should vote "nay"; and, if at liberty to vote, the Senator from South Carolina would vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the Senator from Oregon [Mr. McNARY]. I understand he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "yea."

Mr. BARKLEY (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is unavoidably absent. If present, he would vote "yea."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the senior Senator from California [Mr. JOHNSON] and will vote. I vote "yea." If present, the Senator from California would vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Florida [Mr. PEPPER], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business. I am advised that if present and voting, these Senators would vote "yea."

The Senators from Tennessee [Mr. McKELLAR and Mr. STEWART], the Senator from Texas [Mr. CONNALLY], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Arkansas [Mr. MILLER] are members of the committee to attend the funeral of the late Representative McREYNOLDS, and are, therefore, necessarily absent. I am advised that if present and voting, they would vote "yea."

The Senator from Michigan [Mr. BROWN], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Virginia [Mr. GLASS], and the Senator from Nevada [Mr. McCARRAN] are detained on important public business.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Utah [Mr. KING] is absent on official business. He has a general pair with the Senator from New Jersey [Mr. SMATHERS].

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from California [Mr. JOHNSON], and the Senator from Pennsylvania [Mr. DAVIS] are all necessarily absent. If present, they would all vote "yea."

I announce the following pairs on this question:

The Senator from Oregon [Mr. HOLMAN] with the Senator from Tennessee [Mr. STEWART].

If present, the Senator from Oregon would vote "nay" and the Senator from Tennessee would vote "yea."

I also announce the general pair of the Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. McKELLAR].

The result was announced—yeas 57, nays 8, as follows:

#### YEAS—57

Adams	Gibson	Lucas	Schwartz
Ashurst	Gillette	Lundeen	Schwellenbach
Austin	Green	Maloney	Sheppard
Barbour	Guffey	Mead	Shipstead
Barkley	Harrison	Minton	Slattery
Bilbo	Hatch	Murray	Thomas, Okla.
Bone	Hayden	Neely	Thomas, Utah
Bulow	Herring	Norris	Van Nuys
Byrd	Hill	O'Mahoney	Wagner
Capper	Holt	Overton	Walsh
Chavez	Hughes	Pittman	Wheeler
Danaher	Johnson, Colo.	Radcliffe	Wiley
Ellender	La Follette	Reed	
George	Lee	Reynolds	
Gerry	Lodge	Russell	

#### NAYS—8

Andrews	Frazier	Smith	Tobey
Bridges	Gurney	Taft	White

#### NOT VOTING—31

Bailey	Clark, Mo.	Johnson, Calif.	Pepper
Bankhead	Connally	King	Smathers
Borah	Davis	Logan	Stewart
Brown	Donahey	McCarran	Townsend
Burke	Downey	McKellar	Truman
Byrnes	Glass	McNary	Tydings
Caraway	Hale	Miller	Vandenberg
Clark, Idaho	Holman	Nye	

So the bill H. R. 6635 was passed.

Mr. HARRISON. Mr. President, I ask unanimous consent that the clerks may be directed to renumber the sections.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRISON. I now move that the Senate insist upon its amendments, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. HARRISON, Mr. KING, Mr. GEORGE, Mr. LA FOLLETTE, and Mr. CAPPER conferees on the part of the Senate.

#### PROHIBITION OF BLOCK BOOKING AND BLIND SELLING OF MOTION-PICTURE FILMS

The Senate resumed the consideration of the bill (S. 280) to prohibit and to prevent the trade practices known as compulsory block booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce.



## GRAVE MARKERS FOR VETERANS

Mr. LA FOLLETTE. Mr. President, there was messaged over from the House, H. R. 985, which has to do with the provision of grave markers for veterans. I have consulted with the chairman of the Committee on Military Affairs and the chairman of the subcommittee, the Senator from Indiana [Mr. MINTON], which reported out a bill which I introduced relating to the same subject. The bill has twice passed the Senate. It has now passed the House in practically the same form, with the exception that the limitation on the price has been omitted by the House bill.

I ask unanimous consent for the immediate consideration of House bill 985, to authorize the Secretary of War to furnish certain markers for certain graves.

The PRESIDENT pro tempore. Is there objection?

Mr. HILL. Mr. President, I shall have to ask that the matter go over for the time being.

The PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

## EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## THE JUDICIARY—ELMER D. DAVIES

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, as follows:

*To the Senate of the United States:*

At 12:20 p. m. today there was delivered to my office the resolution of the Senate requesting me to return to the Senate the resolution advising and consenting to the appointment of Elmer D. Davies to be United States district judge for the middle district of Tennessee.

I regret that I cannot accede to this request as before its receipt I had signed and sent out a commission appointing Judge Davies, by and with the advice and consent of the Senate, to the position named in the resolution.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
July 13, 1939.

The PRESIDENT pro tempore. The message will lie on the table.

Mr. BARBOUR. Mr. President, as I was the author of the motion, unanimously carried in the Senate yesterday, to recall the notification to the President of the confirmation of the nomination of Elmer D. Davies, I am compelled to rise to express my surprise and astonishment at the tremendous haste and marked dispatch and startling speed with which this whole matter has progressed.

Under the circumstances, all I can now do, especially at this late hour, is vigorously to record my opposition to this appointment and the way its confirmation was rushed through. Later on, perhaps, I shall make certain further comments. In any event, I shall wish to insert in the RECORD certain data which show at least in a degree the basis for my objection to this nomination.

## EXECUTIVE REPORTS OF A COMMITTEE

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state in order the nominations on the calendar.

## THE JUDICIARY

The legislative clerk read the nomination of Benjamin J. McKinney to be United States marshal for the district of Arizona.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

## NATIONAL YOUTH ADMINISTRATION

The legislative clerk read the nomination of Aubrey W. Williams to be National Youth Administrator.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

## POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

## IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Marine Corps are confirmed en bloc.

## RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 14, 1939, at 12 o'clock meridian.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate July 13 (legislative day of July 10), 1939*

## UNITED STATES MARSHAL

Benjamin J. McKinney to be United States marshal for the district of Arizona.

## NATIONAL YOUTH ADMINISTRATION

Aubrey W. Williams to be National Youth Administrator.

## PROMOTIONS AND APPOINTMENTS IN THE NAVY

## MARINE CORPS

*To be colonels*

Marion B. Humphrey	Arnold W. Jacobsen
William G. Hawthorne	Earl H. Jenkins
Oscar R. Cauldwell	

*To be lieutenant colonels*

Benjamin W. Gally	James A. Mixson
John B. Wilson	Gus L. Gloeckner
Galen M. Sturgis	Eugene F. C. Collier
Joseph W. Knighton	Harold C. Major

*To be majors*

Max D. Smith	William N. McKelvy, Jr.
Rupert R. Deese	Emery E. Larson
Charles C. Brown	Stuart W. King
John C. Donehoo, Jr.	Will H. Lee
Lyman G. Miller	Ira L. Kimes
William M. Mitchell	Luther A. Brown
Howard R. Huff	Harold C. Roberts
William W. Orr	Frank H. Lamson-Scribner
Gregon A. Williams	William W. Davidson
Monroe S. Swanson	William C. Lemly
William W. Paca	Arthur T. Mason
John E. Curry	Caleb T. Bailey
Merrill B. Twining	

*To be captains*

Richard W. Hayward	Guy M. Morrow
Robert L. Denig, Jr.	Edward E. Authier
James C. Bigler	Nixon L. Ballard
Forest C. Thompson	Robert O. Bowen
Hector de Zayas	James L. Beam
Eustace R. Smoak	Ethridge C. Best

*To be first lieutenants*

Elby D. Martin, Jr.	DeWolf Schatzel
Richard Rothwell	John H. Earle, Jr.

William T. Wingo, Jr.  
 Edwin L. Hamilton  
 Glenn C. Funk  
 Robert C. McGlashan  
 Harold J. Mitchener  
 Leonard M. Mason  
 Albert H. Bohne  
 Joseph P. Sayers  
 Max C. Chapman  
 Zane Thompson, Jr.  
 John D. Harshberger  
 Daniel J. Hennessy  
 Lewis H. Pickup  
 John L. Smith  
 James S. Blais  
 Robert E. Galer  
 Cliff Atkinson, Jr.  
 Henry H. Crockett  
 George A. McKusick  
 Spencer S. Berger  
 Milo G. Haines  
 Malcolm "O" Donohoo  
 Gene S. Neely  
 Walter N. Flournoy  
 William M. Ferris  
 John F. Schoettel  
 Robert W. Thomas  
 Kenneth A. King  
 Paul J. Fontana  
 Allen B. Geiger 2d  
 George S. Bowman, Jr.  
 William L. Crouch  
 William E. Gise  
 James G. Bishop, Jr.  
 Thornton M. Hinkle  
 Ronald K. Miller  
 Edward W. Johnston  
 Louis A. Ennis  
 Charles R. Nicholson  
 Arthur B. Barrows  
 Charles L. Banks  
 James L. Neefus  
 James C. Murray, Jr.  
 Wade H. Britt, Jr.  
 William H. Barba  
 Tom C. Loomis  
 Orin C. Bjornsrud  
 Noel O. Castle  
 George F. Britt  
 Otis B. Brown  
 Robert W. Boyd  
 Edward H. Drake  
 Marion M. Magruder  
 August F. Penzold, Jr.  
 George W. Killen  
 Noah P. Wood, Jr.  
 Jean H. Buckner  
 Fred H. Lemmer  
 Howard V. Hiett

*To be second lieutenants*

Francis C. Clagett  
 Jino J. D'Alessandro  
 Richard T. McNown  
 Henry J. Revane  
 Warren P. Baker  
 Wendell H. Best  
 Clyde M. Buzard  
 Wayne M. Cargill  
 Raymond W. Dollins  
 James G. Foley  
 Frederic N. Hagan, Jr.  
 Melvin D. Henderson  
 Chester A. Henry, Jr.  
 Homer E. Hire

George T. Skinner  
 Arthur P. McArthur  
 Thomas G. Roe  
 Oscar K. LaRoque, Jr.  
 Marlowe C. Williams  
 Wood B. Kyle  
 Russell E. Honsowetz  
 Russell B. Warye  
 Maynard C. Schultz  
 Ellsworth G. Van Orman  
 Donald K. Yost  
 Frederick R. Payne, Jr.  
 Graham H. Benson  
 Robert W. Rickert  
 Howard L. Davis  
 Levi W. Smith, Jr.  
 Lee C. Merrell, Jr.  
 Howard G. Kirgis  
 Arthur R. Stacy  
 Lewis W. Walt  
 Charles W. May  
 Robert W. Clark  
 Edward W. DuRant, Jr.  
 Henry S. Massie, Jr.  
 Pelham B. Withers  
 Harry A. Waldorf  
 Jack L. Stonebanks  
 Hollis U. Mustain  
 Joseph O. Butcher  
 John J. Wermuth, Jr.  
 John F. Dobbin  
 Robert H. Richard  
 Gordon H. Knott  
 Lindley M. Ryan  
 John P. Stafford  
 Frank Shine  
 Arthur H. Weinberger  
 Stephen V. Sabol  
 Roy Robinton  
 John E. Morris  
 Horatio C. Woodhouse, Jr.  
 John E. Willey  
 Carl A. Youngdale  
 Robert J. Johnson  
 Robert M. Dean, Jr.  
 Douglas E. Reeve  
 Philip C. Metzger  
 James E. Mills  
 Charles S. Nichols, Jr.  
 William J. Piper, Jr.  
 William R. Campbell  
 Cecil W. Wight  
 Robert Chambers, Jr.  
 Francis H. Cooper  
 John H. Gill  
 Gavin C. Humphrey  
 Stewart B. O'Neill, Jr.  
 George D. Rich

Frank Mandell  
 Alan S. Manning  
 James B. Moore  
 William L. Ryan  
 Mark S. Adams  
 Hoyt U. Bookhart, Jr.  
 Michiel Dobervich  
 Frederick R. Findtner  
 Frank E. Gallagher, Jr.  
 Edwin C. Godbold  
 Gordon A. Hardwick  
 Earl R. Kindig  
 James S. Mullins  
 Thomas S. Nurnberger, Jr.

Michael E. Peshek  
 Albert H. Potter  
 John W. Ryland

Luther R. Seibert  
 Nicholas A. Sisak

*To be chief quartermaster clerk*

Ollie Bissett

POSTMASTERS

DELAWARE

Roy E. Jones, Millsboro.

NEW HAMPSHIRE

Martin A. Lynch, Alton Bay.  
 Edith L. Stillings, Bartlett.  
 Harry Frank Smith, Center Harbor.  
 Ray A. Hicks, Colebrook.  
 Edwin L. Batchelder, Hampton.  
 Frank J. Young, Hinsdale.  
 Effie P. Gibson, Kingston.  
 Charles E. Tanner, Milton.  
 Gordon A. Russell, North Weare.  
 Susie J. Foote, Seabrook.  
 Edna C. Mason, Tamworth.  
 Harold A. Aher, West Lebanon.  
 James R. Kill Kelley, Wilton.

NORTH CAROLINA

Robert D. McLeod, Biscoe.  
 Hurley E. Whitesell, Elon College.  
 Ila M. Stone, Hope Mills.  
 James T. Martin, Liberty.  
 John R. Hughes, Madison.  
 John A. Beshel, Nazareth.  
 Tasker T. Hawks, Norlina.  
 William E. Howard, Richlands.  
 Helen B. Siler, Siler City.  
 Ally N. Fuller, Spruce Pine.

OHIO

Lata A. Barr, Amanda.  
 Fred C. Stultz, Bainbridge.  
 Beulah G. Culp, Baltimore.  
 Dudley F. Briggs, Jr., Frankfort.  
 Glenn M. Roller, Ohio City.

TEXAS

Howard L. Smith, Alamo.  
 M. Earle Cook, Carrizo Springs.  
 William M. Mead, Chico.  
 Thomas F. Bice, Dimmitt.  
 Earnest N. Sowell, Elgin.  
 Wallace J. Bludworth, Flatonia.  
 Carolyn A. Moreman, Hale Center.  
 William D. Reed, Holland.  
 Richard J. Crow, Kountze.  
 William B. Collins, Llano.  
 William F. Rayburn, Lovelady.  
 John J. Faubion, Marble Falls.  
 Almer D. Woods, Marquez.  
 Grady W. Harris, Mobeetie.  
 Ruth Norman, Morgan.  
 William O. Haizlip, Nederland.  
 Maude A. Davis, Petrolia.  
 Hobart Lytal, Quinlan.  
 Sidney T. Bogan, Quitaque.  
 Ina M. Matheny, Rochester.  
 Jesse H. Harris, Rogers.  
 Smith W. Ribble, Roxton.  
 Willis C. Giffin, Sabinal.  
 Wallace B. Alexander, Seymour.  
 Gus W. Kunath, Jr., Smithville.  
 Russell M. Chaney, Sulphur Springs.  
 Hugh E. Weir, Troy.  
 William A. Graham, Tulia.  
 James G. Simms, Valley Mills.  
 William F. Sellers, Walnut Springs.  
 Robert K. Phillips, Weatherford.  
 John W. Hardison, Whitney.  
 Olen T. Little, Woodson.



## VIRGINIA

E. LeRoy Smith, Appomattox.  
 Thomas E. Chambers, Blackstone.  
 Anna G. Bengtson, Catawba Sanatorium.  
 James F. Walker, Fort Defiance.  
 John W. Rodgers, Hampden Sydney.  
 Samuel S. Stallings, Suffolk.  
 Troy J. Weeks, Willis.

## WISCONSIN

Joseph K. Hesselink, Cedar Grove.  
 Carl Whitaker, Chetek.  
 Ina E. Hennlich, Curtiss.  
 Alma M. Oik, Hortonville.  
 Joseph S. Rosera, Lena.  
 Axel C. Swanson, Pembine.  
 William A. Weier, Wabeno.

## HOUSE OF REPRESENTATIVES

THURSDAY, JULY 13, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful God, our Father, for our sins we ask the forgiveness of the Cross and for our guidance the benediction of Thy love and care. Thou, who art so prodigal with the riches of field and forest, of land and sea, how much more has been the glory of Thy gifts to the souls of men. O Son of Mary, walk with us; teach us the lessons of forbearance that we may forgive as we hope to be forgiven. Bless those who struggle against want. We pray that the doors of employment may be opened wide and that the hearts of men may be opened to help the world's sad needs; may those who have much share with those who have less. Immortalize the hopes of those lives that have been blighted and the sanctities of those who are lonely and in tears; transfigure human sorrow, lighten the darkness, and dwell among us. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 155. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5407) entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WHEELER, Mr. BONE, Mr. TRUMAN, Mr. AUSTIN, and Mr. TOBEY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 4929) entitled "An act to amend the act of June 23, 1938 (52 Stat. 944)," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WALSH, Mr. TYDINGS, and Mr. HALE to be the conferees on the part of the Senate.

## ADDITIONAL COPIES OF HEARINGS ON TRANSPORTATION ACT OF 1939

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably without amendment (H. Rept. No. 1114) a privileged concurrent resolution (S. Con. Res. 26) authorizing the printing of additional copies of the hearings held before the Committee on Interstate Commerce of the Senate on the bill (S. 2009) entitled "Transportation Act of 1939," and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Interstate Commerce of the Senate be, and is hereby, authorized and empowered to have printed for its use 1,000 additional copies of the hearings held before said committee during the current session on the bill (S. 2009) entitled "Transportation Act of 1939."*

The concurrent resolution was concurred in, and a motion to reconsider was laid on the table.

## ADDITIONAL COPIES OF HEARINGS ON PROFIT-SHARING SYSTEMS

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably without amendment (H. Rept. No. 1115) a privileged concurrent resolution (S. Con. Res. 25) authorizing the printing of additional copies of the hearings held before a subcommittee of the Senate Committee on Finance on the Investigation of Existing Profit-Sharing Systems Between Employers and Employees in the United States, and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, authorized and empowered to have printed for its use 10,000 additional copies of the hearings held before a subcommittee of said committee during the Seventy-fifth Congress pursuant to the resolution (S. Res. 215) providing for an investigation of existing profit-sharing systems between employers and employees in the United States.*

The concurrent resolution was concurred in, and a motion to reconsider was laid on the table.

## ADDITIONAL COPIES OF SENATE REPORT NO. 610, ON PROFIT SHARING

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably without amendment (H. Rept. No. 1116) a privileged concurrent resolution (S. Con. Res. 24) authorizing the printing of additional copies of Senate Report No. 610 entitled "Survey of Experiences in Profit Sharing and Possibilities of Incentive Taxation," and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 additional copies of Senate Report No. 610, a report of a subcommittee of the Committee on Finance submitted pursuant to Senate Resolution 215 (75th Cong.), entitled "Survey of Experiences in Profit Sharing and Possibilities of Incentive Taxation," of which 1,000 copies shall be for the use of the Senate document room, 10,000 copies for the use of the Senate Committee on Finance, and 1,000 copies for the House document room.*

The concurrent resolution was concurred in, and a motion to reconsider was laid on the table.

## STATUE OF WILL ROGERS

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back favorably without amendment (H. Rept. No. 1117) a privileged concurrent resolution (H. Con. Res. 29) to print and bind the proceedings of Congress, together with the proceedings at the unveiling in the rotunda, upon acceptance of the statue of Will Rogers, presented by the State of Oklahoma, and ask for its immediate consideration.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations and bound, in such form and style as may be directed by the Joint Committee on Printing, the proceedings in Congress at the unveiling in the rotunda, together with such other matter as the joint committee may deem pertinent thereto, upon the occasion of the acceptance of the statue of Will Rogers, presented by the State of Oklahoma, 5,200 copies; of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use of and distribution by the Senators and Representatives in Congress from the State of Oklahoma.*

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. RICH. Mr. Speaker, if the gentleman will yield, may I say it was my understanding that there was to be placed in that document only one illustration of the statue as it is in the rotunda of the Capitol. No great number of illustrations was to be placed in the document.

Mr. JARMAN. I did not understand there was any great number of them.

Mr. RICH. It was my impression there was only one illustration.

Mr. JARMAN. My understanding was that the proceedings and what happened in the House in connection with that incident were to be printed.

Mr. RICH. That is right; but the resolution refers to illustrations. I was under the impression there was only one illustration of the monument as it was presented and now stands in the rotunda of the Capitol.

Mr. JARMAN. That was my impression also.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to, and a motion to reconsider was laid on the table.

#### ADDITIONAL CLERK HIRE IN THE HOUSE OF REPRESENTATIVES

Mr. WARREN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6205) to provide for additional clerk hire in the House of Representatives, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. RICH. Reserving the right to object, Mr. Speaker, may I explain my position on this bill by saying that I realize it is not our duty in the House to interfere with the transactions and legislation of the Senate, but it does seem to me that our conferees should request of the Senate that when they are considering additional clerk hire, one clerk at the rate of \$1,800 a year and one at the rate of \$1,500, they give some consideration to cutting down the number of clerks Senators should have who come from States where the population is small. For instance, there are 15 States with populations of less than 1,000,000, 8 States with populations of less than 500,000, and 3 States with populations of less than 300,000. There are two Senators from each of those States. It does seem to me that the Senators have more clerks than they need for the conduct of their business, and it does seem that the Senate should use good business judgment and try to hold down the number of additional clerks. This bill will add over 600 more clerks on Capitol Hill. I hope the conferees will convey that message to the Senate and see if they cannot cut down expenses to the degree warranted by good common business sense. I am personally against the bill because of its waste and extravagance, and I feel it is not necessary and should not be passed.

Mr. WARREN. If this bill goes to conference, I assure the gentleman I will present his views to the conference committee.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I want to make my position clear on this matter. I am opposed to the legislation that is proposed. I voted against it when it was here in the House in the first instance. I realize that to send measures to conference is the normal way to do business and I am, therefore, not going to be obstinate and object to sending this bill to conference. However, I wanted to make my own position clear.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. WARREN, Mr. COCHRAN, and Mr. WOLFENDEN.

#### EXTENSION OF REMARKS

Mr. JOHNSON of West Virginia. Mr. Speaker, I ask unanimous consent to insert in the RECORD the brief address and tribute paid to the State of West Virginia by my constituent, Col. Heber H. Rice, of Huntington, W. Va., upon the State's seventy-sixth anniversary celebration at the New York World's Fair on June 24, 1939.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD an address delivered by the N. Y. A. Administrator, Mr. Williams, at the Institute of Public Affairs in Virginia.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### SOCIAL SECURITY

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, on yesterday the Senate passed the so-called Connally amendment to the social-security bill, requiring the Federal Government to match \$2 for each dollar the State contributes up to \$15 for the aged needy. This is one of the amendments a group of us fought for so hard and unsuccessfully when this bill was considered on the floor of the House. Since the Senate has seen fit to place that amendment in this bill, it is hoped that the House will see fit to concur in the amendment. It is right, it is just, it is fair, and it is equitable. I hope the conferees on the part of the House, backed by the House membership, will see fit to allow this amendment to remain in the bill and become part of the law.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am sorry to say to my friend that my time is just about up.

Mr. RICH. No; it is not up. Where are you going to get the money to do that? [Laughter and applause.]

Mr. COLMER. Where we get it for everything else.

[Here the gavel fell.]

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DISNEY. Mr. Speaker, referring to the remarks of my distinguished colleague, and on the same general subject, the gentleman from Mississippi [Mr. COLMER], I would like to call the attention of the House to a newspaper dispatch of July 11, from Fargo, N. Dak., reading as follows:

Early returns from today's special election indicated a strong vote against passage of the four measures sponsored by former Gov. William Langer in a move to pay for the \$40 (per month) minimum old-age pension plan he helped push through the recent legislature.

On a gross income tax or transactions tax 588 precincts gave 9,481 yes and 66,886 no.

This illustrates that when it comes home to the people that they must pay these bills they vote the other way. It proves that they will sustain their representatives if those representatives will save the taxpayers' money. [Applause.]

#### MEMORIAL CONCERT FOR THE BENEFIT OF FAMILIES OF VICTIMS OF THE "SQUALUS" DISASTER

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6942) to authorize the attendance of the Marine Band at a memorial concert for the benefit of the families of the victims of the U. S. submarine *Squalus* disaster at Rye, N. H., July 30, 1939, and for other purposes, which I send to the Clerk's desk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and participate in a memorial concert to be held at Rye, N. H., on July 30, 1939, the entire net proceeds of such memorial concert to be distributed to the families of the men who lost their lives in the sinking of the submarine *Squalus*.

Sec. 2. For the purpose of defraying expenses of such band in attending and participating at such memorial concert there is authorized to be appropriated the sum of \$3,100, or so much thereof



as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Change the period at the end of section 1 to a colon and add the following proviso: "Provided, That the cost of the travel herein authorized shall be charged to current appropriations of the Marine Corps in the same manner and under the same regulations as though such travel was necessary in the Naval Service."

Strike out all of section 2.

Mr. VINSON of Georgia. Mr. Speaker, I ask that the gentleman from New Hampshire [Mr. JENKS] may address the House for 5 minutes and I yield to the gentleman for that purpose.

Mr. JENKS of New Hampshire. Mr. Speaker, on May 23, last, one of the most appalling disasters in the history of our Navy took place off the coast of New Hampshire. We all recall the shock and alarm with which news was received that the submarine *Squalus* had failed to rise from a practice dive; we remember the hours of prayerful hope and suspense that followed, and the wave of joy and gratitude that swept over the Nation when word was flashed that the men entombed 240 feet below the surface of the Atlantic Ocean were being brought to the surface. But there was still another chapter to be written—that joy and gratitude was later tinged with sorrow when it became known that 26 of the men of that brave crew were trapped, beyond the hope of rescue, in their watery grave. I shall not dwell on the sorrow that has since hung like a pall over the loved ones of those 26 men.

Word came to me a few minutes ago from Portsmouth that they have just begun to raise the *Squalus*, and there is every reason to hope that the effort to bring the vessel to the surface will be successful.

This bill, H. R. 6942, that I have introduced and that you have consented to consider is for the purpose of authorizing the United States Marine Band to go to Rye, N. H., to participate in a memorial concert on July 30 for the benefit of the dependents of those men who are still in that water-filled compartment of the submarine *Squalus*.

I feel confident that every Member of this House is interested and in sympathy with this bill because the loss of those men is a national disaster and the welfare of their dependents is a national responsibility. The States which suffered specifically in this calamity can be listed as follows: Arkansas lost one, California three, Connecticut two, Florida one, Georgia one, Idaho one, Iowa one, Massachusetts one, Michigan one, Minnesota one, Missouri one, New Hampshire two, New York one, Oklahoma two, Pennsylvania one, South Carolina one, Tennessee two, Virginia one, and Wisconsin one.

I talked this morning with those who are sponsoring this memorial concert; from subscriptions already received, it is estimated that the net proceeds of the concert will be in the vicinity of \$30,000, which indicates that a most generous response will be forthcoming from all sections of the country. The plan is to broadcast this concert over the National and Columbia networks, and I feel sure that the appeal to be made in connection therewith will meet with overwhelming success.

I would appreciate very much the Members of this House doing the unusual thing of authorizing the President to send the Marine Band to New Hampshire for this occasion; I realize it is not customary for Congress to send the Marine Band other than to the two national conventions of our Nation-wide veterans' organizations, but in behalf of the dependents of the courageous men who lost their lives in line of duty on the submarine *Squalus*, I bespeak your favorable consideration of this bill.

Mr. THORKELSON. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKS of New Hampshire. Yes.

Mr. THORKELSON. Does not the gentleman believe it would be a good idea for the Members of Congress to donate \$5 apiece to the families of these men?

Mr. JENKS of New Hampshire. I thank the gentleman from Montana, and I am in hearty and thorough accord with his suggestion.

[Here the gavel fell.]

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article in the Survey Graphic for July 1939.

The SPEAKER. Is there objection?

There was no objection.

#### FORT STEVENS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DONDERO. Mr. Speaker, 75 years ago yesterday occurred an incident in the District of Columbia that is unique in the history of our country for two reasons. It found a President of the United States—Abraham Lincoln—in office under fire and, secondly, the only engagement ever fought in the District of Columbia took place. It was an attempt upon the part of a daring, brilliant Confederate general, Jubal A. Early, to capture the city of Washington, July 12, 1864. The Battle of Fort Stevens occurred. Yesterday was the seventy-fifth anniversary of that event. Last evening a very short but a very appropriate exercise was held in the fort to commemorate that event, and our distinguished colleague, the gentleman from Wisconsin [Mr. BOLLES] delivered a brief and an appropriate address on that occasion. I ask unanimous consent to revise and extend my remarks in the RECORD and to include the address of the gentleman from Wisconsin [Mr. BOLLES] delivered on that occasion.

The SPEAKER. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS

Mr. SCHIFFLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by the Honorable Benjamin Rosenbloom, a former Member of the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address delivered by the distinguished minority leader, the gentleman from Massachusetts [Mr. MARTIN], Monday last.

The SPEAKER. Is there objection?

There was no objection.

Mr. RODGERS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief patriotic address delivered by Rabbi Max B. Currick, of Erie, Pa., president of the Central Conference of American Rabbis, on Abraham Lincoln.

The SPEAKER. Is there objection?

There was no objection.

#### SHOOTING AT HARLAN, KY.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask the attention of the gentleman from Illinois [Mr. KELLER].

## DEATH FOLLOWS DENIAL OF CIVIL LIBERTIES

Dock Caldwell, 31-year-old miner, lies dead in Harlan County. He died because he attempted to follow the decree of John L. Lewis that no one in Harlan County should work until he had joined the United Mine Workers of America.

Last Sunday William Turnblazer, head of the local union, called upon those belonging to the United Mine Workers to prevent the operation of the mines. Yesterday morning Caldwell attempted to carry out Turnblazer's demands, to make good the decree of John L. Lewis, by trying to prevent a fellow worker who did not belong to the union entering a mine. He was shot and killed. Two National Guard men were seriously wounded. Three other miners were wounded in the same affray.

For months the National Labor Relations Board, headed by its Chairman, Madden, has been giving support to the idea that in Harlan County a man must join the United Mine Workers before he can mine coal. Acting in collusion with William Turnblazer, head of the local union, Philip Phillips, a regional director of the Board, has been giving support to the move which denies civil liberties to the miners of Harlan County. The Federal administration itself has lent moral encouragement to John L. Lewis' demand for a closed-shop contract in the soft-coal industry.

Upon the shoulders of Lewis, whose commands in 1922 were followed by the massacre of 25 miners at Herrin, Ill., in a similar dispute, rests the major share of the responsibility for the death of Dock Caldwell. Sharing in that responsibility should be listed Madden, of the National Labor Relations Board, the members of that Board, and William Turnblazer, who incited the unlawful activities of the pickets.

The time has long gone by when we as representatives of our people should by our silence, by our inaction, lend moral support to those who deny liberty to our fellow citizens. On the floor of this House for amendment should be brought the National Labor Relations Act, so that American workers may once more be free to follow their chosen tasks to earn a livelihood for themselves and their families.

The SPEAKER. The time of the gentleman from Michigan has expired.

## EXTENSION OF REMARKS

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a radio address broadcast by myself July 1.

The SPEAKER. Is there objection?

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Baldrige, one of its Clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 329. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 289. An act for the relief of the West Virginia Co.

The message also announced that the Senate had ordered that the Secretary be directed to request the House to return to the Senate the joint resolution (S. J. Res. 155) entitled "Joint resolution consenting to an interstate oil compact to conserve oil and gas."

## FRANKLIN D. ROOSEVELT LIBRARY

Mr. SABATH. Mr. Speaker, I call up privileged House Resolution 238, which I send to the desk and ask to have read.

The Clerk read as follows:

## House Resolution 238

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 118, a joint resolution to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed

2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

Mr. SABATH. Mr. Speaker, in view of the fact that this matter has been debated heretofore, and that a majority voted for the resolution when under consideration the last time, I am wondering whether the gentleman from New York [Mr. FISH] would agree that we reduce the time for the rule to 15 minutes on a side.

Mr. FISH. Mr. Speaker, when this matter last came before the House it came up suddenly, and we were not in position to discuss it in detail. Actually we need more time in order to convince those on the Democratic side that there should be no such memorial library at Hyde Park.

Mr. SABATH. Mr. Speaker, I feel that if the gentleman would have from now until doom's day he would not have enough time to convince Democrats or any man interested in this matter to vote with him.

The SPEAKER. The Chair recognizes the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, this resolution makes in order Senate Joint Resolution 118. It provides for 2 hours of general debate. I was hopeful that the gentleman from New York would agree to 15 minutes for each side on the rule, but for his own reasons he again desires to be heard at length.

I personally feel that the resolution should be adopted without extensive debate. When it was up a few weeks ago 229 Members voted for it and only 139 against it, which was but a few votes short of the required two-thirds under suspension of the rules. Since that time the press, including even the reactionary Republican newspapers, have editorially condemned those who voted against the measure without regard for merit but simply as an expression of petty and mean politics. Now we are considering the measure again. Politics has had its day on the matter, and this is the time to look upon it without prejudice. In my opinion every Member, regardless of party, should in good conscience vote for it. I had expected that the Republican Members on the left, after considering the criticism of their votes against this resolution when it was last up, would realize their mistake, agree to unanimous consent for the bill to be called up without special rule, and then concur in having the bill read and passed. But somehow or other you pay little heed even to honest criticism that you sometimes find in your own papers.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I cannot yield. You are pursuing a policy which does not help the Nation, yourselves, or your party. Mr. Speaker, I regret that some of my old Republican friends, for whom I have a good deal of respect and affection, of late have been obliged to vote under orders. Some years ago we Democrats were charged with being rubber stamps, although it is now admitted that we always retained our independence of thought and action. That charge may now be thrown back at the Republicans. I know that the Democrats always tried to support the President in his great efforts to pull us out of a terrible depression brought on by a Republican administration, and at the start you Republicans seemed to possess enough sincerity to aid us.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I cannot yield to the gentleman now. But of late you seem to vote as a unit at all times, under the whip and spur of the minority leader, for whom personally I have the highest regard. I am actually sorry for him, because the orders do not come from him, I know, because he is a legislator. He desires to do the right thing, but these orders come from the old, defunct, and, as I believe, extinct Republican National Committee.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?



Mr. SABATH. To the minority leader I am always pleased to yield.

Mr. MARTIN of Massachusetts. I know the gentleman tries to be honest and fair and always is when he has the real facts.

Mr. SABATH. I thank the gentleman for his remarks.

Mr. MARTIN of Massachusetts. I want to tell the gentleman that I am not taking orders from anyone, but I wonder if he can say the same? [Laughter and applause.]

Mr. SABATH. I can. I want to say to the gentleman who has served with me many years that I have at all times been more or less independent.

Mr. MARTIN of Massachusetts. More or less? [Laughter.]

Mr. SABATH. Yes.

Mr. MARTIN of Massachusetts. Mostly less.

Mr. SABATH. I cannot say that of many of your Members. It might surprise you to know that I am a Democrat and when, especially during the last 6 years, we have been trying to bring out legislation for the benefit of the country, that it is but natural for me to support those beneficial measures which have accomplished so much for the country. I hope, however, that you will realize that the policy you Republicans have pursued of late will not aid you in the long run. It cannot gain you support, for the people are not slow to recognize instances of playing politics at the expense of the country. And this is a typical example.

Many of you were elected because of your promises to forego politics and to work for the interest of the people, but if you expect to be reelected you had better change the tactics you are now pursuing not only on this measure but on all others this session. People are becoming convinced that you are not keeping the faith with them. All you seem to have on your brains—pardon me, I meant to say on your minds—is politics, making a political issue out of this resolution before us. You thought you were doing a smart thing for the Republican Party when you voted solidly to reduce the wages of W. P. A. workers in the East, North, and West, and to increase the wages of those in the South, and likewise throwing thousands off of W. P. A. jobs, even though they cannot find employment in private industry. I wonder how you will explain that vote to your constituents at home. I believe that they will resent it and will charge you of betraying them for a little political advantage. Do not let your unwise political strategy run away with you, because it will rebound on you next election and leave you at home.

If the resolution before us were considered solely upon its merits, without regard to politics, we would not be obliged to spend 3 or 4 hours in debate. Here we have a situation where the President of the United States signifies his intention of turning over to the Nation, free of charge, all his valuable papers, correspondence, and documents. Former collections of Presidents had to be purchased at great cost.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. In a few minutes.

Mr. FISH. I would like to know what President received any money for his papers.

Mr. SABATH. Oh, the gentleman from New York is so well informed that it is not necessary for me to waste time in enlightening him. From the records he can find out how many Presidents—

Mr. FISH. I do not know of any President who received any money.

Mr. SABATH. Not the President himself.

Mr. FISH. Well, that is what the gentleman said.

Mr. SABATH. Some of the widows of Presidents, and some of the Presidents, too, for their writings, just as President Coolidge did at a dollar a word. And you all know what happened to President Harding, but I do not want to go into all that. I am taking the floor today in the hope that I might convince some of you that your course is a poor one, one that you should abandon. For your own benefit you should cooperate with us, help us legislate properly, and pass legislation helpful to the country, and make it possible to adjourn soon. Such a course would bring you the applause of the people

instead of the criticism you now reap. Such a course would be praised as sincere and constructive legislating, instead of playing politics.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I cannot yield to the gentleman. He cannot enlighten me.

Mr. BOLLES. Oh, yes; I can.

Mr. SABATH. Not on any subject I wish to take up. Mr. Speaker, I am not going to detain the membership further. I had jotted down a few memoranda to call to the attention of the House, but I do not think my advice would be heeded. In calling a few facts to the notice of the Republicans I have done my duty. If they will not heed my advice, it will be their funeral, and no one else's.

There is one charge that will be made today, I am sure, that I do want to answer. Branding this as a memorial in an attempt to prejudice Members against the resolution, the lame criticism will be made that memorials should only be for the dead, a narrow viewpoint to which I cannot subscribe. I believe that Congress should give its approval and applause to those who deserve it during their lifetime rather than to withhold it until the individual is dead.

However, this is not simply a memorial or a monument. It is a means of preserving for the American people documents and other material of value to future generations from a historical standpoint. President Roosevelt needs no monuments or memorials now or in the future. Posterity remembers a man for his deeds, and President Roosevelt has built a memorial in the hearts of the American people more enduring than stone or concrete. A great man may be condemned and even vilified during his lifetime, as were George Washington, Thomas Jefferson, Andrew Jackson, Woodrow Wilson, and Abraham Lincoln. But when the years roll by and history views them in true perspective, they have taken their place with the immortals of all time, while their critics have long since been forgotten. So it is with President Roosevelt. There are many who try to block his noble endeavors, who use as their mean instrument the most sordid and petty politics. Their reward is a headline in today's newspaper. History will accord them obscurity.

I say to you that the deeds and efforts of President Roosevelt in behalf of the underprivileged, the downtrodden, the unemployed, and the masses of the American people will live long after the criticism and opposition of selfish interests are forgotten, just as the men who make them today will be forgotten.

Neither I nor any supporter of the principles of President Roosevelt needs to stand here and ask you to erect a memorial to him. The American people will take care of that. But we do ask you, in the interest of the American people and of future generations, to help us preserve those things of historical interest and value through the creation of this library.

You all know how many times, after our Presidents have gone, that private collectors ask exorbitant sums for documents, letters, manuscripts, and so forth that have fallen into their hands and that later Congress has desired to acquire for preservation. In my many years of service here I have been called upon many times to vote on bills, as have many others here, to appropriate large sums to buy records and other private papers of former Presidents, both Republican and Democrat, from private sources.

Here in this measure is an opportunity to acquire these valuable records while the owner of them still controls their disposal, thus saving the people future expense and preserving them for the future. Laying aside all petty political considerations, the passage of this measure is not only a practical but the patriotic thing to do, and I hope that even the most partisan Member will today rise above politics and vote for the passage of the measure.

I will conclude by saying that I hope that between now and the time debate on the resolution expires you gentlemen will give it serious thought and vote with us in passing it.

Some of you Members on the Republican side and even some Democrats at times feel it is wrong to say a good word

about a good man during his lifetime. I do not agree with you. I believe in expressing appreciation while a man lives. [Applause.]

Mr. Speaker, I now yield to the gentleman from New York 30 minutes, as he has requested.

Mr. FISH. Mr. Speaker—

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. Yes; I yield to the gentleman from New York.

Mr. TABER. What does the gentleman think about this situation: That if the documents are of real value historically to the country, they should be placed in a public library where they would be easily accessible, a library like the Congressional Library, or some big library in New York City, rather than being entombed and embalmed in some small place?

Mr. FISH. I may say to the gentleman from New York that that is the only issue before the House. These papers belong in only one place; not, as my colleague said, possibly in the Library of Congress, or some other library in New York City; they belong in the Congressional Library, beyond a possibility of doubt, and in no other place. They should be in the Congressional Library along with the papers of Washington, Jefferson, Jackson, and of all our Presidents down to the present time. As I proceed I will present the records regarding the papers of the different Presidents and the facts in detail.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. KNUTSON. Is this the most important legislation that the new dealers have to present to Congress? Is this going to solve the unemployment problem and put 10,000,000 or 12,000,000 idle men back to work?

Mr. FISH. I may say to the gentleman from Minnesota that I regret exceedingly that this bill is brought up, because I am fearful it will be adopted by a party vote and that a very deplorable and an unfortunate precedent will thereby be established. No bill should be brought before this House for the erection of a monument to a living man, especially a bill to provide by a vote of Congress for the maintenance of a public library away from the city of Washington to contain the papers of any President of the United States, be he Republican or be he Democrat.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield further?

Mr. FISH. I yield.

Mr. KNUTSON. The gentleman says it is improper and without precedent to establish a memorial like this to a living man. Would it not be all right when the man is dead politically?

Mr. FISH. I have to admit to the gentleman from Minnesota that I think that behind this bill is a certain nervousness on the part of the President and his friends, that they are not willing like other Presidents and their friends to wait upon the verdict of history to decide what place that President should have; and, therefore, now, during his lifetime, it is proposed to erect a library to him and have Congress maintain it and not await the verdict of history. No one in this House knows whether President Roosevelt will go down with Jefferson, Jackson, Cleveland, and Woodrow Wilson, those great Democratic Presidents, or whether he will go down in history with Pierce and Buchanan. I will have a little more to say on that later on. As Al Smith used to say, "Let's look at the record."

My friend from Illinois [Mr. SABATH] spoke here for 15 or 20 minutes in a most amiable way, but he did not enunciate a single sound argument or reason why the Federal Government should maintain this library at Hyde Park. Let me say to the membership that if there should be one man—and I do not believe there would be half a dozen votes for this bill if the vote were taken secretly so the administration would not know how the Members voted; there is no rhyme or reason for it while there are scores of reasons against it—but if there is any one man who should be for it, it is myself, because this library is to be erected in my congressional district.

The building is to be maintained by the Congress and by the Government in my congressional district. I have been bitterly attacked by the two largest newspapers in my district published in the city of Poughkeepsie, 3 miles from Hyde Park, for my views upon this subject. They came out in two or three different editorials denouncing me and urging my constituents in Hyde Park and Dutchess County to appeal to me, to write to me to change my views when this bill came up for reconsideration. As a result of these editorials in the two largest newspapers in my district I have received one letter from a proponent of the bill, some professor at Vassar College, one letter from the Roosevelt Home Town Club, or whatever they call it, in Hyde Park, one letter from the town board of Hyde Park, and a dozen letters against the bill.

That is all I have had from my congressional district, in spite of this tremendous appeal that has been made to my constituents to write and tell me I was wrong.

There is no better or finer town in the whole of the United States than Hyde Park. It is a great Republican town, and, naturally, many of the people of that town want this library. They want it maintained by the Government. Public subscriptions will be raised, or have already been raised in the amount of \$350,000. The building will be built there, I hope, by local labor. Then it is proposed that the Congress appropriate funds to maintain it, but no one has told us how much that will be. It may be \$40,000 or \$50,000, and I have heard it estimated as much as \$100,000 a year. I propose to offer an amendment to limit it to \$12,000 when the bill is read for amendment.

Of course, the people of Hyde Park would like to have this library. They would like to build it themselves with their own labor. They would like to have a dozen or more jobs in the library, and I have heard it claimed there would be as many as 40 jobs.

Mr. PATRICK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Alabama.

Mr. PATRICK. Was the President born there?

Mr. FISH. Yes; the President was born in Hyde Park, and he has lived there all his life, but rarely has he ever carried the town of Hyde Park. Of course, that is another matter.

Mr. LEAVY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Washington.

Mr. LEAVY. May I ask the gentleman if he does not think it would have been well if the precedent that is now about to be established, if this legislation passes, should have gone back to the days of George Washington and other Presidents, irrespective of who they may have been, and if each of those Presidents had donated his home, his birthplace, his papers, and would have constructed buildings as is here proposed, and would have then presented to the American people such property, it would now be a great shrine?

Mr. FISH. The gentleman is under some misunderstanding. The President is giving the Government, like practically all other Presidents, certain papers which ought to belong to the Government anyhow. Secondly, he is not giving the library, he is merely giving 12 acres of his land, which becomes tax exempt. The people of Hyde Park will have to pay for those taxes because those 12 acres automatically become tax exempt. He himself is giving his papers, and, I submit, and will prove as I go along, that those papers ought to be in the Library of Congress with the papers of all of our Democratic and Republican Presidents. We have a Congressional Library for which we appropriate huge sums of money. It has special archives called "Presidential Row." It has trained and skilled men in the manuscript division who study these Presidential papers and who are experts on those periods of history. People come from all over America to the Congressional Library to study the Presidential papers, not those of one particular President but of all Presidents. If you pass this bill you establish, in my opinion, a highly undemocratic precedent. I actually believe it an un-American, undemocratic, and unpatriotic precedent. I cannot imagine anything that is more undemocratic than Congress voting to



encourage Presidential papers being taken away from the city of Washington.

Mr. LEAVY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Washington.

Mr. LEAVY. I want to answer the statement just made, if the gentleman will give me an opportunity, to see whether I am in error or not.

Mr. FISH. Then ask a question.

Mr. LEAVY. My understanding is that the plain provisions of this resolution provide that the President at his own expense will erect upon these 12 acres of ground such building as is required and will reimburse the Government for any services it renders in designing a building; then will donate the building with, not his public papers, but his private papers that belong to him and to his heirs, and these will be made available to the American people. It is that situation that I ask about.

Mr. FISH. The gentleman is in error. The President puts no money into that building. It has been raised by public subscription amounting to \$350,000.

Mr. LEAVY. Does the gentleman contend this legislation provides that the money shall be raised by public subscription?

Mr. FISH. Certainly. It has already been raised.

Mr. LEAVY. There is nothing in here to so indicate.

Mr. FISH. We have nothing to do with that. We are to maintain the library after it is built.

Mr. LEAVY. I am frank to say to the gentleman, if the Herbert Hoover birthplace in Iowa were offered under exactly the same conditions, I do not care whether it would be by public or private subscription, I as a Member on this side of the aisle would vote for it.

Mr. FISH. The gentleman does not even know what he is talking about. He has not read the whole bill. Furthermore, no Republican President would even think of asking in his lifetime to have the Government maintain a personal library in his home town.

Mr. LEAVY. I have read the bill.

Mr. FISH. The gentleman has made two or three misstatements. The President does not put a dollar into this library. The Government does not put a dollar into the building. That is raised by public subscription. We maintain the building in perpetuity and there is no limitation on the amount of money the Government may have to pay.

Mr. LEAVY. I challenge the gentleman to point out to the Members of the House where in this bill there is anything said that the money shall be raised either by public or private subscription.

Mr. FISH. I am telling the gentleman it has already been raised. The sum of \$350,000 has already been raised.

Mr. LEAVY. The gentleman very cleverly dodges the proposition I put to him.

Mr. FISH. Does the gentleman want to raise some more money? The bill, I have repeatedly explained to the gentleman, calls for no money to build a library.

Mr. PARSONS. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. PARSONS. The gentleman described our great Presidents. He admits that Franklin D. Roosevelt is a very great President?

Mr. FISH. I do not admit any such thing. Nor do I believe it. I am willing to let posterity determine that.

Mr. PARSONS. That is the way I understood the gentleman.

Mr. FISH. No. I personally believe he may go down as one of the greatest spendthrifts and one of the worst Presidents we have ever had, but let history determine that.

Mr. PARSONS. That is not in accordance with the language the gentleman used.

Mr. FISH. I said there was a certain nervousness on the part of President Roosevelt and his friends in regard to letting posterity determine where he will rank. He may rank with Jefferson, Cleveland, Woodrow Wilson, and Jackson, those great Democrats; yet he may rank, as I said, with

Buchanan and Pierce and be forgotten, except for the burden he saddled on the American people.

Look at the record. What does the record disclose? It shows that practically all Presidential papers are now in the Library of Congress.

George Washington: All but a very small percentage of his papers and the letters known to have been written by or to Washington are in the Congressional Library in Washington.

John Adams: Very few of his papers are here. The papers of the Adams family are understood to be in the Massachusetts Historical Society under control of a family trust. The case of the Adams family is an exception, and I believe a great mistake has been made by the Adams family. There could not be a greater mistake than to have those papers under the control of the Adams family, when they should belong in the Congressional Library and be open to the public. I do not know whether the Adamses were Republicans or Democrats, and I do not care.

Thomas Jefferson: The large collection, including the Presidential papers, is here. A very considerable body, largely of personal character, is in the library of the Massachusetts Historical Society. Why should they be there? They all ought to be in the Congressional Library.

Madison: The largest collection, including those which deal with the Constitutional Convention and with the Presidency, are here in the Congressional Library.

Monroe: The largest single collection is here. There are other groups, however.

J. Q. Adams: The situation regarding his papers is the same as in the case of John Adams.

Jackson: The great body of the Jackson papers is in the Congressional Library, although small groups are found elsewhere.

Van Buren: The great collection is here, including the Presidential papers.

Harrison: The main collection is here, and is small.

Tyler: The only collection in existence is in the Congressional Library.

Polk: The Polk papers, including the diary, are all in the Congressional Library.

Taylor: The only important collection, a small one, is in the Congressional Library.

Fillmore: A small group is here. The main collection is in the Buffalo Historical Society. It ought to be in the Congressional Library.

Pierce: The main collection is here, but there are others elsewhere.

Buchanan: A small group is here. The main collection is in the Historical Society of Pennsylvania, at Philadelphia.

This means that those who want to do research work and write about American history have to go to all these different places to find out the facts and to refer to the source material.

Lincoln: The Robert Todd Lincoln gift of the White House papers is here, but will not be opened until 1947. There are other groups elsewhere.

In reply to the gentleman from Illinois, I may say I do not know of any President who ever got a dollar for his papers. They have been largely donated to the Library or given by the widows to the Library, although I believe the Library has purchased some Presidential papers from private sources after their deaths.

Grant: There is no large collection.

Hayes: The main body of the Hayes papers is in the Hayes Memorial at Fremont, Ohio. The Government put up no money for that Fremont Library for Hayes, nor did the Government put up any money for any other library or other repository where Presidential papers may be kept.

This is a completely new precedent, establishing a memorial to a living man. It is utterly un-American, utterly undemocratic. It goes back to the days of the Pharaohs, who built their own images and their own obelisks. It goes back to the days of the Caesars, who put up monuments of themselves and crowned them with laurel leaves, and posed as gods.

Garfield: The papers of President Garfield are also in the Congressional Library.

Arthur: The main collection is in the Congressional Library, but in part is a deposit, not a gift.

Cleveland, a great Democrat: The great collection is here in the Congressional Library. There are other small groups elsewhere.

Benjamin Harrison: The Harrison papers are in the Congressional Library.

McKinley: The great collection is here. It covers the Presidency, particularly.

Theodore Roosevelt: The Theodore Roosevelt papers are in the Congressional Library.

The papers of President Taft are here, but as a deposit, not as a gift. Does anybody believe the Taft family would ever take a penny for those papers? If they do believe it, they do not know the Taft family.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. SABATH. Why does not the Taft family donate the papers?

Mr. FISH. The reason they do not donate the papers is simply this: Many of the Presidents and many of the Secretaries of States, too—and I hope I have time to refer to the Secretaries of State because their papers are also in the Congressional Library—do not want their papers opened immediately. As in the case of the Lincoln papers, Mr. Lincoln's son did not want President Lincoln's papers opened, for personal reasons, until 1948. The Taft family may have personal reasons for not donating the papers at the present time.

A year ago I myself donated to the Congressional Library 30 boxes or trunkloads of papers of my grandfather, Hamilton Fish, who was a United States Senator, a Member of the House of Representatives, and Governor of the State of New York, and for 8 years Secretary of State under the Grant administration. This was probably the greatest collection of official papers and letters that is in existence. It includes letters from numerous Presidents, as well as letters from Clay, Calhoun, and Webster, and from Charles Sumner by the score. These papers are of much more real value than the papers of President Roosevelt today because such papers do not have much value until the men have been dead for a number of years and a sales value is developed. I donated these papers because they ought to be in the Congressional Library. However, my grandfather in his will expressed the desire that his papers be not donated immediately because of a personal row with Sumner. He did not want them released to the public for a number of years after the death of those referred to.

Let me go on. Most of the Presidential papers have been donated with just a few exceptions.

Wilson: Certain letters and papers of President Wilson are deposited here, but are not open to investigators.

Harding: The Library has a few letters written by President Harding, but the Harding papers are understood to be in the Harding Memorial at Marion, Ohio.

It is my belief there are very few papers left in the Harding collection. I am under the impression most of them were destroyed, because I have tried for years to get one single letter written by President Harding and signed by President Harding, and I have been unable to do so. I wanted this for a collection of letters of all Presidents in the library at Williams College. They have a complete collection, except for a letter from President Harding. If anybody in the House or anywhere else knows where I can get a letter that President Harding has signed I would like to know about it in order to complete that great collection.

Coolidge: The papers of President Coolidge are here, but as a deposit and not as a gift. I understand that anybody who is studying the papers or the writings of President Coolidge, all he has to do is to ask Mrs. Coolidge, and she will let him see all the papers they may desire. That is the understanding in the Congressional Library.

President Hoover: The papers of President Hoover are at Palo Alto, at the university out in California.

I think they ought to be here with all the rest of the Presidential papers, but he has put them there at his own expense, while this proposal is to maintain the papers of President Roosevelt and establish this precedent, which means that every other President will come back to Congress for the same kind of appropriation for his home-town library.

Let us get rid of all this sob-sister stuff and shedding of crocodile tears, saying that we must erect a monument to a living man. If you do it for one, you do it for all, and that is why this precedent is wrong in every way.

If these Presidential papers are taken away from Washington and scattered in the future all over America, in Squeedunk and Podunk, writers, students, and those who do research work will have to spend thousands of dollars to go from one little town to another when we have already erected a Congressional Library at great cost in order to keep these Presidential papers. We have 20 men in the Manuscript Division of the Library of Congress doing nothing else but looking after these historical papers of Presidents and Secretaries of State. In addition, there is a special photostat bureau with experts in charge. Now you come along and on political grounds, with no reason whatever advanced and with no argument except one of party, you say that we must do this for President Roosevelt, because he wants it done.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. KNUTSON. I agree with the gentleman that these papers should be deposited in the Library of Congress in Washington, so that they may be available to the statesmen of the future so that they may go there and go over these papers and learn how not to run a government. [Laughter.]

Mr. SABATH. Well, well, well!

Mr. FISH. Mr. Speaker, it is a little difficult beginning this debate, but I do not think it makes any difference, because I imagine you have made up your minds and nothing I can say will deter you or change your decision. You will probably vote for this and say, "We cannot put these Presidential papers in The Archives Building. The Archives Building is already filled." This was stated in the debate the last time. I took the trouble to go down to The Archives Building a few days ago. It is one of the most magnificent buildings in Washington or anywhere else in the world. It cost \$12,000,000. It is about one-third filled and may not be filled for another 25 or 50 years, but, as a matter of fact, that argument which was presented to you as a reason for being for this bill the last time does not hold water. These Presidential papers do not go to the Archives Building, they go to the Congressional Library.

We have just built a new annex to the Congressional Library of 25 acres. They have enough room to hold Presidential and Secretary of State papers for hundreds of years to come, but you will hear the argument advanced that there is no place left for us to take care of these papers in either the Library of Congress or The Archives Building.

It has also been very noticeable, in some of the propaganda which has accompanied the proposal of the Franklin D. Roosevelt Library, Inc., to have it taken over by the Government of the United States, that attacks and criticisms have been made on the Library of Congress and on other collections of papers of Presidents of the United States, the distinguished predecessors of the present incumbent of the White House. These attacks and criticisms, deprecating as they do previous work in the same field for the purpose of "building up" the Roosevelt proposal, are wholly unworthy, if not unpatriotic; for there can be no question in the mind of any fair-minded person that what the Government has already done by special acts of Congress or through its regular agencies, as the Library of Congress, has been proper and right.

Large expenditures are alleged to have been incurred. The present proposal asks for unprecedentedly large expenditures for the acquisition and care of one man's papers. Nobody knows what the appropriation will be in this bill. It may be \$50,000, it may be \$100,000. It may be the interest on several million dollars a year. I propose to offer



an amendment to limit it to \$12,000. I think that is ample for the maintenance of one man's papers outside of the city of Washington. I wish to God there was something that I could say to change one vote on the Democratic side. I know that I cannot. I know that we have all of the logic and reason on our side. I know that this Congress would not appropriate one thin dime for the maintenance of the Mellon Art Gallery if it were located in Pittsburgh, but when he gave his pictures and had them brought to the city of Washington, where they ought to be, then we appropriated money to maintain them here, and not where he was born, in the city of Pittsburgh. That argument will be brought up, that we have done something to maintain the Mellon Art Gallery, but he has given \$50,000,000 of his own money for pictures to promote Washington as an art center. This Roosevelt Library is not to be in the city of Washington. It is in my district, and if anybody should be for it, it is myself, but I shall never be for this library or for any private library for any President, Republican or Democratic, because it establishes a wrong precedent and it is totally undemocratic and totally un-American—taking these Presidential papers away from Washington where they could be seen, and where we have already got 20 men working on these official papers, paid by the Government of the United States. It is proposed now to set up a precedent for every President to follow from now on, to have a little library for his own personal papers, and then have our historians, rich and poor alike, chasing around after information all over the country. Is that democratic, or is this proposition democratic—raising a monument to a living man? Is that a sound precedent in America, where we still call ourselves a democratic nation?

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. GREEN. I do not understand the difference in a great monument to Mr. Mellon, who served through three Presidents, and erecting one to the greatest President.

Mr. FISH. Oh, the gentleman was not listening to what I said. I said that if that art gallery were erected in Pittsburgh, where Mr. Mellon was born, we would not give one thin dime out of the Treasury of the United States to maintain it; but when it is here and is a gift in the city of Washington, where we want it, then we do provide for it, and the gentleman probably voted for it. If we needed more manuscript room in the Presidential row of the Congressional Library, if they needed a couple more men, I would vote for it, although they already have 20 men there now. But to provide for 20 men for the Roosevelt papers in Hyde Park, some 250 miles from here, is an entirely different situation.

Mr. GREEN. Then think of the millions of dollars of taxes that were excused in the other case. There is nothing like that in this case.

Mr. FISH. Let me say to the gentleman, in the name of all the gods at once, upon what meat doth this our Caesar feed that he hath grown so great? What is good enough for Washington and Jefferson and Jackson and Lincoln and Cleveland and Wilson and Theodore Roosevelt ought to be good enough for Franklin Delano Roosevelt, but apparently it is not. He comes in here asking special privilege of the Democrats, and the party whip is cracked, and without a sound reason or a sound argument you are told that you must vote for this thing and establish a precedent here that we maintain a library—a precedent for all time—and have these Presidential papers taken out of the city of Washington. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield now to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I dislike to take the floor again on a matter of this kind, because I expressed my true feelings rather fully a Monday or two ago when this matter was under consideration. After more than 26 years in this House I feel I know that if the majority party with any President—take the three Republican Presidents that party has

had in 12 of those years—had offered a bill exactly like this, with the name simply changed, that it would have met with little or no opposition on the Democratic side of the House. I feel that I know that. We did not hate Mr. Harding or Mr. Coolidge or Mr. Hoover. I never knew Mr. Harding personally. If I ever met him in my life, I do not remember it. I was sorry, deeply sorry, for the way some people in the United States of America treated Mr. Harding. I still believe, and I shall maintain as long as breath is in my body, that there has never been a President of the United States who was not an honest man.

I knew Mr. Coolidge fairly well. Frankly I liked him very much. I had breakfast with him one morning along with my friend from Massachusetts, and I remember their conversation about when they were in the Legislature of Massachusetts together, and some old hotel in which they lived, and so on. I had a good time with him. If a resolution such as this had been presented to have preserved the papers of Calvin Coolidge up at Northampton, I would have been proud to vote for it.

I knew Mr. Hoover for 8 years. He appeared before the committee of which I was a member, as Secretary of Commerce. I liked him. I thought he was a highly capable man as Secretary of Commerce. I never did think he would make a good President, and I think my fears on that subject were wholly justified by a complete demonstration of 4 years; but I did not dislike him.

I remember when Mr. Wilson was President. It is a rather funny thing. It does not apply to all Republicans. It never has. But there was a large percent of the Republican membership of this House that would turn pale, like the gentleman from New York [Mr. FISH] turns when he discusses Mr. Roosevelt, when they got up on this floor to talk about Woodrow Wilson. Now, the gentleman from New York [Mr. FISH] is a pretty good hater, you know. When Woodrow Wilson's name was mentioned they would turn pale. I never could understand just exactly why a certain percentage of Republicans should so hate a Democrat.

If another name were substituted in this resolution for that of Franklin D. Roosevelt, I doubt very seriously whether it would have a great deal of opposition on the Republican side of this House. I just do not think that my folks do that way.

Now, I am going to put in the RECORD, in my extension of remarks, a statement that was not prepared by me, but which I think is true, to show how the papers of the various Presidents are scattered throughout the length and breadth of the land. No President's papers are in any one place. A great many of them have been destroyed by fire. A few of them are in the Congressional Library. Some of them are in State historical societies. Some of them are still in the hands of individuals. The Lincoln papers will not be available for the public, as I understand it, until 1947.

These are Mr. Roosevelt's papers. These are his private papers. He has a right, when he leaves the White House, as he did when he left Albany and as he did when he left the Navy Department, to pick up any paper of any private nature and burn it or hide it away to be looked at 100 years from now. But Mr. Roosevelt wants these papers to be made available. To be frank about it, I think he is doing a beautiful and a generous thing. Was there any kick on our side of the House when there was a monument built down here and the land donated and the care and upkeep of it made a charge upon the Government from now on, when it was proposed that that memorial be set up in perpetuity to Andrew Mellon, who typified a certain class of business, a certain class of politics in the United States? You cannot separate it from being a monument to Mr. Mellon. And I was glad to support it. It is a remarkable thing that some people in this House, and especially the Representative from the district in which Mr. Roosevelt lives, get so disturbed when his name is mentioned. He is the most distinguished citizen who ever lived in that district, and probably the most distinguished who will live in it during the lifetime of any of us. If he has done one thing, if he has uttered a sentence in the more than 6 years

he has been President of the United States which pleased his Congressman, I have never heard him make a public statement to that effect.

Of course, he does not like Mr. Roosevelt. I do not know exactly how Mr. Roosevelt feels about him [laughter], but I can imagine, as I still have some imagination left in this material world in which I live. But I think it is most unfortunate. I believe that if the worst Republican I ever knew—and I have known some bad ones, just like I have known some bad Democrats—were President of the United States and lived in the district that I represent in Congress—I am not out of humor at all—if he lived in my district, I think I would allow somebody else at least to take up the personal cudgels against him. I would want the people to know that I represented a district that was proud of the fact that the President of the United States came from that district, just as Virginia used to be proud to be called the "Mother of Presidents," and like the great State of Ohio was proud that it came along following Virginia as the "Home of Presidents." Frankly, I would just be proud of it. I have tried to be proud of every President I have ever known and of everyone about whom I have read.

I want to say one thing to the gentleman from New York [Mr. Fish]: When he was talking about great Democrats and poor Democratic Presidents, if he will reread his history about the administration of James K. Polk, of Tennessee, he will probably revise his opinion of that great Tennessean, who was one time Speaker of this House, because I think he will find that in the administration of James K. Polk in all probability as many permanent and far-reaching things were done in Washington as in most other 4 years in the history of American politics.

I am sorry, as the gentleman from New York says he is, that this vote is going to divide up and down the center aisle; I am tremendously sorry for that. I think it is not going to be a fine spectacle in the House of Representatives. Every Democrat on the motion to suspend the rules voted to pass this bill. It is my presumption that everyone on the right of where I stand will vote the same way today; and I am deeply sorry, loving this place as I do, after an association here with such men as the gentleman from Pennsylvania, GEORGE DARROW, during all these years, sometimes sad but usually glorious, that you gentlemen on the Republican side of the aisle from New York and from the other States should take the position you do.

Let me say to you that the press of the country is a pretty good interpreter of what will be written as history. They have not sustained you on your action of a few weeks ago, and they will not sustain you on the action you intend to take today, because they will believe as I believe, and as we all believe, that your vote today is being cast because Franklin D. Roosevelt is Franklin D. Roosevelt and because he is a Democratic President of the United States.

Let me say, furthermore, to this Congressman, the gentleman from New York [Mr. Fish], that he need not fear about the place of Mr. Roosevelt in history. Mr. Roosevelt is like another great Democratic President of the United States who said:

It matters not what my personal fortunes may be, I am willing to play for the verdict of mankind.

[Applause.]

That man was Woodrow Wilson, loved and hated as few men have been since Jackson. If there was ever a man in the history of American politics who was hated it was Old Hickory Jackson, yet today when the roll is called of the great Presidents from Washington to Roosevelt no man leaves out the name of Andrew Jackson. [Applause.] He was hung in effigy more than any other President. He was cartooned with Arbuthnot and Armbruster hanging on either side of him, the great murderer. He was hated because he believed that brains and character should run this country, and not the bank of Philadelphia. [Applause.] Today, however, no man when he calls the roll of the great men who have been at the helm of this mighty state leaves out the farmer, gentleman, soldier, statesman, who today sleeps

on the ground of The Hermitage in the middle of that lovely State known as Tennessee. [Applause.]

Mr. Speaker, the matter referred to as in my remarks is the following statement prepared by efficient people interested in the library bill:

Throughout American history Presidents retiring from office have removed from the White House all correspondence and documents addressed to them, because these papers and documents have always been considered personal property. After retirement some Chief Executives have totally destroyed such material; others have partially destroyed it, edited the remaining portion, and sold their collections; and still others have disposed of their papers in a manner making research and study of their collections impossible.

In order to acquire valuable Executive papers, Congress often has found it necessary to appropriate large sums for the acquisition of this material from Presidential heirs and individual collectors. In most cases purchased collections were incomplete, and from time to time additional sums must be spent to gain ownership of papers considered necessary to make existing collections more complete.

As an example of the present difficulties encountered by the historian who aspires to write a book concerning national development during the administration of President James Monroe, in order to utilize source material, it would be necessary for him to travel to such widely separated places as Washington, D. C., capitals of foreign nations, New York City, and private libraries in the United States and Europe.

It is the general impression that the papers of President Monroe are preserved in the Library of Congress, but the Gouverneur collection of Monroe papers is owned by a private citizen of Washington, D. C.; approximately 1,200 items are in the New York Public Library; unpublished notes written by Monroe when he was Ambassador to England to the Russian Ambassador to London were discovered in the Vorontsoff family library in 1935 and were to be published by the Academy of Sciences of the Union of Soviet Socialist Republics; and other individual letters and documents are held by private collectors and libraries.

It is also a popular belief that the papers of Thomas Jefferson, whose library was given to the Government and constitutes the nucleus of the Library of Congress, are contained in the Library of Congress. It is true that the main collection is preserved in this manner, but his private papers are, for the most part, at the Massachusetts Historical Society Library; 186 letters to his daughter, Mrs. Martha Jefferson Randolph, are in the Pierpont Morgan Library; important papers covering the period from 1779 to 1835 are owned by the Pennsylvania Historical Society; for the period from 1788 to 1825, by the Buffalo Historical Society; for the period from 1789 to 1798, by the Virginia State Library; for the period from 1791 to 1835, by the Yale University Library; and other papers, for the period after 1791, are held by the American Philosophical Society and the Missouri Historical Society.

The same circumstances, applying in the cases of Jefferson and Monroe, are true with regard to 13 Presidents. The papers of nine Presidents are not available for research by reason of private ownership by heirs or explicit instructions that they are not to be opened until fixed periods of time have elapsed. The papers of six Presidents are thought to have been totally or partially destroyed by fire so that it will never be possible to assemble complete collections. Many collections held by the Library of Congress are fragmentary and of little value except as museum pieces. Since most of its large collections were acquired by purchase, the value of material not owned by the Library has increased, is eagerly sought by private collectors, and the completion of Government collections will be a costly process.

Many of the papers of Harrison, Tyler, Fillmore, Lincoln, Grant, and Harding are believed to have been burned. The Harrison papers still in existence are held by the Wisconsin Historical Society, the Library of Congress, and individual owners; the Tyler papers by the Library of Congress, but the greater part of his collection was left to his widow's care and was destroyed in the burning of Richmond in 1865; and the surviving Fillmore papers are owned by the Buffalo Historical Society and the Yale University Library. It is thought that most of Fillmore's papers were burned by his son's executors in 1891 in accordance with a mandate in the son's will.

The Lincoln papers in the possession of the Library of Congress will not be accessible until 1947, two other collections are owned by private citizens, and individual items are in the hands of collectors. Grant is said to have destroyed his own collection of papers and if any survive they are in the hands of various descendants or individuals. One of the most valuable books concerning the Grant administration—as a matter of fact, so significant that it won the Pulitzer prize for biography in 1937—was written by Dr. Allan Nevins, professor of American History at Columbia University, and was entitled "Hamilton Fish—The Inner History of the Grant Administration."

President Harding is popularly reported to have personally destroyed many papers pertaining to his administration, but the collection still in existence is in the possession of the Harding Memorial Association of Marion, Ohio.

The papers of President Coolidge are inaccessible to historians or the public and their eventual disposition appears to be a subject of uncertainty. President Buchanan's collection is held by the Pennsylvania Historical Society; Hayes' by the Hayes Memorial Library at Fremont, Ohio; and the papers of John Adams and John Quincy Adams are in the possession of the Adams family and are not available for research purposes.



President Herbert Hoover, probably conscious of the aid to research afforded by the separate preservation of source material along the lines of period and locality, constructed a library at Stanford University, California, known as the Hoover Library on War, Revolution, and Peace. There his valuable collection, including his personal library and important correspondence covering his many years of public service, is deposited.

Many of the Cleveland papers are privately owned, some are in the Library of Congress, and a sealed box of papers deposited in the New York State Library is to be opened this year. The collection of Woodrow Wilson is owned by Mrs. Wilson, and only Mr. Wilson's biographer has had access to it.

As the result of lack of uniformity in the methods of preserving Presidential papers, of the incomplete nature of even the largest collections, and of the scattered location of important papers which should have been preserved as a unit, it has not been possible for scholars, historians, and those interested in political science to properly analyze, for the benefit of government and history, the background and purposes of many important matters having their origin with the Chief Executives without extensive travel and large expenditures.

Some may argue that Presidential papers should automatically become the property of the United States Government; the same line of reasoning should apply to all duly elected representatives of the people. On this basis the correspondence, research material, and other information contained in the files of Members of Congress should become Government property when Members of Congress retire from office. Perhaps it is not necessary to cite the significance of speeches and letters by Webster, Clay, and other former Members of the legislative body in the formation and clarification of our democratic principles and policies. Like the papers of Presidents, the important collections of these individuals are located in cities and towns from boundary to boundary of the Nation, preserved by patriotic societies, libraries, and individuals. Presidential papers may be more comprehensive with respect to the activities of government, yet they are no more the property of the Government than the papers of any other elected or appointed individual discharging governmental responsibilities. Both practice and precedent have contributed to the theory that correspondence and documents of this kind are private property.

Since President Roosevelt's papers constitute the largest collection of Presidential papers in existence, and being mindful of the importance of preserving historically important material pertaining to the executive branch of the Government, the subject of their disposition was discussed with friends who suggested that he appropriately might seek the advice of historians and archivists, and a meeting with some of them was arranged for this purpose.

Many of those who were consulted by the President have stressed the importance of preserving intact all documents covering the years of President Roosevelt's public life, both in New York State and in the National Government. They have pointed out that all these papers overlap, that to separate them would destroy the unity which makes the collection unique among collections of executive papers, and that the only way to preserve this gift in the manner which will best facilitate all forms of research and study is to erect a separate building as a repository.

The historical material constituting the proposed gift of President Roosevelt may be briefly classified as follows:

First. Public and personal papers: These include practically all incoming and copies of practically all out-going correspondence, as well as other material covering his years of service as New York State senator, 1910-13; as Assistant Secretary of the Navy, 1913-20; as Governor of New York, 1929-33; and as President of the United States. They include also a large volume of political material, especially material relating to the Presidential campaigns of 1920, 1924, 1928, 1932, and 1936, and a smaller accumulation of other material of a miscellaneous character.

Second. Historical manuscripts, etc.: These consist chiefly of material relating to the history of the American Navy since 1775, which over a period of many years was collected from various sources. They include letters, log books, and other manuscripts, paintings, drawings, prints, and models of many famous American naval vessels.

Third. New York State material: This group includes a historically valuable collection of material relating to the State of New York and the Hudson Valley.

Fourth. Books and pamphlets: This collection numbers approximately 15,000 books and pamphlets. Some of them are rare items, many are autographed copies from the authors, and the great bulk of them are important works on American history.

A recent survey of the portion of the material that is now stored in Washington shows that the papers and books occupy between 5,000 and 6,000 linear feet of shelf space. Other items include over 400 pictures and prints of sizes varying from 12 by 18 inches to 36 by 48 inches, in addition to many smaller ones, 37 ship models, and approximately 7,000 volumes. At Albany there are approximately 50 boxes, size 2 by 2 by 2 feet, containing the personal and unofficial public papers of Mr. Roosevelt's two administrations as Governor of New York. There is also a considerable miscellaneous collection at Hyde Park, N. Y., which has not yet been surveyed.

Acting upon the advice of those whom he consulted, the President decided to give his private papers, documents, library, and pamphlets on subjects pertaining to historical events of this period, works of art, ship models, pictures, photographs, maps, and other similar material to the Government. A group of business leaders offered to cooperate with the scholars who suggested the plan for preserving the gift, by raising funds necessary to build a repository for the collection along lines to be determined

by leading archivists and historians and in keeping with the modern conception of library technique. The President then offered a tract of land from his estate at Hyde Park, N. Y., as a site for such a building. Public announcement of these gifts was made on December 10, 1938.

It should be noted that the proposed location of the library at Hyde Park, N. Y., is in keeping with the methods advocated by historians and authors engaged in research work related to history. Today there is so much source material, accumulated through more than 150 years of national development, that the mature years of a man's life would not constitute a period of sufficient length to permit the writing of a general history from original sources. Instead, scholars prepare new general histories by referring to outstanding books covering specific periods. In other words, the best book or books concerning the Revolutionary period, the Civil War period, and other periods, all written from source material, would be consulted. The new work would condense and consolidate the facts in the manner best suited to the purposes for which the new book might be written. In this way, revised, chronological data for public use covering the most important periods and events, can be presented in a single volume.

A scholar studying the economic development of the United States would utilize the work of individuals considered as outstanding authorities on economic development during each era of progress, authors of textbooks, and general nonfiction work pertaining to political science would follow the same method, and the principle applies in other associated fields of literature and history.

It is not difficult to understand why authors of histories and books on associated subjects, as well as works of fiction dealing with a certain period of history, prefer to have source material preserved on the basis of periods of national development. Naturally, the task of those engaged in research is facilitated by having the majority of source material pertaining to a given period, preserved at one location and administered by librarians and their assistants who, by reason of intimate knowledge of this material, can render the most effective service in advising and assisting authors.

Coupled with the desirability of segregating source material by periods of history, there is a further advantage to research in localizing source material whenever it is possible to do so without destroying the unity of a collection. "Localizing" may be defined as "establishing research centers in various localities where material holding definite local interest may be preserved." The historical societies of the Western States probably contain more informative material concerning the development of the West than is to be found elsewhere. This material is used in the preparation of State histories, but it is also important to the record of national growth since reference to it must be made in describing the national acquisition and development of the territory west of the Mississippi River. These libraries contain the collection of papers of individuals who contributed to the development of particular States as well as the important documents of Presidents of the United States and high ranking Government officials who were natives of the State and may have held State offices prior to their assumption of duties which were national in scope. Most of the other States, like those of the West, have State historical societies and State libraries where historical material is similarly preserved.

The result of the preservation of source material in this manner has been to stimulate interest in historical research throughout the country by affording ready accessibility to students and historians. It also has had the tendency to centralize material pertaining to locality and to individuals identified with the locality. Historians engaged in research work are primarily interested in a certain period of history, a definite locality, or a specific person. It would be financially impossible for authors with limited resources to visit Washington, D. C., for the purpose of devoting many weeks to intensive research. Under our present system it is possible for a complete history of the United States to be written without visiting the Library of Congress or the United States Archives. Books upon all phases of history have been written by qualified individuals from source material, and copies are contained in the larger libraries where they are available to all citizens.

In addition to conforming with the generally accepted principles of preserving historical material, it has been pointed out by authors that the location of the library at Hyde Park, N. Y., will make it possible for the President, upon his retirement, to render invaluable assistance in classifying material and in supplying information which might be helpful in clarifying the intent and purposes of documents. Archivists and librarians have cited the belief that decentralizing source material would decrease the hazard of fire or other calamity which under a policy of preservation at one point might result in a loss of the major portion of our important historical records.

Obviously it would be impossible and impractical to assemble all source material in the Library of Congress or the United States Archives. The administration of so much material would be cumbersome; suitable facilities for its preservation would be lacking; only a small percentage of individuals would be economically qualified to engage in historical research because of the expense of traveling to their National Capital; millions of school children who visit local libraries for study and inspiration in matters pertaining to patriotism and history would be deprived of the opportunity of viewing historic documents; and such a policy would be bitterly contested by public libraries, historical societies, and private citizens.

Several meetings were held by the various groups interested in the acceptance and preservation of President Roosevelt's gift, and as a result of these meetings the Franklin D. Roosevelt Library, Inc., was incorporated in the State of New York to carry out these purposes in the manner determined to be most beneficial both to the public and to historians. Committees were formed to direct the program that would make it possible for the Federal Government to accept the gift, and their activities are now under way.

The SPEAKER. The time of the gentleman from Texas has expired; all time has expired.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. KELLER. Mr. Speaker—

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I yield.

Mr. FISH. I just wanted to say to the gentleman from Texas [Mr. RAYBURN] that I agree thoroughly with his remark that Andrew Jackson was one of our great American Presidents, but that is all I agree to in the remarks made by the gentleman from Texas.

Mr. SABATH. That is more than we expected from the gentleman.

Mr. KELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 118 to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 118, with Mr. BOEHNE in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent the first reading of the joint resolution was dispensed with.

Mr. KELLER. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I see no reason for getting excited over the discussion of a matter of this character. It is, as the gentleman from New York well said, a very simple question. He reduced it, in his opinion—I refer to the gentleman from New York [Mr. FISH], of course—to one question only, and that is whether there is any other place that ought to be considered for the deposition of the papers of Franklin D. Roosevelt except in the Library of Congress. He then proceeded to make a number of misstatements—because apparently he has not had time to study this subject. I am going to correct his misstatements as I proceed in this discussion.

We find it necessary to take up the Senate bill instead of the House bill, because the Senate passed the bill ahead of us. In the meantime, the reorganization of the Government had been brought about, and this made it necessary to make certain perfecting amendments purely for the purpose of making the bill fit into the reorganization program. You will find, therefore, that on page 2 of Senate Joint Resolution 118 we had to change the title "Secretary of the Treasury" to "Federal Works Administration"; and we had to change "Treasury Department" to "Public Building Administration." To make the bill comport with the Government reorganization, on page 3, in line 4, we had to change "Procurement Division" to "Public Buildings Administration"; and, again, "Secretary of the Treasury" had to be changed to "Federal Works Administration." Further down on the same page, in line 19, the words "Provided further" had to be added to make the bill fit in with the general expression of the bill.

On page 7 we took out "Director of the National Park Service" and substituted for it "Commissioner of Public Buildings." This has been done, as I stated, for the purpose of making the bill fit in with the reorganization program that was brought about under a law passed by Congress. I want now to take up with you what this bill really is, what it provides, and then present the reasons supporting it.

You will find at the top of page 2 the following:

Title II of the joint resolution provides for the acceptance and maintenance of the library upon the following terms:

1. That the Archivist of the United States be authorized to accept for and in the name of the United States from the Honorable Franklin D. Roosevelt, or from such person or persons as he may designate to act for him, a tract of land, consisting of approximately 12 acres to be carved out of the donor's estate in the town of Hyde Park, Dutchess County, State of New York, and located on the New York-Albany Post Road, to be utilized as a site for the Franklin D. Roosevelt Library.

2. That the Archivist be authorized to permit the Franklin D. Roosevelt Library, Inc., a New York membership and nonprofit corporation, organized for that purpose, to construct on the said site by private subscription of funds a suitable library building or buildings, in accordance with plans and specifications to be approved by the Archivist, in which these collections of historical material and future additions thereto shall be housed.

I am reading this because I feel very few Members of the House have had an opportunity to study what really is in the bill. I am quite sure the gentleman from New York [Mr. FISH] has not.

3. That, upon the completion of the above-mentioned project, the Archivist of the United States be authorized to accept from the donor the historical material described herein, and to acquire by gift, loan, or purchase, similar related material from other sources.

4. That the United States agrees to provide in the future such funds as may be necessary for the upkeep of the said library and for the administrative expenses and costs of operations thereof so that the said library shall at all times be properly maintained.

5. That a board of trustees be established, consisting of the Archivist, who shall be chairman, the Secretary of the Treasury, and five members to be appointed by the President of the United States. The trustees are to serve without compensation, but are to be allowed their necessary expenses incurred in the discharge of their duties. The board is authorized to accept, receive, and administer gifts and bequests of personal property as trust funds for the benefit of the Franklin D. Roosevelt Library, and to use such funds in the purchase of equipment for said library, in the preparation and publication of guides, inventories, calendars, and textual reproduction of material in the said library; and in the purchase of historical books related to and other historical material contemporary with and related to the historical material acquired from Mr. Roosevelt.

6. That the immediate custody and control of the said library (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations) and its contents shall be vested in the Archivist of the United States, who shall be authorized to appoint and prescribe the duties of such officials and employees as may be necessary for the execution of the functions vested in him by law in connection with the said library.

7. That the Archivist be authorized to prescribe regulations governing the arrangement, custody, protection, and use of the material deposited in the said library and to make the material available to the public free of charge, except that he may, in his discretion, charge and collect a fee not to exceed 25 cents per person for the privilege of visiting and viewing the exhibit rooms and museum portions of the said library, and to pay the funds so derived into the trust fund above referred to in paragraph 5.

8. That the Archivist be required to make a report to Congress at the beginning of each regular session covering the operations of the said library, including a detailed statement of all accessions, dispositions, receipts, and expenditures for the preceding fiscal year.

9. That the cost incurred by the Archivist in carrying out his duties in connection with the said library be paid out of the appropriations to The National Archives Establishment as other costs and expenses of The National Archives Establishment are paid.

Mr. Chairman, there are plenty of copies of the bill available, and those who desire copies of the report may obtain them also, because they, too, are available. If you will follow the bill and the report you will be able to follow what I am about to say.

Beginning at the bottom of page 23 of the hearings you will find the following analysis of the bill by Prof. Samuel Eliot Morison, of the Harvard College Department of History, and it answers, in my judgment, practically everything that anybody wants to know, because I asked him to make it so plain that it could not be misunderstood.

In answering my letter he said:

The creation of a building where the archives and collections of a President of the United States are brought together for permanent preservation is a matter of far-reaching importance to historians and to American history. American history has suffered from the neglect of papers of past Presidents. Although many Washington, Jefferson, Lincoln, Wilson, and other papers have been secured by the Library of Congress, these are but a fragment of what they were when they left the Executive Mansion.

I want to emphasize that, because I want the Members of the House to understand the facts.

President Hoover is the only President of the United States so far who has preserved his archives and collections intact, and his building is at Palo Alto, Calif.



As I assume the committee is already familiar with the Franklin D. Roosevelt Library scheme, I shall write my memo in the form of answers to questions that some of the Members might wish to ask. I am speaking as a professor of American history, author of several books on the subject (list in Who's Who in America), and one who has done research on the papers of several Presidents.

Question. Why aren't President Roosevelt's Presidential papers sent to The National Archives after he retires from the Presidency instead of having a special building put up for them at Hyde Park?

Answer. Because a good deal more than his Presidential papers is involved. In addition to them, which The National Archives could receive, there are several other units in his collections which they aren't authorized to receive and have no place for, such as (a) New York gubernatorial and other New York political papers; (b) private library; (c) naval history manuscripts; (d) naval history prints and ship models; (e) various museum objects. The National Archives can handle only archives, not collections. The Library of Congress can handle only books and manuscript collections, not archives nor objects.

Question. Why shouldn't these be split up, the Presidential papers sent to The National Archives, books to the Congressional Library, others to the Smithsonian, New York Historical Society, etc.?

Answer. Because that would destroy the unity. All these collections and archives overlap more or less, as they have been accumulated by a President of the United States. In that respect they are unique. We have here the records of a Governor of New York, an Assistant Secretary of the Navy during the World War, a President for two terms, and, besides, the historical papers, books, and objects of a great collector. It would be a crime to break up this unique assemblage of historical sources and objects of personal interest, and the only way to keep it together is to erect a special library-archive-museum building to hold it.

Question. Won't history students find Hyde Park inconvenient and hard to get at, compared with Washington?

Answer. Hyde Park is certainly not so handy a place for students as Washington, but the inconvenience of the location will be more than compensated by the value, for future students of the life and administrations of Mr. Roosevelt, in having all the materials together. The sentimental value of having the library at Krum Elbow, Mr. Roosevelt's home, is also to be considered.

Question. Has the President the right to take his files away with him?

Answer. Yes. The White House has been cleared of every President's archives at the expiration of his term, or at his death, if he died in office; the files of his administration have been considered his personal property, to deal with as he or his heirs saw fit. And down to President Hoover's administration, the major part of the Presidential files were destroyed before leaving the White House.

Question. What have former Presidents, in fact, done with their papers?

Answer. Some (for example, U. S. Grant's) were totally destroyed by the ex-President, others (for example, Jefferson's, Madison's), after much editing and dilapidation, have been given or sold by the Presidents' heirs to the Library of Congress; others (for example, Lincoln's and Garfield's) have been kept fairly intact by the family, but not opened to investigators. Only the Hoover, Hayes, and Harding papers are housed in buildings specially constructed.

Question. Does not this removal of papers from Washington hamper the work of the Government departments?

Mr. WADSWORTH. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from New York.

Mr. WADSWORTH. Is it not a fact that the Coolidge papers are in the Congressional Library?

Mr. KELLER. They are deposited there, but not as a gift. I will come to that and will cover the whole thing, if the gentleman will permit me.

Does not this removal of papers from Washington hamper the work of the Government departments?

Answer. No; because every incoming letter at the White House that concerns a Government department, or has to be dealt with by it in some way, is passed on to the proper department or official, and only a record or copy of it kept in the White House files. Consequently, anything in the Presidential archives that concerns official or other Government business exists either in original or in duplicate in the appropriate permanent depository at Washington.

Question. Why does the National Archivist come into this picture, when the F. D. Roosevelt papers are not to be in The National Archives?

Answer. It is proposed to place the Roosevelt archives and collections in charge of The National Archives Administration (a) in order that they may have expert care, handling, and classification from the day they leave the White House; (b) provide for access by competent historical students; (c) because The National Archives Administration is the most competent body in the country to handle the collection and the problems connected with them.

Question. Didn't former ex-Presidents take care of their own collections and papers?

Answer. Those who have cared for them with a proper sense of their obligation to posterity have found it a great burden. Mr. Hoover has been the only President with the means to give his collection proper care. He had but one term; Mr. Roosevelt will have had two. In Mr. Hoover's term about 600 pieces of mail came into the White House daily; the daily average has now risen to 6,000. The Rutherford B. Hayes Memorial Library at Fremont, Ohio, contains the equivalent to about 120,000 pages of typewriter paper.

There are already in the F. D. Roosevelt files at the White House between 5,000,000 and 6,000,000 pages. In other words, the task of caring for a President's papers has now grown too big for any family to handle.

Question. Are there any other advantages to this plan?

Answer. The library and museum building will be erected by private subscription; Congress will only be asked to provide for maintenance as part of the National Archives Administration.

Respectfully submitted.

SAMUEL ELIOT MORISON.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from New York.

Mr. WADSWORTH. That document is signed by Mr. Morison?

Mr. KELLER. Certainly it is. It will be found on pages 23, 24, and 25 of the hearings.

Mr. WADSWORTH. The hearings before what committee?

Mr. KELLER. Before the House Committee on the Library.

Mr. WADSWORTH. Did Mr. Morison say anything about the Taft papers?

Mr. KELLER. We will find that here in another place.

Mr. WADSWORTH. Mr. Morison has already published in some newspaper the fact that the Taft papers have not been cared for. As a matter of fact, they are in the Congressional Library.

Mr. KELLER. We are going to find out about that.

Mr. WADSWORTH. The gentleman said he would say something about the Coolidge papers.

Mr. KELLER. Yes; I did. And I will.

Mr. WADSWORTH. The Coolidge papers are in the Congressional Library.

Mr. KELLER. Yes. That is true.

Mr. WADSWORTH. They are open to inspection by anyone who wants to see them, with the permission of Mrs. Coolidge.

Mr. KELLER. Yes; with the permission of Mrs. Coolidge, but not otherwise. In other words, they are there as a deposit, not as a gift at all.

Mr. WADSWORTH. The gentleman has no doubt that they will remain in the Congressional Library?

Mr. KELLER. There is no certainty at all that they will remain there.

Mr. WADSWORTH. I just wanted to see that the history was complete, because neither the Taft nor the Coolidge papers are mentioned in this document.

Mr. KELLER. I am not through yet. That was simply to answer the question that had been asked generally.

Mr. HOFFMAN. Mr. Chairman, will the gentleman give me a little information on this?

Mr. KELLER. If the gentleman will ask a question, I will be glad to answer it.

Mr. HOFFMAN. Is it proposed to include in this collection the private correspondence that might be of public interest?

Mr. KELLER. Certainly, everything. Let me read about that to the gentleman.

I do not yield any further, because other gentlemen may wish to ask questions for information—

Mr. HOFFMAN. I was asking for information.

Mr. KELLER. When the gentleman asks a question like that, it is not worthy of an answer.

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield myself 10 additional minutes.

The gentleman from New York [Mr. Fish] made the statement that there is just one thing to consider, and that is whether these Presidential papers shall go into the library as the only place where they ought to go. The gentleman also said that the papers that are in the library have been given to the library. Of course, that is a mistake.

Let me call your attention to the fact that the Government of the United States has paid out for a part of the Washington collection \$45,000. We have paid for a part of the Jefferson collection \$20,000. We paid out for a part of the Madison collection \$55,000. We paid out for a part of the Monroe collection \$20,000, for the Jackson collection \$18,000, and for a small part of the Tyler collection we paid \$1,000. Some payment was made for a part of the Polk

collection, although the amount could not be found when I went to investigate it. What we have of the Johnson papers were bought by the Government for \$7,500, and some of the Chester A. Arthur papers for \$500. The total of this as far as we know at the present time amounts to \$167,000 paid out for only a small part, actually, of the Presidential papers of the United States.

The Lincoln papers are so thoroughly scattered that nobody knows what Lincoln wrote in many regards. There have been many things attributed to him which can neither be confirmed nor denied. One hundred and fifty thousand dollars is being asked for a collection that has been gathered together from all parts of this country over a number of years. I believe a bill was presented last year asking that amount for the known remainder of the Lincolniana.

It seems to me that when the gentleman refers to all these documents being given that is presented without cost, he ought to understand when we have already paid out \$167,000, and when we are asked to pay \$150,000 for some additional part of the Lincoln papers, that he ought not to make a statement like that. It is not true, and it is not only not true, it is entirely wrong.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield for a question.

Mr. REES of Kansas. The gentleman has just called attention to the amount of money that has been expended for the papers of former Presidents.

Mr. KELLER. Yes.

Mr. REES of Kansas. I do not find anything in this report about it, and I may not have heard all the discussion, but can the gentleman estimate, approximately, what the expense of taking care of these papers may be to the United States Government? Are there any figures of record or do the hearings give us any information on that question?

Mr. KELLER. The question came up and there was no estimate before the committee that I know of.

Mr. REES of Kansas. I just wanted to know whether there was such an estimate.

Mr. KELLER. However, the question was discussed by members of the committee at different times both in the committee and out of it, as far as that is concerned. I should like to call attention to the fact that there is a provision in the bill that a fee of 25 cents is to be charged for admission to the grounds and to this museum, and so forth, and the proceeds from this fee are expected to cover largely the entire running expense. Also, if the gentleman will read the bill—and it is in the hearings, too, because I printed therein the bill and the incorporation of the nonprofit corporation to take charge of this library, as well as the bylaws of that corporation—you will find that all these facts are printed there. If you want to go into that question carefully, you will find that proper provision is made for receipt of other gifts that may be used for this very purpose. It is the belief of those who have looked into it best that it will pay its own way without making any charge for admission. That it will largely do so I myself have little, if any, doubt.

On the other hand, I call your attention to the fact that the question of cost of upkeep is brought in. With respect to all Presidential papers, whether they are simply deposited with the Government or whether they are owned by the Government through gift or purchase, the time of the employees of the Library of Congress is given to them. It is a part of the business of these employees to attend to the Taft papers, for instance, that can be seen only on permission of the Taft family. The same thing is true of the Coolidge papers. The same cost of personnel applies to the Lincoln papers, which cannot be seen at all until 1947. Nevertheless, we pay for the housing of those papers that do not belong to us. We pay for the cataloging of them. We pay for the protection of them, even when they do not belong to us. Since we are doing that, it is difficult for me to understand why anyone could rightfully object to paying the same character of expense in relation to an entire historic collection such as this is.

The Franklin D. Roosevelt gift to the American people, however, includes not only the Presidential papers but books,

correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material. A library of 15,000 or more volumes of rare books, many of them autographed by the authors and extremely valuable, is a part of this. The official papers, incoming correspondence, copies of replies, the brief memoranda—hand-written bits of only a sentence or two, but important in filling in the gaps in correspondence—stenographic records of telephone conversations, naval pictures, ship's models, and mementos of the Roosevelt era are all included.

This will give a comprehensive and complete history of this important period of history of America.

I want once more to call attention to the fact that a great proportion of the various Presidential papers are not in the Library of Congress.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield.

Mr. REES of Kansas. And they will all be somewhere else, and not here in Washington, under the provisions of this bill.

Mr. KELLER. Oh, yes; certainly. I am just answering the contention of the gentleman from New York, and let me call your attention to the fact that only a part of the Washington papers are here, although a more nearly complete collection of his papers than any other are in the Congressional Library. Of the Jefferson papers, we have probably one-third of them. We paid \$20,000 for the part that was supposed to be the public papers, and the others went to the historic societies of Boston, and when they came to look them over they found many of the papers here are private papers, while many of those up at Boston are actually public papers. As to Jackson, there are some groups of Jackson papers all over the United States. Taylor only had a small part here in the Library of Congress.

As to Fillmore, practically none of his papers are here, nearly all being in the Buffalo Historical Society. The Buchanan papers are at Philadelphia. The Hayes Memorial at Fremont, Ohio, has the papers of Mr. Hayes. The Memorial at Marion has the papers of President Harding. I recall that my friend the gentleman from New York [Mr. FISH] said these papers were at Squedunk and Podunk. I am going to report him to the citizens of Marion and Fremont and let him tell them which is Squedunk and which is Podunk.

Mr. Hoover's papers are all, I understand, at Palo Alto, and he has a perfect right to have them there.

The gentleman from New York [Mr. FISH] was just about as correct in his statement that all of these papers had been given to the Library of Congress as he was in nearly everything else he said, and not more so.

I also want to call attention to the fact that under the customs, at least, and under the law so far as we have enacted it, the papers do belong to the President and he has a perfect right to dispose of them to suit himself. But this is an attempt on the part of President Roosevelt to make it a custom in this country to always have the Presidents hereafter keep their papers intact for historic purposes, and that certainly ought to be done. Any man who has indulged in research along this line knows the importance of the statement I am here making. Every man who engages in an investigation of Presidential papers will find out how scattered and broken these collections are, how broken the historic thread is, and how difficult to pick up again. There is no perfect collection of the papers of any single President in the Library of Congress, not a solitary one.

I want to call attention to what my friend the gentleman from Texas [Mr. RAYBURN] referred to. It was my very great pleasure and honor to introduce the bill, to hold hearings on it, and to sponsor through the House the bill that brought into existence the great National Gallery of Art, the gift of a great American. I also wish to call your attention to the fact that not a single, solitary vote was cast against that and not a single, solitary word said against the man who gave that great collection. In doing that he did honor to himself and to his country. I am proud of the fact it was my privilege to do that, just as I am proud today to bring in this new



idea, this very important idea of making available always hereafter to historians of our country the entire papers of every President who shall succeed Mr. Roosevelt. He appreciates as no other President has the great importance of historic continuity through official documents. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 6 minutes to the junior member of the Committee on the Library, the gentleman from New York [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. Chairman, when I say I do not look with favor upon the proposals contained in this resolution, I do not speak with any personal or political bias, and any words I may utter are not to be interpreted to mean in any sense that I impugn the motives which may have prompted the sponsors of this resolution. As I understand it, generally and briefly, it is proposed to have erected not in the village of Hyde Park, but at some distance from it, at a point to be determined by the President, a building, or perhaps buildings in which are to be housed, preserved, and displayed such historic material as the President may donate.

Title I, section 1, subdivision (b) of the resolution states that the choice of materials shall include books, correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material, covering, I think we will all agree, quite a bit of territory. To properly round out the history of the United States I agree that it may be necessary or at least highly desirable to preserve and make available to those who wish to study them the important letters, papers, and other writings or printed documents of all of our Presidents and some of our high officials, but I do believe, and I believe it very strongly, that the material should be confined wholly to those documents, that have a direct bearing on our governmental affairs, or which will be of historic value now or as time advances. Although this resolution would seem to include them, I do not put in my category promiscuous works of art, models, pictures, photographs, maps, plats, and other miscellaneous subjects. I am firmly convinced that the cost of collecting, housing, and preserving and displaying unrelated exhibits of that nature would far exceed their true value, to either present or future generations. That value to my mind is not determined solely by the preservation and display of exhibits of that nature. I think the real test of their value is in the fact that they can and will be made easily accessible and available to those who care to inspect and examine them.

I am somewhat familiar with the country in the neighborhood of Hyde Park, perhaps more so than most of you. That estate is situated on the Hudson River, approximately 75 miles from the city of New York and about the same distance from Albany. Of course if one owns his own conveyance, he may come and go as he pleases and upon his own time, but if not, he will be compelled to avail himself of such autobus service or railroad service as is available. It is true that autobuses pass the entrance to the President's estate, but that service is very infrequent, and it may not be possible to induce the bus driver to deposit a passenger at any other place than the entrance to that estate, on the highway, in which case it would then be necessary for one to cover the rest of the journey on foot. Moreover, that meager bus service is very likely to be reduced within the near future for the reason that there is now under construction and will soon be completed another and better highway which is much farther from the present road and from the President's estate, and it is very likely that these buses will be rerouted as soon as the road is completed, over that better road.

As to railroad facilities, there is a station called Hyde Park, which is at least a mile or two from the entrance to the President's estate. Today the train service is very infrequent to that station. In fact, the timetable under which trains are operated shows that between 9 o'clock and 5 o'clock in the afternoon but one train out of New York City is scheduled to stop at that station on week days, with the exception of Saturday, when an extra train stops at 3:16 in the afternoon. That same timetable shows also that between those hours but one train out of Albany is scheduled

to stop at this station on week days. Anyone alighting from a train at that station would find it exceedingly difficult, if not quite impossible, to find a conveyance which would carry him over the rest of the trip, and it would, therefore, be necessary for him to cover that distance on foot.

The place nearest the President's estate where a traveler may procure food and lodging is in the comparatively small and unincorporated hamlet of Hyde Park, which is from 1 to 2 miles distant. I have passed through that hamlet many times, and to all appearances only those living accommodations are provided that will suffice the needs of those who reside in or near there. Travelers in any number would find it difficult to procure suitable meals and overnight accommodations.

Although one can at best but hazard a guess as to the number who may visit the buildings or of whom that number will be comprised, it is very likely that in the end visitors will not run into large numbers and will comprise very largely, if not wholly, students and writers of history and those engaged in research work of such a nature as to make inspection and examinations of the exhibits necessary. The inconvenience and expense of these visits may make it impossible for those people to avail themselves of such advantages as the library and museum may offer, therefore the principal purpose which might justify such an undertaking would be defeated.

Should the precedent be established, as this resolution will do, of permitting the important papers and writings of our Presidents to be housed and preserved at or near their homes, such a precedent would be highly undesirable and impractical. Under such a plan it would be necessary for those who may wish to examine and study the documents to travel from the Atlantic to the Pacific and to visit many intermediate places. The necessary expenses of those trips would undoubtedly be more than the average traveler could bear.

Today most of the important writings of many of our Presidents are housed, preserved, and made available for inspection and examination in the Library of Congress in the city of Washington. To that Library anyone interested may now go, without the payment of an admission fee, and examine those writings under most favorable conditions and with courteous and efficient service. That custom, in my judgment, should be continued, and any departure from it would be to the detriment of the work of those who are interested and would reduce materially the real value of those records. From a reading of the bill it might be inferred that the revenues from admission fees and other sources will be sufficient to pay all the expenses necessary to the maintenance of the museum, and that therefore the Federal Government will not be required to contribute any money toward its upkeep. My experiences with undertakings of this nature cause me to doubt very seriously that any such happy condition will obtain. I cannot dispel from my mind the thought that such an undertaking as is proposed by this resolution will, when all is said and done, require substantial appropriations out of the Federal Treasury. In these days of mounting deficits and debts it would be not only unwise but highly improper to impose this added burden upon the taxpayers. I doubt very seriously the propriety of adopting this resolution or of accepting the offers made thereunder, especially at this time.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TREADWAY. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, in today's issue of the Washington Daily News there appears a short editorial under the caption "Small Fry Politics," of which I shall read the first paragraph:

Certain Republican Members of Congress, led by Representative "HAM" FISH, of New York, are engaged in an almost incredibly petty attempt to defeat the bill to establish a Franklin Roosevelt Library at Hyde Park.

That political issue has been drawn in a number of the addresses that have been made on the floor, and I shall ad-

dress myself to it very briefly. When this bill was on the floor the first time, I voted against it. I found no great comfort in that vote, largely because it is so easy to misconstrue and interpret a vote like that on the ground that it has been inspired by narrow partisan politics.

I would support the bill that is before the House today if it told the whole story, but I am afraid that the issue has been confused, and that the issue of politics, if there be one, is one of those self-generated things over which we have no control and with which we on this side of the aisle have exactly nothing to do. All we have to do is to go back and examine the whole story.

It was in March of 1938 that the newspapers announced that a syndicate had purchased the Presidential papers and that they were to be put on the market at \$15.

There followed a swelling crescendo of criticism. It came from all sections of the country. We had nothing to do with it. We did not offer the papers to the public. We did not edit the versatile newspapers in the country that took exception to the propriety of the thing. After some 3 or 4 weeks there came from the White House a proposal to the effect that none of the royalties should enhance the fortunes of the present incumbent of the White House and that they were going to be devoted, and I use contemporary language, "to a worthy public purpose." On the heels of that statement came the proposal to establish a library at Hyde Park.

Now the bill is before us again to effectuate that purpose, to give the United States of America and the people thereof a remaining interest, subject to a life estate, in 12 acres until such time as it shall become complete. The costs are to be met by appropriations out of the Federal Treasury. There is no hint of royalties there. It is to be maintained by the Park Service, or the Commissioner of Buildings, under the Reorganization Act.

There is no hint of the expenditure of royalties there. There is a provision in the bill to charge a museum or exhibit fee that would rebut almost any contention that royalties are to be used. The construction is to be undertaken by a corporation in New York, ostensibly by private donations and otherwise, to take care of the building. There is no hint in the bill under the authority of the trustees that, in the bequests or gifts which they are to administer, any royalties are to be expended.

So what about the "worthy public purpose" of which the public in this country was given assurance, when there was a great tide of criticism because of the doubtful propriety of the incumbent of the White House selling these papers to a syndicate to be sold everywhere in the United States of America? We did not make the issue. Now, it would appear that some people are going to ask us to resolve it as a political issue, and I will say to you frankly that I am ready to do so unless they put something in the bill to require the assurance that was given by somebody at the other end of the Avenue in March of last year, when this whole project was inspired to lift the curse of criticism.

Now, here is a significant thing. They talk about politics. First of all, a committee of 60, a so-called ways and means committee, was organized in order to provide the money for construction. Who is the chairman of that committee? Mr. Frank Walker, and it is so stated in the report that goes with this bill. The language on page 3 of the report is:

There was organized under the chairmanship of Hon. Frank C. Walker a group of businessmen and other public-spirited citizens to help in raising funds for the construction of a library building at private rather than at public expense.

An examination of the reported activities of that committee is very interesting.

Let us see what happened out in the State of Colorado. I am quoting from a news dispatch from the Denver Post of July 4, 1939. The committee assigned a quota of \$2,000 to the State of Colorado as its share toward the construction of a building at Hyde Park. The job was entrusted to Mr. Thomas Duke, who is district administrator of the Bituminous Coal Act in Denver. Mr. Duke ostensibly is going to address himself to the job, and—

It is understood that all officeholders under the New Deal will be invited to contribute.

I am quoting from the dispatch.

Political? Partisan? Did we raise it? Are we using the Democratic national committeemen in order to raise the money? What would be the answer from that side with respect to that statement?

Another State, the State of Montana, has been given a quota, I understand, of \$2,000 to raise. I quote from this dispatch:

Mr. O. S. Worden, of Great Falls, Mont., who represents Walker's own State on the Democratic national committee, is reported to have threatened to resign when the \$2,000 assessment was levied on Montana for the Roosevelt Library.

Now, Mr. Worden's own remarks, in quotations:

"This is the last straw," he was quoted by friends here as declaring. "It is bad enough to meet repeated demands for the Democratic National Committee, but when it comes to soliciting money for the Roosevelt Memorial I am ready to quit."

But when they undertake to fasten upon us the allegation that we are playing politics, I wonder what answer can be made to the fact that two Democratic national committeemen are here quoted as saying that their States received quotas that must be raised and that they are getting tired of being used for that kind of purpose?

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. Now we are called upon to appropriate out of the Federal Treasury under this bill for the costs incurred by the Archivist. We are called upon to appropriate out of the Federal Treasury for the expenses of the Board of Trustees. We are called upon to appropriate out of the Federal Treasury for the clerical help to the Board of Trustees. We are called upon to appropriate from the Federal Treasury, the people's money, for the maintenance, the care, and the upkeep of this memorial. It involves an overall expenditure of \$300,000 of public funds annually.

I have no objection. I am ready to vote for it, I will say to my friend the majority leader—I will give him a vote this afternoon if he will write into this bill a provision which carries out the solemn assurance that went out from the White House early in 1938 that the royalties from the sale of the President's papers will be devoted to a worthy public purpose which is now effectuated in the terms of the bill. I say to any of them that if they will write that into the bill and keep faith with the American people, I will give them a vote. [Applause.]

My attitude is not inspired by dislike or ill will. I entertain nothing but the kindest feeling toward the President. However, since the partisan issue was injected into the debate and it was made to appear that the attitude of the Republicans was predicated upon political bias and blind partisanship, it was only fair and proper to relate the whole story and show how this proposal came about and what assurance was given the country with respect to its operation and maintenance.

Mr. TREADWAY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, I think no one since I have been here in the House has ever heard me say an unkind word against President Roosevelt. I may disagree with some of his policies, but when it comes to a matter of preserving his papers for future generations, that is a different question. I join the gentleman from Illinois, who just preceded me, in saying that if this bill can be changed so that this building will be built here in the city of Washington where the people of the United States will get the benefit of it, then I will vote for the bill. This may be selfish on my part, but I feel that the place for this building is here in Washington where people who come by the thousands each year will have the opportunity of viewing these books and papers, and seeing what the present President of the United States has said and done. They cannot do this in Hyde Park.

It may be selfishness on the part of the President to want it in Hyde Park, but if he does, then he should erect a building of his own there and put his papers in it, let people pay for the privilege of getting in and seeing them and



reading them. If, however, we are going to expend the money of the United States Government for the erection of this building and its maintenance, the place for that building is here in Washington where it will do the people of the country some good. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin yields back 1 minute.

Mr. TREADWAY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I wish to direct my remarks to the language on the bottom of page 7 of the bill, which reads:

*Provided, That the Archivist is authorized to charge and collect, under regulations prescribed by him, a fee not in excess of 25 cents per person for the privilege of visiting and viewing the exhibit rooms or museum portion of the said library.*

Mr. Chairman, some few days ago I introduced in the House a resolution calling for the investigation of a new program which has been instituted by the Secretary of the Interior under which they are now beginning to charge entrance fees to public buildings and exhibits which have heretofore been open to the public without charge, and been visited by tens of thousands of people. It seems to me it approaches the stage of disgrace for us in this day and age to extract from high school boys and girls who come to Washington from our various school districts, dimes, and quarters, and 50-cent pieces in order to see these great national shrines. I can hardly comprehend that in this day and age when we vote money so recklessly we would permit the imposition on the traveling public of such charges in this manner and as set forth in this bill. I hope before the bill is voted upon that the 25-cent charge provided for in the language I have quoted will be stricken out; and that when we read the bill under the 5-minute rule the Committee will also eliminate all of section 303, which provides for an additional 25 cents per person for the privilege of visiting and viewing the property. This 50-cent charge is unreasonable and should never be imposed upon our visiting and traveling public.

I also trust that in the days to come we can prevail upon the Secretary of the Interior to remove the 10- and 25-cent charge which I understand has been imposed as an entrance fee to some of the shrines in Washington. The American public is a traveling public; and when a father and mother scrape enough funds together to bring their family 500 or more miles to see these things, they dislike to be informed upon their arrival that the family cannot see them without having to pay \$1.50, or \$2 for the crowd.

I shall not support the pending bill for numerous reasons unnecessary for me to state at this time. The place for the library is here in Washington where the earnest students of our country come for the purpose of consulting State records. I have not heard of hotel facilities or medium-priced eating places or living facilities near the Hyde Park home and project so that a student could go and remain there for research. Even though the student did go there he would not have available to him all the collateral records and documents he would find in Washington. So, from the purely economic standpoint I would not support this bill or a similar bill for any President, be he Republican, Democrat, or of some other political complexion. The place for these records is here in Washington. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the former distinguished chairman of the Committee on the Library, the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, in the course of my service here I cannot recall an address meant to accomplish an end that was so adequate, thorough, and complete in presenting the reasons why that end should not be accomplished as the remarks of the gentleman from Texas [Mr. RAYBURN], a man whom we greatly esteem and admire. This time, however, he laid before the Committee the overpowering reason why this bill should not pass. This reason is to be found in his

address from first to last. His argument was one of personality.

Personality is exactly the reason, and the overpowering reason for the precedent and the practice of society in not commemorating a man while he is living. The gentleman from Texas laid before the House a list of the Presidents and extolled all of them. I will join with him in his praise of the Presidents; but he neglected to tell the House that of the 30 Presidents we have had, not one of them, so far as I know, ever hinted any wish for commemoration while he was alive. Thirty Presidents, with the same pride in their work, the same satisfaction in their achievements, the same belief that they were useful to their fellow men, have not sought to be commemorated while they were alive. These Presidents, one after the other, have left records of service and achievement which of themselves warrant their praise. These Presidents have had enemies, as any President would have. These Presidents have adhered to ideals that have aroused wide controversy, yet none of them have sought to inject that controversy into a question of commemoration while living.

We do not know what the future may say about our great men until years have passed, until we get a perspective, until we can make comparisons; so very wisely men from time immemorial have refrained from this practice of commemoration during life. I venture to say that no man in this Chamber, either on the Democratic side or on the Republican side, will begrudge due honor to the present President of the United States after he has finished his term on this globe. It is not impossible and it is to be hoped that no Republican here approaches the question with any intent of aspersion on the President now. I do say that the paramount question is, Should there be commemoration during life?

There are other questions. There is the fact that this program contemplates the least use of the papers. It is made difficult and costly to have access to them and it deviates from what is the desire of the Congress that all the records of all our Presidents shall be easily accessible to students.

Mr. KELLER. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Illinois.

Mr. KELLER. In what year did Washington die, does the gentleman remember?

Mr. LUCE. In 1799, I think.

Mr. KELLER. When did the Commonwealth of Virginia erect the Washington statue in Virginia?

Mr. LUCE. I was not present on that occasion.

Mr. KELLER. It does a terrible thing to the gentleman's comment, because that was done in 1784. Many other monuments were built to Washington while he was still alive.

Mr. LUCE. Was any monument to him erected by appropriation or legislation by the Congress while he was alive?

Mr. KELLER. The question involved in the gentleman's argument, and in the argument of several other gentlemen, is that no monuments have ever been built by acts of Congress to men while they were living. I have called his attention to the fact that the State of Virginia erected a memorial to George Washington in 1784, 15 years before Washington's death. The answer to the contention concerning acts of Congress is contained in the erection of the bust of Theodore Roosevelt by legislative act. In 1886 a resolution passed the Senate providing for the placing of busts of the Vice Presidents in the vacant niches of the Senate Chamber from time to time. Most of those busts were placed while the Vice Presidents were still living. Incidentally, may I say we ought to have learned enough by now to paint the portraits of our Speakers while in office, which we have not done until recently.

Mr. DONDERO. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Michigan.

Mr. DONDERO. Did Washington ask the Congress of the United States that his statue be erected in Virginia?

Mr. LUCE. The gentleman from Illinois can answer that question.

Mr. KELLER. I did not hear it.

Mr. DONDERO. Did Washington or any other President ever ask the Congress to appropriate money to erect a statue?

Mr. KELLER. This is not a monument in that sense. The gentleman from Massachusetts, as well informed as he is, did not know that Washington had a number of monuments built to him while he was still living. These gentlemen are falling under the illusion, very widely spread in this country, that monuments and memorials are erected only to men after they are dead. There are so many exceptions to this idea that it is no longer accepted as the rule.

But the Franklin D. Roosevelt Library is not a memorial to Mr. Roosevelt. It is a depository for the great gift that he is making to the American people, just as the fine gallery of art is not a memorial to Mr. Mellon, but a depository to his great gift to the American people. One is giving of the wealth of his intense public life, and the other of his great wealth. The whole question seems to be a criticism of recognizing a man until he is dead and gone.

Mr. DONDERO. Were any monuments built at the request of the Presidents themselves?

Mr. KELLER. I do not know that Washington asked the Congress to "Please erect a monument." But Washington did sit, over a long period of time for the great sculptor, Houdon, and did entertain him at Mount Vernon while the mask was being modeled. Washington was certainly a willing partner to the making of that statute, and rightly so.

Mr. DONDERO. Did any President request a monument to be erected on his private estate?

Mr. KELLER. They did erect this Houdon statue down in Richmond.

Mr. WOODRUFF of Michigan. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Michigan.

Mr. WOODRUFF of Michigan. The gentleman from Illinois has mentioned the fact that busts have been made of the Vice Presidents. I am quite sure the gentleman from Illinois will not make the statement that the Senate took the action necessary to bring about the making of those busts at the express desire or wish of the Vice President himself.

Mr. KELLER. Maybe not; but in 1886 there was a resolution passed by the Senate for that purpose.

Mr. WOODRUFF of Michigan. While the gentleman is on that question, may I suggest to him that he show the House or the committee just where and when the Vice President involved requested that action?

Mr. KELLER. The Senate of the United States did it.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Would the gentleman be willing to vote for a bill that would create a bust of the President and put it up here?

Mr. LUCE. Does the gentleman from Illinois desire to answer the question?

Mr. KELLER. I would like to have the question again.

Mr. ROBSION of Kentucky. I inquired of the distinguished gentleman from Massachusetts whether he would be willing to now vote for an appropriation to provide a bust of the President and put it up here in the Capitol.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, in my opinion we are giving consideration this afternoon to a proposition that is unprecedented and at this time unnecessary. It is the first time in the history of this country that a President, while living and holding office, has requested the Congress of the United States to appropriate money from the Treasury to provide, as I see it, a memorial on his behalf.

I appreciate what the majority floor leader had to say on behalf of our President, and am not here to take issue with the distinguished gentleman. I regret that the floor leader of the House has seen fit to decide for us how this measure is going to be passed and that it will be agreed to along party lines. I am interested, however, in the attention which is being paid to this measure. To the left of me I think there are probably more than half of the Republican Members

on the floor, and to the right I think I can count about 20 or 22 Members; yet when the roll is called in an hour from now the Democratic Members to my right will file down and cast their votes in favor of this measure.

It just seems to me that in all fairness, if the distinguished President of the United States who is now in office—and according to reports we have, he does not expect to retire for some time—wants to make sure that Congress will provide a memorial to him—someone has said it was not a memorial, but that is what it is—to be located in the State of New York, if he really wants to be magnanimous in a matter of this kind, he should be glad to turn over whatever there may be among his papers that are of importance to this Government of ours and let them be placed in the Library of Congress or The Archives Building, so recently completed at a cost of millions of dollars.

Strange as it may seem, the bill provides that the man in charge of the archives is the one who is to look after this collection of correspondence away over here in the State of New York. This is a precedent, of course, but we have had a good many precedents during this administration. This is an additional one—and that may not be so important. But it just seems to me that it is a pretty poor time to ask this Congress to agree to underwrite, if you please, a statement that it will provide whatever funds may be required to establish this great memorial and then keep it going from now to time immemorial. We have not been given any estimate as to the expense of it.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Perhaps the Congressional Library wants only public papers. Perhaps they would not want to house his models and his paper dolls.

Mr. REES of Kansas. I assume those in charge of the Library could certainly agree with those in charge of The Archives as to what papers would really be of interest to the people of the country.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 2 additional minutes to the gentleman from Kansas.

Mr. REES of Kansas. I do appreciate the fine speeches which have been made on behalf of this legislation in the name of loyalty to a great man. But let us get down to some of the facts in the case. This is the first time, so far as I can find out, that Congress has ever been asked to appropriate money to provide a shrine or memorial in the name of a President—to be established outside the city of Washington. If these papers and documents that have been described are valuable—and I will concede that many of them are valuable—then why not house them, at very little additional expense to the Government, in the buildings here in Washington? In the Library of Congress, if you please, where documents of other Presidents are housed and where the great Constitution and the Declaration of Independence are preserved and displayed. At the expense of millions of dollars, our Government has provided these buildings right here in the Capital City for the purpose, among other things, of housing documents of this nature. Here they are accessible to students and others who care to examine them.

Under this bill it is proposed that the President shall give 12 acres of ground in an inaccessible place in the State of New York, where the Government or somebody is to provide a building and guarantee the maintenance of such building until time immemorial. Except, and provided, however, that a fee of 25 cents is to be charged those who may want to go down to Hyde Park, N. Y., to examine these papers.

And so this afternoon it seems to me unreasonable and inconsistent that this Congress—even before the present term of the President has expired—should agree to take on an obligation of hundreds of thousands of dollars to establish a memorial in the name of our President. I have called attention to the fact that there is no limitation in this bill as to what it will cost or how much will be required to maintain it. An amendment will be offered to limit the maintenance expense to \$12,000 per year. That is \$1,000 per month. I predict



that this House will vote that amendment down by a big majority.

Members of Congress, this is a critical time in our economic history. The taxpayers of our country are being plunged deeper and deeper into debt. Thousands and millions of our people do not have even the necessities of life. We are not justified in underwriting an obligation that will cost these taxpayers some hundreds of thousands of dollars when, in my judgment, it is absolutely uncalled for and unnecessary.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Nebraska.

Mr. CURTIS. Was it not Cato who said, "I would rather have coming generations ask, 'Why is there not a monument to Cato?' than 'Why is there one?'"

Mr. REES of Kansas. Something has been said about being loyal to the President of the United States. We all want to be loyal to the President, but I do not believe this is a question of loyalty at all. It is a question of whether or not the United States Government is going to start out here, while the President is in office, and agree to spend some hundreds of thousands of dollars in the State of New York to perpetuate the name of the President and establish a memorial for him in place of putting it in the Capital City, where folks can view it if they really care anything about it.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Does the gentleman believe there is any danger of anyone's ever forgetting Roosevelt?

Mr. REES of Kansas. The gentleman can answer his own question. I am saying that this is a pretty poor time to ask the taxpayers of this country to provide funds for a memorial of this kind. If the President really wants this library, if he is so generous in this matter, why does he not go ahead and establish his shrine himself, and establish it right here in the city of Washington, where we can all have a chance to get the benefit of this great collection?

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Why can we not establish it where a self-respecting Republican can go?

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I am very much interested in the gentleman's description of having a lot of men hired to look over these papers and keep them intact in years to come. I wonder if anybody has taken the precaution to have somebody look over the papers and see if they can find any of real worth there?

Mr. REES of Kansas. I would not care to answer that question. Let me say again, let these papers be housed in Government buildings in this great Capital City of Washington, so they may be easily accessible to the public, free of charge. If the President is anxious that the documents be preserved for the benefit of those who are to come after him, then let them be placed in the repositories that have already been established for that purpose.

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, it is a rather unpleasant task any Republican has to perform here today in opposing this proposition, because we realize in advance that we will be charged with playing petty politics. For inexplicable reasons certain newspapers will heap opprobrium upon our heads. Because of our traditional and our inherent or innate respect for the Presidency of the United States, any American citizen is loath or reluctant to criticize any occupant of the White House, whoever he may happen to be. This particular measure, however, is a most unusual and extraordinary one, violating all customs, traditions, and precedents of days gone by. That is, perhaps, because the present occupant of the White House will go down in history if for nothing else as the great precedent-breaker. That is

the reason he has been campaigning for a third term ever since his inauguration for a first term.

Now we find an occupant of the White House not only in his lifetime but even before he has finished his term of office sanctioning if not asking the Congress of the United States to build a memorial to his memory. Mr. Chairman, I do not believe in building memorials to live men, neither does any other Member of this body honestly believe in it. The only argument that has been advanced here today for the passage of this measure has been an appeal to partisan prejudice. Why the President is eager to build a memorial to himself before he goes out of office I cannot understand, unless he has been suddenly seized with an inner conviction or his intuition tells him that he is soon to experience a political demise.

I am sure that the great men of the past—even Homer through Aristides and Aeschylus and others of the ancient Greeks—were never concerned as to whether or not their writings would be saved for posterity. I am sure that Horace and Ovid and Cicero were never anxious to have a memorial erected to house their writings before they died. I cannot believe that Dante and Rousseau and Voltaire were greatly worried as to what the future might brand them. Not even immortal Shakespeare or Milton or Wordsworth would have the unmitigated gall and brazen effrontery to ask that a monument be erected to them to house their precious pearls of wisdom before their death.

I remember that the greatest teacher of all time, a lowly carpenter from Nazareth, never left any libraries. He never wrote but once, with his finger in the sand, but His philosophy has not been lost and His teachings have not been forgotten. Mr. Chairman, that which is worth remembering never dies. But, of course, the Great Teacher possessed the mark of all true greatness—namely, humility and modesty. Mr. Roosevelt might be charged with many high crimes and misdemeanors, but there is certainly one charge that neither friend nor foe can ever launch against him, and that is that he possesses either modesty or humility.

Why the President of the United States insists on having his voluminous writings housed at his country estate in Hyde Park, far removed from the National Capital, will baffle the imagination of any fair-minded and honest man. Is he afraid to have his precious, immortal documents housed in the Library of Congress, where the Constitution of the United States and the Declaration of Independence are framed and enshrined? Is he fearful that by placing his writings in either the Congressional Library or The Archives Building down on Constitution Avenue that they might be polluted or contaminated by the Farewell Address of the Father of our Country, by the Gettysburg Address of Abraham Lincoln, and by the immortal writings of Thomas Jefferson, or are these writings of the President which he sold a year and a half ago for huge sums, reputedly receiving \$100,000 or \$150,000—and remember they were press conferences as well as addresses, which he had forbidden newspapermen to report, yet he sold not only his own property, but their property, their questions as well as his answers for a colossal, stupendous sum which his secretary, Stephen Early, said would some day be handed over to a great public cause, but there is not one line or one word in this joint resolution turning over any of the money received by Mr. Roosevelt for the five large volumes that were published and on which he received enormous royalties—are these writings of Mr. Roosevelt so far superior to all others that they deserve a place all their own? This library he insists be erected on his own home estate, and any improvement to that estate or increase in value to it caused by the construction of a building or buildings on 12 acres, more or less—that is how definite and certain and clear it is—erected by the public's money and maintained and kept by the taxpayers' funds out of the United States Treasury, shall not be subject to taxation during the existence of any life estate reserved in the property. The President, after insisting that the library be on his own estate, erected by public funds, maintained out of the Federal Treasury, is going to charge the poor, forgotten man in this country "two bits" to enter

the grounds and then "two bits" more to get into the museum where the library is housed. [Laughter.]

Oh, this friend of the "forgotten man"! You know, this Roosevelt family is a most unusual family. They are lovers of the downtrodden and the underprivileged, but they are always sure that none of the kids marry any of that kind. [Laughter.]

I submit, in all fairness, that there has never been such a public display of colossal conceit or such an unblushing parade of swashbuckling egotism as is contained in this measure. Only an egocentric megalomaniac would have the nerve to ask for such a measure, and yet it is going to be crammed down our throats this afternoon by an appeal to blind partisan prejudice. Only posterity and only time can properly evaluate the greatness of any man. I have no objection whatever to Mr. Roosevelt's papers being conserved. Certainly I do not want his campaign speeches of 1932 destroyed. They are his best utterances. I do not know who wrote them.

The gentleman from Illinois [Mr. KELLER] says, "Well, the United States Government is going to vote funds to keep up the new National Gallery of Art." I want to say there is no analogy or parallel whatever between the National Gallery of Art and this proposed public library to be established at Hyde Park. Why? Because the National Gallery was given outright by a former Secretary of the Treasury who was so modest that he did not want it even named after him. It is not the Mellon Gallery of Art; it is the National Gallery of Art; and he donated an art collection worth anywhere from \$40,000,000 to \$50,000,000, and he left \$10,000,000 more to erect the building, and, I understand, a certain sum to be used as an endowment for future acquisitions, and it is being built after he is dead and gone.

Mr. Roosevelt will not have to worry about having a monument erected to his memory. The monumental public debt that is heaped upon the backs of the American taxpayers, through this orgy of New Deal spending, will painfully remind generations to come of Franklin I, and, God let us hope, the last. [Laughter.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SHORT. In all seriousness, even if you favor the construction of this public library at Hyde Park, instead of placing Mr. Roosevelt's writings along with our other great statesmen—and you see I am generous enough to include him with them—in the Library of Congress and The Archives Building, I believe that no man here today will insist that this is a vitally urgent and necessary thing at this particular moment.

However desirable the proposition may be, it is not indispensable at this critical period in our history, when the American taxpayers are staggering under an unbearable burden of public debt. I pause to remind you gentlemen that in the past 6 years under the unprecedented New Deal spending, our public debt has been doubled. It is \$45,000,000,000 today, and the interest on that debt is over a billion dollars a year—17 cents out of every Federal tax dollar going to pay the interest on the public debt. Forty-five billion dollars is a sum that is incomprehensible and it staggers the imagination. If we started paying \$500,000,000 a year on our national debt, it would take 5 generations, or 90 years, to pay off that debt. If we started paying off \$500,000,000 of our national debt every year, it would take 3 generations, or 60 years, to reduce the debt to the point where it was when Mr. Roosevelt took over the reins of Government. With this crushing debt to carry, with 12,000,000 men out of work, with labor strife everywhere, we have wasted a whole day debating the proposal to erect a shrine to the man who is responsible for these deplorable conditions. And how in the name of God, Representatives of the American people, Democrats and Republicans alike, can give their stamp of approval to such an unprecedented and unnecessary proposal as this, which violates all tradition and history, to satisfy the inordinate vanity of one individual, I leave for future generations to determine. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, we all like the able, distinguished, and very eloquent gentleman from Missouri [Mr. SHORT]. The gentleman from Missouri is humorous. Sometimes he tells stories designed to be witty and if we cannot laugh at the joke of the age, we can often laugh at the age of the joke. The type of story in which the gentleman usually indulges is calculated to arouse all of us to laughter and appeal to our risibilities, but the eloquence to which he has given expression this afternoon is a disgrace to the House of Representatives. His attack upon one of the great men that American history has produced is decidedly disgraceful and out of place. It comes with poor taste from the gentleman of Missouri. Whatever faults may be charged to the President of the United States, no one can properly attribute to him the foibles and peccadilloes of his own children, if there be such. The charge that the children of the President have married into the families of the wealthy and not into the families of the common people of the United States, whether true or false, and certainly the blame, if there be any blame, should not be laid at the feet of the President of the United States.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield to me right there?

Mr. COFFEE of Washington. Yes.

Mr. SIROVICH. I call the attention of the gentleman to one irresponsible statement made by the previous speaker to this effect: A month ago while I was sick I was visited by Elliott Roosevelt, one of the sons of the President. He told me that when the President was elected he, Elliott, had no position. The President refused to allow him to use his name even to secure a position. Elliott then, with only \$40 or \$50 in his possession, rode with his wife in an automobile to Los Angeles and there secured a position with Mr. William Randolph Hearst. He did that through his own indefatigable ability. He was to write in the Hearst newspapers on the subject of aviation. Although the son of the President of the United States, he relied upon his own individual efforts to secure work, which would give him an opportunity to rise on the ladder of fame and fortune. He did not marry a great heiress, as the previous speaker intimated. It is a great regret to me, Mr. Chairman, that gentlemen in discussing the advisability of taking over the President's papers and bequeathing them to posterity, should attack the children of the President of the United States.

Mr. COFFEE of Washington. Mr. Chairman, I re-echo the able statements made by the majority leader of the House of Representatives. When this House stoops to the disgraceful level of resorting to personalities and abuse of the President of the United States as the basis for an argument justifying their vote against a bill which 90 percent of all the Republican newspapers in the United States have endorsed, it seems to me they have reached the extreme nadir of partisanship in the Congress of the United States. Whatever faults may be attributed to Mr. Roosevelt, history will regard him as one of the great humanitarian Presidents of this generation. I think of Roosevelt as a man who may be likened unto Abraham Lincoln who said:

Die when I may—I want it said of me by those who knew me best that I always plucked a thistle and planted a flower, where I thought a flower would grow.

Edward Markham spoke in poetry of Abraham Lincoln, and he said of him that he was a man "who matched the mountains and compelled the stars to turn aside to conquer him." All of the diabolical, vindictive jeremiads in which the Republicans have indulged during this debate will rise to haunt the President's next adversary in the campaign of 1940. All the vindictive attacks made upon the President of the United States will not justify one single modicum or one iota of the attack made on this bill.

This is an opportunity for the Congress of the United States to acquire the writings of a great President, a President whom



history will record as one of the four outstanding Presidents of the United States. Yes, we can indulge in our would-be humorous, feebly witty attacks upon a man whose shoes, in some cases, we are not even fit to shine. It seems to me that this performance today is something that ought to make the common people of America rise up and denounce in their wrath the kind of attacks that are being made upon the Presidents of the United States. Let us rise above personalities in this critical period of American history. Let us pass the bill and go on to other things. Let us do something for the plain people of America whose sufferings are crying out in their righteousness in every part of the land. Let us rise above the level of the low degrees to which this Congress has descended. I am ashamed of my colleagues. [Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield to the gentleman from Colorado [Mr. LEWIS] such time as he may desire.

Mr. LEWIS of Colorado. Mr. Chairman, I think the answer to many of the arguments—I say “arguments”—against this bill is completely summarized in an editorial which appeared in the New York Times of June 7, 1939, and with your indulgence I shall read from it. The editorial is entitled “Frisivolous Objections.” It reads as follows:

[From the New York Times of June 7, 1939]

#### FRIVOLOUS OBJECTIONS

Last December, Mr. Roosevelt announced his intention of setting up at Hyde Park, “for the first time in this country, what might be called a source-material collection relating to a specific period in our history.” It would include all his papers and correspondence from 1910, besides books, paintings, portraits. The collection was to be housed in a building built by private subscription. The property was to go ultimately to the Federal Government. Mr. Roosevelt also wished that the family house at Hyde Park and the greater part of his estate there should be taken over by Congress after his death. It is hard to see any high motive in the almost unanimous opposition of the House Republicans to the bill to carry out the President's purposes.

Some grounds of objection were patently frivolous. Why not stow the collections in The Archives Building? It is true that Mr. Roosevelt wanted the primary responsibility for the care of his material to rest in the Archivist of the United States; but The National Archives of the United States collects only records from Government agencies. With historical manuscripts of other kinds it has nothing to do. Representative FISH said that the measure would be a precedent, so that papers of future Presidents “would be scattered all around the country.” Well, the papers of past Presidents are scattered all around the country. Those of Jefferson are divided among the Library of Congress, the Massachusetts Historical Society, the Missouri Historical Society, the University of Virginia, and many other places, as well as among private persons.

The papers of the two Adamases are in Quincy. Buchanan's and Pierce's are scattered. Upon the advice of distinguished historians, Mr. Roosevelt decided to keep his collection in one place. The judgment of the historians is sufficient authority. It is hard to understand why most of the Republicans in the House opposed a bill so evidently meritorious; and the wisdom of the Democratic leaders in suspending the rules and so requiring a two-thirds vote remains mysterious. Doubtless the bill will yet be passed in the ordinary manner. Aside from partisanship, the only intelligible reason for objection is the notion that everything should be piled up in Washington. That is a queer notion for Republicans to hold now.

[Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman from Colorado has consumed 4 minutes.

Mr. KELLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, I am afraid that I am getting to be an egocentric megalomaniac, because I really had a sincere desire a while ago to be able to follow on the floor that modest, shy, retiring flower of the Ozarks and to come immediately after his speech. You will all readily recognize that a man has to be a little bit conceited to think that he can do that effectively. It happens I did not have that opportunity.

I do not think this is a matter that should be charged with partisanship. For my part I am not going to raise that issue and I trust nobody else will, but I do think a couple of statements recently made ought to be corrected.

In the first place, it has been said that this is supposed to be a “monument” to President Roosevelt or a memorial to President Roosevelt for his own writings. Now that

simply is not the case. What this proposal is, is that a gift be given by Franklin D. Roosevelt to the United States of America if Congress chooses to accept it, and that that gift consist of a collection made at the expense of the President himself and not in the nature of a memorial or monument or collection of his personal writings at all. Everybody who has taken the trouble to look into the matter knows that this is a very valuable collection of material, entirely aside of anything that may have come from the pen of the President.

In addition to that it happens to occur to me that when a proposal is made by somebody in the nature of a gift like this, it is up to the recipient to consider the matter from that standpoint. I do not see why the man who offers to make a gift of this kind does not have the right to make suggestions as to how the thing shall be handled, where it shall be placed, and under what circumstances it shall be taken care of. One gentleman who was opposing the measure made a speech here this afternoon and suggested that the President himself should have put up the money to build a building in Washington in which to house this material. I am as convinced as that I am standing here that had that been done the gentleman on that side of the House would have yelled twice as loud about egocentric megalomaniacs and other choice bits like that, because they would have said, “Here is a man who does not think that Congress would accept this and so he is going out here and do it himself to make sure that these things are preserved.”

I think it has been done with very good taste. I think a proposal has been made which, as is evident on the floor of the House, can be criticized and discussed in the House and we can decide whether we want to accept this or not. I believe that it smacks not at all of the charges that have been made. Another thing I resented was when the gentleman from Missouri [Mr. SHORT] made the remark that “the President proposed to charge the people of America two bits to get into this building.” I hope the gentleman did not intend to leave the impression that the President was personally going to collect the money, but I think if he had meant to do that he did a pretty good job of it. I think if he thought it over he would not want to leave that false impression.

There is one respect in which I agree with the gentleman from Missouri [Mr. SHORT]. He said he did not think this was a matter that was particularly vital at this time; he thought other things were more important. So do I. I wish we might be considering this afternoon, in a more deliberate mood than we were able to do before, just what is going to happen on the 1st of September this year in accordance with the so-called relief bill that was recently passed. I am glad to say I did all I could to change that bill, for according to its terms it will be required that 700,000 people who have been compelled to depend upon the W. P. A. for a living for the last year and a half must be summarily dismissed on September 1. What are they to do? It is time that was considered here.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KELLER. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. VOORHIS of California. I thank the gentleman. I wish we could be considering that, but I think the gentlemen who are opposing this measure would not give us much help toward getting a chance to consider a thing of that sort. The Republican Members voted solidly, with, maybe, three or four exceptions, for these enforced dismissals, and so I think they would be very much opposed to our reopening a question of that kind, though it is likely to be very serious. I am not one who likes to see protests against Government action take place in the country, but I am one who believes that the Congress should consider the measures it takes in order that they may be just and fair, and I am one who believes that we should look forward to things that may take place in the future. I am also one who believes that we have no responsibility that weighs upon us quite so heavily as the responsibility of seeing to it that the budgets of the modest

citizens of this country are balanced at the level of a decent subsistence. Evidently there is not time to go into a discussion of that, but I would remark to you that I made a speech in the House day before yesterday, which consumed 20 precious minutes, in which I discussed the matter of the national debt and what seemed to me necessary to be done in connection with it. I need only say this: It is my thought that the national debt was contracted very largely by the selling of Government bonds to private banks for deposits of bank credit that had been created particularly for that purpose, and I cannot see why the credit of this Nation is not equally good to redeem that debt. I feel we would have no difficulty in doing so; but I must get back to the subject at hand today.

I believe this is a matter properly put forward, that important records of this most stirring time in the history of this country, collected by a man who happened to be President in one of the critical periods in our history, should become national property, housed in a proper place, and available to future generations. I believe that it is a proposition that the Congress with dignity should accept. [Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I am sure that all of the Republican Members of the House do not oppose this resolution. I am also sure that a number of Republicans have not distinguished between the personal papers of the President and the contents of this library which Franklin D. Roosevelt is willing to turn over to the Government. In this library are some 15,000 volumes of some of the rarest books and historical documents to be found anywhere in the United States. There is nothing in these documents and historical books that has anything whatever to do with any activity on the part of Mr. Roosevelt. It is a collection of great value to the people of the United States. So far as his own writings are concerned, it is too early to form any estimate of what the American people will think of them. It is not too early, however, to accept from the hand of the President one of the greatest private libraries in the United States. I do not understand why there should be any opposition to this.

I for one feel that 50 years from now the place that Franklin D. Roosevelt will occupy in United States history will be quite different from today's sentiment upon my side of the House. I as one Republican am willing to confess openly that, considering the condition of affairs when President Roosevelt came into power in this country, he, more than any other man in the United States, is responsible for our having a representative form of government. [Applause.] If he has made any mistakes since, and he has, and I do not always vote with him—if he has made mistakes history will take care of that, but history cannot take away from him the position he occupies in being the source of inspiration for the American people to continue this form of government. I am for this Government. I want to make this Government better. If there is a weak place in it I want to weed it out. For this very reason some people call me an enemy of this Government, but I am a friend of this Government, and I think Franklin D. Roosevelt is; and when history is written 50 years from now I think it will contain nothing of which even the Republicans need be ashamed. [Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I regret very much to see this debate this afternoon based on partisan grounds. It reminds me of the occasion a few years ago when a somewhat similar bill was before the House for consideration in connection with the National Gallery of Art and the acceptance of a gift from Mr. Mellon. I did not see partisanship brought into that debate. I believe the gentlemen on this side of the aisle—Democratic—went along and helped to carry out the plan for that great monument to one who was quite a contrast to the present Chief Executive, one who had

through his monopolies collected millions and millions from the poor people of the country. I think nothing much was said about that nor about the great tax fraud scandals that came along; yet Members on my side of the aisle overlooked those things, the suits were dismissed, the matter was forgotten, and we let his memory go on for the good things he did. After all, there are more good things in the life of a person than there are bad. I prefer to remember the good things and good works of a man, rather than the bad.

Never in the history of our country have we had a man who has done so much for the American people, the needy, the rank and file, the oppressed, the underprivileged, the meek, and the weak as the man who is now trying to do a little something more for the American people by leaving to them at least the soil which would perpetuate a portion of the memory of his great deeds for the American people. Mr. Chairman, it is most appropriate that this Congress should participate in a plan of this kind for one who has been instrumental, and the leader, in redeeming economic conditions and the economic life of the American people. [Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Florida.

Mr. GREEN. This man came into office at a time when 15,000 banks were closed, when wheat brought 18 cents, corn 10 cents, and when the annual income of the American people had dropped to about \$38,000,000,000.

My colleagues will recall that during the dark days of the Hoover administration just preceding the Roosevelt administration the economic condition of our country was probably the most chaotic it has been since its creation during and after the Revolutionary War. Industries had almost ceased to produce, millions of workers were idle, thousands of these unemployed were walking the highways and actually begging for food. Soup and bread lines had been established in the larger populated centers. These soup and bread lines were rapidly exhausting the ability of the local communities and cities to pay for the food for the needy. It was almost impossible to obtain employment of any kind. There was practically no market for labor. Able-bodied men were forced to work for from 50 cents a day upward, or to beg for existence. Millions of them could not even obtain employment at 50 cents a day. About half of the farmers in the country were under mortgage and foreclosure of these mortgages was going on to an alarming degree. Millions of homes other than farms were under mortgage and the debtors had no hope of ever paying off these mortgages.

So hungry were the people, many of them, and so destitute and desperate, until in some communities they were in groups forcing their way into grocery stores and other business establishments and helping themselves to the necessities of life and carrying adequate food out to feed their families. These men were not stealing and could not be classed as criminals. They were hungry American citizens, starving in a land of plenty. This, my friends, was under Republican administration, and little if anything was being done by the Federal Government to even recognize it, to say nothing of trying to relieve it.

There was practically no market for raw materials, particularly farm materials; neither was there purchasing power in the hands of the farmers or in the hands of the former wage earners of factories. Credit hardly existed because the banks had closed on the savings of the American people, and those who had remaining funds were afraid to make loans. There were, of course, many other deplorable conditions in our country, but time will not permit, nor is this the opportunity, to enumerate them in further detail.

Probably the most tragic and threatening of all conditions at that time was the doubt existing in the minds of millions of our true and patriotic American citizens. They were beginning to doubt whether or not they could even govern themselves and whether or not the country could endure for many more months without actual revolution, bloodshed, and forceful appropriation of property for the relief of want and



necessity. My friends, under these conditions we found the American people in 1932.

Now, what is the contrast today? I believe each of you will joyously appreciate the vast difference in the economic life of America today and during that trying period. I doubt that there ever was a period in the history of our country when conditions have changed as favorably in the same length of time. After the American people asserted themselves for redemption of their Government in 1932, they worked rapidly toward this achievement. Practically no banks have closed their doors since the Democrats took over the administration; millions have obtained gainful employment, and I am speaking of those who were unemployed in 1932; the prices of farm commodities have at all times, I believe, during the past 6½ years been higher than they were in 1932; and the general average of farm prices during this 6½-year period is probably twice as high as during 1932; factory outputs have increased from 100 percent to 1,000 percent since 1932; purchasing power has been placed in the hands of the rank and file of our people to such an extent that the total income of our people has almost doubled since 1932.

Some of my alarmist friends speak about the huge Federal funds expended and I grant you that funds have been expended, but the American people have the goods to show for practically every dollar of that which has been expended. School buildings, highways, hospitals, river and harbor improvements, flood control, navigation and power dams, Federal buildings of all kinds, streets, sidewalks, city halls, county court houses, and countless other public improvements stand out as lasting monuments to the wisdom of these Federal expenditures. If you would take stock today of the value of these Federal improvements, you will find that only a small amount of money has been lost through these expenditures. In addition to these physical properties, the human element has largely entered in. The American people have been fed. You do not see them now walking the highways and humbly begging for something to eat. This is a very rare occasion now. Practically all of them are gainfully employed and I do not believe that many people are actually hungry, and none should be. It is the duty of the American civilization and the Government to provide the necessities of life and to make possible the comforts of life for every individual under the American flag.

Vast improvement has occurred during these 6½ years. Credit is now obtainable. Farm produce is salable. Factory outputs are in fairly good demand, and beyond and above and more important than all of this is the fact that the American people are more contented and are happier. Children are now attending school and having warm food given to them during the noon hour—children who previously stayed at home, hungry and without garments to wear to school. Millions of young boys and girls through the C. C. C. camps and N. Y. A. are developing into proud and respected American citizens. Now, some of my colleagues would severely criticize and low-rate these marvelous achievements and culminate their criticisms and objections here today against the founding of an appropriate establishment for the spearhead of these betterments.

This library undertaking, proposed today, is not one to cause a big Federal expenditure and in this connection, I call your attention to the following statement from the committee's report:

Before finally arriving at his decision to offer these collections to the Government, Mr. Roosevelt sought the advice of a representative group of distinguished American scholars and publicists and, with their advice and approval, worked out the plan proposed. There was organized also, under the chairmanship of Hon. Frank C. Walker, a group of businessmen and other public-spirited citizens to help in raising funds for the construction of the library building at private rather than public expense.

Now, you will see from this that all of the extraneous statements brought out here today are far afield from the purpose of this bill. This is one of the small things in which we can help our great Chief Executive to render a service to the future generations of America. It is most appropriate that this be done and done now. It will, in a way, be a small token of

service and I predict now that no library in the world will draw the attention, respect, and appreciation of future generations as will this one. The documents therein will be read and appreciated more and more as the years pass on. People for ages have erected monuments and tokens to those whom the world calls great; savage tribes and primitive Americans had their own way of commemorating deeds and achievements. Likewise, civilized man has done it in other ways. The pyramids, cones, towers, and edifices were long ago erected in the valley of the Nile. They stand there today in token of the achievements of man and of generations.

Throughout the ages achievements have been commemorated. Monuments have been erected to emperors whose scepters have been symbols of universal power; to soldiers who have won their way to fame beneath the flashes of the sword; to statesmen whom the world has called great; to poets whose songs have been the mirrors of the passions and the hopes and glories of the age; to philosophers who have sought to penetrate the secrets of the stars; to religious teachers whose flocks follow without question. But to all whose memory should be carried on none stand out greater than he who successfully strives to liberate economic bondage of the weak, the meek, and the underprivileged. In this role I doubt that service and accomplishments have ever exceeded that of Franklin D. Roosevelt. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, I have heard statements made by the last two or three gentlemen who spoke regarding an appeal to partisanship. I am sure most of you were here when the chairman of the Rules Committee made his statement in reference to the rule, and I must say that I never heard a more flagrant appeal to partisanship in this House. I refer to the statement that the gentleman made about the minority leader on the floor of the House. The gentleman from Illinois used the expression that the whip was used. I deeply resented the statement of the gentleman from Illinois that the minority leader of this House had used a whip on the Members on the Republican side. Frankly, may I say that we have attended three or four conferences on this side of the House and there never has been an occasion when the minority leader has used the whip or steam rolled any Member to go along with any legislation that he was espousing. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. TREADWAY. Mr. Chairman, the remarks of the gentleman from Illinois [Mr. SABATH] did not impress me in quite the same way as they did the gentleman from Ohio; but I was interested in the kind advice he was endeavoring to give the Republican side of the House. He said that we ought to be nonpartisan. Really, why should that not apply much more directly at this particular time to his own side of the House rather than involving the Republican side?

Mr. Chairman, we have not brought partisanship into this debate. That has been brought in entirely by the other side of the House. I want in my humble way to make reference also to the remarks of the majority leader. The majority leader indulged in pure surmise when he said that there never would have been any fault found on the Democratic side if a Republican President had asked that a memorial be erected to himself. Mr. Chairman, I came here, I am happy to say, at the same time the majority leader did. I have admired his career. It has been a privilege and an honor to serve with him. But I cannot conceive of any one of the Republican Presidents, and he named them, wanting to express any such intention of erecting a memorial to himself, which the present occupant of the White House is doing by forcing the pending bill through the Congress at the present time.

Mr. FISH. During their lifetime.

Mr. TREADWAY. That goes without saying. The present occupant of the White House, of course, is alive.

He also cast reflection upon our good colleague, the gentleman from New York [Mr. Fish] in that he said that Mr. Fish disliked the present occupant of the White House personally. I do not know as to that fact myself, but I wish to say to my friend from Texas that I am a great personal admirer of the present occupant of the White House. I know of no more genial, friendly, and kindly disposed person in a personal way than Franklin D. Roosevelt. I like him. [Applause.] He is a neighbor of mine, across the Hudson River. I remember at one time calling on him, and he addressed me as "the hillbilly from the Berkshires," saying that he could see my district from his back steps. All that is a pleasantry between men and I admire him for that type of character. However, I cannot agree with any part of his policies nor do I agree with what is before us today, which has to do with aggrandizing the present occupant of the White House while, as the gentleman from New York says, he is still alive.

There is very little that I know to add in the way of argument to what has been said during this debate. I wish, however, to call attention particularly to the fact that the gentleman from Illinois, my distinguished chairman, read in very great detail from the supposed report of the committee. I maintain, Mr. Chairman, in this debate, and I maintained in the debate when this question was up for consideration before, that this is a phony report. I am a member of the Library Committee, and have tried to be fairly active in attendance upon that committee, but to the best of my knowledge and belief no hearing was ever held on the bill before us, and this report is one entirely made up in the chairman's office.

I wish to call attention particularly to the questions and answers that would appear to have been brought out in the committee. Every one of the letters to which the gentleman referred, particularly the letter in question and answer form from Professor Morison, were in answer to a letter the chairman of the committee wrote to these various persons, they not appearing at a hearing. I do not believe it is a very good way to carry on a discussion like this to simply quote from letters that may come in, particularly when it would appear as though they were a part of a hearing of a committee.

It is somewhat surprising that this measure should be brought up today under a rule. One June 5 the Speaker recognized the Chairman of the Library Committee to move to suspend the rules and pass this bill. The motion failed to carry by the necessary two-thirds vote. It would seem that that expression of the House would have convinced the proponents of the measure that Congress was in no way enthusiastic about having the so-called Roosevelt Library become a reality. So, I trust that the House today will again show its lack of sympathy with this effort to aggrandize and memorialize a living man and again vote not to accept the gift this bill suggests.

I want to discuss the question from two angles; first, the background under which this bill is before us, and, second, the merits of the proposition.

This measure passed the Senate without a word of debate, without any consideration, and without even a hearing before a Senate committee. Comment upon this procedure is unnecessary. To the best of my knowledge the bill was never before the House Committee on the Library and no hearing was held upon it. In spite of this fact, we have here a very elaborate report alleged to have been made under authority of the committee. The chairman is a good soldier, and goes along as directed by the administration. He has a very wide imagination to assume the committee authorized the bill to be reported or approved the report prepared at the other end of Pennsylvania Avenue.

Now permit me to make reference to the bill itself. In exchange for 12 acres of land in the village of Hyde Park, N. Y., it pledges the faith of the Federal Government to maintain a building not yet constructed and pay all maintenance costs until the end of time. It conveys the unheard-of authority of Congress to charge an admission of 25 cents to the land area and a further admission charge of 25 cents to the

hallowed building itself. I know of no Government property, entirely owned by the people of this country, to which Congress has authorized an admission charge, and we are all aware of the protest which is being raised against the unauthorized charges recently levied by the Secretary of the Interior for admission to Ford's Theater, the Peterson House, to Fort McHenry, and to the Lee Mansion in Arlington. Incidentally, I am informed that these unauthorized admission charges to these national shrines have already resulted in a marked falling off in the number of visitors. Congress never intended that admission should be charged to national shrines, and certainly we should not set such a precedent in this case.

On page 15 of the alleged report of the House Library Committee there appears an article from the New York Herald Tribune of February 5, 1939, headed "Drive Started for Roosevelt Library Fund." The article says that at a dinner in the Carleton Hotel, which the President attended, Mr. Frank C. Walker was named chairman of the committee to raise funds to erect on the President's estate at Hyde Park a repository for his State papers, correspondence, and private libraries. It is interesting to note that Mr. Walker, a former Montana lawyer, was at one time treasurer of the Democratic National Committee. An indication of the reception Mr. Walker's drive is meeting in his own State is contained in a dispatch from the Detroit Free Press' Washington bureau under date of July 3, 1939. It refers to the vigorous protest of Mr. O. S. Warden, of Great Falls, Mont., a member of the Democratic National Committee, whose friends quote him as saying:

This is the last straw. It is bad enough to meet repeated demands for the Democratic National Committee, but when it comes to soliciting money for the Roosevelt memorial I'm ready to quit.

If the State papers, correspondence, and private libraries of Mr. Roosevelt are of such great value and interest to the people, there is only one proper repository for them, and that is the National Capital, where there is ample room for their proper display and preservation, and not in an out-of-the-way village near Poughkeepsie, N. Y. Such portion of these documents as pertain to Mr. Roosevelt's services as Governor of New York could well be donated, should he so desire, to the State of New York. The portion having to do with his two terms as President of the United States could well be cared for in Washington where there is ample room in the new addition to the Library of Congress and in The Archives Building. Here they would be accessible to the public for inspection or to students of history in future years. Washington is the national repository, and one would needs be a most enthusiastic student or research worker to go to the village of Hyde Park to inspect such a relatively small portion of our national history.

Again, the bill practically sets up a branch office of the Archivist, who will be called upon to maintain a staff at Hyde Park, besides imposing upon the Treasury Department the added duty of carrying a new account upon its books.

On page 4 of the alleged report, in its final argument in support of the proposition, it is stated that Hyde Park is located on one of the most heavily traveled post roads in the country. This no doubt is true at this moment, but upon the completion of the new superhighway between New York and Albany, already half finished, the use of the post road will be confined principally to local and truck traffic. I may add that the new highway runs nowhere near Hyde Park.

I am confident that I voice the sentiment of a vast majority of the American people when I say that the public papers of all Presidents, and of all other public servants for that matter, should be filed in Washington, where suitable provision has been made for their exhibition and their preservation.

I have mentioned a few of the objections to this bill. There are many others. There is absolutely no valid argument for it except that of the personal aggrandizement of Franklin D. Roosevelt, and if for no other reason this should be sufficient to defeat it. [Applause.]

Mr. KELLER. Mr. Chairman, I yield myself the balance of the time.



I am sorry my colleague on the committee, the gentleman from Massachusetts, was not present when we had the actual hearing on this matter. He is, however, a very important—and I speak seriously—Member of this House, and a member of a number of very important committees. Although he has attended as often as any man could under the circumstances, he has not always been present when we have been compelled to carry on the business of the Library Committee.

We had a hearing for 2 hours one morning, and after we had discussed the matter thoroughly we decided that the best way of getting the information before the House was to proceed in the following way: If you will refer to the printed hearings you will find they are a matter-of-fact presentation of the events as they transpired. At the top of page 17 you will find the following letter, which, with a copy of the resolution, House Joint Resolution 268, was sent to the persons who had attended a luncheon, at which plans for this action were fully discussed. These persons were present because they knew much about the subjects involved. The letter went to other leading authorities in the fields of historical research, economics, and government. This is the letter I wrote:

Your interest in the subject covered by the enclosed bill has come to my attention.

I should very much appreciate any statement you care to make for the record concerning the need, advisability, and desirability of this project. Your reply will be kept as a part of the official record concerning the development of this project.

Very cordially yours,

KENT E. KELLER, *Chairman.*

On page 14 you will find the list of those at the luncheon, persons high in the scholastic as well as in the economic world.

These authorities answered as shown in the appendix of the hearings. This is my judgment, and the judgment of the members of the committee present at that time, was the best way of getting the information before this body. All of those who have read the report and read the specific questions that Professor Morison put to himself and his answers have a perfectly clear understanding of what we are really driving at. All we are doing here is attempting to accept under such conditions as are acceptable to the President of the United States the first and only complete and entire collection of Presidential papers we have ever had the opportunity of securing.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Washington.

Mr. LEAVY. The burden of the objections we have heard today seems to be that this offer comes from a man who is still living, and for that reason we ought not to accept it. May I ask the gentleman if it is not his opinion that if Herbert Hoover, the only living ex-President of the United States, were willing to make an identical offer insofar as it were possible to do so, the Members on this side of the House would support it and vote to accept such an offer?

Mr. KELLER. I wish to answer the gentleman by saying that in my judgment the Library Committee would unquestionably report with exactly the same favor with respect to the Herbert Hoover Presidential papers that we have reported with regard to the Franklin D. Roosevelt Presidential papers, and I believe this House would accept such an offer in the same way. As a challenge, I suggest to the gentlemen on the other side, if they believe we are not sincere in this statement, that they get Mr. Hoover to make a proposal exactly like Franklin D. Roosevelt's offer and see how quickly we accept it. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

*Resolved, etc.—*

#### TITLE I—DEFINITIONS

SECTION 1. As used in this joint resolution—

(a) The term "donor" means Franklin D. Roosevelt.

(b) The term "historical material" includes books, correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material.

(c) The term "Board" means the Trustees of the Franklin D. Roosevelt Library.

#### TITLE II—FRANKLIN D. ROOSEVELT LIBRARY

SEC. 201. The Archivist of the United States is authorized to accept for and in the name of the United States from the donor, or from such person or persons as shall be empowered to act for the donor, title to a tract of land consisting of an area of 12 acres, more or less, of the Hyde Park estate of the donor and his family, located on the New York-Albany Post Road, in the town of Hyde Park, Dutchess County, State of New York; such area to be selected and carved out of the said estate by the donor and to be utilized as a site for the Franklin D. Roosevelt Library provided for in this title.

SEC. 202. The Archivist is authorized to permit the Franklin D. Roosevelt Library, Inc., a New York corporation organized for that purpose, to construct on the area referred to in section 201 of this title a building, or buildings, to be designated as the Franklin D. Roosevelt Library, and to landscape the grounds within the said area. Such project shall be carried out in accordance with plans and specifications approved by the Archivist. The Secretary of the Treasury is authorized to permit the facilities and personnel of the Procurement Division of the Treasury Department to be utilized in the preparation of plans for and in the construction and equipping of the project: *Provided*, That the Franklin D. Roosevelt Library, Inc., shall enter into an arrangement satisfactory to the Secretary of the Treasury to reimburse the said Procurement Division for the costs and expenses incurred for such purposes, as determined by the Secretary of the Treasury.

With the following committee amendments:

Page 2, line 20, strike out "Secretary of the Treasury" and insert in lieu thereof "Federal Works Administration."

Page 2, line 22, strike out "Procurement Division of the Treasury Department" and insert "Public Building Administration."

Page 3, line 3, strike out "Procurement Division" and insert "Public Building Administration."

Page 3, line 5, strike out "Secretary of the Treasury" and insert "Federal Works Administration."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 203. Upon the completion of the project authorized in section 202 of this title, the Archivist shall accept for the Franklin D. Roosevelt Library, as a gift from the donor, such collection of historical material as shall be donated by the donor. The Archivist may also acquire for the said library from other sources, by gift, purchase, or loan, historical books related to and other historical material contemporary with and related to the historical material acquired from the donor. The historical material acquired under this section shall be permanently housed in the Franklin D. Roosevelt Library: *Provided*, That the Archivist may temporarily remove any of such material from the said library when he deems it to be necessary: *And provided further*, That the Archivist may dispose of any duplicate printed material in the said library by sale or exchange, and, with the approval of The National Archives Council, may dispose of by sale, exchange, or otherwise any material in the said library which appears to have no permanent value or historical interest. The proceeds of any sale made under this section shall be paid into the special account provided for in subsection (d) of section 205 of this title, to be held, administered, and expended in accordance with the provisions of that subsection.

SEC. 204. The faith of the United States is pledged that, upon the construction of the Franklin D. Roosevelt Library and the acquisition from the donor of the collection of historical material in accordance with the terms of this title, the United States will provide such funds as may be necessary for the upkeep of the said library and the administrative expenses and costs of operation thereof, including the preservation and care of historical material acquired under this title, so that the said library shall be at all times properly maintained.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 4, beginning in line 4, strike out all of section 204.

Mr. TREADWAY. Mr. Chairman, a great deal has been said about the generosity of the donor of the library. It seems to me that a very uncertain charge is being placed upon the taxpayers of the country in the upkeep of this library and therefore there should be no reference made, as I see it, in the measure to the support of the library and the maintenance thereof by the Government unless there is a very definite statement as to the amount involved. The bill pledges the faith of the United States to eternity in the upkeep of this particular building and the contents thereof, as well as the maintenance of the grounds surrounding it.

If this is to be a generous donation by friends of the President and of the President himself, maintenance should be provided for and the taxpayers of the country should not be asked to support the building and maintain the grounds

in as inaccessible a location as Hyde Park will be when the new main thoroughfare from Albany to New York is completed. The gentleman from New York [Mr. ROCKEFELLER], living in that neighborhood, described the inaccessibility of Hyde Park, and this will be accentuated when the new road, which is now half-way finished, is completed.

It seems to me that in view of the great spirit of generosity about which we have heard so much today there should be provision made for maintenance and upkeep.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Missouri.

Mr. SHORT. Of course, the gentleman from Massachusetts is aware of the fact that there are many public memorials to our great men, but that they are not maintained by the Federal Government. Recently I visited the memorial erected to the memory of President McKinley at Canton, Ohio, and although it is a beautiful memorial, it is in a sad state of repair. They cannot get one dime from the Federal Government to keep up a memorial that already exists.

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the amendment.

Of course, if you were not going to pass this bill or if you were going to strike the enacting clause out later, it would be all right to adopt the amendment of the gentleman from Massachusetts; but if the bill is going to pass, this property is to become the property of the United States, and there is no fund anywhere in perpetuity that is big enough to raise this much money to maintain it, then certainly this amendment should not be adopted.

The Federal Government, in respect of all of its properties that I know anything about, pledges itself for its maintenance and the section which the gentleman from Massachusetts has moved to strike out simply provides for the maintenance of Federal property.

Mr. LUCE. Mr. Chairman, I move to strike out the last two words in order to inquire of the gentleman from Texas who maintains Mount Vernon, the shrine of George Washington?

Mr. RAYBURN. The 25 cents that the people pay to go in there maintains Mount Vernon, and Mount Vernon is not the property of the United States. It belongs to the Ladies' Association of Mount Vernon.

Mr. LUCE. Then we shall make a distinction between the present occupant of the White House and the first occupant of the White House?

Mr. RAYBURN. Oh, I hope the gentleman from Massachusetts, for whom I have such a deep feeling of respect and regard, will wipe that question out of the RECORD, seeking to make a distinction between the first President of the United States and the present President. The Mount Vernon property does not belong to the Government of the United States at all. It is a private institution.

Mr. LUCE. I will, however, not withdraw my statement, but will add to it, who maintains Monticello?

Mr. RAYBURN. The 50 cents that the people pay to go in to see it, and that property does not belong to the Government of the United States, I will say to my distinguished friend from Massachusetts.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The amendment was rejected.

Mr. FISH. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. FISH: Page 4, line 13, after the word "maintained", strike out the period, insert a colon and the following: *Provided*, That not more than \$12,000 shall be expended annually.

Mr. FISH. Mr. Chairman, I hope we can consider this regardless of party views no matter how our votes may be determined on the final passage of the bill. Section 204, page 4 of the bill, which we are discussing, reads as follows:

Sec. 204. The faith of the United States is pledged that, upon the construction of the Franklin D. Roosevelt Library and the acqui-

sition from the donor of the collection of historical material in accordance with the terms of this title, the United States will provide such funds as may be necessary for the upkeep of the said library and the administrative expenses and costs of operation thereof, including the preservation and care of historical material acquired under this title, so that the said library shall be at all times properly maintained.

There is absolutely no limitation whatever in this bill as to the cost of maintenance of this library. I have heard it said on what I believe good authority that it may cost over \$100,000 a year to maintain this little library at Hyde Park, a library that is to contain the official papers of the President of the United States. I have tried to make it very clear why I am opposed to this on three grounds. First, it is an unholy precedent. It takes away from Washington and from the Congressional Library these papers that ought to be there and we by our approval help to send them to Hyde Park. In the next place, it costs money. The money comes out of the Government of the United States. In the third place, it is a monument to be erected to a living man. Putting aside those fundamental reasons why we are opposing this, we ought not to give carte blanche, we ought not to propose in this bill that they may spend any sum they desire—\$100,000, \$200,000, \$300,000—even more than the cost of the construction of the building, to maintain it. It is not sound or wise or proper legislation for the Congress of the United States to write into a bill—no limitation whatever. So I am offering this amendment limiting the maintenance to \$12,000 a year.

Certainly that is an ample sum, if we are simply to maintain that library for President Roosevelt's papers, and he can hire a librarian and a couple of assistants and a guard or two. There are ample funds for that in \$12,000; but if you think they are going to buy other papers, and are going to establish another congressional library, then I say pass this bill without any limit whatever. As far as I am concerned, I think this is a very proper and necessary amendment, regardless of partisan or party affiliations. It limits the total appropriation to \$12,000. Is not that enough for this library, regardless of our opposition on this side to it upon three different grounds? I am not pleading on those grounds now. I am pleading for a limitation to be written into the bill; and if Members of Congress on the Democratic side want to take the responsibility in the face of a deficit of three and a half billion dollars, then the responsibility is theirs. Put no limit on it at all, and then somebody will come in in some future Congress and instead of having 4 or 5 you will have 40 employees, and instead of spending \$12,000, more than likely you will be called upon to appropriate \$100,000. There is no limitation here, and knowing how people act when there is no limitation upon spending—whether they be Democrats or Republicans—we should fix a limit, else we will have a white elephant on our hands, with no restriction placed on those in charge, who will come back here and ask for unprecedented sums of money.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SHORT. Not only in section 204 on page 4 does it say that the United States shall provide such funds as may be necessary for the upkeep of said library and the administrative expenses and cost of operation thereof, including the preservation and care of historical material, but in section 206, on page 7, it provides that the Commissioner of Public Buildings shall be responsible for the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library, and that except as provided in that sentence I have just read, the immediate custody and control of the library—

And such other buildings, grounds, and equipment as may from time to time become a part thereof, and their contents, shall be vested in the Archivist of the United States.

Mr. FISH. In the name of common sense and the Treasury of the United States I ask that this amendment be adopted.

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the amendment.

I oppose this, Mr. Chairman, primarily on the same ground as I opposed the last amendment. I do not know of any bill



that Congress has ever passed acquiring property where a limit on expenditures for upkeep was set. If there has ever been a thing like that done I would like to have some Member of the House call it to my attention.

The gentleman from New York [Mr. FISH] does not say "\$12,000." He says "not more than \$12,000." And always in the future, as in the past, the Congress will have the power to appropriate \$12,000 for maintenance, or nothing. If the parties should change, which I do not think they will judging from the actions that have been taken by the minority in the last few weeks, to say the least, they could refuse, and in all probability would refuse, to appropriate one red cent for this matter. But this is an unusual amendment. I never heard of one being offered before, where the Federal Government acquired title to property, where a limitation upon an appropriation like this was set out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FISH].

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 79, noes 118.

Mr. FISH. Mr. Chairman, I ask for tellers.

Tellers were ordered and the Chair appointed Mr. KELLAR and Mr. FISH to act as tellers.

The Committee again divided and the tellers reported there were—ayes 78, noes 118.

So the amendment was rejected.

The Clerk read as follows:

SEC. 205. (a) A Board to be known as the Trustees of the Franklin D. Roosevelt Library is hereby established. The Archivist and the Secretary of the Treasury shall be ex officio members, and the Archivist shall be chairman of the Board. There shall also be five members of the Board appointed by the President for life, but the President may remove any such member for cause. Vacancies on the Board shall be filled by the President. Membership on the Board shall not be deemed to be an office within the meaning of the Constitution and statutes of the United States.

(b) No compensation shall be paid to the members of the Board for their services as such members, but they shall be allowed their necessary expenses incurred in the discharge of their duties under this title. The certificate of the chairman of the Board shall be sufficient evidence that the expenses are properly allowable.

(c) The Board is hereby authorized to accept and receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D. Roosevelt Library. The moneys or securities composing trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, and retain investments as the Board may from time to time determine: *Provided, however,* That the Board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift under which the funds to be invested are derived and may retain any investments accepted by the Board.

(d) The income from any trust funds held by the Board, as and when collected, shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Franklin D. Roosevelt Library and subject to disbursement by the Archivist, except where otherwise restricted by the instrument of gift, in the purchase of equipment for the Franklin D. Roosevelt Library; in the preparation and publication of guides, inventories, calendars, and textual reproduction of material in the said library; and in the purchase, under section 203 of this title, of historical material for the said library. The Treasurer of the United States is hereby authorized to honor the requisitions of the Archivist made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe. The Archivist may make sales of any publications authorized by this section at a price which will cover their cost and 10 percent added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the special account herein provided for.

(e) Unless otherwise restricted by the instrument of gift, the Board, by resolution duly adopted, may authorize the Archivist to use the principal of any gift or bequest made to it for any of the purposes mentioned in subsection (d) hereof.

(f) The Board shall have all the usual powers of a trustee in respect to all funds administered by it, but the members of the Board shall not be personally liable, except for misfeasance. In the administration of such trust funds the actions of the Board, including any payments made or authorized to be made by it from such funds, shall not be subject to review or attack except in an action brought in the United States District Court for the District of Columbia, which is hereby given jurisdiction of such suits,

for the purpose of enforcing the provision of any trust accepted by the Board.

Mr. TABER. Mr. Chairman, I make a point of order against the section on the ground that it contains an appropriation of public funds and that it is reported by a committee not having jurisdiction to bring into the House an appropriation bill.

I call the attention of the Chair to the following language on page 6, in line 7:

The Treasurer of the United States is hereby authorized to honor the requisitions of the Archivist made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe.

Those words take money directly from the Treasury of the United States without any limitation and are in violation of the provisions of clause 4 of rule XXI of the House, which reads:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

Now, this is a permanent appropriation which will go on forever of whatever amount the Archivist cares to draw for upon the Treasurer under such rules and regulations as the Treasurer may from time to time prescribe. I make the point of order against the section.

The CHAIRMAN. The Chair desires to direct a question to the gentleman from New York. In line 8, on page 6, is the gentleman of the opinion that the authorization there takes money from the United States Treasury or merely honors requisitions?

Mr. TABER. It authorizes the Treasurer of the United States, without any further legislation, to take money right out of the United States Treasury. It is a permanent appropriation.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. KELLER. Yes, Mr. Chairman. It seems to me that the point of order is ill taken for this reason: This is not an appropriation. There is no appropriation provided in this at all. It is simply and solely for the purpose of accepting the requisitions of the proper authority in charge of all archives of all kinds and character, because this bill provides that the expense shall be appropriated for as a part of the Archivist's expenses to the Government as a whole.

Mr. COCHRAN. Mr. Chairman, I call attention to the fact that the language in the section provides for the creation of a trust fund to be deposited in the Treasury of the United States. It provides for the raising of a trust fund to be placed in the Treasury, and the language does not take appropriated money out of the Treasury. It is not out of Government funds, but out of the trust fund. It is not in itself a direct appropriation, but more of an authorization for those in charge to draw on the trust fund.

Mr. TABER. Mr. Chairman, I call the attention of the Chair to the fact that there is no limitation on the funds that this should be taken out of. The way it reads it would be taken directly out of the Treasury and not out of any trust fund whatever. It does not say that it shall be taken out of a trust fund, nor is it implied in any way.

The CHAIRMAN. Does the gentleman from New York limit his point of order to the sentence which he read?

Mr. TABER. Mr. Chairman, I made the point of order against the section.

Mr. KELLER. Have you read what is at the bottom of page 5 as to the method of depositing the money in the Treasury first?

Mr. TABER. Yes; I have read that. There is nothing whatever that limits the amount that can be taken out to the amount that is put in, nor is there anything whatever that limits it to being taken out of that fund. It is direct authority to the Treasurer to pay it.

Mr. KELLER. Well, what is a requisition, then?

Mr. TABER. A requisition is a draft upon the Treasurer. This constitutes a permanent appropriation.

Mr. KELLER. Only where the money is already provided, not where it is not provided.

Mr. TABER. No; there is no such limitation.

The CHAIRMAN. The Chair is ready to rule.

The Chair is of the opinion that the point of order made by the gentleman from New York against the section is well taken, and therefore sustains the point of order.

Mr. RAYBURN. Mr. Chairman, I offer an amendment

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: On page 4, after line 13, insert the following:

"Sec. 205. (a) A Board to be known as the Trustees of the Franklin D. Roosevelt Library is hereby established. The Archivist and the Secretary of the Treasury shall be ex officio members, and the Archivist shall be chairman of the Board. There shall also be five members of the Board appointed by the President for life, but the President may remove any such member for cause. Vacancies on the Board shall be filled by the President. Membership on the Board shall not be deemed to be an office within the meaning of the Constitution and statutes of the United States.

"(b) No compensation shall be paid to the members of the Board for their services as such members, but they shall be allowed their necessary expenses incurred in the discharge of their duties under this title. The certificate of the chairman of the Board shall be sufficient evidence that the expenses are properly allowable.

"(c) The Board is hereby authorized to accept and receive gifts and bequests of personal property and to hold and administer the same as trust funds for the benefit of the Franklin D. Roosevelt Library. The moneys or securities composing trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury who shall invest, reinvest, and retain investments as the Board may from time to time determine: *Provided, however*, That the Board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift under which the funds to be invested are derived, and may retain any investments accepted by the Board.

"(d) The income from any trust funds held by the Board, as and when collected, shall be deposited with the Treasurer of the United States who shall enter it in a special account to the credit of the Franklin D. Roosevelt Library and subject to disbursement by the Archivist, except where otherwise restricted by the instrument of gift, in the purchase of equipment for the Franklin D. Roosevelt Library; in the preparation and publication of guides, inventories, calendars, and textual reproduction of material in the said library; and in the purchase, under section 203 of this title, of historical material for the said library. The Archivist may make sales of any publications authorized by this section at a price which will cover their cost and 10 percent added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the special account herein provided for.

"(e) Unless otherwise restricted by the instrument of gift, the Board, by resolution duly adopted, may authorize the Archivist to use the principal of any gift or bequest made to it for any of the purposes mentioned in subsection (d) hereof.

"(f) The Board shall have all the usual powers of a trustee in respect to all funds administered by it, but the members of the Board shall not be personally liable, except for misfeasance. In the administration of such trust funds the actions of the Board, including any payments made or authorized to be made by it from such funds, shall not be subject to review or attack except in an action brought in the United States District Court for the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provision of any trust accepted by the Board."

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes on his amendment.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. TABER. Will the gentleman tell us briefly what his amendment does?

Mr. RAYBURN. I may say to the gentleman from New York that I conceded that his point of order was good.

The amendment I offer leaves out the language objected to by the gentleman from New York in lines 7, 8, 9, and 10 on page 6, reading:

The Treasurer of the United States is hereby authorized to honor the requisitions of the Archivist made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe.

This undoubtedly meets the objection raised by the gentleman from New York, and I contend that the amendment is in order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

Sec. 206. The Director of the National Park Service shall be responsible for the care, maintenance, and protection of the buildings and grounds of the Franklin D. Roosevelt Library in the same manner and to the same extent as he is responsible for the National Archives Building in the District of Columbia. Except as provided in the preceding sentence, the immediate custody and control of the Franklin D. Roosevelt Library, and such other buildings, grounds, and equipment as may from time to time become a part thereof, and their contents shall be vested in the Archivist of the United States, and he is authorized to appoint and prescribe the duties of such officers and employees, including clerical assistance for the Board, as may be necessary for the execution of the functions vested in him by this title.

With the following committee amendment:

Page 7, line 1, strike out "Director of the National Park Service" and insert in lieu thereof "Commissioner of Public Buildings."

The amendment was agreed to.

The Clerk read as follows:

Sec. 207. The Archivist shall prescribe regulations governing the arrangement, custody, protection, and use of the historical material acquired under this title; and, subject to such regulations, such material shall be available to the public free of charge: *Provided*, That the Archivist is authorized to charge and collect, under regulations prescribed by him, a fee not in excess of 25 cents per person for the privilege of visiting and viewing the exhibit rooms or museum portion of the said library; and any funds so derived shall be paid by the Archivist into the special account provided for in subsection (d) of section 205 of this title, to be held, administered, and expended under the provisions of that subsection.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Beginning on page 7, in line 24, with the word "*Provided*," and continuing through line 6, on page 8, strike out the proviso.

Mr. TREADWAY. Mr. Chairman, the object of this amendment is very plain.

I am very much opposed to any collection being made of 25 cents per head for the privilege of visiting and viewing the exhibit rooms or museum portion of said library. It seems to me that if this library is to be supported by the taxpayers of the United States they certainly ought to have the privilege of seeing what they are paying taxes for. I cannot for the life of me understand why a charge should be made to go into this building. We have a very good illustration of what comes of trying to charge admission to buildings here in the city of Washington in the case of certain buildings under the supervision of the Secretary of the Interior, but that is done under regulations he has seen fit to make. This, however, amounts to taxation, for it is a charge prescribed in a law. I know of no law wherein an admission is charged to any public property of the United States. It seems to me to be degrading to the people to ask them to contribute 25 cents per capita to enter this particular building, and I trust that the amendment that I have offered will be adopted.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. DOWELL. There is an illustration of that right here in the Capitol, for everyone who enters the Capitol must pay 25 cents to go through the building, and that ought to be abolished.

Mr. TREADWAY. The gentleman has made a very good suggestion. There is just as much sense in charging 25 cents to enter the Capitol Building as there is to enter these other buildings that have been paid for by the people. The provision I would strike out of the pending bill is even worse than that, for the people at this time know nothing about what they are going to be admitted to see. This supports the argument of the gentleman from Iowa that we ought not to charge admission to this Capitol or any public building here in Washington, and certainly we should not by law impose a charge for admission to a building not yet constructed.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. RAYBURN. A moment ago the gentleman from New York [Mr. Fish] offered an amendment which would have



limited the Government expenditure on this library to \$12,000 and no more, stating that he thought the Government ought not to pay anything on matters of this kind. The gentleman from Massachusetts now comes along and offers an amendment which would strike out the one provision of the bill which would help pay the expenses of this library.

Mr. TREADWAY. Mr. Chairman, I do not hesitate to say that I thoroughly approve the amendment offered by the gentleman from New York. There should not be a greater charge than \$12,000 per year for the maintenance of that library; but the taxpayers of the country, having once made a payment of \$12,000, should not be taxed a second time for admission. That is a policy too small to be considered, and I am astonished that the gentleman from Texas, with his great fund of knowledge, information, and ability, should lower himself to the point of advocating a tax of 25 cents for admission to this building.

Mr. RAYBURN. The gentleman is just for any small crippling amendment to this bill.

Mr. TREADWAY. No; I beg the gentleman's pardon. It is just the reverse. If the building is going to be constructed, and I realize it will be, in spite of the strong opposition that has been lodged here today, let us be dignified about this thing. When we get to the building, let us have something we will be proud of and not a dime museum.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Chairman, it is very apparent that the Democratic majority intends to accept this so-called gift and begin the erection of a monument to a living President, to be maintained at the expense of the taxpayers. It is the first time in the history of our country, so far as my knowledge goes, that a President thought it necessary, in order to perpetuate the memory of his administration to, during his lifetime, call for the use of Federal funds for the erection of a monument to himself.

Perhaps it is well, if the President must have a monument, that such a course be adopted, for monuments are not erected to perpetuate the memory of all Presidents. This monument is to take the form of a library where the precious private papers of the President and, perhaps, of other members of his family who are prolific writers for profit will be preserved for the coming generations. Inasmuch as the amendment of the gentleman from New York [Mr. FISH] providing that the Federal contribution for the upkeep of this memorial be limited to \$12,000 per annum was voted down and as it now has been determined that the Federal Government is to take over the burden, whether the taxpayers desire it or not, of maintaining this edifice through the coming generations, the amendment of the gentleman from Massachusetts [Mr. TREADWAY] to the effect that we should strike from the bill the charge for admission for the privilege of seeing these historical documents would seem to be in order.

If the writings of this President or of members of his family, or the epistles received by him are of such transcendent value that they require during his lifetime the erection of a special building in which they may be safeguarded, it would be interesting to learn, if we may, from the members of the majority, whether all of the writings of the President and all of the resolutions, petitions, letters, memoranda, and chits received by him from various organizations and individuals during his tenure of office are to be included and preserved for posterity.

Well do I recall my extreme interest, when visiting Mount Vernon, in some of the letters received by Washington and in some of his replies. Especially those of a more intimate nature, for we all are concerned in what might be termed the little things which affect our daily lives. We are all interested in the domestic happenings, the little individual transactions, of the great and of the near great. Especially do I recall the great degree of interest with which I viewed the dental instruments used by Washington. As long as memory is mine I will see the wooden plugs which George Washington, the Father of our Country, was forced by the crudities of his generation to use as teeth.

The thought occurs now, Will this library safeguard and preserve for posterity all of those little intimate happenings which have, perhaps unconsciously, affected the life of our President? Many recall some of the old recipes which we find among the papers of some of our great men who have passed beyond; the descriptions of family dress in intimate letters or of family custom contained in intimate letters from one member of a family to another. Will future generations find in this library erected to the memory of Franklin D. Roosevelt the endorsement of a well-known brand of baking powder; will we find there a record of the sums paid members of the Roosevelt family for addresses, lectures, or writings; will we find there a history of the business transactions of the President's sons with little intimate comments of other members of the family? Will we find complete copies of the letters of the First Lady of the land as set forth in her column *My Day*? Will we find in this so-called library the evidence which shows that the Workers Alliance is controlled and its policy dictated by Communists, and following that, will there appear the copy of the address of the First Lady to a recent gathering of the Workers Alliance?

Will we find among these precious papers the resolutions of the Joint Committee for the Defense of American Ideals, signed by the leaders of 21 of the 23 organizations which bolted the American Youth Congress because that Congress refused to condemn communism? Attached to those resolutions will we find the address of the First Lady of the Land, delivered to that organization which is charged with fostering, with failing to condemn communism? Will we find in that edifice among the President's state papers his endorsement for a third term as President written by Earl Browder, head of the Communist Party in America? In connection with this document, will we find that communication put out in Michigan supporting Maurice Sugar, one of the leading attorneys for the C. I. O., and supporting Murphy, the President's personal friend, his choice for Governor of Michigan, his choice for Attorney General of these United States? Will that document contain, so that posterity may read and learn, this appeal made in that circular in that election, and which reads:

To all who hate the smug priests of the Catholic Church, and the slimy hypocritical ministers of the Protestant churches; \* \* \* to all who are opposed by this damnable Government, we address this message. Vote for our candidate (Maurice Sugar).

I quote further:

Close the churches and make those buildings into shelters for homeless men and women. Down with religion, which is opium which the ruling class feeds you to keep you satisfied with the miserable existence which you lead. There is no God.

Will that collection of papers contain a repudiation by the President of the support of the Communists? Will there appear among those documents a letter written by the President condemning the teachings of the Communists as set forth in the foregoing quotation? Such condemnation has not yet appeared in the public press, so far as I have been able to learn, nor has there been any intimation anywhere from the President's bosom friend, Attorney General Murphy, showing that he, while Governor, repudiated the political support of the Communists and their allies.

We know today that the United Mine Workers contributed \$470,000 toward the election of the President in the 1936 campaign. Will that fact be set forth among these papers? Will there be a copy of the President's reply, if any was made, to that generous gift? Will there be in that vast collection a copy of any letter written to Murphy while he was Governor of Michigan calling attention to the fact that civil liberties were being denied to hundreds of men and women who were willing to work, but who were denied that privilege by the Governor of Michigan, the President's friend? In this great collection, will there be any letter or any statement by the President condemning the use for political purposes of money appropriated to relieve the needy, the starving, those suffering from cold and from lack of food? We, now here on this earth, know how vast sums were diverted from the needy and used to corrupt the voters. Will these papers and writings of the President tell us when and where he condemned

that practice? Will there be a record of letters written by him to his intimate, powerful political supporters asking them to repudiate, to prevent that misuse of public funds? Will there be an explanation of why the President wrote his name in the Democratic campaign books which were sold to corporations for as much as \$50 each?

Oh, the inquiries might be extended indefinitely, but the foregoing is sufficient to give an idea of how valuable such a collection will be if it contains not a part, but all of the papers showing the record of the President, Roosevelt.

Turning now to another phase of the debate, let me express my great admiration for the ability of the gentleman from Texas [Mr. RAYBURN] who, on one occasion this afternoon, said that he possessed the power of imagination. I think all of us can agree that he possesses that power in an almost unlimited degree. He certainly uses his imagination when he describes the greatness of his President. No doubt he is correct when he complains that we on the Republican side find altogether too much fault with the President and his policies. It may be true that some of us over on this side can see little or no good in most of the things that the President has advocated and brought about. It may be equally true that the gentlemen on the other side, and especially the gentleman from Texas [Mr. RAYBURN], have gone to the other extreme and now, if I may use the term, almost worship at the feet of the man in the White House. The alacrity with which some on that side do his bidding would indicate that they believe him incapable of error. The meekness with which they turn the other cheek indicates not a lack of spirit but an abiding love for the hand that smites, the foot that boots. This thought rose out of the fact that the gentleman from Texas [Mr. RAYBURN] has on two or three occasions criticized the gentleman from Montana [Mr. THORKELSON] and some others on this side when they ventured to criticize the President, who, it sometimes almost seems, the gentleman from Texas [Mr. RAYBURN] regards as an idol.

Mr. RAYBURN. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Texas.

Mr. RAYBURN. The gentleman from Texas did not criticize the gentleman from Montana. He was criticizing certain material that was being put in the RECORD, which was conducive to racial hatred.

Mr. HOFFMAN. The gentleman is right in one particular. The gentleman from Texas did not criticize the gentleman from Montana. He just criticized what he said; that is all. He wanted to deny to the gentleman the right to express on the floor of the Congress his opinion.

Mr. RAYBURN. Oh, no.

Mr. HOFFMAN. Because those views were in conflict with the views of the gentleman from Texas.

Mr. RAYBURN. The gentleman is entirely wrong.

Mr. HOFFMAN. The gentleman from Texas [Mr. RAYBURN], I repeat, was correct in one particular. He did not criticize the gentleman from Montana [Mr. THORKELSON] because of his personal appearance. He did not criticize the gentleman's necktie, his clothes, or the manner in which he combed his hair. Perhaps he did not criticize him because he was finding fault with the President and with some of the President's associates. What the gentleman from Texas did do was to criticize the conduct of the gentleman from Montana [Mr. THORKELSON] in putting into the RECORD some of the things that the gentleman from Montana desired to insert therein. Whether we agree with the views of the gentleman from Texas or with those of the gentleman from Montana is a question for each individual, but ill will be the day when it is the practice of this House to prevent any Member criticizing an Executive, the associates of that Executive, or his administrative acts. We on this side find no fault—at least I know of no one who finds any fault—because the gentleman from Texas and some others on the majority side have reached that apparent state of mind where they think the President can do no wrong.

Where they apparently accept unquestioned, or at least make no audible protest, when the President receives, or at least does not repudiate, the political support of those at the

head of an organization which advocates the overthrow of our Government by force. For myself, the right is reserved to think as my intelligence and my judgment, if any, guide me and to exercise, so long as our Constitution endures, the right of free speech on the floor of the House, doing so with charity for the views of all, insisting, however, that each Member of the House may use his constitutional right unhindered, unrestricted, so long as he confines himself to parliamentary language to express his views. If that privilege once be denied to the humblest Member of this House, to the most lowly citizen of our Commonwealth, then, indeed, may the President, by the use of the vast sums granted to him, by the exercise of that unlimited authority which the majority Members of this House have seen fit to vest in him, go on not only to a third term but to that position where he may name his successor. Yes; it is well for history at least that the papers of the President and of those who associate with him be preserved, so that in the future those who follow us in our brief sojourn here on earth may learn of the steps by which Franklin Delano Roosevelt succeeded or failed in his attempt to remake our form of government, to establish himself as a dictator over these free United States of America.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, we are asked to spend some \$300,000 for the construction of a library, which may not be a lot of money, but I cannot see why the President would not veto this bill if the House of Representatives and the Senate pass it. I want to refer back to a statement made by the President at Sioux City, Iowa, on September 29, 1932, as follows:

I shall use this position of high responsibility to discuss up and down the country, at all seasons, at all times, the duty of reducing taxes, of increasing the efficiency of government, of cutting out the underbrush around our governmental structure, of getting the most public service for every dollar paid by taxation. This I pledge you and nothing I have said in the campaign transcends in importance this covenant with the taxpayers of this country.

After the President of the United States made that pointed statement on economy, what has transpired since that time? Now, the Members of Congress want to build a library at Hyde Park that will cost \$300,000 when we have an Archives Building down here, or a public library, which would be glad to accept these papers. I feel confident that the President of the United States will veto this bill, if he is a man of his word. Why would he want to go ahead and spend this money to build a library when it is not necessary? Why would he permit the Members of this Congress to pass such a bill? I do not think he will do this.

Let me quote again from what the President said in his message to Congress of March 10, 1933, as follows:

For 3 long years the Federal Government has been on the road toward bankruptcy. \* \* \*

With the utmost seriousness I point out to the Congress the profound effect of this fact upon our national economy. \* \* \*

Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy. We must avoid this danger.

Let us see just what our position is today. We have had 6 long years of the Roosevelt dynasty. Let me refer to the Federal Government financial statement when he took office in 1933, at which time we had a national indebtedness of only about \$19,000,000,000.

Let us see where we are today. I have here the statement of July 10, 1939, published by Mr. Morgenthau, the Secretary of the Treasury. This statement shows we are now \$40,587,024,737.12 in the red. This is Mr. Morgenthau's statement of the condition of the Treasury, and Mr. Morgenthau is Mr. Roosevelt's Secretary of the Treasury. This shows an increase in the national debt of over \$20,000,000,000 in 6 years, or more than \$2,750,000,000 annually.

It is a terrible condition in which we find ourselves, after the President promised economy; and now you are going to drive down his throat a further expenditure of \$300,000 for a library, when you have built more libraries and public schools in the last 6 years than we ever built before in the history of this Nation. If the President of the United States backs



up on the statements he has made, as I have quoted them, and they are his actual words, it will be just too bad.

Our Speaker has had a week's vacation, and we are glad to see him back. I should like to have him take the position here on the floor of this House of trying to get this Congress to stop spending, spending, spending money, the result of which will be that some day either the taxpayers of this country will have to pay these debts out of their hard-earned dollars and by the sweat of their brow or we shall repudiate our debts; and if we do repudiate our debts, we shall lose our present form of government and fall under a dictatorship.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The question was taken; and on a division (demanded by Mr. TREADWAY) there were—ayes 91, noes 140.

So the amendment was rejected.

The Clerk read as follows:

SEC. 208. The Archivist shall make to the Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the Franklin D. Roosevelt Library. Such report shall include a detailed statement of all accessions, all dispositions of historical material, and all receipts and expenditures on account of the said library.

SEC. 209. The costs incurred by the Archivist in carrying out the duties placed upon him by this title, including the expenses of the members of the Board and the costs of the Board's necessary clerical assistance, shall be paid out of the appropriations for The National Archives Establishment as other costs and expenses of The National Archives Establishment are paid; and such sums as may be necessary for such purposes are hereby authorized to be appropriated.

#### TITLE III—FRANKLIN D. ROOSEVELT RESIDENCE

SEC. 301. The head of any executive department, pursuant to agreement between him and the donor, may accept for and in the name of the United States from the donor or from such person or persons as shall be empowered to act for the donor, title to any part or parts of the said Hyde Park estate of the donor and his family which shall be donated to the United States for use in connection with any designated function of the Government administered in such department. The title to any such property may be accepted under this section notwithstanding that it may be subject to the life estate of the donor or of any other person or persons now living: *Provided*, That during the continuance of any life estate reserved therein no expense to the United States in connection with the ordinary maintenance of the property so acquired shall be incurred: *Provided further*, That the acceptance hereunder by the United States of the title to property in which any life estate is reserved shall not during the existence of such life estate exempt the property, except to the extent provided in section 304 of this title, from taxation by the town of Hyde Park, Dutchess County, or the State of New York as other real property in the said town, county, or State is taxed under the applicable laws relating to taxation of real property.

SEC. 302. Upon the expiration of all life estates reserved in any property acquired under this title for use in connection with a designated function of the Government, or, if no life estate is reserved, immediately upon the acceptance of title thereto, the head of the department administering the said function shall assume jurisdiction and control over the property so acquired and administer it for the purpose designated, subject to the applicable provisions of law.

SEC. 303. Notwithstanding any other provisions of law, the head of any department exercising jurisdiction and control over any property acquired under this title shall be authorized to charge and collect, under regulations prescribed by him, a fee not in excess of 25 cents per person for the privilege of visiting and viewing the said property, and any funds thus derived shall be deposited in the Treasury of the United States to the credit of a special fund, and shall be available, when appropriated by the Congress, for expenditure in the upkeep, maintenance, protection, and preservation of any property acquired under this title.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: On page 10, strike out lines 3 to 13, inclusive.

Mr. TREADWAY. Mr. Chairman, the object of this amendment to strike out section 303 is to eliminate the admission charge of 25 cents per person "for the privilege of visiting and viewing the said property." You have already passed on the question of charging an admission fee of 25 cents to the building. A visitor paying that charge will also be charged 25 cents to visit and view the property; in other words, by the time the visitor gets into the library itself he will have paid a 50-cent fee for that privilege.

Mr. Chairman, some of the most beautiful estates in the United States are in the district I have the honor to represent. People tour through the Berkshires and western Massachusetts not alone for the purpose of seeing the scenery but to see the magnificent estates that are maintained in that area. Who ever heard of the owner of one of these estates charging a fee for so much as looking over his hedge, for instance, to see the beautiful grounds, the flowers, and the house itself? There is no more reason for an admission fee to be charged to the grounds wherein the Franklin D. Roosevelt Library will be constructed than there is to charge admission to estates throughout the Berkshires and other areas of New England.

I cannot conceive of anything more undignified than to ask a taxpayer of the United States to pay 25 cents to go through the gate of the residence of the President of the United States, even though later on it should become the property of the United States itself. Let us at least be a little dignified in dealing with this proposition and not make it a dime-museum proposition, charging admission not only to the building but to the grounds as well.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan?

Mr. HOFFMAN. Does not the gentleman recall that on entering these grounds one can look across the river and see the kingdom of Father Divine? Perhaps that is why the charge is made.

Mr. TREADWAY. There is enough objection to the proposition itself without crossing the Hudson River to find anything further.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Texas.

Mr. RAYBURN. I wish to say that as far as I am concerned—

Mr. TREADWAY. You will pay 50 cents.

Mr. RAYBURN. And I do not speak for anybody but myself over here. I should like to see the gentleman's amendment adopted.

Mr. TREADWAY. I thank the gentleman. I believe it ought to be adopted.

Mr. RAYBURN. I say that because this is another section of the bill and imposes an additional charge of 25 cents to get on the premises.

Mr. TREADWAY. In other words, the gentleman is in agreement with the argument I am making, that it would cost 50 cents to get on the property and into the library, too.

Mr. RAYBURN. I am afraid so.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY].

The amendment was agreed to.

The Clerk read as follows:

SEC. 304. The right is reserved in the Congress to take such action and to make such changes, modifications, alterations, and improvements in connection with and upon any property acquired under this title, during or after the expiration of any life estate reserved therein, as the Congress shall deem proper and necessary to protect and preserve the same; but neither the improvements so made nor any increase in the value of the property by reason thereof shall be subject to taxation during the existence of any life estate reserved in the property.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose and the Speaker having resumed the chair, Mr. BOEHNE, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the joint resolution (S. J. Res. 118) to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes, pursuant to House Resolution 238, he reported the same back to the House with sundry amendments adopted in Committee.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment; if not, the Chair will put them en gros.

The amendments were agreed to.

The joint resolution was ordered to be read a third time and was read the third time.

Mr. FISH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. FISH. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FISH moves to recommit Senate Joint Resolution 118 to the Committee on the Library with instructions to report the same back forthwith with the following amendment: On page 4, line 13, after the word "maintained", strike out the period, insert a colon and the following: "Provided, That not more than \$12,000 shall be expended annually."

Mr. RAYBURN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. FISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 219, not voting 77, as follows:

[Roll No. 126]

YEAS—132

Alexander	Engel	Keefe	Routzohn
Allen, Ill.	Englebright	Kinzer	Rutherford
Andersen, H. Carl	Fenton	Knutson	Sandager
Anderson, Calif.	Fish	Lambertson	Schafer, Wis.
Angell	Ford, Leland M.	Landis	Schiffler
Arends	Gamble	LeCompte	Secombe
Austin	Gartner	Lewis, Ohio	Seger
Ball	Gerlach	Luce	Shafer, Mich.
Barton	Gleicher	McLean	Short
Bates, Mass.	Gillie	McLeod	Simpson
Bender	Graham	Mapes	Smith, Maine
Blackney	Gross	Marshall	Springer
Bolles	Gwynne	Martin, Iowa	Stefan
Brewster	Halleck	Martin, Mass.	Sumner, Ill.
Brown, Ohio	Hancock	Mason	Taber
Carlson	Harness	Michener	Talle
Carter	Harter, N. Y.	Monkiewicz	Thill
Chilperfield	Hawks	Mott	Thorkelson
Church	Helme	Mundt	Tibbott
Clason	Hess	Murray	Tinkham
Clevenger	Hinshaw	O'Brien	Treadway
Corbett	Hoffman	Oliver	Van Zandt
Crawford	Hope	Osmer	Vorys, Ohio
Crowther	Horton	Pierce, N. Y.	Vreeland
Curtis	Jarrett	Powers	Wadsworth
Darrow	Jenkins, Ohio	Reed, Ill.	Wheat
Dirksen	Jenks, N. H.	Reed, N. Y.	White, Ohio
Ditter	Jensen	Rees, Kans.	Wigglesworth
Dondero	Johns	Rich	Williams, Del.
Douglas	Johnson, Ill.	Robison, Ky.	Winter
Dowell	Johnson, Ind.	Rockefeller	Wolcott
Dworshak	Jones, Ohio	Rodgers, Pa.	Woodruff, Mich.
Elston	Kean	Rogers, Mass.	Youngdahl

NAYS—219

Allen, La.	Cole, Md.	Fries	Jones, Tex.
Allen, Pa.	Cole, N. Y.	Fulmer	Keller
Anderson, Mo.	Collins	Garrett	Kennedy, Martin
Arnold	Colmer	Gathings	Kennedy, Md.
Ashbrook	Cooley	Gavagan	Kennedy, Michael
Barden	Costello	Gearhart	Keogh
Barnes	Creal	Gehrmann	Kerr
Barry	Crosser	Geyer, Calif.	Kilday
Bates, Ky.	Crowe	Gibbs	Kitchens
Beam	Cullen	Gossett	Kleberg
Beckworth	D'Alesandro	Green	Kocalkowski
Bell	Darden	Gregory	Kramer
Boehne	Delaney	Griffith	Kunkel
Boland	Dempsey	Hall	Lanham
Boren	DeRouen	Hare	Lea
Boykin	Dickstein	Harrington	Leavy
Bradley, Pa.	Dingell	Hart	Lemke
Brooks	Disney	Harter, Ohio	Lesinski
Brown, Ga.	Doughton	Havener	Lewis, Colo.
Bryson	Doxey	Healey	Ludlow
Buck	Drewry	Hendricks	McAndrews
Buckler, Minn.	Duncan	Hennings	McArdle
Burch	Dunn	Hill	McGehee
Burdick	Durham	Hobbs	McGranery
Burgin	Eberharter	Hook	McKeough
Byron	Elliott	Houston	McLaughlin
Caldwell	Ellis	Hull	McMillan, John L.
Cannon, Fla.	Faddis	Hunter	Mahon
Cannon, Mo.	Fay	Izac	Maloney
Cartwright	Flaherty	Jacobsen	Mansfield
Chapman	Flannagan	Jarman	Marcantonio
Clark	Folger	Johnson, Lyndon	Martin, Colo.
Cochran	Ford, Miss.	Johnson, Okla.	Martin, Ill.
Coffee, Nebr.	Ford, Thomas F.	Johnson, W. Va.	Massingale

May	Patton	Satterfield	Tenerowicz
Miller	Peterson, Fla.	Schaefer, Ill.	Terry
Mills, Ark.	Peterson, Ga.	Schuetz	Thomas, Tex.
Mills, La.	Pfeifer	Schulte	Tolan
Monroney	Pierce, Oreg.	Schwert	Vincent, Ky.
Moser	Pittenger	Scruggam	Vinson, Ga.
Mouton	Poage	Sheppard	Voorhis, Calif.
Murdock, Ariz.	Polk	Sirovich	Walgren
Murdock, Utah	Ramspeck	Smith, Va.	Walter
Myers	Randolph	Smith, Wash.	Ward
Nelson	Rankin	Smith, W. Va.	Warren
Nichols	Rayburn	Snyder	Weaver
Norrell	Reece, Tenn.	South	Welch
O'Connor	Robertson	Sparkman	West
O'Day	Robinson, Utah	Spence	Whelchel
O'Leary	Rogers, Okla.	Starnes, Ala.	Whittington
O'Neal	Romjue	Steagall	Williams, Mo.
Pace	Ryan	Sullivan	Wolverton, N. J.
Parsons	Sabath	Sutphin	Wood
Patman	Sacks	Sweeney	Zimmerman
Patrick	Sasscer	Tarver	

NOT VOTING—77

Andresen, A. H.	Cox	Jeffries	Risk
Andrews	Culkin	Johnson, Luther A.	Secrest
Bland	Cummings	Kee	Shanley
Bloom	Curley	Kelly	Shannon
Bolton	Dies	Kirwan	Smith, Conn.
Bradley, Mich.	Eaton, Calif.	Larrabee	Smith, Ill.
Buckley, N. Y.	Eaton, N. J.	McCormack	Smith, Ohio
Bulwinkle	Edmiston	McDowell	Somers, N. Y.
Byrne, N. Y.	Evans	McMillan, Thos. S.	Stearns, N. H.
Byrns, Tenn.	Ferguson	Maas	Summers, Tex.
Case, S. Dak.	Fernandez	Maclejewski	Taylor, Colo.
Casey, Mass.	Fitzpatrick	Magnuson	Taylor, Tenn.
Celler	Flannery	Merritt	Thomas, N. J.
Chandler	Gifford	Mitchell	Thomason
Claypool	Gore	Norton	White, Idaho
Cluett	Grant, Ala.	O'Toole	Wolfenden, Pa.
Coffee, Wash.	Grant, Ind.	Pearson	Woodrum, Va.
Connery	Guyer, Kans.	Plumley	
Cooper	Hartley	Rabaut	
Courtney	Holmes	Richards	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Plumley (for) with Mr. Cooper (against).  
 Mr. Smith of Ohio (for) with Mr. Ferguson (against).  
 Mr. Bradley of Michigan (for) with Mr. Kee (against).  
 Mr. Cluett (for) with Mr. O'Toole (against).  
 Mr. Wolfenden of Pennsylvania (for) with Mr. Coffee of Washington (against).  
 Mr. Jeffries (for) with Mr. Larrabee (against).  
 Mr. Gifford (for) with Mr. Bloom (against).

General pairs:

Mr. Bland with Mr. Eaton of New Jersey.  
 Mr. Thomas S. McMillan with Mr. Bolton.  
 Mr. Bulwinkle with Mr. Holmes.  
 Mr. Woodrum of Virginia with Mr. Taylor of Tennessee.  
 Mr. Luther A. Johnson with Mr. Culkin.  
 Mr. McCormack with Mr. Thomas of New Jersey.  
 Mr. Byrns of Tennessee with Mr. Maas.  
 Mr. Rabaut with Mr. Hartley.  
 Mr. Cox with Mr. August H. Andresen.  
 Mr. Dies with Mr. Guyer of Kansas.  
 Mr. Fernandez with Mr. Risk.  
 Mr. Thomason with Mr. Stearns of New Hampshire.  
 Mr. Richards with Mr. McDowell.  
 Mr. Chandler with Mr. Grant of Indiana.  
 Mr. Kelly with Mr. Case of South Dakota.  
 Mr. Taylor of Colorado with Mr. Eaton of California.  
 Mr. Summers of Texas with Mr. Andrews.  
 Mr. Claypool with Mr. Magnuson.  
 Mrs. Norton with Mr. Courtney.  
 Mr. Cummings with Mr. Buckley of New York.  
 Mr. Pearson with Mr. Connery.  
 Mr. Secrest with Mr. Evans.  
 Mr. Somers of New York with Mr. Gore.  
 Mr. Merritt with Mr. Shanley.  
 Mr. Grant of Alabama with Mr. Byrne of New York.  
 Mr. Celler with Mr. Edmiston.  
 Mr. Kirwan with Mr. Smith of Connecticut.  
 Mr. Flannery with Mr. Curley.  
 Mr. Fitzpatrick with Mr. Shannon.

Mr. MURRAY changed his vote from "no" to "aye."

Mr. GEARHART changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

Mr. KELLER. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 124, not voting 83, as follows:

[Roll No. 137]

YEAS—221

Allen, La.	Anderson, Calif.	Angell	Ashbrook
Allen, Pa.	Anderson, Mo.	Arnold	Ball



Barden	Ellis	Kunkel	Reece, Tenn.	Smith, Conn.	Stearns, N. H.	Taylor, Tenn.	White, Idaho
Barnes	Faddis	Lanham	Robertson	Smith, Ill.	Sullivan	Thomas, N. J.	Wolfenden, Pa.
Barry	Fay	Lea	Robinson, Utah	Smith, Ohio	Sumners, Tex.	Thomason	Woodrum, Va.
Bates, Ky.	Flaherty	Leavy	Rogers, Mass.	Somers, N. Y.	Taylor, Colo.	Wheat	
Beam	Flannagan	Lemke	Rogers, Okla.				
Beckworth	Folger	Lesinski	Romjue				
Bell	Ford, Miss.	Lewis, Colo.	Ryan				
Boehne	Ford, Thomas F.	Lewis, Ohio	Sabath				
Boland	Fries	Ludlow	Sacks				
Boren	Fulmer	McAndrews	Sasser				
Boykin	Garrett	McArdle	Satterfield				
Bradley, Pa.	Gathings	McGehee	Schaefer, Ill.				
Brooks	Gavagan	McGranery	Schuetz				
Brown, Ga.	Gearhart	McKeough	Schulte				
Bryson	Gehrmann	McLaughlin	Schwert				
Buck	Geyer, Calif.	McMillan, John L.	Secrest				
Buckler, Minn.	Gibbs	Mahon	Sheppard				
Burch	Gossett	Maloney	Sirovich				
Burdick	Green	Mansfield	Smith, Va.				
Burgin	Gregory	Marcantonio	Smith, Wash.				
Byrne, N. Y.	Griffith	Martin, Colo.	Smith, W. Va.				
Byron	Hall	Martin, Ill.	Snyder				
Caldwell	Harrington	Massingale	South				
Cannon, Fla.	Hart	May	Sparkman				
Cannon, Mo.	Harter, N. Y.	Miller	Spence				
Chapman	Harter, Ohio	Mills, Ark.	Starnes, Ala.				
Clark	Havenner	Mills, La.	Steagall				
Cochran	Healey	Monroney	Sutphin				
Coffee, Nebr.	Hendricks	Moser	Sweeney				
Cole, Md.	Hennings	Mouton	Tarver				
Collins	Hill	Murdock, Ariz.	Tenerowicz				
Colmer	Hobbs	Murdock, Utah	Terry				
Cooley	Hook	Myers	Thill				
Costello	Houston	Nelson	Thomas, Tex.				
Creal	Hull	Nichols	Tolan				
Crosser	Hunter	Norrell	Vincent, Ky.				
Crowe	Izac	O'Connor	Vinson, Ga.				
Cullen	Jacobsen	O'Day	Voorhis, Calif.				
D'Alesandro	Jarman	O'Leary	Wallgren				
Darden	Johnson, Lyndon	O'Neal	Walter				
Delaney	Johnson, Okla.	Pace	Ward				
Dempsey	Johnson, W. Va.	Parsons	Warren				
DeRouen	Jones, Tex.	Patman	Weaver				
Dickstein	Keller	Patton	Welch				
Dingell	Kennedy, Martin	Peterson, Fla.	West				
Disney	Kennedy, Md.	Peterson, Ga.	Whichel				
Doughton	Kennedy, Michael	Pfeifer	Whittington				
Doxey	Keogh	Pierce, Oreg.	Williams, Mo.				
Drewry	Kerr	Poage	Willerton, N. J.				
Duncan	Kilday	Polk	Wood				
Dunn	Kitchens	Ramspeck	Zimmerman				
Durham	Kleberg	Randolph					
Eberhart	Kociakowski	Rankin					
Elliot	Kramer	Rayburn					

## NAYS—124

Alexander	Engel	Kean	Rodgers, Pa.
Allen, Ill.	Englebright	Keefe	Routzohn
Andersen, H. Carl	Fenton	Kinzer	Rutherford
Arends	Fish	Knutson	Sandager
Austin	Ford, Leland M.	Landis	Schafer, Wis.
Barton	Gamble	LeCompte	Schiffner
Bates, Mass.	Gartner	Luce	Secombe
Bender	Gerlach	McLean	Seger
Blackney	Gifford	McLeod	Shafer, Mich.
Bolles	Gillie	Mapes	Short
Brewster	Graham	Marshall	Smith, Maine
Brown, Ohio	Gross	Martin, Iowa	Springer
Carlson	Gwynne	Martin, Mass.	Stefan
Carter	Halleck	Mason	Sumner, Ill.
Chipperfield	Hancock	Michener	Taber
Church	Harness	Monkiewicz	Talle
Clason	Hawks	Mott	Thorkelson
Clevenger	Heinke	Mundt	Tibbott
Cole, N. Y.	Hess	Murray	Tinkham
Corbett	Hinshaw	O'Brien	Treadway
Crawford	Hoffman	Oliver	Van Zandt
Crowther	Hope	Osmer	Vorys, Ohio
Curtis	Horton	Pierce, N. Y.	Vreeland
Darrow	Jarrett	Pittenger	Wadsworth
Dirksen	Jenkins, Ohio	Powers	White, Ohio
Ditter	Jenks, N. H.	Reed, Ill.	Wigglesworth
Dondero	Jensen	Reed, N. Y.	Williams, Del.
Douglas	Johns	Rees, Kans.	Winter
Dowell	Johnson, Ill.	Rich	Wolcott
Dworshak	Johnson, Ind.	Robison, Ky.	Woodruff, Mich.
Elston	Jones, Ohio	Rockefeller	Youngdahl

## NOT VOTING—83

Andersen, A. H.	Connery	Gore	Maas
Andrews	Cooper	Grant, Ala.	Maclejewski
Bland	Courtney	Grant, Ind.	Magnuson
Bloom	Cox	Guyer, Kans.	Merritt
Bolton	Culkin	Hare	Mitchell
Bradley, Mich.	Cummings	Hartley	Norton
Buckley, N. Y.	Curley	Holmes	O'Toole
Bulwinkle	Dies	Jeffries	Patrick
Byrns, Tenn.	Eaton, Calif.	Johnson, Luther	Pearson
Cartwright	Eaton, N. J.	Kee	Plumley
Case, S. Dak.	Edmiston	Kelly	Rabaut
Casey, Mass.	Evans	Kirwan	Richards
Celler	Ferguson	Lambertson	Risk
Chandler	Fernandez	Larrabee	Scrigham
Claypool	Fitzpatrick	McCormack	Shanley
Cluett	Flannery	McDowell	Shannon
Coffee, Wash.	Gilchrist	McMillan, Thos. S.	Simpson

Smith, Conn.  
Smith, Ill.  
Smith, Ohio  
Somers, N. Y.

Stearns, N. H.  
Sullivan  
Sumners, Tex.  
Taylor, Colo.

Taylor, Tenn.  
Thomas, N. J.  
Thomason  
Wheat

White, Idaho  
Wolfenden, Pa.  
Woodrum, Va.

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Cooper (for) with Mr. Plumley (against).  
Mr. Ferguson (for) with Mr. Smith of Ohio (against).  
Mr. Kee (for) with Mr. Gilchrist (against).  
Mr. Coffee of Washington (for) with Mr. Wolfenden of Pennsylvania (against).  
Mr. O'Toole (for) with Mr. Cluett (against).  
Mr. Larrabee (for) with Mr. Jeffries (against).  
Mr. Bloom (for) with Mr. Bradley of Michigan (against).  
Mr. Magnuson (for) with Mr. Andrews (against).

General pairs:

Mr. Bland with Mr. Eaton of New Jersey.  
Mr. Thomas S. McMillan with Mr. Bolton.  
Mr. Bulwinkle with Mr. Holmes.  
Mr. Woodrum of Virginia with Mr. Taylor of Tennessee.  
Mr. Luther A. Johnson with Mr. Culkin.  
Mr. McCormack with Mr. Thomas of New Jersey.  
Mr. Byrns of Tennessee with Mr. Maas.  
Mr. Rabaut with Mr. Hartley.  
Mr. Cox with Mr. August H. Andresen.  
Mr. Dies with Mr. Guyer of Kansas.  
Mr. Fernandez with Mr. Risk.  
Mr. Thomason with Mr. Stearns of New Hampshire.  
Mr. Richards with Mr. McDowell.  
Mr. Chandler with Mr. Grant of Indiana.  
Mr. Kelly with Mr. Case of South Dakota.  
Mr. Taylor of Colorado with Mr. Eaton of California.  
Mr. Somers of New York with Mr. Claypool.  
Mrs. Norton with Mr. Courtney.  
Mr. Scrigham with Mr. Lambertson.  
Mr. Hare with Mr. Simpson.  
Mr. Cartwright with Mr. Wheat.  
Mr. Pearson with Mr. Connery.  
Mr. Merritt with Mr. Shanley.  
Mr. Celler with Mr. Edmiston.  
Mr. Fitzpatrick with Mr. Smith of Connecticut.  
Mr. Flannery with Mr. Shannon.  
Mr. Buckley of New York with Mr. Cummings.  
Mr. Evans with Mr. Grant of Alabama.  
Mr. Sullivan with Mr. Gore.  
Mr. Kirwan with Mr. Curley.

Mr. HILL changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks in the RECORD on the resolution just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, in behalf of my colleague the gentleman from Maryland [Mr. BYRON], who was called from the floor, I ask unanimous consent that his remarks may be extended in the RECORD to include an editorial from the Baltimore Sun.

The SPEAKER. Is there objection?

There was no objection.

Mr. DREWRY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an excerpt from a speech made by Col. E. W. Jordan, of Roanoke, Va., at the annual encampment of the Spanish-American War veterans.

The SPEAKER. Is there objection?

There was no objection.

## LICENSING OF CIVILIAN MILITARY ORGANIZATIONS, ETC.

Mr. CLARK, from the Committee on Rules, submitted the following resolution (H. Res. 257), which was referred to the House Calendar and ordered to be printed:

## House Resolution 257

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5138, a bill to make unlawful attempts to overthrow the Government of the United States; to require licensing of civilian military organizations; to make unlawful attempts to interfere with the discipline of the Army and Navy; to require registration and fingerprinting of aliens; to enlarge the jurisdiction of the United States Circuit Court of Appeals in certain cases; and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the

chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

## EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks, and include a letter from Hon. J. J. McEntee, acting director of the Civilian Conservation Corps.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by including a short editorial appearing in the Brooklyn Daily Eagle.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects, and to include certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## EXPLANATION

Mr. LEAVY. Mr. Speaker, I desire to announce that my colleagues, Mr. COFFEE of Washington and Mr. MAGNUSON, were both unavoidably called from the House. Had they been present they would have voted "no" on the motion to recommit and "aye" on the passage of the joint resolution.

## EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Chairman of the Home Owners' Loan Corporation and a brief statement of the workings of the Home Owners' Loan Corporation.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a short editorial from the St. Louis Post-Dispatch.

The SPEAKER. Is there objection?

There was no objection.

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an editorial from today's New York Times.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a short newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENDER asked and was given permission to revise and extend his own remarks.

## LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. O'TOOLE, indefinitely, on account of serious illness.

To Mr. HARE, for 2 days, on account of important business.

To Mr. FERGUSON, for 10 days, on account of official business.

To Mr. RISK, for 3 days, on account of important business.

## REQUEST FROM SENATE

The SPEAKER. The Chair lays before the House the following request from the Senate of the United States:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,

July 13 (legislative day, July 10), 1939.

Ordered: That the Secretary be directed to request the House of Representatives to return to the Senate a joint resolution, Senate Joint Resolution 155, entitled "Joint resolution consenting to an interstate oil compact to conserve oil and gas."

The SPEAKER. Without objection the request will be granted.

There was no objection.

## ANNOUNCEMENT AS TO VOTE

Mr. PATRICK. Mr. Speaker, I was unavoidably detained and could not be in the Chamber at the vote just taken. Had I been here, I would have voted "yea."

## EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief editorial from the Indianapolis Star.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes tomorrow afternoon after the completion of the legislative program for the day and other special orders.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Under the special order heretofore entered the gentleman from Michigan [Mr. CRAWFORD] is recognized.

## ANNOUNCEMENT OF MEETING, SATURDAY, JULY 15, 1939, RE CERTAIN FARM PRODUCTS

Mr. CRAWFORD. Mr. Speaker, this morning I had for my breakfast delicious American-prepared bacon, which cost me 15 cents per pound at a retail store here in Washington. We are using in our home American-made lard, which is retailing in Washington at 7½ cents a pound, or 2 pounds for 15 cents. I have just torn from the Evening Star of Thursday, July 13, and hold here in my hand a full-page advertisement showing that these prices will prevail in the retail store of Washington tomorrow.

Mr. Speaker, at the present time there are 257,127,595 bushels of corn under commodity-credit loan in this country on which the Government has advanced loans through the Commodity Credit Corporation. The farmers of this country, according to the Department of Agriculture report of July 10, hold on farms 836,921,000 bushels of corn—old stock. The Department's recent estimate of corn production for the coming crop is 2,570,795,000 bushels. In the feeding pens of this country are millions of pounds of pork and lard wrapped up in hides on the way to market.

Tonight's papers carry the story that wheat prices slumped today on the Liverpool market below 1931 dark-day prices, a drop to about 85 cents per 100 pounds for July delivery options. This is an illustration of what the farmers of this country face in the disposition of their grains and cottonseed oils, their corn, and their corn products in the form of pork and fats.

I am calling the attention of the House to some of these facts today in the hope that Members from the cotton States and the corn-producing States will give serious attention to this price situation which now prevails and lower prices which undoubtedly will prevail during the next few months, all in the hope that the Members of the House will meet in the caucus room of the old House Office Building next Saturday morning at 11 o'clock to confer with reference to steps that may be taken in connection with the use of section 32 blue-stamp money in alleviating the situation during the coming months, say, up to next January 1, 1940.

I have conferred with certain officials and certain leading Members of the House on the Committee on Agriculture, and I think we shall be able to obtain considerable support from Administration circles in connection with using some of the money recently appropriated to meet the situation for the present time.



It appears to me that the corn growers of this country will in due course divert a considerable proportion of the corn crop into loan stocks, instead of feeding it to hogs as heretofore. Certainly if pork and lard are to move into consumption at present or lower prices, this will induce farmers to secure loans and store corn, rather than feed to livestock for market to be sold at such ruinous prices as now prevail. We may find a situation in corn stocks under loan much more aggravating than is cotton at present. It is reasonable to assume that if such low prices are to prevail on pork and lard that the cotton grower will have to suffer proportionately in connection with lower prices for cottonseed oil. We should now give our most serious attention to this problem, and all looking forward to alleviating conditions as best we can during the next several months. I hope you will join with us next Saturday morning at 11 o'clock, so that an intelligent and full discussion may be had covering this problem, which is of such vital interest to the entire South, the West, the North, and the East. All farmers and industrialists should be vitally concerned about these developments, and every Member of the House has an interest in this problem.

## EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend the remarks I made today by printing in the RECORD the statement I spoke about in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to give the names of the members of the executive committee of the Roosevelt Library, Inc.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

## ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1882. An act for the relief of Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 289. An act for the relief of the West Virginia Co.;

S. 1575. An act to provide that the annual registration of motor vehicles and the annual licensing of certain public vehicles in the District of Columbia shall be for the period from April 1 in each year to March 31 in the succeeding year; and

S. 2336. An act to authorize an exchange of lands at the Fort Francis E. Warren Military Reservation, Wyo.

## ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Friday, July 14, 1939, at 12 o'clock noon.

## COMMITTEE HEARINGS

## COMMITTEE ON THE JUDICIARY

On Saturday, July 15, 1939, Dr. C. E. R. Sherrington, British railroad expert, will testify before the Committee on the Judiciary with respect to the bills H. R. 6369 and S. 1869 to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplemental thereto; to create a railroad reorganization court, and for other purposes. The hearing will be public, and will begin at 10 a. m. in the Judiciary Committee room, 346 House Office Building.

## COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs at 10 a. m., Friday, July 14, 1939, for the consideration of

general legislation and for the consideration of H. R. 6799, to regulate the assignments of naval officers to duty, and for other purposes.

## COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, at 10 a. m., on the bills and dates listed below:

On Tuesday, July 18, 1939, at 10 a. m., hearings will be held on H. R. 7090, to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481), and H. R. 7091, to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, 464).

## COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs on Monday, July 17, 1939, at 10:30 a. m., on House Joint Resolution 207, to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

The Foreign Affairs Committee will start hearings on Tuesday, July 18, 1939, at 10 a. m., on proposed legislation dealing with treaty violations, with special reference to the Orient: H. R. 4232 (Mr. Voorhis of California), H. R. 5432 (Mr. Coffee of Washington), H. R. 6837 (Mr. Eaton of New Jersey), House Joint Resolution 42 (Mr. Crawford), House Joint Resolution 113 (Mr. Fish), House Joint Resolution 254 (Mr. Fish), House Joint Resolution 318 (Mr. Wallgren).

## COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Monday, July 17, 1939, at 10 a. m., in room 328 House Office Building, to consider H. R. 6668.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

983. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1940, amounting to \$1,023,000 (H. Doc. No. 402); to the Committee on Appropriations and ordered to be printed.

984. A communication from the President of the United States, transmitting a supplemental estimate for the Office of Education, Federal Security Agency, for the fiscal year 1940, amounting to \$58,000 (H. Doc. No. 403); to the Committee on Appropriations and ordered to be printed.

985. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Navy Department for the fiscal year 1940 amounting to \$425,000 (H. Doc. No. 404); to the Committee on Appropriations and ordered to be printed.

986. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1940 amounting to \$54,500 (H. Doc. No. 405); to the Committee on Appropriations and ordered to be printed.

987. A communication from the President of the United States transmitting an estimate of appropriation in the amount of \$346.48, submitted by the Department of Justice, to pay claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation (H. Doc. No. 406); to the Committee on Appropriations and ordered to be printed.

988. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Communications Commission for the fiscal year 1940 amounting to \$210,000 (H. Doc. No. 407); to the Committee on Appropriations and ordered to be printed.

989. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1940 for the Department of Agriculture in the sum of \$75,000 (H. Doc. No. 408); to the Committee on Appropriations and ordered to be printed.

990. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of the Interior for the fiscal year 1939 amounting to \$3,500 (H. Doc. No. 409); to the Committee on Appropriations and ordered to be printed.

991. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment amounting to \$1,313,906.01 (H. Doc. No. 410); to the Committee on Appropriations and ordered to be printed.

992. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Surgeon General, Public Health Service, to pay a claim for damages by collision or damages incident to the operation of a vessel of the Public Health Service in the sum of \$150 (H. Doc. No. 411); to the Committee on Appropriations and ordered to be printed.

993. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damages to privately owned property in the sum of \$19,746.07 (H. Doc. No. 412); to the Committee on Appropriations and ordered to be printed.

994. A communication from the President of the United States, transmitting an estimate of appropriation for the Navy Department to pay a claim for damages incident to the operation of a vessel of the Navy in the sum of \$341.93 (H. Doc. No. 413); to the Committee on Appropriations and ordered to be printed.

995. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the War Department to pay claim for damages under river and harbor work in the sum of \$587.50 (H. Doc. No. 414); to the Committee on Appropriations and ordered to be printed.

996. A communication from the President of the United States, transmitting a schedule of claims allowed by the General Accounting Office as shown by certificate of settlement forwarded to the Treasury Department for payment amounting to \$1,358.20 (H. Doc. No. 415); to the Committee on Appropriations and ordered to be printed.

997. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts as submitted by the Attorney General through the Secretary of the Treasury and which require an appropriation for their payment amounting to \$12,856.75 (H. Doc. No. 416); to the Committee on Appropriations and ordered to be printed.

998. A letter from the Secretary of the Interior, transmitting the draft of a proposed bill to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska; to the Committee on the Public Lands.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JARMAN: Committee on Printing. Senate Concurrent Resolution 26. Concurrent resolution authorizing the printing of additional copies of the hearings held before the Committee on Interstate Commerce of the Senate on the bill (S. 2009) entitled "Transportation Act of 1939" (Rept. No. 1114). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JARMAN: Committee on Printing. Senate Concurrent Resolution 25. Concurrent resolution providing for the printing of additional copies of the hearings held before a subcommittee of the Committee on Finance on the investigation of existing profit-sharing systems between employers and employees in the United States (Rept. No. 1115). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 24. Concurrent resolution to print House Document No. 212 with Concurrent Resolution No. 12, adopted March 16, 1939, deleted, and the legend "Not printed at Government expense" substituted (Rept. No. 1116). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 29. Concurrent resolution to print and bind the proceedings of Congress, together with the proceedings at the unveiling in the rotunda, upon acceptance of the statue of Will Rogers, presented by the State of Oklahoma (Rept. No. 1117). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BUCK: Committee on Ways and Means. H. R. 6479. A bill amending section 2857 of the Distilled Spirits Act; with amendment (Rept. No. 1118). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUCK: Committee on Ways and Means. H. R. 6268. A bill to authorize the Commissioner of Internal Revenue to make certain allowances for losses by leakage and evaporation upon withdrawal of packages of brandy or fruit spirits under certain conditions; without amendment (Rept. No. 1119). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. S. 474. An act to amend section 92 of the Judicial Code to provide for a term of court at Kalispell, Mont.; with amendment (Rept. No. 1141). Referred to the House Calendar.

Mr. MURDOCK of Arizona: Committee on Irrigation and Reclamation. H. R. 3391. A bill providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles; without amendment (Rept. No. 1142). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOBBS: Committee on the Judiciary. H. R. 6832. A bill to provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States; without amendment (Rept. No. 1143). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 6506. A bill to declare that the United States holds certain lands in trust for Indian use; with amendment (Rept. No. 1145). Referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK: Committee on Rules. House Resolution 257. Resolution providing for the consideration of H. R. 5138, a bill to make unlawful attempts to overthrow the Government of the United States; to require licensing of civilian military organizations; to make unlawful attempts to interfere with the discipline of the Army and Navy; to require registration and fingerprinting of aliens; to enlarge the jurisdiction of the United States circuit court of appeals in certain cases; and for other purposes; without amendment (Rept. No. 1146). Referred to the House Calendar.

Mr. WALTER: Committee on the Judiciary. H. R. 5982. A bill for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof; without amendment (Rept. No. 1147). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Irrigation and Reclamation. H. R. 6379. A bill to amend section 1 of an act entitled "An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work," approved February 28, 1929 (45 Stat. 1406); without amendment (Rept. No. 1148). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALTER: Committee on the Judiciary. H. R. 6324. A bill to provide for the more expeditious settlement of disputes with the United States, and for other purposes; without amendment (Rept. No. 1149). Referred to the Committee of the Whole House on the state of the Union.



# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KEOGH: Committee on Claims. S. 68. An act for the relief of the San Francisco Mountain Scenic Boulevard Co.; without amendment (Rept. No. 1120). Referred to the Committee of the Whole House.

Mr. KEEFE: Committee on Claims. S. 809. An act for the relief of Jessie M. Durst; with amendment (Rept. No. 1121). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. S. 811. An act for the relief of George A. Rogers; without amendment (Rept. No. 1122). Referred to the Committee of the Whole House.

Mr. HALL: Committee on Claims. S. 927. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.; without amendment (Rept. No. 1123). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. S. 1042. An act for the relief of the Epes Transportation Corporation; with amendment (Rept. No. 1124). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. S. 1414. An act for the relief of Allie Holsomback and Lonnie Taylor; without amendment (Rept. No. 1125). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 1448. An act for the relief of Anna H. Rosa; with amendment (Rept. No. 1126). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. S. 1812. An act for the relief of A. E. Bostrom; without amendment (Rept. No. 1127). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. S. 1821. An act for the relief of Harry K. Snyder; with amendment (Rept. No. 1128). Referred to the Committee of the Whole House.

Mr. KEEFE: Committee on Claims. S. 2061. An act for the relief of William Hillock; without amendment (Rept. No. 1129). Referred to the Committee of the Whole House.

Mr. ROCKEFELLER: Committee on Claims. H. R. 2440. A bill for the relief of Thomas J. Smith; with amendment (Rept. No. 1130). Referred to the Committee of the Whole House.

Mr. ELLIS: Committee on Claims. H. R. 2919. A bill for the relief of Marie K. Trottnow; with amendment (Rept. No. 1131). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3051. A bill for the relief of certain workers performing emergency work at Cairo, Ill., in the Ohio River flood of 1937; with amendment (Rept. No. 1132). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on Claims. H. R. 3569. A bill for the relief of J. Aristide Lefevre; with amendment (Rept. No. 1133). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3933. A bill for the relief of Otho L. Curtner; with amendment (Rept. No. 1134). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4606. A bill for the relief of the Toledo Terminal Railroad Co. of Toledo, Ohio; with amendment (Rept. No. 1135). Referred to the Committee of the Whole House.

Mr. ROCKEFELLER: Committee on Claims. H. R. 4726. A bill for the relief of James W. Gilson; without amendment (Rept. No. 1136). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 5514. A bill for the relief of L. W. Marek, Jr.; with amendment (Rept. No. 1137). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 5923. A bill for the relief of Simon A. Brieger; with amendment (Rept. No. 1138). Referred to the Committee of the Whole House.

Mr. KEEFE: Committee on Claims. H. R. 6030. A bill for the relief of Russell B. Hendrix; with amendment (Rept. No. 1139). Referred to the Committee of the Whole House.

Mr. KEEFE: Committee on Claims. H. R. 6728. A bill for the relief of Stacy C. Mosser, receiver for the Great Northern Majestic Building Corporation; with amendment (Rept. No. 1140). Referred to the Committee of the Whole House.

Mr. BATES of Massachusetts: Committee on Naval Affairs. H. R. 7052. A bill to provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy; without amendment (Rept. No. 1144). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6146) granting a pension to George W. Grigsby, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H. R. 7187. A bill to establish a Circuit Court of Appeals for Patents; to the Committee on the Judiciary.

By Mr. COCHRAN:

H. R. 7188. A bill to remove certain restrictions on the character of international broadcasts; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSER:

H. R. 7189. A bill to authorize research and experiments to find new uses for anthracite coal; to the Committee on Mines and Mining.

By Mr. CARTER:

H. R. 7190. A bill to authorize the construction of buildings and other facilities for the use of the Government on lands conveyed to the United States by the city of Alameda, Calif., on what is known as Government Island, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. COSTELLO:

H. R. 7191. A bill to make more equitable provision for pensions for the dependents of deceased veterans of the Army, Navy, Marine Corps, and the Coast Guard; to the Committee on Invalid Pensions.

By Mr. FAY:

H. R. 7192. A bill to amend the patent laws to provide for the granting of licenses under patents brought within a single control by competitors to dominate an industry; to the Committee on Patents.

By Mr. GAVAGAN:

H. R. 7193. A bill prohibiting the use of military uniforms or arms by certain organizations; to the Committee on the Judiciary.

By Mr. JONES of Texas:

H. J. Res. 357. Joint resolution designating September 11 to 24, 1939, as a period for the national observance of air progress; to the Committee on the Judiciary.

By Mr. LEWIS of Ohio:

H. J. Res. 358. Joint resolution construing the phrase "ultimate purchaser," as contained in section 304 of the Tariff Act of 1930 as amended by section 3 of the Customs Administrative Act of 1938 (52 Stat. 1077); to the Committee on Ways and Means.

By Mr. CROWTHER:

H. J. Res. 359. Joint resolution proposing a constitutional amendment; to the Committee on the Judiciary.

By Mr. FISH:

H. J. Res. 360. Joint resolution to change the design of United States 10-cent pieces to include an engraving of Benjamin Franklin; to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH of Virginia:

H. Res. 258. Resolution creating a select committee to investigate the National Labor Relations Board; to the Committee on Rules.

## MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin memorializing the President and the Congress of the United States to consider their Joint Resolution No. 32A, with reference to the Wagner-Van Nuys-Capper antilynching bill; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARDEN:

H. R. 7194. A bill for the relief of Hattie Dillon; to the Committee on Claims.

By Mr. MICHAEL J. KENNEDY:

H. R. 7195. A bill for the relief of Garabed Meghrihan; to the Committee on Immigration and Naturalization.

H. R. 7196. A bill for the relief of Hemayak Meghrihan; to the Committee on Immigration and Naturalization.

By Mr. IZAC:

H. R. 7197. A bill for the relief of Albert W. Toner; to the Committee on Claims.

H. R. 7198. A bill to provide for the advancement on the retired list of the Navy of Clyde S. McDowell, a captain, United States Navy, retired; to the Committee on Naval Affairs.

H. R. 7199. A bill for the relief of First Lt. Rosanna M. King, Army Nurse Corps, retired; to the Committee on Military Affairs.

By Mr. MILLER:

H. R. 7200. A bill conferring jurisdiction upon the United States District Court for the District of Connecticut to hear, determine, and render judgment upon the claim of Chris Nielsen; to the Committee on Claims.

By Mr. PETERSON of Florida:

H. R. 7201. A bill granting a pension to Lura H. P. Markley; to the Committee on Invalid Pensions.

H. R. 7202. A bill granting a pension to Lu M. Linscott; to the Committee on Invalid Pensions.

H. R. 7203. A bill granting a pension to Elsie M. Lum; to the Committee on Invalid Pensions.

H. R. 7204. A bill granting a pension to Kathryn E. Fraley; to the Committee on Invalid Pensions.

H. R. 7205. A bill granting a pension to Margaret Haskin; to the Committee on Invalid Pensions.

H. R. 7206. A bill granting a pension to Irene C. Flack; to the Committee on Invalid Pensions.

H. R. 7207. A bill granting a pension to Olivia Stebbins; to the Committee on Invalid Pensions.

H. R. 7208. A bill granting a pension to May Barnes; to the Committee on Invalid Pensions.

H. R. 7209. A bill granting a pension to Della Bond; to the Committee on Invalid Pensions.

H. R. 7210. A bill granting a pension to Ida Miller; to the Committee on Invalid Pensions.

H. R. 7211. A bill granting a pension to Daisey Vredenburg; to the Committee on Invalid Pensions.

H. R. 7212. A bill granting a pension to Clara L. Owens; to the Committee on Invalid Pensions.

H. R. 7213. A bill granting a pension to Ella E. Huffman; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee:

H. R. 7214. A bill granting a pension to Annie E. Jackson; to the Committee on Invalid Pensions.

H. R. 7215. A bill granting a pension to Hattie Harvey; to the Committee on Invalid Pensions.

H. R. 7216. A bill granting a pension to Rebecca Jenkins; to the Committee on Invalid Pensions.

H. R. 7217. A bill granting a pension to Mary Johnson; to the Committee on Invalid Pensions.

H. R. 7218. A bill granting a pension to Nora Henley Pierce; to the Committee on Invalid Pensions.

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H. R. 7219. A bill granting an increase of pension to Sarah J. Lake; to the Committee on Invalid Pensions.

H. R. 7220. A bill granting a pension to Martha Story; to the Committee on Invalid Pensions.

H. R. 7221. A bill granting a pension to Mary E. Ringer; to the Committee on Invalid Pensions.

H. R. 7222. A bill granting a pension to Myrtle Payne; to the Committee on Invalid Pensions.

H. R. 7223. A bill granting a pension to Herthe L. R. Whitney; to the Committee on Invalid Pensions.

H. R. 7224. A bill granting a pension to Cinda Forbes; to the Committee on Invalid Pensions.

H. R. 7225. A bill granting a pension to Lucy E. Huff; to the Committee on Invalid Pensions.

H. R. 7226. A bill granting a pension to Hattie Campbell; to the Committee on Invalid Pensions.

H. R. 7227. A bill granting a pension to Sarah L. Ellison; to the Committee on Invalid Pensions.

H. R. 7228. A bill granting a pension to Charlie Campbell; to the Committee on Invalid Pensions.

H. R. 7229. A bill granting a pension to Joke Campbell; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky:

H. R. 7230. A bill to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4635. By Mr. ANGELL: Petition of Peter Marchilton and sundry citizens of Portland, Oreg., protesting against the reduction in hourly rate of pay on Works Progress Administration projects; to the Committee on Ways and Means.

4636. By Mr. GAMBLE: Petition signed by Walter MacKellar and other residents of New York State, urging the immediate enactment of "mandatory, stay-out-of-war" legislation by the Congress; to the Committee on Foreign Affairs.

4637. By Mr. HAVENNER: Petition of the members of Historical Records Survey, project 8995, San Francisco, Calif., urging Congress to expand the Works Progress Administration program to provide useful work for at least 3,000,000 of America's 12,000,000 unemployed, and to remove all restrictive clauses from the recently enacted Works Progress Administration bill; to the Committee on Appropriations.

4638. By Mr. LUTHER A. JOHNSON: Petition of Steve Collins, of Mart, Tex., favoring House bill 6749; to the Committee on Agriculture.

4639. By Mr. MICHAEL J. KENNEDY: Petition of the Federation of Architects, Engineers, Chemists, and Technicians, of New York City, urging restoration of the prevailing wage scale in the Works Progress Administration relief appropriation bill and other changes; to the Committee on Appropriations.

4640. Also, petition of the United States Office and Professional Workers of America, opposing the Smith bill for investigation of the National Labor Relations Board; to the Committee on Labor.

4641. Also, petition of New York State Economic Council, Inc., pertaining to the elimination from Works Progress Administration relief of the prevailing rate of wages; to the Committee on Appropriations.

4642. Also, petition of the Cowles Detergent Co. of Cleveland, Ohio, favoring the Smith resolution to investigate the National Labor Relations Board; to the Committee on Labor.

4643. Also, petition of the Joseph R. Bergey Co. of New York City, urging enactment of the Kings Canyon Park bill with certain amendments; to the Committee on the Public Lands.

4644. Also, petition of the Works Progress Administration Teachers Union, Local No. 453, of New York City, urging



enactment of legislation to restore the prevailing-wage scale in the Works Progress Administration appropriation bill and other changes; to the Committee on Labor.

4645. Also, petition of the New York State Waterways Association, opposing the Wheeler-Lea bill for the regulation of water transportation; to the Committee on Interstate and Foreign Commerce.

4646. Also, petition of Labor's Council, United Federal Workers of America, favoring enactment of House bill 6327 and Senate bill 2449, pertaining to United States customs laborers; to the Committee on Ways and Means.

4647. Also, petition of the Social Service Employees Union of New York City, advocating restoration of the prevailing wage clause and Works Progress Administration theater projects, also urging abolishment of the 60-day waiting period and decentralization of Art Project; to the Committee on Appropriations.

4648. Also, petition of the International Brotherhood of Paper Makers of Albany, N. Y., opposing any investigation of the National Labor Relations Board and its administration of the National Labor Relations Act; to the Committee on Labor.

4649. Also, petition of the Internal Revenue, Local No. 47, United Federal Workers of America, opposing enactment of House bills 4960, 5643, 5138, and Senate bills 408 and 410; to the Committee on the Judiciary.

4650. Also, petition of the Brotherhood of Railroad Trainmen, expressing approval of President Roosevelt's recommendation for a \$3,860,000,000 recovery fund in the form of self-liquidating projects; to the Committee on Appropriations.

4651. Also, petition of the Conference of Independent Bakery Owners and Managers, favoring amendment of the National Labor Relations Act in such manner as will cause it to operate uniformly upon both employer and employee; to the Committee on Labor.

4652. Also, petition of the American Whaling Information Service of New York City, pertaining to the newly revived American whaling industry; to the Committee on Merchant Marine and Fisheries.

4653. Also, petition of the New York State League of Savings and Loan Associations, urging enactment of House bill 6971; to the Committee on Banking and Currency.

4654. By Mr. KEOGH: Petition of Hon. James Garfield Stewart, mayor, city of Cincinnati, favoring the passage of

the Barkley bill (S. 685); to the Committee on Rivers and Harbors.

4655. Also, petition of the International Brotherhood of Paper Makers, Albany, N. Y., concerning the investigation of the National Labor Relations Board; to the Committee on Labor.

4656. Also, petition of the Federation of Architects, Engineers, Chemists, and Technicians, New York City, concerning the 1939-40 work-relief bill; to the Committee on Appropriations.

4657. By Mr. PFEIFER: Petition of the Valve Pilot Corporation, New York City, urging support of the Smith resolution (H. J. Res. 229), for investigation of the Labor Board; to the Committee on the Judiciary.

4658. Also, petition of Abraham & Straus, Inc., Brooklyn, N. Y., favoring the passage of the Sullivan bill (H. R. 6479) to amend section 2857 of the Federal Distilled Spirits Act; to the Committee on Interstate and Foreign Commerce.

4659. Also, petition of Sperry Products, Inc., Brooklyn, N. Y., urging the passage of the Smith resolution, to investigate the National Labor Board; to the Committee on Labor.

4660. Also, petition of the E. W. Bliss Co., Brooklyn, N. Y., urging consideration of the Smith resolution (H. J. Res. 229), to investigate the National Labor Relations Board; to the Committee on Labor.

4661. Also, petition of George D. Brown, secretary, New York State Division of Housing, New York City, urging consideration of House bill 2888; to the Committee on Banking and Currency.

4662. By Mr. SHAFER of Michigan: Resolution of the annual convention, Department of Michigan, Veterans of Foreign Wars, urging adoption of legislation to extend civil-service benefits to all Government employees of the same degree as those now receiving them; to the Committee on the Civil Service.

4663. Also, resolution of the Conference of Independent Bakery Owners and Managers, urging amendment of the National Labor Relations Act; to the Committee on Labor.

4664. By the SPEAKER: Petition of the Alabama Cotton Cooperative Association, Montgomery, Ala., urging consideration of their resolution with reference to House bill 5269, for pink bollworm control and eradication work; to the Committee on Agriculture.